

SMALL CLAIMS COURT

What is it? Small Claims Court is similar to court reality television shows. It provides a less formal and cheaper method to recover money from someone who owes you.

Can my case be brought in small claims court? To be eligible for small claims court, your dispute must not be in excess of \$10,000. The court can only award monetary damages; therefore, it cannot order someone to do or refrain from doing something. The court can only order a person to pay a debt.

Do I need a lawyer? You are not required to have an attorney represent you in small claims court. The court attempts to keep the proceeding uncomplicated so non-attorneys can represent themselves. You may, however, hire an attorney to represent you in a small claims proceeding. Fort Bliss Legal Assistance Attorneys cannot represent you in court.

Where do I sue? You file in the court where the defendant (person you are trying to sue) resides, or where the action or services being complained about occurred. Contact the Justice of the Peace office at (915) 546-2071 or visit <http://www.epcounty.com/jp/default.htm> to learn which court you should use.

How do I get started? First, you should exhaust all reasonable means to settle out of court; only after that should you consider filing a small claims suit. Once you have decided to file, make sure you have all relevant information regarding who you are going to sue, and where the suit will be filed. Collect all relevant paperwork, contracts, correspondence, and other documents that are relevant to your case. Ensure that you have the defendant's name and address, specific amount you intend to claim as damages, and a concise statement of the basis for your claim. This statement should include the date that the claim arose. Finally, Justice of the Peace office to find out when you should go to the courthouse, and how much the filing fees will be.

How long does it take? The amount of time each case will take varies, but most cases take between three and four months.

What should I do if I win? If the judge rules in your favor, he or she will enter a judgment against the defendant. Often, the person you sued will promptly pay you after you win. If the losing party does not pay, you may need to follow up with further legal action to enforce the judgment you received.

What should I do if I lose? Either party in a small claims action has the right to appeal to the county court. In order to appeal, you must file a "Notice of Appeal" within 10 days. An appeal is much more formal and you may need a lawyer's assistance.

What should I do if I have questions? Read the Texas State Bar's "How to Sue in Small Claims Court" guide at http://www.texasbar.com/AM/Template.cfm?Section=Our_Legal_System. Contact the Fort Bliss Legal Assistance Office at (915) 568-7141/7150 for an appointment to speak with an attorney.