

**IN THE DISTRICT COURT OF LITTLE ROCK, ARKANSAS
SMALL CLAIMS DIVISION**

**The Honorable Mark D. Leverett, District Judge
600 West Markham, Little Rock, Arkansas 72201
(501) 371-4529/ (501) 371-4525 (fax)**

NOTICE TO THE DEFENDANT

You have been **SUED** by the named Plaintiff shown on the Complaint and you are named as a Defendant in this case.

You must file the attached answer form with the court within 20 days for Arkansas residents or 30 days for non-residents from the date on which you receive this summons or a judgment may be entered against you. You may assert a counterclaim against the Plaintiff if you have one. This must be in writing and attached to the answer.

In the event you fail to file a written answer, a judgment may be entered against you. If a judgment is entered against you, you do have the right to appeal to Circuit Court within 30 days after the disposition date or the court date.

You may seek advice of an attorney on any matter connected with this suit or to file your answer. If you consult an attorney, you should do so immediately so that an answer may be filed within the limit stated below.

IMPORTANT: IF YOU FAIL TO FILE A WRITTEN ANSWER WITHIN 20 DAYS (or 30 DAYS IF NON-RESIDENT) **JUDGMENT WILL BE ENTERED AGAINST YOU** FOR THE AMOUNT OF THE CLAIM FILED PLUS COURT COSTS. IF THIS OCCURS, YOUR WAGES MAY BE GARNISHED OR YOUR PERSONAL PROPERTY MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT.

BASIC COURT PROCESS

After the complaint is filed it must be served on the Defendant. Once served, the Defendant has 20 days to file an answer to the complaint. If the Defendant answers the complaint, the Court Clerk will set a date and time for your case to be heard in Court. The court date or trial is usually 4 to 6 weeks from the date that you file.

If the Plaintiff fails to appear on the date of the trial, the Judge may dismiss the case. If a party is aware that they will be unable to appear on the court date, they must contact the Court Clerk no less than one (1) week from the trial date and request a continuance in writing. A continuance is a postponement of the trial to a later date and time. Each party is allowed only **one continuance**.

If the Defendant does not file an answer or appear on the date of trial, the Judge may enter a default judgment in favor of the Plaintiff. A default judgment means the Plaintiff has won the case and must wait 10 days from the date the judgment is entered before beginning collection procedures against the Defendant. To obtain a copy of the judgment, one may be picked up at the Clerk's Office, or if provided a self-addressed stamped envelope, the Clerk will mail a copy.

Plaintiff or the Defendant may appeal any judgment from this Court by filing a Notice of Appeal within **30 days** from the date the judgment was entered. The fee is \$5.00, payable to the Court. The appeal must first be prepared in the Clerk's Office and then taken by the party requesting the appeal to the Circuit Court of Pulaski County for further filing. The Circuit Court fee to file an appeal is \$140.00. The Circuit Clerk's Office is located at 401 West Markham, Little Rock, Arkansas, in the Pulaski County Courthouse

PREPARATION FOR COURT

Come prepared to present your side of your case. This means that you must bring your witnesses, if any; any documentation to support your claim or your counterclaim and you must be prepared to testify under oath to the Court about your claim or counterclaim. The purpose of Small Claims Court is to offer an inexpensive and quick method of resolving disputes and your preparation will help this effort. Make sure to bring all evidence with you at the time of your trial.

CONDUCTING YOURSELF IN THE COURTROOM

You should direct all questions and statements to the Judge. **DO NOT** direct any questions or communications to the opposing party. **DO NOT** interrupt the Judge or the other party.

ATTIRE FOR COURT

Appropriate dress and responsible behavior is expected at all times.

Male attorneys should wear coat and tie and female attorneys appropriate business attire for court room proceedings.

No caps or hats may be worn by males or females while court is in session except for religious or medical purposes except that females may wear traditional formal hats.

No sunglasses will be permitted to be worn unless for a prescribed medical condition.

Litigants and witnesses should wear appropriate attire, which does not include short shorts, cut-offs, tank tops, halter tops or bare midriffs.

No vulgar language should be visible on attire.

No outerwear such as overcoats should be worn in the courtroom.

JUDGMENT

Only the Court decides who should prevail in a given suit. Courts traditionally are only responsible for making a decision in the dispute and not for the enforcement of the judgment. It is the responsibility of the prevailing party to collect or enforce a judgment of the Court. The party who is awarded a judgment may utilize execution or garnishment for collection of the judgment. The forms may be obtained from the District Court Clerk's office.

GARNISHMENT

The filing fee is \$10.00; The Writ of Garnishment is filed with the Court Clerk.

EXECUTIONS

The cost of filing a Writ of Execution is \$10.00.

CERTIFIED COPIES (PER COPY)..... \$5.00

To obtain an AGENT name and ADDRESS for service of a Business, you must contact the SECRETARY OF STATE office at (501) 682-5151

IT IS IMPORTANT TO REMEMBER THAT EVEN THOUGH YOU ARE FILING AGAINST A PERSON IN SMALL CLAIMS COURT, THE DEFENDANT STILL HAS THE CONSTITUTIONAL RIGHT TO OBTAIN AN ATTORNEY. SHOULD THE DEFENDANT HIRE AN ATTORNEY, YOU WILL BE NOTIFIED AND GIVEN THE NAME OF THE ATTORNEY AND THE CASE WILL BE TRANSFERRED FROM SMALL CLAIMS TO CIVIL.

BY LAW, THE CLERKS ARE NOT PERMITTED TO GIVE ANYONE LEGAL ADVICE. PLEASE CONSULT AN ATTORNEY TO DISCUSS ANY LEGAL QUESTIONS YOU MAY HAVE.