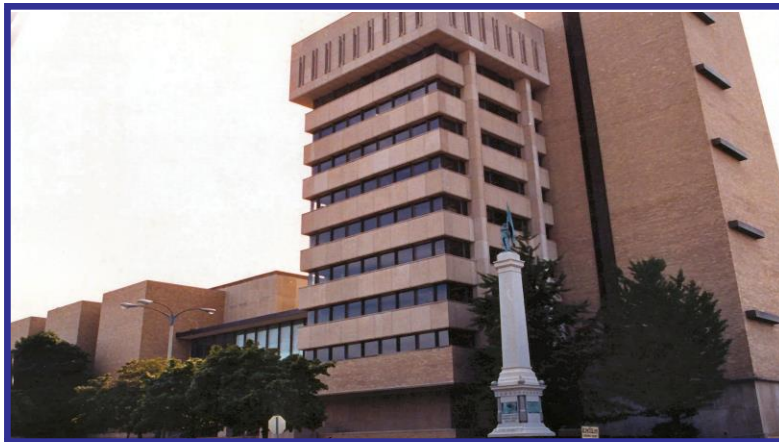




**HOW TO USE THE
NINETEENTH JUDICIAL CIRCUIT COURT
OF LAKE COUNTY**

**SMALL CLAIMS COURT
COURTROOM C-403
CENTER COURTS**



Lake County Courthouse
18 North County Street
Waukegan, Illinois 60085

INTRODUCTION

The Constitutions of the United States and the State of Illinois not only guarantee the right to be represented by legal counsel, but also afford to each and every citizen the right of self-representation.

In general, any person involved in a legal dispute is encouraged to seek the advice of a lawyer of his or her choice.

Because of the nature of Small Claims cases, many litigants choose to represent themselves. If you have made that choice and are involved in a Small Claims matter in Lake County, you should read this booklet.

Whether you are filing a lawsuit or responding to a claim made against you, this booklet will familiarize you with the procedures necessary to conduct a Small Claims action and allow you to be better prepared when you reach a courtroom.

Although this guide presents the legal procedures as completely as possible, it is not designed to take the place of sound legal advice. If you do not fully understand the information in this booklet, find the procedures to be complicated, or need advice, you may decide to talk to a lawyer about your case. The choice is yours.

Chief Judge
Nineteenth Judicial Circuit

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A. GENERAL INFORMATION

The purpose of this guide is to explain the workings of Small Claims court in Lake County, Illinois. Because procedures differ from county to county, much of this information does not apply elsewhere. While certain sections may be directed primarily to the person filing the case (the Plaintiff) or to the person being sued (the Defendant), most of the information is important to both.

The Center for Self-Representation offers information, forms, and legal research assistance for people who want to represent themselves in Small Claims court. The Center is located in the William D. Block Memorial Law Library, which is located in the main lobby of the Lake County Courthouse and Administration Building, 18 North County Street, Waukegan, Illinois, 60085. Hours are Monday through Friday from 8:00 a.m. until 5:00 p.m. Much of the Center for Self-Representation information is available 24 hours a day online at <http://www.19thcircuitcourt.state.il.us>.

You may ask court staff general questions regarding procedures, but court personnel are prohibited from giving legal advice. If you need legal advice, see a lawyer. If you want to hire a lawyer, you may contact the Lake County Bar Association by telephone to obtain a list of attorneys by practice area and their contact information. If you do not have the money to afford your own lawyer, you may contact Prairie State Legal Services by telephone for an appointment. You may also contact the Lake County Volunteer Lawyers Program at the same number. The phone numbers are included on the Telephone Listing on page 17 of this booklet.

B. WHAT IS SMALL CLAIMS COURT?

Small Claims court is a place for the speedy trial of lawsuits (complaints) based upon contract or tort (breach of a legal duty) seeking \$10,000 or less. Filing and pre-trial procedures are simplified compared to other lawsuits. However, the rules of law and evidence that apply to other lawsuits also do apply to Small Claims trials. The parties are not required to have attorneys (unless the Plaintiff is a corporation), but may choose to have one.

