

Bringing a Small Claim

Small claims court is a part of the District Court of Maryland. It handles claims for \$5,000 or less. The rules of evidence and procedure are simplified so it's easier to represent yourself without a lawyer. A judge will decide the case. Here are some tips for filing a small claim.

Before you file, try to resolve the problem with the other side.

- Decide if filing a claim is worth your time and effort. Think about what you are likely to win and if the other person has money that you can collect.
- Talk to the other party to see if you can work it out. If you do, **put the settlement agreement in writing**. Avoiding court will save time and money.
- Consider mediation. Visit: mdcourts.gov/district/adr/home.html.

Make sure your case should be filed in small claims court.

- Your claim must be for \$5,000 or less and for money only, not for the return of property or the performance of a service.
- Your claim must be within the statute of limitations.
- You must have evidence to convince a judge you are most likely right.

File the complaint.

- Fill out the [complaint form](#) and pay the [filing fee](#). You can find the forms at: mdcourts.gov/district.
- The court will issue a summons.
- You must have the defendant served with the summons, complaint and all other papers filed with it. See Tip Sheet 5 for more information about service of process.

Wait to see if the other side responds.

- The defendant has 15 days to respond if served in Maryland, and 60 days to respond if served out of state.
- If the defendant doesn't respond to the complaint, and you filed the case under affidavit, you may receive judgment without a trial if you attached enough proof to your complaint.
- If you did not present enough proof or if the defendant files a Notice of Intention to Defend, you may receive a new trial date to appear and present evidence or the case may be heard on the day that it was originally scheduled for. If you're not sure when your case is scheduled for, contact the clerk's office.
- If you did not file the case under affidavit, go to court on your trial date with all of your evidence and witnesses, prepared to prove your case.

Prepare for your day in court.

- Outline what you plan to say.
- Organize and prepare your evidence and witnesses.
- Find court [locations](#) and directions online at mdcourts.gov.



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