

# INITIATING A LAWSUIT

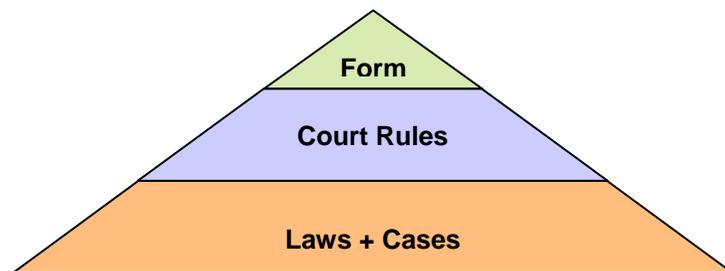
You may have discovered that starting a lawsuit is more involved than filling out a few forms and turning them in at the appropriate window. In fact, most people learn about law libraries when they are referred to one by court staff. This pathfinder focuses on resources and information suitable for filing a lawsuit in Nevada. If you are filing in another state, you may wish to contact a law library or court in that state for more information and guidance.

No matter where you are filing, you will want to familiarize yourself with a number of legal terms and procedures. *Represent Yourself in Court: How to Prepare & Try a Winning Case* by Nolo Press is a good place to start. This legal guide is written for people acting as their own attorneys and provides general information about court procedures.

## THE COMPLAINT

The free glossary at [www.nolo.com](http://www.nolo.com) defines a complaint as – “Papers filed with a court clerk by the plaintiff to initiate a lawsuit by setting out facts and legal claims (usually called causes of action).”

Preparing the complaint is a process that begins by researching the Nevada Revised Statutes and ends by creating your form. The state of Nevada does not have standardized “fill in the blank” forms available for all circumstances.



**The Nevada Revised Statutes** – (NRS) are available in print at the Clark County Law library and links to these laws as well as other City and County Codes may be found online by clicking the Nevada Legal Research tab on our homepage at [www.ClarkCountyNV.Gov/LawLibrary](http://www.ClarkCountyNV.Gov/LawLibrary).

The following legal terms are common and the definitions have been taken from the free glossary on nolo.com. Before you prepare your complaint, you may wish to research the following issues:

**Cause of Action** – A specific legal claim -- such as for negligence, breach of contract or medical malpractice -- for which a plaintiff seeks compensation.

**Damages** – In a lawsuit, money awarded to one party based on injury or loss caused by the other.

**Statute of Limitations** – The legally prescribed time limit in which a lawsuit must be filed.

**Jurisdiction** – The authority of a court to hear and decide a case.

**Court Rules** – The court rules provide the format, the timeline, and prescribe the method and manner of service and notice that must be given to the other parties. Understanding the rules is necessary to file papers and follow procedures throughout your lawsuit. Court Rules are available in print at the Clark County Law Library and can be found online at [www.leg.state.nv.us/CourtRules/index.html](http://www.leg.state.nv.us/CourtRules/index.html).

**Forms** – Many courts do not provide complaint forms and you may be required to prepare documents from sample forms or sample language. Links to court forms can be found under the Legal Forms tab on our homepage. If a form is not available online, the Clark County Law Library has the *Official Handbook of Nevada Legal Forms* by the Nevada Association of Legal Secretaries (NALS) and the *American Jurisprudence Pleading and Practice Forms Annotated* that

contain sample forms and sample language. Preparing a document is discussed further in Pathfinder 18.

## THE SUMMONS

Nolo.com defines Summons as “A paper prepared by the plaintiff and issued by a court that informs the defendant that she has been sued.” See Rule 4 of the Nevada Rules of Civil Procedure (NRCP 4) for information regarding a Summons in District Court and Rule 4 of the Justice Court Rules of Civil Procedure (JCRC 4) regarding a Summons in Justice Court. If the court you have chosen does not provide a summons, you may have to create a document from sample forms or sample language.

## SERVICE OF PROCESS

According to *Represent Yourself in Court: How to Prepare & Try a Winning Case*, Service of Process is defined as “The delivery of legal documents, such as initial pleadings, to an opposing party.” The rules concerning Service of Process, sometimes referred to as Civil Process, may be found in Nevada Rules of Civil Procedure 4 (NRCP 4) and Justice Court Rules of Civil Procedure (JCRC 4) of the Court Rules.

## Additional Resources

*The Nevada Civil Practice Manual* by the Continuing Legal Education Committee of State Bar of Nevada is a helpful resource located behind the Reference Desk at the Clark County Law Library.

*Fundamentals of Legal Research* by Roy M. Mersky and Donald J. Dunn is an excellent introduction to legal research and legal resources.

The “Map of the Civil Case Track” in Pathfinder 21 is a general flow chart of a lawsuit filed in Clark County.