Rules for Small Claims procedures are set forth in the following: 1) Illinois Supreme Court Rules 281 through 289 (available online at <https://www.state.il.us/court/SupremeCourt/Rules/>); and 2) the Uniform Rules of Practice of the Nineteenth Judicial Circuit (available online at <http://www.19thcircuitcourt.state.il.us/1969/Part-100-Small-Claims.>) Publications of the foregoing may also be found in the William D. Block Memorial Library located in the lobby on the first floor of the Administration Building.

C. WHEN CAN I USE SMALL CLAIMS COURT?

The following are some examples of Small Claims cases, when \$10,000 or less is claimed.

1. Someone damages something you own and refuses to pay for your loss.
2. Your landlord refuses to return your security deposit.
3. Your tenant vacated in violation of a lease or leaves damages which cost money to repair.
4. Someone owes you money for work you have done but refuses to pay you.
5. Your newly repaired roof leaks and the responsible contractor refuses to repair it.

Important: Small Claims court can order a judgment **only** for money. It **cannot** require a person or business to perform a service, or to stop a certain action, or to return property.

D. CONSIDERATIONS BEFORE FILING A SMALL CLAIMS CASE

Before filing a claim, consider contacting the other person or business to solve the problem by coming to an agreement or settlement. If successful, you will save considerable time, effort and expense. Call or write the other party to explain your position and the settlement you are seeking.

Make sure that the Defendant has money, income or property so your judgment will be collectible. If a person does not have the money, income or property, there is no legal way for the court to get you the money you are owed even though a judgment has been entered.

If you would like to see what Small Claims court is like, consider going to observe court for a day. All Small Claims court hearings are open to the public and are held in C-403.

E. WHO CAN SUE OR BE SUED?

Any person 18 years or older may file a Small Claims case. Persons under 18 must be represented by a licensed attorney.

Persons and businesses must sue and be sued in their correct legal name. Before filing your lawsuit, check for the correct spelling, address and phone number of the Defendant. If you sue an incorporated business, you must use its legal name, which may be different from the name you know it by. You can find out if a business is a corporation and obtain its legal name by searching for a company's Certificate of Good Standing online at http://www.cyberdriveillinois.com/departments/business_services/corp.html.

When researching the corporate Defendant, you might note the name and address of the corporation's registered agent, who is one of the persons upon whom summons can be served.

If you intend to sue the owner of an unincorporated business which operates under an assumed name (advertising name, such as "Action Plumbing") you can find out the name of the owner (whom you must name as the Defendant) by consulting the [Assumed Name Index](#) in the Office of the County Clerk (located in the lobby of the 1st floor of the Administration Building).

Remember, a judgment against a Defendant who is incorrectly named cannot be collected.

F. AM I REQUIRED TO HAVE A LAWYER REPRESENT ME IN SMALL CLAIMS COURT?

Persons 18 years or older may choose to represent themselves or to be represented by a lawyer. Regardless of your choice, your opponent has a right to appear through a lawyer. The Illinois Supreme Court Rules provide that a CORPORATION may **not** appear as a Plaintiff without an attorney, but may appear as a Defendant through an officer, director, manager or supervisor. Corporate officers should consult with their lawyers regarding interpretation of this rule.

A trial in Small Claims court is speedy and inexpensive, yet it may be too complex for some people to handle on their own. The court will expect you to follow the same rules and procedures as a lawyer. While most parties in a Small Claims case do not have a lawyer representing them, some do. Consequently, you may find yourself facing a lawyer at trial. So you may wish to consider having a lawyer represent you.

G. IN WHICH COUNTY DO I FILE MY CLAIM?

Generally, you must file your Small Claims action in the county where 1) the Defendant resides, or 2) where the events happened which you believe give you the right to sue, e.g., where the accident occurred,

contract was signed or leased premises is located. A corporation is considered to reside in any county where it does business or has an office. (735 ILCS 5/2-102). Filing the claim in the wrong county may result in the case being dismissed. If you are not sure which county could be the correct location for your Small Claims action, consider talking to a lawyer.

H. HOW DO I ELECTRONICALLY FILE?

Your Small Claims suit must be electronically filed (e-filed), meaning that you give the court electronic documents instead of paper documents. E-filing is required regardless of whether you are represented by an attorney. To electronically file documents, you must use a certified Electronic Filing Service Provider (EFSP). The Circuit Clerk uses Odyssey eFileIL as its provider. You may visit the Odyssey website directly at <https://illinois.tylerhost.net/OfsWeb> to create an account.

