

SMALL CLAIMS & CIVIL CASES

Information about filing and forms is available through the Globe Regional Justice Court website and provided links.

Q. I want to file a lawsuit. Can you tell me how to do it?

A. Civil actions start by filing a complaint. Additional steps in the rules of procedure are required. A civil case can be complex. Court customers may wish to contact an attorney. Civil cases involve legal conflicts among individuals, businesses, corporations, partnerships and governmental entities. Most civil cases are the result of personal injury, property damage, medical malpractice and contract disputes. Arizona Rules of Civil Procedure, beginning at Rule 72, explain how and when arbitration may be required in a civil case.

Q. How do I file a small claim?

A. Court personnel may provide any pamphlets that are available as well as forms for filing small claims. Court personnel may also point out where information should be placed on the forms. Court personnel cannot offer recommendations about what to write on court forms, whom the party should sue, or whether a small claim should be filed.

Q. It says “relief requested” next to this blank on the form. What do I put there?

A. “Relief requested” is a party’s opportunity to write in one’s own words what is requested of the court. Court personnel cannot tell parties what words to use. If a party has questions about the types of remedies available in a case, the party may consult an attorney.

Q. Which party do I file against?

A. This question would require court personnel to interpret how the law applies in a particular case. The party may ask an attorney.

Q. I live in Arizona and the defendant lives in another state. Where do I file?

A. The party may consult an attorney or refer to Rule 4.2 of Arizona Rules of Civil Procedure, or Rule 42 of Arizona Rules of Family Law Procedure, based on the type of case.

Q. I live in this county and the person I want to sue lives in another county . Where do I file?

A. The party may consult an attorney or refer to Rule 4.1 of Arizona Rules of Civil Procedure, or Rule 41 of Arizona Rules of Family Law Procedure, based on the type of case.

Q. What kind of notice do I have to give?

A. The type of notice may vary with the circumstances and type of claim. For a small claim, the judicial officer may require parties to attempt certified mailing first or risk the chance of not being awarded service fees, should they win a judgment.

Q. Do I have a potentially winning case?

A. This question would require court personnel to interpret how the law will apply in a particular case. The party may ask an attorney.

Q. Once I file my claim, how long before I go to court?

A. The party may refer to the instruction packet provided to the party or court personnel may explain the process for a particular court. (Ask court personnel in the civil department to explain.)

Q. My case was dismissed a year ago. Can I re-file?

A. If the case was dismissed with prejudice, no. If it was dismissed without prejudice, yes. However, the party also needs to consider the statute of limitations. Court personnel cannot interpret which timeline would fit the case. The party may consult an attorney on that matter.

Q. I received a paper and I don't know what it is. What am I supposed to do?

A. To respond appropriately, court personnel will ask questions to determine what the paper is (the court customer may have to read the paperwork to court personnel).

Q. What is the difference between small claims and a civil case?

A. A small claims case has a jurisdictional limit of \$2,500.00 and a civil case has a jurisdictional limit of \$10,000.00. Also there are no attorneys allowed in small claims (unless both parties agree), and there are no appeals in small claims. Attorneys and appeals are allowed in civil claims.

Q. My friend's dog bit me. Should I sue him?

A. A party may want to talk to a lawyer to help make that decision. If a party decides to file a lawsuit without an attorney, about filing and forms is available through the Globe Regional Justice Courts website and provided links. .

Q. I was dating someone and we split up. They have property that belongs to me that they won't let me have (car, furniture, etc). How do I get my property back?

A. If the value of the property is \$10,000 or less, the party may file a case in justice court. If the value of the property is more than \$10,000, the party may file a civil complaint in superior court. For other options that may be available, a party may want to speak with an attorney.

Q. Will you mail me thirty small claims forms?

A. Most clerks' offices will not do this.

Q. Are these the forms I need?

A. Court personnel cannot make a legal determination if the court customer's papers are appropriate. If the court customer is not sure what type of claim to file, the customer may want to talk to an attorney.

Q. What do I do if I don't have the money to pay the filing fees?

A. A request for fee deferral/waiver form may be filled out and filed. The court will determine what fees, if any, are waived or deferred until later in the case.

Q. What do I put in my complaint?

A. Parties may, in their own words, write the following: what they are suing for, why, and for how much money, if applicable. Court personnel cannot tell parties what words to use. If a party has questions about the types of remedies available in a case, the party may consult an attorney.

Q. What is the time limit to file a small claim? (statute of limitations question)

A. The party may consult an attorney. Court personnel may provide copies of the statute of limitations, but court personnel may not interpret which timeline applies to the party's case.

MINORS AS PARTIES IN A SMALL CLAIM OR CIVIL CASE.

Q. I'm 15 years old and I haven't been paid for work I've done. How do I sue to get my money?

A. The minor's parent or guardian must file the claim.

Q. Can I sue a minor?

A. No; however, the parent/guardian of the minor may be sued.

Q. I was served with this complaint and summons. What do I do now?

A. The party should follow the instructions in the summons. If the party files an answer, it must be in writing and a copy served on the other party. Parties unsure how to file an answer may contact an attorney. The clerk can inform the party of the current filing fee, if any.

Q. How long do I have to answer a complaint?

A. The time to file an answer to a civil complaint is twenty (20) days from the date the party is served or accepts service, if it is in state. If it is out of state, the party has thirty (30) days to file an answer. (If the last day falls on a weekend or holiday, the party has until the end of the next business day to file.)

Q. How do I file for default?

A. The Plaintiff can file an Application for Entry of Default and Entry of Default 20 days after the other party has been served (30 days if they were served out of state). The local court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any. The plaintiff must send a copy of the Application for Default to the other party. The entry of default does not take effect for 10 business days after filing the application. Service can occur in several ways. Arizona Rules of Civil Procedure Rule 55 and Arizona Rules of Family Law Procedure Rule 44 provide specific information.

Q. I got an inactive notice. What am I supposed to do now?

A. Inactive notices may be sent when there has been no action taken on a case or if there has been no service on a case. The notice explains options available to the parties, who must choose the option that best fits the situation. Parties who are not sure what to do may want to consult an attorney.

Q. Would you look over this form and tell me if I did it right?

A. Court personnel may tell a party if the party has provided all the required information. Court personnel cannot tell a party whether the information provided is correct or legally sufficient.

Q. When do I have to file my opposition papers on this motion?

A. In civil cases, Rule 7.1 of Arizona Rules of Civil Procedure states that the opposing party shall file any answering memorandum within ten (10) days after the motion was filed and served. Rule 6 (e) of Arizona Rules of Civil Procedure allows an additional five (5) calendar days when the motion is served by mail. The judicial officer may determine there are grounds for an accelerated ruling, in which case the time for filing may be shortened. The time periods may be different when specific times for motions are otherwise provided by statute, Arizona Rules of Civil Procedure, or order of the court. Unless the court ordered otherwise, Arizona law requires all papers opposing a motion be filed and served on the opposing party by at least ten (10) calendar days before the hearing.

Q. I figured out that I have to file my papers ten days before the hearing, but that day falls on a holiday when the court is closed. What do I do?

A. This situation is an exception to the ten-day rule. The party must file and serve the papers by the end of court business on the next day that the court is open following the holiday.