

HOW TO PRESENT YOUR CASE TO THE COURT

1. **BE PREPARED TO PRESENT YOUR CASE.** You should have **all documents** you wish to present to the Court that support your case **with you at the trial.** The Court will not hold a trial open for a party to go and try to locate items. Please organize all your documents and other evidence prior to trial. Arrive at court on time.
2. You should have all of your witnesses at the trial. If you are not sure the witness will come, or if they need a legal excuse to get off from work, you may subpoena them. Subpoenas are available at a small charge from the Magistrate Court. To do this you must provide the Court, in writing, with the witness name(s), address and phone number(s). There is a ten dollar (10.00) service fee to subpoena a witness in the Lowndes County area.
3. Should your witness reside outside of the Lowndes County area, please contact the court for additional instructions on subpoena procedures and costs. Witnesses must be served with a subpoena at least twenty-four (24) hours prior to trial time.
4. The Court will hear all the evidence at the time of trial. Although the Magistrate Court is a "people's court", Rules of Evidence are still applied when presenting a case. The Court will not accept affidavits or letters, which are considered hearsay. Estimates of repair bills without the maker of the estimates are not accepted. You must have the maker of any document(s) in court in order to enter the document(s) into evidence. In some cases you may need to seek the advice of an attorney in order to submit your evidence. The judges or clerks of this Court cannot tell you how to present your case.

COURT PROCEDURE

1. The Plaintiff presents his/her case first and calls all of his/her witnesses, one by one. The Defendant may question ("cross-examine") the Plaintiff and/or Plaintiff's witnesses as each concludes their direct testimony. The Plaintiff may introduce exhibits and documents at this time.
2. After the Plaintiff has finished ("rested"), the Defendant presents his/her case and calls all of his/her witnesses, one by one. The Plaintiff may question ("cross-examine") the Defendant and Defendant's witnesses as each concludes their direct testimony. The Defendant may introduce exhibits and documents at this time.
3. Writing out your questions and writing down important points you want the Court to consider are very good ways to keep your case organized and brief.

4. When questioning witnesses, be sure to **ask questions only. The Court will not allow arguing between the parties and/or witnesses.**
5. The judge may speed matters along by asking questions or terminating certain testimony if the judge feels the testimony is not pertinent or is repetitive. Do not be offended if this occurs; the judge is simply trying to move the case along for the benefit of everyone.
6. At the end of all the evidence, each party may make a closing statement to the judge, pointing out the strong aspects of his/her case.
7. The judge will render a decision after the close of the case, either in court or shortly thereafter with notice to the parties by mail of the decision.

GENERAL MATTERS

1. Dress code will be strictly enforced.
 - a. No shorts
 - b. No mini skirts
 - c. No tank tops
 - d. No midriff shirts
 - e. Men no sleeveless shirts
 - f. No flip flop shoes
 - g. No cell phones
 - h. No beepers
2. You are encouraged to try to settle your case prior to trial. Georgia law requires that prior to the trial of the case, the parties must make a good faith effort to resolve the matter. Parties will be required to discuss settlement on the day of the trial prior to the Judge hearing the case. **If a case is settled between parties prior to their court date, it is the responsibility of the plaintiff to notify the Court in person or in writing about the settlement. You cannot dismiss a case over the telephone.**
3. Do not attempt to talk to the judge outside the courtroom about your case. The judge does not wish to be rude to anyone, but it is improper for a judge to discuss a case without both sides being present. You would not want the judge to talk to the other side without you being present, so do not attempt to do so yourself.
4. If you are unsure how to proceed, contact an attorney to present your case for you. Attorneys are experienced in handling court matters and are knowledgeable about the law. Therefore, attorneys are often helpful in the resolution of lawsuits.

5. What you and your witnesses say in Court will be said **under oath**. Lying under oath is called perjury and is a crime. Testimony should be limited to what the person testifying **actually knows or has seen**.
6. **APPEALS**. If you are not satisfied with the outcome of your case in court, you may appeal to a higher court (either State Court of Lowndes County or Superior Court of Lowndes County). Your case will be heard again. There is no charge in the Magistrate Court for appealing a ruling of the Court. However, there are additional fees in the State or Superior Court, and payment of any applicable court costs assessed in the judgment rendered by the Magistrate Court is required.
7. Prior to your hearing, you may wish to view the videos, “I present my case” and “Bringing your case to Magistrate Court”. Please schedule a time to view the videos by calling the Clerk of Magistrate Court at (229) 671-2610.