

Defendant's Pamphlet

**Small Claims Division
of the
Baton Rouge City Court
P. O. Box 3438
233 St. Louis Street, Room 251
Baton Rouge, LA 70821
(225) 389-3017**

www.brgov.com/dept/citycourt

*Presented as a Courtesy
by the*

**Baton Rouge City Court
Judges**

**LAURA PROSSER
Division A**

**KELLI TERRELL TEMPLE
Division B**

**TARVALD ANTHONY SMITH
Division C**

**YVETTE ALEXANDER
Division D**

**SUZAN S. PONDER
Division E**

The papers that you have received mean that the other person is asking the Court to give him or her certain relief known as a judgment. Normally, this relief is a sum of money and is based on the person's claim that you did something or did not do something that has harmed him or her.

If you do ignore these papers, the Court may enter a default judgment against you. This means that the other party can legally and potentially garnish your wages or take your property.

DO NOT IGNORE THESE PAPERS

First, decide if you wish to contest the claims.

You should answer even if you feel you are the wrong defendant or have already arranged payment with the other person. Your answer should be truthful and contain every "defense" you intend to raise. This protects your right to your day in court.

If you decide to contest the case over any issue, you **MUST** file your answer **IN WRITING** with the Clerk's office within ten (10) calendar days. **IF YOU DO NOT DO SO, A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU.** This means that you would lose without a chance to tell your side of the story. Come to the Baton Rouge City Court, 233 St. Louis Street, Room 251, (telephone (225) 389-3017). Parking is available, one block south of the Baton Rouge City Court Building.

Your written answer must also be sent to the plaintiff. Either request the court in writing to serve the answer on the plaintiff or mail a copy of the answer to the plaintiff and file a certificate with the court stating that you mailed a copy to the plaintiff.

Second, decide if you wish to hire an attorney to represent you.

Lastly, decide if you wish to transfer the case to the regular civil docket. Such a transfer would enable you to preserve your right to appeal any unfavorable judgment. However, the informal procedures of the small claims court would no longer apply. Note the time limitation of ten (10) calendar days after service to request that transfer, and a filing fee of \$50.00 must be paid.

POSSIBLE "DEFENSES" INCLUDE:

- No jurisdiction or improper "venue" (wrong court);
- Contributory negligence (negligence on the part of the plaintiff);
- Discharge in bankruptcy;
- Error or mistake;
- Previous compromise or payment of an obligation;
- Excessive damages claimed.

If you believe you have a claim of your own against the party suing you, you may include it in your answer. The plaintiff must be served with this “counterclaim” or “reconventional demand” before the trial. The defendant (plaintiff-in-reconvention) must pay a basic filing fee of \$74.00 for one defendant in reconvention and \$35.00 for each additional defendant in reconvention for each service within the city limits.

WHAT HAPPENS AT THE TRIAL?

1. Arrive early and bring all your papers with you. If you are the party being sued and arrive late, or do not appear at all, a judgment could be entered against you. In other words, **YOU MAY LOSE WITHOUT A HEARING.**
2. If you are being sued and the other party is not there, you may ask that the case against you be dismissed (so you would win the case).
3. You will have the opportunity at trial to present your witnesses and evidence, and the opportunity to question your opponent(s). Additionally, you may be asked to answer your opponent’s questions. The procedure will be more relaxed and informal than an ordinary trial, with the judge or arbitrator asking questions in an effort to understand the case and ascertain the truth.
4. After all of the testimony is taken, the judge or arbitrator will announce the decision regarding which party has won the case and the amount of any judgment, if a sum of money is awarded.

There are times when the judge or arbitrator will not render a decision immediately after the trial but will take the matter “under advisement” in order to conduct research. You will be notified of such a decision by mail. If the case is heard by an arbitrator, you will be notified by receiving an “Award” notice. That Award must then be formalized into a Judgment. Please refer to the Small Claims Pamphlet for that procedure.

A judgment rendered in the Small Claims Division becomes final and executory three days after it is signed or served on the defendant, when service is necessary, unless within that period of time a “**MOTION FOR A NEW TRIAL**” is filed. This motion would be considered by the judge or arbitrator who tried the case. Remember, there is **NO** right to appeal from a small claims judgment.

WHERE ELSE CAN I GO FOR INFORMATION?

Southeast Louisiana Legal Services
715 St. Ferdinand Street
Baton Rouge, LA 70802
Phone (225) 448-0080
Toll Free (855) 512-3980

Lawyer Referral Service
544 Main Street
Baton Rouge, LA 70802
Phone (225) 344-9926

Consumer Credit Counseling Services
615 Chevelle Court
Baton Rouge, LA 70806
Phone (225) 923-2227

Dear City Court User:

Baton Rouge City Court is committed to providing quality and efficient services to those who utilize the judicial process at its facility. The Court is most interested in improving any aspect of the system. Therefore, we are interested in your recommendations, suggestions, or observations in that effort. Those comments can be mailed to me at P. O. Box 3438, Baton Rouge, LA 70821 or e-mailed to ealford@brgov.com.

Elzie Alford, Jr.
Clerk of Court/Judicial Administrator
Baton Rouge City Court
(225) 389-5279