

# Small Claims Tune Up Tips

Small Claims Court handles a variety of civil cases including evictions and cases where the money claimed is less than \$10,000.

Wis. Stat. §799.29(1)(c)



## What is a hearing?

A hearing is any formal proceeding in court.

In small claims court, the first scheduled hearing is usually called the “initial appearance.” At this hearing, the debtor/defendant has a brief chance to talk to the judge or court commissioner.

Depending on the local county rules, the creditor (who brought the lawsuit) may or may not be at this hearing.

Be prepared to tell what defenses you think might be applicable to your situation. Keep in mind that these hearings are typically short, so keep your answers short!



## Legal terms defined

<b>Complaint</b>	The initiating action filed by the plaintiff.
<b>Default judgment</b>	The Court enters the judgment that the plaintiff requested because the defendant did not appear or answer the complaint. The Court will typically side with the person who appeared in court.
<b>Defendant</b>	The person/entity being sued.
<b>Judgment</b>	A court decision.
<b>Plaintiff</b>	The person/entity that initiates the lawsuit. In a small claims case, they are claiming the defendant owes them money. They are responsible for meeting the burden of proof required by the court.
<b>Pretrial</b>	A check-in with the Court before the trial and a final chance for the parties to come to an agreement outside of court.
<b>Stipulation</b>	A legally enforceable agreement. In small claims cases, that might mean paying the amount owed in full, negotiating a lower balance, or entering into a payment plan.
<b>Trial</b>	Both parties present their evidence and try to convince the Court they are right.

## Keep in Mind:

- **Arrive on time.** If the court calls your case before you arrive, the court may enter a default judgment against you.
- **Be prepared.** Proceedings in small claims court are quick and efficient. When it's your turn in front of the judge or commissioner, you'll have an opportunity to briefly explain your reasons.
- **Write out your answer.** Even if you are required to answer your claim in person, it may be helpful to still fill out the court answer form before your hearing. You can fill out and download the court form with the Legal Tune Up tool. Some counties require you to appear in person and fill out the answer form. If you choose not to bring a written answer to the hearing, you may still find it helpful to have a few main points written out ahead of time.
- **Be concise.** The court will not have the time to hear the full story and listen to every detail at the first hearing. You may not be in front of the judge or commissioner for more than a few minutes, so make sure you say the most important and relevant information first.