

# 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.brla.gov/150/City-Court](http://www.brla.gov/150/City-Court)

*Presented as a Courtesy  
by the*

**Baton Rouge City Court Judges**

**CHRIS HESTER**

Division A

**KELLI TERRELL TEMPLE**

Division B

**TARVALD ANTHONY SMITH**

Division C

**YVETTE ALEXANDER**

Division D

**JUDY MOORE VENDETTO**

Division E

**Although this pamphlet seeks to simplify the law, it cannot cover every aspect and provision of the law, nor all the rules of this court. The Clerk's Office seeks to be helpful; however, it cannot provide legal advice. If you believe legal advice is necessary, you must contact a lawyer to receive this service.**

***JUDGES AND COURT/CLERK PERSONNEL ARE NOT PERMITTED TO GIVE LEGAL ADVICE.***

## DO NOT IGNORE THESE PAPERS

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 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.

**First, decide if you wish to hire an attorney to represent you.**

Although you are not obligated to hire an attorney to represent you, it is strongly encouraged that you do if you believe legal advice is necessary to resolve this matter.

**If you decide to forgo retaining an attorney to represent you and elect to represent yourself, 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. You must file your answer at 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.

**Alternatively, you may 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 \$75.50 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 (If the dismissal is granted, you will 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 determine 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@brla.gov](mailto:ealford@brla.gov).

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