



# Before You File 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.



## What is a Small Claim?

- A lawsuit filed in the District Court of Maryland where the amount requested is for \$5,000 or less. This limit does not include interest, attorney's fees, or court costs.
- Small claims have a few steps:
  - **Filing the case** - A person may start a small claim by filing a complaint at the District Court. This person is referred to as the plaintiff. The person they filed the case against is called the defendant.
  - **Service of process** - In this step, a summons must be delivered to the defendant.
  - **Trial** - Small claims trials are conducted informally. This means court procedure and rules are relaxed. Rules relating to pre-trial discovery do not apply. Individuals are not required to hire a lawyer, but they may do so if they wish. At the conclusion of the trial, the judge will decide the outcome.

## Before you File - Consider the following:

- Do you have enough evidence to show the judge? This can include a contract, a letter, an invoice, an estimate, photos, or testimony from a witness.
- Can you file the claim within the statute of limitations? This means you have a certain number of years from when the events that form the basis of your claim happened to file your case with the court.
- Is filing a claim worth the time and effort? The process involves paperwork, preparation, and a trial. Compare the effort involved with the maximum amount of money that you are likely to win.



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- Will you be able to get money from the defendant if you win? The defendant is not forced to pay immediately following trial. You may have to engage in a long process called post-judgment collections.

### Resources that Help with Small Claims

- **Help Centers** - If you are not already represented by a lawyer, speak with one for free at a Maryland Court Help Center. Lawyers at the Help Center can give you advice and help you with the forms. They cannot represent you in court. Call 410-260-1392 or go online to [mdcourt.gov/helpcenter](http://mdcourt.gov/helpcenter) for a list of hours and locations.
- **Law Libraries** - Visit [mdcourts.gov/ccl](http://mdcourts.gov/ccl) for hours and locations.
- **Mediation** - A way to resolve your conflict without going to court. A trained, neutral person called a “mediator” can help you and the other person find a solution to which you can both agree. Look up a mediator in your area at [mdcourts.gov/macro/adr-resourceguide](http://mdcourts.gov/macro/adr-resourceguide) or call 410-260-1676.



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