

## **Step 1. Commence a claim in court (if the demand is not paid)**

If you are going to commence a claim in Court you should get legal advice. Note: if the case goes to Court it is unlikely that a Community Legal Centre or Legal Aid will represent you. The other party may be represented (and will be represented if an insurer is involved) and will seek that you pay their legal costs if they win the case. It may be worth trying to reach agreement rather than going to court. If the claim is under \$20,000 and run in the Small Claims Division of the NSW Local Court, the amount of legal fees is capped according to a scale based on the amount being disputed. Information about court fees and legal fees in the Small Claims Division can be found on LawAccess NSW's [What can they claim?](#) page. To get help with filing a claim against the other party in court:

1. Start by calling LawAccess NSW on 1300 888 529. You can also read their information about [making a claim](#) following a car accident.
2. Seek assistance with court forms at your [Local Court](#). You may need to make a “chamber service” appointment. The chamber service does not provide legal advice and cannot represent you in court.
3. Contact your local [Community Legal Centre](#).
4. Consider engaging a private solicitor. To find a private solicitor, go to the [NSW Law Society](#) website.

The time limit to commence action in Court is usually 6 years from the date of the accident.