SMALL CLAIMS REVIEW-LEGAL RESOURCE DAY

I. Introduction-Magistrate Todd Mackintosh

-Requirements for a SC case

* 1. Under $7,500; expeditious access to justice is mandated
  2. Defendant lives, works, goes to school, or has an office in Denver County
  3. Who to sue; collection proof?
  4. You do not have an attorney
  5. You haven’t filed more than 2 per month or 18 per year
  6. Basic discussion as to Statute of Limitations and what can, and can’t be heard in Small Claims

-Differences between Small Claims and County Court

* 1. Simplicity
  2. Jurisdictional Limits
  3. No attorneys for Plaintiff unless Defendant timely hires counsel
  4. Exhibits prior to trial-no discovery; subpoena authorization
  5. Filed exclusively where the DF lives, works or is in school

-Filing and processing of claim

* 1. Fill out Summons, etc. and filing of same
  2. Delay Reduction Order; Service of Process (Cost, Registered Agent, Rule 304 Affidavit of Service) and Mediation Order
  3. Service of process and Alias Summons if needed
  4. Mediation, Mediation review; Stipulation made Order of the Court and paper review set to ensure compliance with terms of Stipulation
  5. Self Help Center great resource to use to help with processes or prepare for trial
  6. Exhibits filed electronically or through clerk’s office and use at Trial
  7. Subpoenas authorized by Court if narrowly tailored and likely to produce admissible evidence
  8. Day of Trial

1. Mediation Process-

-Court orders mediation at first trial date and emails the parties with Order; copies mediator on email to allow mediator to contact and coordinate mediation

-overview-allows parties maintain control of dispute; who are the mediators; how virtual mediation works; confidentiality, process at mediation; stipulation;

1. Post Judgment and Collection

-timing for vacating default judgment of reconsideration

-timing for appeal, appeal bond and other costs

-collection; Interrogatories issued, garnishment, judgment liens