

JUDGE DEMPSEY'S NOTICE FOLLOWING SMALL CLAIMS PRE-TRIAL CONFERENCE

IMPORTANT - READ CAREFULLY!

1. **TRIAL PREPARATION:** Bring all witnesses and all documents and all other evidence you plan to use at the trial. There is *only one* trial. **Bring original and TWO COPIES of all Exhibits to be presented to the Court (1 copy for opposing party and one copy for the Court.)** If you have photos, videos, text messages, etc, you will need to have a way to show the court, and have a way to submit that evidence to the clerk—either printed hard copies or on a CD/DVD/flash drive...**And** you must bring a laptop or other device to display any digital evidence you are submitting.

Documents you wish to enter created from or created by a non-party may be excluded if they are hearsay. Estimates, letters and affidavits may be inadmissible (excluded) if an objection is raised and there is no exception under the law. If someone has knowledge about your case, (someone who gave you an estimate, opinion or other information), then that person needs to testify in court and be subject to questioning by the other side. Rules regarding evidence are governed by the Florida Evidence Code, Florida statutes, Chapter 90.

2. **EXPERT WITNESSES:** If your case involves technical issues such as automotive repair, constructions, air conditioning, pool work, etc., you may need an expert witness to explain the issues to the court so that the judge can properly evaluate the questions of liability and damages.
3. **WITNESS SUBPOENAS:** If a witness you need will not willingly come to court, you may have the clerk issue a subpoena to be served on them. You can do this on the 1st floor of the courthouse, Room 100. There are costs that must be paid to the Clerk for issuing the subpoena, and costs to the Sheriff to serve the subpoena.
4. **COURT REPORTER/APPEALS:** Your non-jury trial will not be recorded. If you wish to record of the proceedings, you must either arrange for recording, which must be left with the Clerk of the Court on tape, or some other means of preserving a recording. Or you may hire a Court Reporter. Appeals to a higher court because you are not satisfied with the outcome of the trial are governed by special rules. One of these rules requires that the appellate court have a complete record of the trial to review for errors. If you do not have a court reporter or other means of preserving the record at your trial, your chances for success on appeal will be severely limited.
5. **RULES AND PROCEDURES FOLLOWED AT TRIAL:** Unless specified otherwise by the Judge, your case is governed by the Florida Small Claims Rules. You can find these rules on the internet or in the law library, located on the 3rd floor of the courthouse. At trial each side will have an opportunity to make an opening statement – this is not evidence, just a brief overview about what the case is about. Thereafter, the Plaintiff will testify and be subject to questioning by the Defendant. Plaintiff's witnesses will then be heard, 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 witnesses. The Defendant will then have a corresponding opportunity to testify, 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 then decide the case.
6. **QUESTIONS:** For anything you do not understand about the above information and for any procedural questions you may have concerning your trial, please contact the Clerk of County Court, Civil Division, in person or by telephone (386-736-5915). ***The clerk is not authorized to practice law and therefore cannot give you legal advice on how to prove or defend your case.*** However, the Clerk may be of assistance to you in questions of procedure only. In the event that you need legal advice, you will need to contact an attorney, or research yourself in the law library.