Please note that an email address is required in order to create an account, and all documents must be filed in PDF format.

For further information on how to e-file, visit the Circuit Clerk's website or https://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.com.

If you do not have access to a computer or need help e-filing, visit our Circuit Clerk's office where you can use a public computer terminal. Staff are available there to help assist you with the e-filing process and answer questions you may have. However, staff cannot give legal advice or file documents on your behalf.

If you are unable to e-file, you may qualify for an exemption from e-filing. A Certification for Exemption From E-filing form may be obtained from the Circuit Clerk or online at the Circuit Clerk's website at <https://lakecountycircuitclerk.org/court-forms>. The form must be completed and filed with your other papers.

I. eCourt Case Management System Portal

Litigants can view their case file online and obtain copies of pleadings and court orders thru the Circuit Clerk's eCourt Portal. The eCourt Portal is a web-based, user-friendly application which provides access to your 19th Judicial Circuit Court Case. You must register to have access to the eCourt Portal. The Portal can be accessed using the following link:

<https://prod-portal-ecourt-lakecounty-il.journaltech.com/public-portal/>

J. How Do I Start a Small Claims Suit?

- A. Fill out a Small Claims complaint and a Small Claims summons. Forms for each are available online at the Circuit Clerk's website at <https://lakecountycircuitclerk.org/court-forms>. They are also available from the Small Claims Division of the Circuit Clerk's Office and from the Center for Self-Representation. E-file the complaint and summons with the clerk and pay the filing fee. See Section H for more information on how to e-file.
- B. Arrange to notify the Defendant of the suit. This can be done in one of three ways:
 - I. **Certified Mail:** If the Defendant has a mailing address within the state of Illinois, you may choose

to give notice by serving the summons by certified mail, return receipt requested. You should fill out and sign the AFFIDAVIT FOR SERVICE BY CERTIFIED MAIL found on the second page of the *Small Claims summons and pay the requisite fee*. **Only** the clerk, **not you**, may mail the summons. This method is less expensive than the second. However, if the letter carrier is unable to obtain the necessary signature on the postal receipt (i.e., the green card), you will have to appear in court on the date on the summons and ask the Court to issue a second (alias) summons.

2. **By Sheriff:** If you choose to have the Sheriff serve the summons, place the summons (one original and two copies, with each having attached a copy of the complaint) with the Sheriff for hand delivery to the Defendant. If the Defendant is to be served in Lake County, deliver the summons to the Civil Process Division of the Lake County Sheriff's Office. The Lake County Sheriff's Office is located at 25 South Martin Luther King Jr. Avenue, Waukegan, Illinois. If the Defendant is to be served somewhere outside Lake County, you must arrange to deliver the summons to the Sheriff of the appropriate county and state.
3. **By Private Process Server:** Place the summons and copies with a licensed/registered private detective for hand delivery to the Defendant.

NOTE: Regardless of which of the three methods you choose, you must include with the papers to be served on the Defendant two blank Appearance forms. The Appearance forms may be obtained online at the Circuit Clerk's website. Appearance forms are also available from the Small Claims Division of the Circuit Clerk's Office and from the Center for Self-Representation.

K. WHAT INFORMATION DO I PUT IN THE SMALL CLAIMS COMPLAINT?

The complaint must contain the correct name, address and phone number of both the Plaintiff and Defendant (Defendant's phone number is only required if known). It is essential that the correct legal names of all the parties be set forth in the body of the complaint. The complaint must clearly notify the Defendant of your claim, including:

1. The amount claimed (remember, the amount cannot be more than the \$10,000 limit set by statute); and
2. The facts, stated briefly, which you feel describe why and how the Defendant owes you money. Be sure to sign the complaint.

NOTE: *If the complaint is based upon a written document of **any** kind (for example, a lease, contract or promissory note), a legible copy of that document **must be** attached to all copies of the complaint, or a sworn statement must be included in the complaint explaining why you are not able to attach a copy.*

L. WHAT IS A SUMMONS?

A summons is a court form which notifies the Defendant that they are being sued and lists the day the Defendant needs to appear in court (the Return Date). The court has no power to hear a case until the Defendant is properly served the summons and complaint.

