



# SMALL CLAIMS COURT

Community Legal Education Class

**UNLV**  
WILLIAM S. BOYD  
SCHOOL OF LAW

# **BEFORE WE START**

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Please Mute Your Mic  
And Turn Off Your Video

- Everything in this presentation is in the digital manual.
- The slides refer to page numbers in the manual.
- Please refrain from asking questions specific to your case.
- Please submit feedback forms – link will be in the chat box.

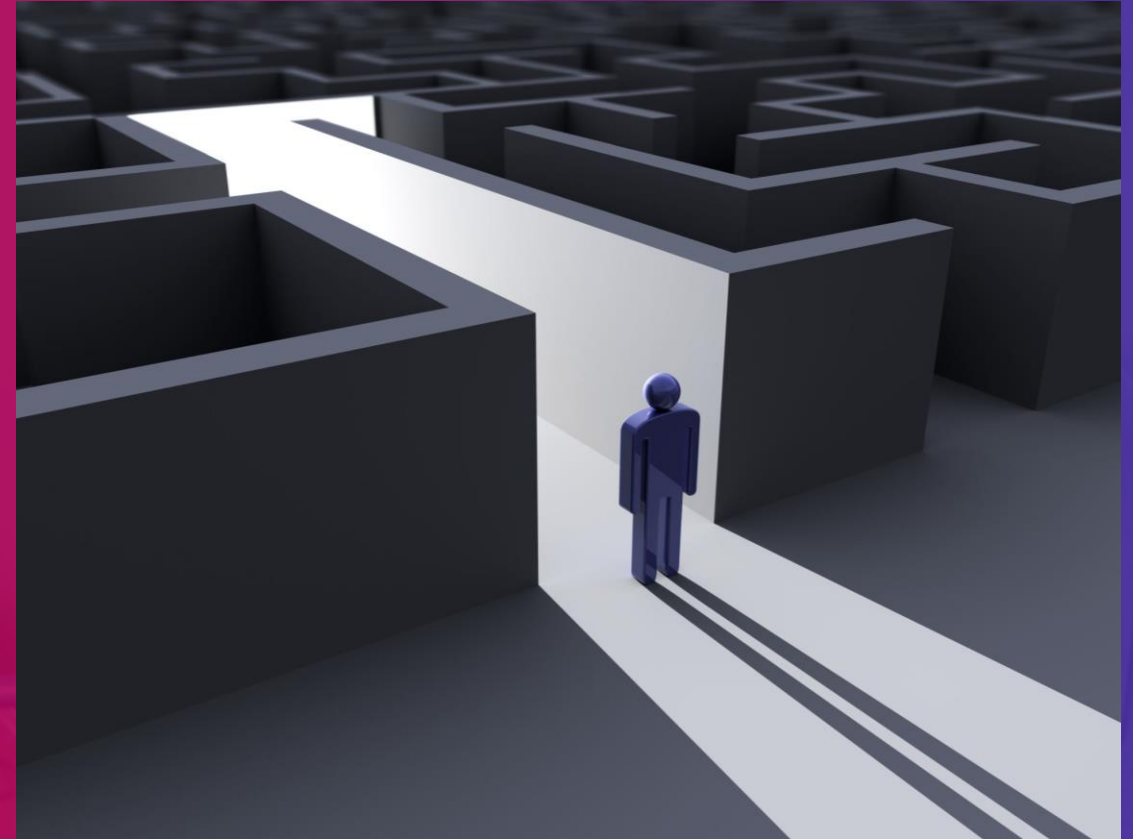
# | Attendee Manual

The Attendee Manual is your guide to small claims.

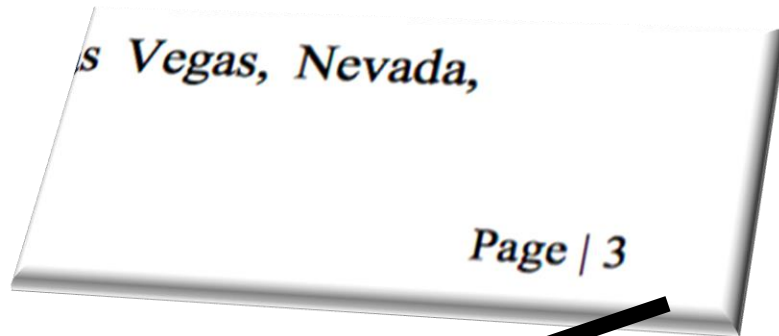
You may download the manual from this website:  
<https://law.unlv.edu/free-legal-education>

In addition to most of the information covered in class, the manual includes sample forms.

