

# ACCESS TO JUSTICE

## IN JUSTICE COURT



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**T**he first step in deciding whether you need to file a complaint/lawsuit against another person depends on an objective analysis of the dispute: what is the problem and how much is it worth? The answer to these questions will determine which Court you will file your lawsuit with: Justice Court (less than \$10,000) or Superior Court (more than \$10,000). This article will not discuss evictions, protective orders/injunctions against harassment or libel/defamation cases. See [www.wbmlaw.com](http://www.wbmlaw.com) for more information on those topics. This article is limited to a civil dispute regarding money damages in Justice Court. If your claim is more than \$10,000 you have to decide whether you want to waive the amount in excess of \$10,000 or file the complaint in the Superior Court of Mohave County. There is a substantial difference between these Courts!

You should always research your options if you are involved in a dispute. This may mean scheduling an attorney consultation, speaking with friends, or researching the internet. There are several websites providing information regarding civil disputes. Mohave County has done an amazing job on their judicial website: <http://www.mohavecourts.com>.

**What documents do I need in Justice Court?** There are three documents you need: complaint, summons, and information/notice sheet. First, the complaint is the document filed with the Court which will require the plaintiff (person filing the lawsuit) to provide information: the defendant's (person being sued) name, address and phone

number; that the Court has jurisdiction over the dispute (less than \$10,000 and for money damages only); that the Court has venue (defendant resides in Lake Havasu City, or the dispute originated in Lake Havasu City); that the defendant has done something wrong; and how much have you been damaged. Second, you must fill out the summons. A summons is a document requiring the defendant to answer or defend the complaint within 20 days (if served within Arizona) or 30 days (if served outside of Arizona). You must state your defense in writing and pay the fee to file an answer. If you fail to file an answer, the plaintiff may obtain a default judgment against you. Finally, there is an information/notice sheet which needs to be "served" with the complaint and summons. Essentially, this form contains answers to frequently asked questions. Make sure you research how to properly "serve" the defendant.

**Are there specific rules for the Justice Court?** Arizona has adopted the *Justice Court Rules of Civil Procedure*. This is a set of rules governing your entire case. These rules are written with the intent that non-lawyers will be reading and utilizing them, but they are still "legal rules" and may be confusing to some people. You can find a copy at [www.wbmlaw.com](http://www.wbmlaw.com) or [www.mohavecourts.com](http://www.mohavecourts.com).

**How do I get information from the other party?** Arizona requires complete disclosure in a civil dispute. This means you have to provide copies of all relevant information; even if it "hurts" your case. The idea is simple: there should be nothing hidden and no surprises at trial. This is not a Hollywood movie or TV show! Each party is required to exchange a disclosure statement under Rule 121 stating: the factual basis for each claim/defense; a description of the damage(s) and copies of any exhibits substantiating the dollar value of the damages; the legal theory upon which each claim is based; the names, addresses and telephone numbers of all witnesses and a brief summary of the expected testimony; a list of documents or other evidence which supports the claim/defense.

**Why would I hire an attorney?** Most people hire an attorney if they do not like the thought of: speaking in a stressful situation (trial); they do not want to confront the other party; or they feel the amount of money in dispute is too great to risk. Hiring an attorney gives you the comfort that someone is handling the matter competently.

**Why shouldn't I hire an attorney?** Attorneys are expensive. You may have to pay your attorney more than the case is worth. This is a cost-benefit analysis which only you can decide. For example, if you are disputing a faulty car service which caused \$6,000 of damage; it may cost \$5,000 for the attorney to represent you. Depending on your case, you might be entitled to get your attorney's fees and costs if you win.

**Small Claims** Lake Havasu City Justice Court includes a Small Claims division which provides a very accessible method to resolve a civil dispute under \$3,500. This Court can be utilized by an individual, partnership, association or corporation. The types of cases are basic disputes, such as any debt owed, damage incurred by someone (personal injury or property damage), and contractual damages. This Court was designed to be an inexpensive forum and a relatively quick process. The cases are heard by a Judge and the decision is final. There is no right to a jury trial or a right to appeal. There are certain forms (on the website above), which are straightforward; therefore, attorneys cannot represent you. The cost to file a complaint is \$24 and the cost to "answer" the complaint is \$14, but make sure you determine if you should file a "counterclaim." The Court (Judge or Clerks) cannot provide you with any legal advice. This means you have to perform due diligence yourself and/or seek a consultation with an attorney to determine if you should file a complaint, answer or counterclaim.

*Richard Rahnema received a specialization in Alternative Dispute Resolution while attending law school at Bond University in Australia. This article is provided for general educational and informational purposes only. This article does not constitute legal advice. Publication of this information is not intended to create, and the receipt does not constitute, an attorney-client relationship between publisher and reader. These materials are intended, but not promised or guaranteed to be current, complete, or up-to-date. You should not act or rely on any information in this article without first seeking the advice of an attorney.*



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