

What do I do now?

As a note, I'm a network architect, not a lawyer. I have no legal background beyond that of the average citizen. Your mileage may vary; consult a legal library or a lawyer before you take the law into your hands...

When you have a dispute, and you've tried to negotiate to no avail, eventually you are left with a couple of choices: either let go of the issue and move on with your life, or turn to the legal system. If you are in Pima County, and your dispute is valued at less than \$2,500.00, then your only option in the legal system is small claims court. The good news (if there is any at this stage), is that the Pima County small claims system is designed to allow regular people to work out a dispute without the aid of lawyers. It is very straight forward to bring a case to court, and there are no TV-style theatrics. There are no arcane court rules, no rules of evidence, no motions, and there is no discovery. Perry Mason does not live here. It is just you (the plaintiff), the defendant, and the judge. Here is what you need to bring a small claims case:

Cause – This is the basis of your suit. It is a clear, concise statement of your grievance, based on the law (not what you think is right, but what the law says is right). You can have a lawyer prepare your filing, or you can make use of the U of A's law library to research your case.

Complaint – The Complaint is the actual filing of your case with the Pima County Justice Court. It can be done in person downtown, or more easily it can be done online at www.jp.pima.gov. Oh, by the way, make sure you name the correct defendant. It isn't the manager of the glass shop, or your landlord's maintenance man, it is the owner of the glass shop or the landlord that you have a legal contract with, and therefore that is the person who you go to with the dispute.

Court – This is the actual trial. Dress nice (no suit, but "business casual"), wait your turn to speak, listen to the judge and bailiff's instructions, and keep your cool. They understand that you aren't a professional lawyer, and will help you through the process.

Collection – To be honest, this is the difficult part. You've won your case, but the court won't collect the money for you. This country got rid of debtors prisons hundreds of years ago. The court will give you a judgment that can be used to start the process of garnishing wages, or performing what is called a debtor's examination, which will allow you to legally discover assets that can be used to collect a legal debt. For example, a bank would be legally obligated to tell you what accounts the defendant has at their institution,

and would be required to garnish the funds in that account up to the amount of the judgment, minus \$150 that the defendant is allowed to keep in an account.

What is the timeline for all of this? Will it take years? Nope. Here we go: Once you file, you must immediately serve the complaint to the defendant. Do this with a registered US Postal Service letter. If they can't be found, or if they refuse the letter, you're going to have to hire a process server (if you win, you can ask for the process server fees). From the time they officially receive the complaint, the defendant has 20 days to respond to your complaint. If they don't, then you have a 10 day grace period before the court can issue a default judgment in your favor. If they do answer, then you will have a trial within 60 days of their answer to your complaint. If the defendant counter-claims ("sues you back"), then you have 20 days to answer the counter-claim, and then the 60 day clock starts until the trial.

So there you have it. Somewhere between 35 days and 115 days from your complaint (I added about 5 days for the certified letter and/or process server...your mileage may vary), your legal journey with the Pima County Justice Court will conclude. Please try to avoid this though. Leave the legal system free for the really important stuff.

Good luck! For more information, go to this excellent site:

<http://www.jp.co.pima.az.us/Pages/index2.php?header=Small%20Claims%20Information&dataID=151>; it is the FAQ for the Pima County Justice Court's small claims page.