Caution: These double-sided forms can't be filed with the court!



# | How to Follow Along?



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Reference Page 3

Each Slide will include a footer telling you where we are in your manual.

# OUR ROLE



We are not attorneys,  
yet!

Don't worry, a licensed attorney is  
present.

But this class doesn't take the place  
of hiring a lawyer.



It's against the law for  
any of us to provide  
you with legal advice!



We are here to provide  
legal information on:

Nevada law

Court procedures and rules

# What's Your Role?



Learn about court procedures and rules



Record questions to ask at the end of class



Don't disclose any personal, confidential information



Complete the online Attendee Feedback Form at the end of class to help us improve! Link will be in the chat box.

# More Resources

## Civil Law Self-Help Center

Forms are free!

- 200 Lewis Avenue.
- [www.civillawselfhelpcenter.org](http://www.civillawselfhelpcenter.org)

## Ask a Lawyer Program

Currently done telephonically

- 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of every month
- 10 a.m. - 12 p.m., and 1 p.m. - 3 p.m.
- Sign up at [www.lacsn.org](http://www.lacsn.org)
- Or  
<https://signupgenius.com/go/60b0e4da5ac2da5ff2-small1>

# What Is Small Claims Court?

Division of Justice Court

Designed for you

Only to win money, no injunctive relief

Useful Terms:

Plaintiff – person/business filing the lawsuit

Defendant – Person/business being sued



# SMALL CLAIMS PROCESS OVERVIEW

1

Decide if You  
Should File a  
Claim

2

Research Your  
Case

3

Send a Demand  
Letter

4

File Your Claim

5

Get Your  
Complaint  
Served  
(not by you)

6

Prepare for  
and Go to  
Court

7

Appeal (if  
you want)

8

Collect the  
Judgement

# STEP 1

Decide if you should file



- How strong is your case? Can you prove it?
- Is your claim \$10,000 or less?
- Is the defendant “collection proof”?
- Has time for filing expired?
- Can you find the defendant(s)?
- Should you hire an attorney?
- Is this the type of case that can be done In small claims?
  - Pain & Suffering is generally not granted in small claims court.
  - Medical Malpractice cases and defamation cases are also difficult in small claims

# Step 2

## Research your case

Know your defendant

- Is defendant an individual or business?

When in doubt, name all potentially responsible parties

Finding the defendant may take some detective work

- Internet searches

- Friends and relatives

- Prior addresses or workplaces



# How to Find Information about Defendants

## Clark County Assessor – Property Records

- [https://www.clarkcountynv.gov/government/assessor/property\\_search/real\\_property\\_records.php](https://www.clarkcountynv.gov/government/assessor/property_search/real_property_records.php)

## Clark County Recorder

- [www.clarkcountynv.gov/Recorder](http://www.clarkcountynv.gov/Recorder)

## Business may use a “fictitious name”

### Clark County Clerk – Fictitious Name Search

- [https://www.clarkcountynv.gov/government/elected\\_officials/county\\_clerk/fictitious\\_firm\\_name\\_search.php](https://www.clarkcountynv.gov/government/elected_officials/county_clerk/fictitious_firm_name_search.php)
- Caption Complaint: Corporation X DBA Company Y

# How to Find Information about Defendants

Secretary of State

· <https://esos.nv.gov/EntitySearch/OnlineEntitySearch>

Clark County Clerk – Business License Database

· [https://www.clarkcountynv.gov/business/doing\\_business\\_with\\_clark\\_county/business\\_license\\_search.php](https://www.clarkcountynv.gov/business/doing_business_with_clark_county/business_license_search.php)

City of Las Vegas business license search

· [www.lasvegasnevada.gov/Business/Business-Licenses/License-Search](http://www.lasvegasnevada.gov/Business/Business-Licenses/License-Search)

# Determine how much you are suing for

Determine exact amount

Receipts

Estimates

You can only sue for \$10,000 or less

Certain costs are recoverable if you win

Remember, things like pain and suffering are rarely granted in small claims court.