The Plaintiff selects the Return Date through the Small Claims Clerks. The Return Date may be on any weekday, Monday, Tuesday, Wednesday, Thursday or Friday, at either 9:00 a.m. or 1:30 p.m. not less than 40 nor more than 61 days after the issuance date on the summons. The Plaintiff must consult the Small Claims clerk to avoid court holidays and dates that are already filled with other cases. Note that all Plaintiffs that are self-represented will have their Return Dates set on a Thursday.

M. HOW WILL I KNOW WHETHER SUMMONS HAS BEEN SERVED ON THE DEFENDANT?

The day before the summons Return Date, contact the Clerk's Office, the Sheriff's Office or other person authorized to serve process (licensed detective) to determine if your complaint and summons were delivered/served on the Defendant(s). If they were not served, you may appear on the summons Return Date and ask the court for a second summons (referred to as an *alias summons*) to be issued by the clerk and repeat the service process outlined earlier.

If the complaint and summons were served, you should inquire of the clerk whether or not the Defendant(s) has filed an Appearance. An Appearance is a written document filed with the Clerk of Court by the Defendant or an attorney representing him, indicating his intent to have a trial on the complaint Plaintiff has filed.

Plaintiff should appear in court on the Return Date to see whether the Defendant appears or not. If the Defendant does not appear, and has not filed an appearance, then you may ask the Judge to enter a Default Judgment in your favor. The Judge may want to hear some evidence, so be prepared to explain your side of the case and bring any evidence you would have used during a trial. The Judge will not enter a Default Judgment unless you have first filed an Affidavit as to Military Service stating whether the Defendant is in the military service. To confirm whether a Defendant is in the military, you may check online at <https://scra.dmdc.osd.mil/scra/#/home>. If you are unable to ascertain whether a Defendant is in the military service, you must so state in the Affidavit. The Affidavit may be obtained from the Circuit Clerk's office or online at <https://lakecountycircuitclerk.org/court-forms>.

If the Plaintiff does not appear on the Return Date, and the case is not yet set for trial, the case may be dismissed for want of prosecution, regardless of whether the Defendant has been served. If both the Plaintiff and Defendant appear on the Return Date, the case may be set for trial on a date set by the Court.

N. COURT COSTS

Plaintiff and Defendant must each pay fees or costs *before* getting into court. These fees and costs are listed on the Fee Schedule on the Circuit Clerk's website.

O. MAY I RECOVER COURT COSTS FROM THE PERSON I SUE?

The court may order the party losing the lawsuit to reimburse the winning party for the court costs. This includes the cost of filing suit, service fees and subpoena fees.

Remember that if you file the Small Claims complaint but lose in court, you may be ordered to reimburse the opposing party for their court costs.

P. WHAT CAN I DO IF I CANNOT AFFORD THE FILING FEE?

If you cannot afford the filing fee, you may ask a Judge to allow you to file your complaint without paying the filing fee. You begin by filling out an Application and Order for Waiver of Court Fees. You can obtain this form from the Small Claims clerk or at the Law Library and Center for Self-Representation. The form is also available online at the Circuit Clerk's website at <https://lakecountycircuitclerk.org/court-forms>. After you have completed the form, the clerk will tell you how to have an informal hearing on the application. The Judge will decide whether to grant a waiver and will enter an order accordingly.

If you are sued and want to contest (or dispute) the Plaintiff's claim, you may likewise complete an Application and Order for Waiver of Court Fees and request that a Judge waive the filing fee required to

file your Appearance.

Q. I'VE BEEN SUED. WHAT DO I DO?

If you are sued, you will be notified when you receive a copy of the Small Claims complaint and summons in one of two ways:

1. By certified mail.
2. By hand delivery from the Sheriff or other authorized person to you or a member of your household 13 years of age or older.

The complaint will tell you the reason you are being sued and the amount claimed. The summons will tell you when and where to file your *Appearance* if you contest the claim and will notify you of the Return Date. **DO NOT IGNORE THE SUMMONS.** If you do nothing in response to the summons, the court may award the Plaintiff the amount claimed in the complaint, plus court costs.

