



RENTER'S LEGAL ASSISTANCE

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Small Claims Court

If you cannot settle a monetary dispute with your landlord, small claims court is often a good place to turn. Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal; and both plaintiffs and defendants are required to represent themselves without the aide of legal counsel.

The filing fee in Alameda County is \$22.00, plus possible additional charges that usually do not exceed \$10.

RESTRICTIONS

- You must be at least 18 years old. If you are under 18, you can appoint a parent or guardian to represent you.
- The maximum amount of damages you can claim from a small claims court case is \$5,000. You will forfeit any damages that exceed the \$5,000 limit.
- You are allowed to seek legal advice before the trial, but you must represent yourself in court.
- You must sue in the right court location. Generally, your judicial district will correspond to the location of your rental property.

PROCEDURES

- Before you can ask for a trial, you must first make a demand for the damages you are claiming. This means you have asked your landlord to pay, and your landlord has refused. A good way to make a demand is in the form of a letter.
- When you have identified the right judicial district, you can file a claim at a corresponding small claims court. The court will assign you a trial date.
- It is your responsibility to notify the defendant of the trial at least 15 days before it occurs. You *cannot* serve the defendant directly yourself. You must choose one of three options:
 - 1) Find a third party to ask as a “process server” who will deliver the trial notification directly to the defendant. This person must sign a proof of service form showing when the defendant was served.
 - 2) You may ask the Court of Clerk to serve the defendant by certified mail.
 - 3) You may serve the claim to another person instead of the defendant, such as a responsible person who lives in the defendant’s household.

* Call your local court or visit: www.alameda.courts.ca.gov/courts/divs/small/index.shtml for more detailed instructions on how to serve the defendant.

THE TRIAL

Bring all your witnesses, documents, records, and evidence to the trial. This may include your lease, photocopies of letters, emails, and records of payment. If you want, you can ask the court to subpoena a witness or to subpoena records and papers.

JUDGEMENT

The court will notify you of the judge’s decision either immediately after the trial or through a letter several days later. At this point, you can collect the amount awarded by the judge. However, both parties can also choose to appeal. This is a more complicated process that usually involves lawyers.