# Step 3

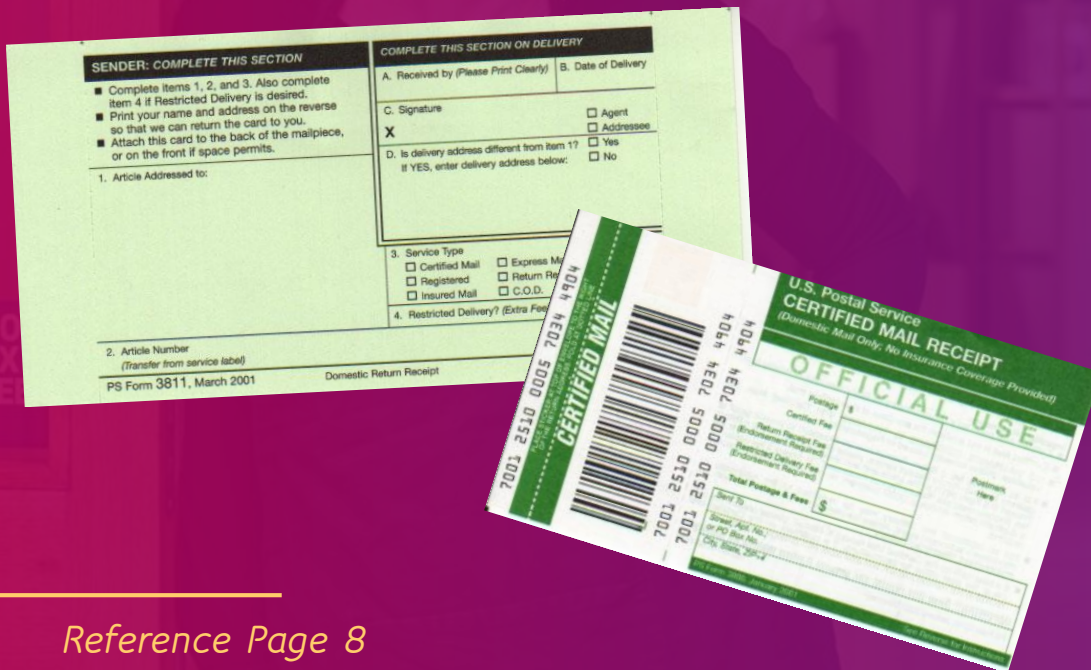
## Send a Demand Letter

You MUST send a demand letter

- Certified mail, return receipt requested
- Polite and professional

Letter should include:

- Exact amount of money you seek
- Reason why you believe you are entitled to the money
- Date by which to comply (10 days, 14 in Henderson)
- Statement that unresolved matter will go to Small Claims



## File your Complaint

- Explanation of why you are suing
- How much money you are asking for

Reference Page 9

LVJCVL Form -15 Revised 4/12

# | File your Complaint

File in the Justice Court where:

- Defendant currently lives/works/does business;
- Defendant lived/worked/did business where the incident that you're suing over happened;
- The injury to person or property happened;
- Where the breach happened or is about to happen

Look at address; city will be either be

- North Las Vegas,
- Las Vegas, or
- Henderson

Filing Fees

- \$66-\$196
- Fee Waiver (also called an *In Forma Pauperis*)

# The details

## Las Vegas

- E-filing
- Bring one copy original Complaint and demand letter
- Bring return receipt postcard (or unopened returned letter)
- Bring Filing Fee or Fee Waiver

## Henderson and North Las Vegas

- Paper filing
- Bring Original Complaint (plus 3 copies) and demand letter and cover sheet
- Return receipt postcard (or unopened returned letter)
- Filing fee or Fee Waiver



## **After you File Your Complaint**

- In LV, you receive a case number and trial date via email within 24-48 hours of filing.
- In NLV & Henderson, you receive a case number and date when you file.
- Trial date (or mediation date in Henderson) is set out generally about 90 days out from complaint filing.

# Step 5

## Get Your Complaint Served



- Server delivers copy of Complaint to EACH Defendant with the Summons that has the trial date/time
- Must be completed by a person who is
  - Over 18, and
  - NOT a party in the lawsuit – (you may NOT serve your own complaint)
- If not a licensed process server,
  - Person cannot be engaged in business of serving process,
  - Cannot be compensated for service, and
  - Cannot serve more than 3 times a calendar year.
- May be performed by Constable, Sheriff, or private process server, for about \$17.00 plus \$2.00 for every mile traveled

# **Serving an Individual**

Personal Service

Exception:

Can be left at defendant's home with a person of suitable age and discretion

- *No posting on door*
- *No children*

# Serving a Corporation or LLC

A domestic corporation may be sued for up to two years after it goes out of business (NRS 78.750)

Serve the Registered Agent

*Corporations, LPs, and LLCs all must list registered agent with Secretary of State*

<http://nvsos.gov/sosentitysearch/>

If Registered Agent is not valid

*May be able to serve certain corporate officers*

*May be able to serve Secretary of State*

Check Justice Court Rule of Civil Procedure #4 for service rules

# Affidavit of Service

- The server must complete Proof/Affidavit of Service (p. 46)
- This form proves that someone served the defendant, and that defendant is aware there is a court date
- You must file Proof/Affidavit of Service at least 10 days before your hearing



# Alternative Service

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- For a motor vehicle crash, you can serve the DMV if you cannot locate the defendant.
- If the defendant lives in a guard gated community, you can serve the guard.
- If you want to sue a landlord, you may be able to serve the property manager.
- Service by certified mail under some circumstances.