If you admit owing the amount claimed, you may wish to contact the Plaintiff to settle the case out of court. By doing so, you may be able to avoid a Judgment being entered on the court records against your name. If you can't pay the whole amount in one lump sum, perhaps you both can agree to smaller payments over a period of time.

If you dispute the amount claimed you must appear in Court on the Return Date indicated on the summons and file an Appearance with the Circuit Clerk's Office. You will have to send a copy of your Appearance to the Plaintiff. Your Appearance must be electronically filed (e-filed). See Section H above for more information about e-filing and Section N for Court Costs.

If you attend court on the Return Date, the Judge will ask you to make some decisions about how you want to proceed:

1. If you agree with the Plaintiff that either you owe the amount of money the Plaintiff claims you owe, or if you and the Plaintiff reach an agreement on a different amount, you can agree to the entry of a dismissal order outlining your agreement. The agreement may be a dismissal pursuant to a lump sum payment or pursuant to a payment plan. The Plaintiff may wish to reserve the right to reinstate the case and to enter judgment in the event that you fail to pay as agreed. Alternatively, you may agree to the entry of a Judgment, in which case the Plaintiff may begin collection proceedings immediately unless the parties agree otherwise and the Judgment so states. See Section U below for more information about Judgments.
2. If you and the Plaintiff want to discuss the amount of money you owe and want to come to an agreement without the assistance of the Judge, you and the Plaintiff can use mediation to resolve your dispute. Small Claims Mediators are members of the Lake County Bar Association who are professionally trained to help people talk about their disputes and find reasonable ways to resolve conflict. Mediators volunteer their time in cases where one or both sides of the dispute are representing themselves. Mediators are only available on Thursdays. Prior to proceeding to trial, the court may ask the parties to consider mediation. See Section S below for more information regarding Small Claims mediation.
3. If you do not agree with the Plaintiff's claim or the amount the Plaintiff claims you owe, you may file your Appearance on the Return Date, and the judge will set the case for trial. If the case is set for trial and you don't come back to tell the court your side, a Judgment may be entered against you even in your absence.
4. If you claim that the Plaintiff owes you money as a result of the same transaction on which they

base their claim, you may file a lawsuit called a counterclaim against them. You will have to pay a fee to file a counterclaim. The person filing the counterclaim is known as the counter-Plaintiff, and the person being sued is known as the counter-Defendant. There is not a ready to use form for a counterclaim. However, it is essentially similar in form to a Small Claims complaint. You can visit the Law Library and Center for Self-Representation in the courthouse to find examples of counterclaims from form books and Illinois practice materials.

If you do not settle out of court or file an Appearance on or before the Return Date, and you fail to appear in court on the Return Date, or as ordered by the court and you fail to appear in court on the Return Date, or other date set by the court, a Judgment by default may be entered against you for the amount claimed, plus court costs.

R. HOW DO I PREPARE MY CASE FOR TRIAL?

You must prove your case. Proof consists of the testimony of witnesses and physical evidence. Before going to court for the trial, you may want to write down the facts and details of your case in the order in which they occurred to help you outline and organize your thoughts. Use only the necessary details, but be prepared to tell the whole story. Gather all physical evidence, for example, documents, contracts, leases, receipts, canceled checks, rent receipts, I.O.U.'s, sales receipts, diagrams, guarantees, warranties, photos of damaged items, etc. Bring original documents and at least one legible copy of each.

If you claim the other party carelessly damaged your car, you may prove your loss by a paid repair bill or by bringing as a witness a qualified car repairman who has inspected the car. *Estimates* of repair costs are **not sufficient** for this purpose, **unless** the persons who prepared them are in court and are qualified (experienced, trained) repairmen.

You may bring to court witnesses to testify to their personal knowledge and observations relevant to the case. *Do not bring letters or affidavits from witnesses* on the theory the witnesses could not appear personally. Such letters or affidavits are **not** admissible in evidence even though written under oath and notarized. If witnesses refuse to attend the trial, you may have the court order the witness to come to court with a subpoena. (See Section R.) You may testify as a witness in your own case. You may also call the Defendant(s) as a witness(es) and ask questions of them. Be prepared to make a brief but complete statement explaining your side of the case using your physical evidence, if any. It is a good idea to practice ahead of time what you are going to say to the Judge. Write out all questions you want to ask your witnesses.

