

## **INFORMATION SHEET FOR PRO SE SMALL CLAIMS LITIGANTS APPEARING BEFOR JUDGE NINA ASHENAFI RICHARDSON**

The following **Information Sheet** has been prepared to acquaint you with procedures that are followed in Small Claims cases that are set for trial before **County Judge Nina Ashenafi Richardson**. By following the procedures described herein, litigants will be able to assist the Court in its fact-finding function and insure that the pre-trial process is conducted as fairly as possible.

**THINGS TO DO BEFORE THE TRIAL DATE:** Following the Pre-Trial Conference, it is important that you note the trial date on your calendar and plan for the availability of yourself and your witnesses. The Judge will review and complete a Pre-Trial Conference Order with you. In addition to setting for the date, time and place of the trial, this Order will require you to exchange copies of certain documents and/or lists of witnesses and exhibits that you may plan to introduce into evidence. These lists must be exchanged at least ten (10) days prior to the trial date, unless the court provided more notice in a pre-trial order.

**EXCHANGE OF DOCUMENTS AND INFORMATION:** If the Pre-Trial Conference Order requires you to exchange copies of documents or lists of exhibits and witnesses, please make sure you do this promptly. It is your obligation to do this whether or not the other side complies. Your failure to do as directed in the Pre-Trial Conference Order may require the Judge to refuse to accept your evidence and/or to continue the case, with costs being taxed against you.

**SETTLEMENT:** If you and the other party have agreed to settle your case prior to trial, you must notify the Court and the Clerk of Court of the settlement. It is the responsibility of the **PLAINTIFF** to immediately call the Judge's office to advise of the settlement and then to follow-up with written notice of the settlement to be paper or e-filed with the Office of the Clerk of the Court. The telephone number of the Clerk of Court is 850-606-4260.

**ADDRESS CHANGE:** You must furnish every party in the lawsuit and the Clerk of the Court with your proper address. If you change your address, you must immediately notify the Court and all other parties. If you change your address before the Pre-Trial Conference, you must give the Clerk of Court your new address at the Pre-Trial Conference hearing.

**IF YOU NEED HELP:** After the case has been set for trial, if you are unsure how to comply with the Pre-Trial Conference Order, do not hesitate to speak with the Judge's Judicial Assistant. While she cannot give you legal advice, she can provide with general information about the Florida Small Claims Rules and advise you as to what custom and practice the Judge generally follows. For legal advice, you should consider consulting an attorney. An excellent resource is The Florida Bar. The assistance of an attorney is not required in Small Claims Court but many litigants find such professional assistance to be very helpful.

**PROCEDURES FOLLOWED AT TRIAL:** Both sides will have an opportunity to present a brief opening statement. The Plaintiff will go first and will testify and then be subject to questioning by the Defendant. Plaintiff's witnesses will then be heard, and will be subject to questioning by the Defendant. The Court will consider receiving documents or exhibits into evidence as they are referred to by the Plaintiff or the witness. The Defendant will then have a corresponding opportunity to testify, and present defense witnesses and offer exhibits. The Defendant and the defense witnesses will be subject to questioning by the Plaintiff. After all of the evidence has been presented, both sides will have the opportunity to present a brief closing statement. The Judge will usually decide the case at end of the trial. However, the Judge may decide to take the matter under advisement and rule after the trial. Both parties will receive copies of the Judge's order.

**TELECONFERENCING:** There is only one trial and you must have everything ready and be on time. Occasionally, witnesses will be reluctant to appear to testify at trial. Such witnesses may either be subpoenaed to appear personally or they may be subpoenaed to be available to have their testimony taken over the telephone. Telephone testimony must be requested in a written motion, and if granted, the Court will provide a speaker telephone so that both parties will be able to hear and question the witness to be telephoned. The witness must be placed under oath by a notary at their location. The Clerk will place the call to the witness during the time allotted for trial. All long distance calls must be placed collect or charged to the party who wishes to call such witness. If a witness is not subpoenaed to stand by the telephone to be called and that witness is not available when the Clerk places the call, the party calling such witness will have lost the benefit of that witness testimony.

**EXPERT TESTIMONY:** At the Pre-Trial Conference, the Judge may advise you that your case would benefit from the testimony of a skilled or expert witness. Please make sure that you have that type of witness available either telephonically or in person at the time of trial. Failure to do so may result in your losing the case. Second hand information, written estimates, and notarized statements are not admissible at trial. The opposing party must have the name and contact information of expert at least ten (10) days prior to the trial, unless the court provided for more notice in a pre-trial order.

**CONTINUANCES:** All requests for continuances should be filed in writing with the Clerk of Court and a copy sent to the other side. If the Plaintiff and Defendant both agree to the continuance, please indicate this in the written motion and attach an Order. If however, one party objects to the requested continuance, the party requesting the continuance must contact the Court's Judicial Assistant Michelle Blanton at 850-577-4316 to reserve a time for 15 minute hearing on the Motion for Continuance. If it is difficult for you to personally come to Court to argue or respond to a Motion for Continuance, you must make a written motion for a telephonic appearance and file it through the Clerk of Court.

**IN CONCLUSION:** The quality of justice that you receive in the Small Claims Court is directly affected by your compliance with the Florida's Small Claims Rules and the procedures that are specified by the trial Judge. If you have non-case related, general questions, you can contact the Court's Judicial Assistant, Blanca Delgado-Chavez at 850-606-4316. The Judge's office cannot respond to questions seeking legal advice on your case.