# If you have been served

## With a Small Claims Complaint

- Show up to trial and be prepared to defend yourself
- File a counterclaim
  - *If you believe you are owed money*
  - *You become the counter plaintiff and you must serve the plaintiff/counter defendant with the counterclaim*
- File a Motion to Dismiss
  - *If you believe the complaint is not proper*
  - *Good reasons for a Motion to Dismiss: you aren't the right party to be sued or you don't live, work, or do business in the city where the case was filed*

# Step 6

## Prepare for and Go to Court... or Mediation

What is mediation?

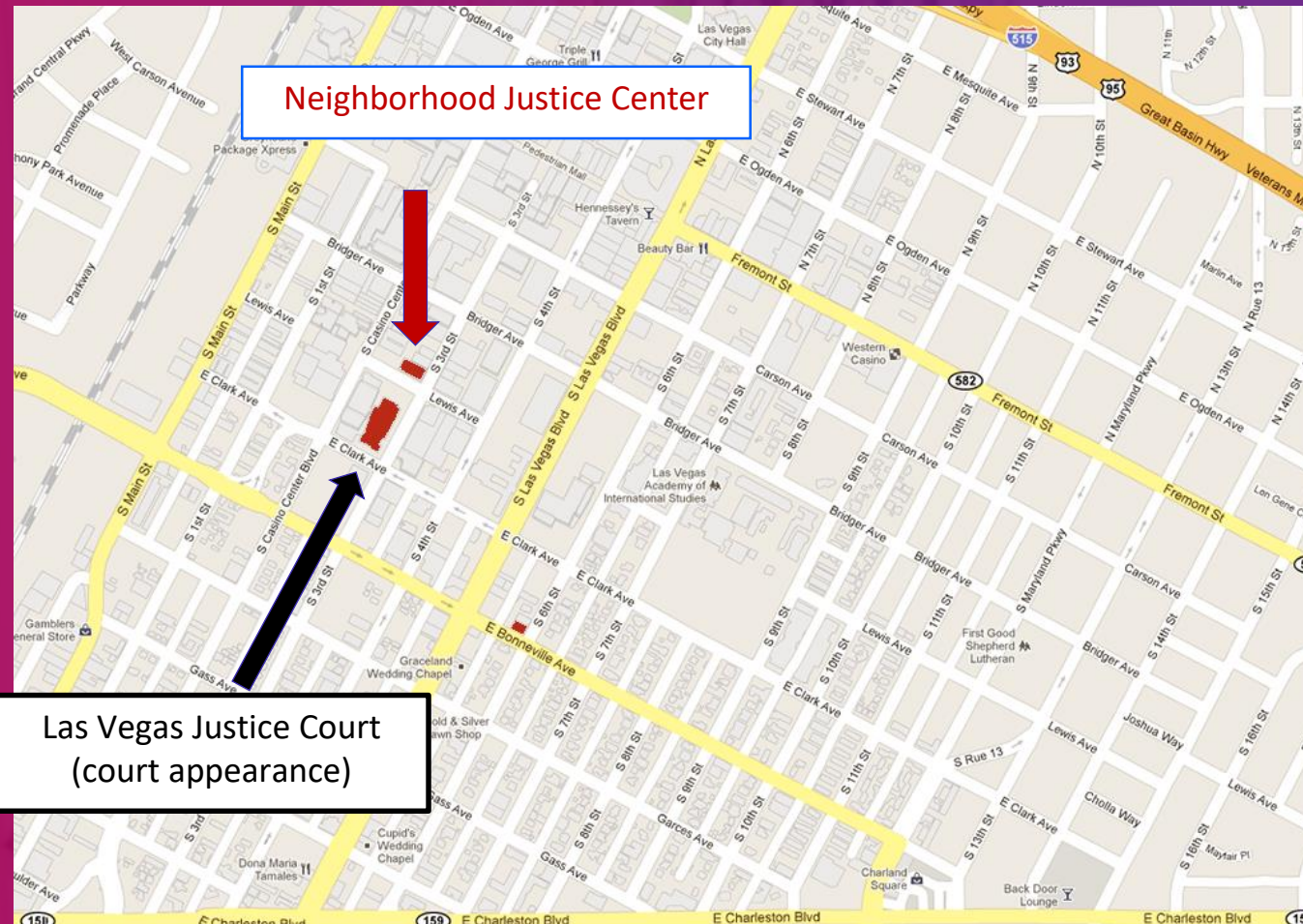
- A neutral 3rd party tries to help opposing parties reach a mutually agreeable solution
- *Confidential*
- *Free*
- *Agreements can contain remedies not allowed by court*