If you intend to support your claim by something said to you or your witnesses by the Defendant, let the Judge know when and where the conversation took place and who was present to hear the admission.

If you have several paid bills which you claim the other side owes you, it is helpful to prepare a separate list of those items and amounts, and to add up the total claimed.

Be prepared to show your exhibits to the opposing party as the Judge may direct you to do this before the trial begins.

After the trial begins, it is extremely rare for the Judge to allow a continuance to another day, so be prepared to prove your entire case. Plan ahead to answer the proofs of the opposing party.

S. WITNESS SUBPOENAS

If a witness you wish to call in your case refuses to agree to appear in court voluntarily, you may ask the Clerk of the Court to issue a subpoena to make the individual appear. You must complete the face of the subpoena by filling in the caption of the case as well as the name and address of the witness.

The subpoena may be delivered to the witness by the Sheriff. The cost of serving the subpoena varies depending upon the distance between the Sheriff's Office and the place where the Sheriff serves the witness. Also, the witness is entitled to advance payment of a fee plus mileage each way for necessary travel. The winning party may ask the court to order the losing party to reimburse (pay back) these expenses.

A witness should be subpoenaed a reasonable period of time in advance of the trial date so they can plan to come to court.

T. SMALL CLAIMS MEDIATION

Small Claims Mediation is a free program designed to help both parties expedite their progress through the court system. Mediators, who are members of the Lake County Bar Association, are present in the Small Claims courtroom or via Zoon for the Thursday morning and Thursday afternoon call. The Court may require the parties to participate in mediation, and the objective of mediation is to resolve the case short of going to trial. Parties who are ordered to mediate will meet with the designated mediator in an attempt to reach a possible settlement in the case. If mediation is unsuccessful, the matter will proceed to trial.

U. WHAT HAPPENS ON THE TRIAL DATE?

Small Claims are heard in Courtroom C-403. Arrive early so you have time to find the Small Claims courtroom and to get organized. If you fail to appear on time for trial, the court may enter a Judgment in favor of the other side.

Bring your physical evidence and witnesses, if any. Ask your witnesses to read this section of this guidebook.

You will have to wait while routine matters and other cases are heard. While waiting for your case to be called, listen to the other cases to learn the courtroom procedure. When your case is called, step up before the Judge with your witnesses. If the other side does not show up, the Judge will probably enter a Judgment in your favor but may require you to present proof, so be prepared. If your opponent appears for trial, the parties and their witnesses will be placed under oath and must tell the truth.

The Plaintiff will present the case first. The Plaintiff should be prepared to tell the Judge the facts and details of the case (see Section Q for information about how to prepare for a trial). The witnesses, if any, should be questioned and all physical evidence given to the Judge. After each Plaintiff's witness testifies, the Defendant has the opportunity to also ask questions of them. When the Plaintiff finishes presenting his proof, it is the Defendant's turn. The Defendant may testify, ask questions of witnesses and present physical evidence to the Judge. The Plaintiff has the right to question each of the Defendant's witnesses. The Plaintiff and Defendant can also question each other.

When presenting your case, be brief and stick to the facts. Use the outline and questions you have prepared. Tell what happened in the order that it happened. **Do not interrupt or argue with any witness.** Listen carefully so you can tell the Judge why you disagree when it is your turn to speak. If the

Judge asks you questions, answer them clearly and directly. Show respect to all court personnel, the opposing party and all witnesses.

After hearing both sides the Judge will reach a decision based upon the law and the facts. The decision is called a Judgment. The court may award the Plaintiff all or part of the money claimed or find in favor of the Defendant. The Judgment is in writing and entered on the court records. The Judgment will most often require the losing party to pay the winning party's court costs.

The Judge cannot help one party over the other regardless of the presence or absence of attorneys. However, Supreme Court Rule 286 allows the Judge to hear and decide Small Claims disputes at an informal hearing. During such a hearing, the Judge may ask questions of any witness or party (Plaintiff or Defendant). In such hearings, the rules controlling procedure and evidence **may** be "relaxed or loosened" by the trial judge. If this informal hearing procedure is used, at the end of the hearing the Judge will announce the decision and explain the reasons to the parties.

