

## Iowa Judicial Branch

### Small Claims Evidence: What To Bring To Court

#### I. General.

If you are a Plaintiff, you are responsible for proving your claim.

If you are a Defendant, you are responsible for presenting your defense.

You must bring in evidence to support your side of the story. This may be the only time you will be allowed to present evidence. *Although you can appeal your case, you generally will not be allowed to bring in new evidence on appeal.*

#### II. Evidence

The evidence you bring to trial might be:

- A. Witness.** A witness is a person who either heard or saw what happened.
- B. Photos and Media.** If you plan to bring media to help prove or defend your case, you are responsible for providing the necessary equipment to play it and for leaving a copy of the media with the Court.
- C. Documents.** Examples of documents would be checks, statements, leases, tax records, receipts, original contracts, etc.

If you plan to bring documents, you will leave the originals for the Court, so make a copy for yourself. It is helpful to also provide a copy for the opposing party.

You can submit notarized statements from other witnesses; however it is far better to have a witness personally appear in Court for questioning and cross-examination as the Court can give more weight to testimony than to a sworn statement. If witnesses refuse to appear, they may be subpoenaed. Subpoenas may be obtained from the Clerk of Court.

*You do not need to write out your version of the story for trial.*

#### D. Diagram Of The Scene Of The Accident

#### E. Other Evidence.

- i. Item(s) that were damaged
- ii. Item(s) that caused damage
- iii. Defective item that you bought

### **III. Return of Evidence.**

Evidence may be released upon application and order of this Court after expiration of the 20-day appeal period. Court rules provide that the receiver must receipt for any evidence released.

*No evidence is automatically mailed back to the submitter.*

### **IV. Time Allotted.**

You are hereby notified that your trial has been set for a 45-minute period. If you feel that the hearing will last longer than 45 minutes, please contact the Court in writing at the earliest possible opportunity. If your hearing exceeds the allotted time, it will usually be stopped and continued to a later date.

### **V. Location.**

Please check the order for the location of the hearing. You should make your presence known to the court attendant at least 10 minutes before your scheduled appearance.

### **VI. Details.**

Anyone appearing in Court is expected to dress appropriately: no shorts, halter tops, etc.

*Please do not bring small children to any court hearings.*