In Henderson, when you get to court, you will first go through mediation.

Is Mediation Mandatory?

- Yes, in Henderson only
  - That does not mean you have to reach an agreement, but you must go
- No, in Las Vegas & North Las Vegas
  - But it's an available option for you anytime

# Neighborhood Justice Center



330 South 3rd Street, Suite 600  
Las Vegas, NV 89101  
(702) 455-3898

# Step 6

## Memorandum of Costs

- A document that tells the court how much you've spent in costs
  - Include costs of filing, mailing, and serving
  - File at least 10 days before hearing
- If you win, the court might award you the costs, on top of the judgment
- Keep receipts of costs and file with Memorandum of Costs

# Step 6

## Subpoena a Witness

If you need a witness to prove your case

- Interview the witness
- Subpoena the witness; this is a Court order commanding the witness to appear

Subpoena *duces tecum* requires a witness to bring certain evidence or documents

Written statements from 3<sup>rd</sup> parties are not allowed, nor are affidavits. If you want a witness to testify, bring him/her to trial.

### Fees

- Witness fee: \$25/day plus \$0.58 per mile
- Constable/Sheriff: \$15 plus mileage

# Step 6

Get familiar with Small Claims Court by observing the Court in action

Small Claims Court

Las Vegas

Henderson

North Las Vegas

## Know Courtroom Procedure



# Step 6

- Prepare an Exhibit Book
- Plaintiffs organized by number (Exhibit 1, Exhibit 2, etc.)
- Defendants organized by letter (Exhibit A, Exhibit B, etc.)
- Include copies of all evidence supporting your case
- Include all correspondence related to your case
- Make 3 copies of original (Judge, Clerk, Defendant)

## Organize Your Case and Evidence



# | Your Day in Court

On Court Day

Arrive EARLY for roll call

- *If Plaintiff does not appear, case will be dismissed*
- *If Defendant does not appear, Plaintiff could win*

10-15 minutes for each case

- *Be clear and brief.*
- *PRACTICE!*

When does the judge decide your case?

# Courtroom Etiquette

- Address the Judge as “Your Honor” or “Judge”
- Do not interrupt the judge
- Do not interrupt your opposing party
- Dress professionally
- Turn off cell phones
- Plaintiff goes first



# Step 7

## Appeal (if you want)

- Disagree? Appeal to a higher court.
- A District Court judge will review the JP's decision to see if there was a legal error.
- Not a new trial.



# Appeal – (if you want)

- 5 days to appeal decision
- You must pay a filing fee and post a bond for the entire amount of the Judgment.
- You must file a Notice of Appeal.
- Case will be heard/decided by a District Court Judge based on evidence presented at the original hearing
- You must prove Justice of the Peace in original hearing made an error – the appeal is NOT a new trial.



# Step 8

## Collect Your Judgment

- It is up to YOU to collect your money!
- Winner: "Judgment Creditor"
- Loser: "Judgment Debtor"
- Try a letter asking for payment first



# Writ of Execution

A Court Order Authorizes the Constable or Sheriff to

- Take certain property belonging to Judgment Debtor
- In Las Vegas, you have to wait until after the appeal time has expired (5 days + 3 days for mailing after the judgment) to ask for this.