V. HOW DO I GET MY MONEY IF I WIN?

If Judgment is entered in favor of the Plaintiff or the counter-Plaintiff for all or a part of the amount claimed, that amount is payable at once and interest begins accruing immediately at the rate of 9% per year in most cases. If the losing party (now called the Judgment Debtor) does not pay the Judgment within 30 days, the winning party (now called the Judgment Creditor) may begin legal collection proceedings.

If you decide to begin collection proceedings to enforce your Judgment on your own, you can pick up the Common Collection Sheet from the Circuit Clerk's office or online at the Lake County Circuit Clerk's website. Remember, the clerk **cannot** give you legal advice. Since this area of the law is complex, you may well consider retaining a lawyer to represent you.

W. WHAT CAN I DO IF I DISAGREE WITH THE JUDGE'S DECISION?

One option available to a party disagreeing with the Judge's decision is to file a Motion to Reconsider and Notice of Motion with 30 days of the judgment date. Another option available is to appeal a Judge's decision to the Second District Appellate Court in Elgin, Illinois. There are no ready to use forms for a Motion to Reconsider or for an appeal to the Second District Court. You may visit the Law Library and Center for Self-Representation in the courthouse to look at form templates in legal form books. You also may want to seek the advice of an attorney to learn which option might be best for you.

X. MISCELLANEOUS SUGGESTIONS

1. The clerk will assign a number to each Small Claims case. Write down the number and refer to it in all dealings with the clerk and sheriff.
2. If you should change your address or phone number after you file your case or your Appearance, be certain to notify the clerk and the opposing party of your new address by completing a Change of Address form. The form is available online at the Lake County Circuit Clerk's website.
3. All Small Claims court sessions are open to the public. You may attend any of these courtroom proceedings to familiarize yourself with the procedures. The courtroom is opened at 8:45 a.m. and 1:15 p.m., Monday through Friday.
4. Court reporters are not provided in Small Claims cases. If you want a transcript of your trial, you

must arrange for a court reporter at your own expense.

5. If you need additional information, you may call the Office of the Circuit Court Clerk or the William D. Block Memorial Law Library and Center for Self-Representation. **Remember**, court staff are not allowed to give legal advice.

Answer - a written statement of the Defendant's case wherein the Plaintiff's claims are admitted or denied.

Appearance - the formal proceeding or document by which a Defendant submits to the jurisdiction of the court.

Circuit Clerk - this elected official is responsible for maintaining the court records, issuing summons and subpoenas, collecting fines, and carrying out other business activities which support the Circuit Court.

Complaint - initial document filed by the Plaintiff in a civil case stating the claims against the Defendant.

Counterclaim - claim presented by a Defendant against the Plaintiff following the claim of the Plaintiff.

Defendant - in a civil case it is the person(s) or corporation from which the Plaintiff wants to collect damages.

Evidence - any form of proof presented by a party for the purpose of supporting its arguments before the court.

Hearsay - evidence based on what a witness has heard someone else say rather than what the witness has personally experienced.

Inadmissible - that which, under the established rules of evidence, cannot be admitted or received in court.

Plaintiff - in a civil case the person(s) or corporation asserting a claim for damages allegedly sustained as a result of the conduct of the Defendant.

Self-Represented Litigant- To act as one's own attorney in a civil or criminal matter.

Subpoena - a document issued by the court to compel a witness to appear and give testimony or to procure documentary evidence in a proceeding.

Testimony - the sworn evidence presented by witnesses.

NOTES

Court Date: _____

Time: _____

Room: _____

Case No. _____

Additional copies of this pamphlet are available on the Nineteenth Judicial Circuit website: <http://www.19thcircuitcourt.state.il.us>.

Law Library and Center for Self-Representation	847.377.2800
Clerk of the Circuit Court Small Claims Division	847.377.3226
Lake County Bar Association Lawyer Referral Service	847.244.3143
Prairie State Legal Services	847.662.6925

The materials contained herein are accurate as of the publication date of October 2023, but are subject to legislative or administrative amendments after this date.

Lake County Courthouse
18 North County Street
Waukegan, Illinois 60085