
THE TEN MANDATORY RULES OF SMALL CLAIMS PROCEDURE

1. You must have subject matter jurisdiction.
2. You must have jurisdiction over the defendant, either through service of process or voluntary appearance.
3. A party may appear only *pro se* (on his or her own behalf) or through an attorney unless an exception applies.
4. If defendant does not appear for trial, the SCRA prohibits the court from entering judgment in the absence of a legally sufficient affidavit attesting to the defendant's military status.
5. Unless defendant is present and waives a continuance, the magistrate must continue an action in which service of process was not accomplished a minimum time before trial.
6. Every action must be brought in the name of the real party in interest (rpii). If the plaintiff is not the rpii, the court must allow the plaintiff an opportunity to correct the error, continuing the case if necessary.
7. If defendant files a petition for bankruptcy, the small claims magistrate must stop the trial, discontinuing the action (using G-108) until the automatic bankruptcy stay is lifted.
8. Whether or not the defendant is present at trial, plaintiff must prove the essential elements of the case by the greater weight of the evidence (subject to one exception).
9. The judgment must contain the magistrate's decision about all claims in relation to all parties.
10. The judgment in a small claims action is a final judgment and may be changed only by appeal or by an order entered pursuant to Rule 60(b) setting the judgment aside.