Constable or Sheriff can obtain money through a:

- Wage Garnishment
- Bank Account
- Cash Box / Business Income
- Vehicle
- Real Property

# Bonds or Recovery Funds

- Manufactured Housing
- Vocational Schools
- Contractors
- Car Dealerships
- Collection Agencies, Escrow Companies
- Nursing homes, employment agencies etc.
- Real estate agents and brokers



# Motion for Examination of Judgment Debtor

- Allows you to find judgment debtor's property
- Court requires debtor to answer questions under oath
- Can also require debtor to bring in documents



# Exempt Property

Property that cannot be taken by Judgment Creditor from Judgment Debtor:



- 75% of debtor's wages; 82% if wages are less than \$770 per week
- \$605,000 equity in the primary residence
- \$12,000 in necessary household goods
- \$15,000 equity in one vehicle
- \$400 in non-exempt income in a bank account
- \$10,000 "wildcard," for use on any other property
- Payments and benefits such as Social Security, veterans' benefits, unemployment, public benefits, and child support

# Judgments & Other Considerations

## Affidavit of Exemption

Protects Exempt Property

Must be filed within 10 days of receiving

Writ of Execution

Unpaid judgments can be renewed every six years

## Satisfaction of Judgment

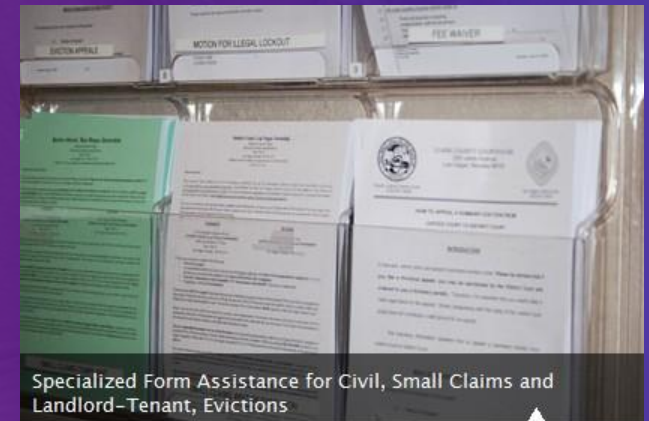
Judgment creditor must file with court when judgment is paid



# Court Forms & Help Are Always Available in Person

Civil Law Self-Help Center  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

- Help with Forms
- Refer you to laws and rules
- Explain court procedures
- No Legal Advice
- Ask a Lawyer Program



Information &  
Sample Forms  
located in back  
of your manual.

CIVIL LAW SELF-HELP CENTER

Regional Justice Center - First Floor  
200 Lewis Avenue  
Las Vegas, Nevada 89155

Contact Us

Looking for something in particular? Search for it here

Search


SELF-HELPCOURTS & CASE LOOKUPFORMSRULES & LAWSCLASSES & PROGRAMSCOMMUNITY RESOURCESREFERENCES & LINKS

## Get Started Here

- » Court Basics
- » Lawyers And Legal Help
- » Representing Yourself In Court
- » Researching the Law
- » Resolving Your Dispute Out of Court

### EVICCTIONS & HOUSING


MORE TOPICS



- » Responding To An Eviction Notice
- » Responding To A Court Order For Eviction
- » Filing A Summary Eviction

### SMALL CLAIMS


MORE TOPICS



- » Overview Of Small Claims
- » Filing Your Small Claims Case
- » Mediating A Small Claims Dispute

### HARASSMENT & PROTECTION


MORE TOPICS



- » Protection From Stalking, Aggravated Stalking, Or Harassment
- » Extending A Protection Order
- » Modifying, Dissolving, Or Appealing A Protection Order

### LAWSUITS FOR MONEY


MORE TOPICS



- » Responding To A Complaint If You've Been Sued
- » Responding To The Other Side's Requests For Information
- » Opposing A Motion Filed Against You

### THE LANDLORD-TENANT ASK-A-LAWYER IS TAKING A HOLIDAY!

There will be no Ask-A-Lawyer sessions on December 3, 24, and 31.  
We apologize for any inconvenience!



### Find a Court Location

Search by Address, City & Zip Code

Enter Location...


Radius: 25 MILES

Find

### Feedback Form

Let us know how we can make this site better!

Give Feedback



Language Selection:

Select Language

[www.CivilLawSelfHelpCenter.org](http://www.CivilLawSelfHelpCenter.org)



# Questions?

Please fill out the survey

Facing  
foreclosure?

Been  
sued?

Trouble  
paying your  
bills?

Credit  
report  
problems?

Problems  
with your  
student loan?

Think you've  
been  
defrauded?

Problem with  
a payday or  
title loan?

Considering  
bankruptcy?

Trouble with  
a car purchase,  
lease, or repair?

Unhappy with  
a home repair  
or warranty?

Debt  
collectors  
harassing  
you?

**We may be able to help! Come in for a *free* case  
evaluation, Monday to Thursday, 9 a.m. to 4 p.m.**