

# Defending a Small Claim

Small claims are civil lawsuits filed in the Maryland District Court. They are for \$5,000 or less. A small claim is more informal than other kinds of lawsuits. You may hire a lawyer, or you may choose to represent yourself.

## Getting Served with a Summons

- When a small claim is filed, the court creates a summons. The case cannot proceed any further until the summons is served on you. It may arrive by certified mail. It may also be hand delivered by a sheriff or private process server.
- Attached to the summons there is a document called the **complaint**. Review this document closely. It will contain important information about the case including the name and contact information of the person who filed the suit against you. This person is referred to as the plaintiff.
- The complaint will contain detailed information about why you are being sued and how much money the plaintiff is asking for. The court does not assume the statements in the complaint are true. At trial, the plaintiff must prove those statements are true with evidence.

## Responding to the Summons

- **Notice of Intention to Defend** - This is a form located on the bottom of your summons. Complete the Notice of Intention to Defend if you dispute owing all or some of what the plaintiff claims. The completed form must be returned to the Maryland District Court location listed at the top of your summons.
- You have 15 days from the day you were served to file the Notice of Intention to Defend. You have 60 days if you were served outside the state of Maryland. If you do not file a Notice of Intention to Defend, the judge might not let you present a defense at trial.

Watch the Video



Maryland Court Help

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- **Counterclaim** - You may file a counterclaim if you believe the plaintiff owes you money. The counterclaim is due within 10 days after your Notice of Intention to Defend is due. There is a fee for counterclaim filings. When the case proceeds to trial, the court will consider both the complaint and counterclaim at the same time.
- **Settle the Case** - Settling means that you and the plaintiff reach a resolution to the case before trial. This is often a payment plan. It may also be any solution that you and the plaintiff agree too. If you reach a settlement, it should be put in writing, signed by both parties, and submitted to the court.
- **Mediation** - Contact the District Court's Alternative Dispute Resolution office for help settling the case. They offer mediation free of charge in many cases. Call 410-260-1676 to request an appointment. Watch a video series about mediation to learn more at [mdcourts.gov/reference/mediationvideolibrary](http://mdcourts.gov/reference/mediationvideolibrary).

## **Trial**

- At trial, the plaintiff will present their evidence and witnesses first. Then the judge will hear from you. You may testify, present evidence, and call witnesses to your defense.
- Bring all the evidence that you have with you to the day of trial. Once both parties have presented their case, the judge will decide whether you owe the plaintiff any money.
- The video library has videos about how to prepare for court: [mdcourts.gov/reference/courtbasicsvideolibrary](http://mdcourts.gov/reference/courtbasicsvideolibrary)

**If you have a legal question about small claims, you can talk to a lawyer for free at the District Court Help Center.** Visit: [mdcourts.gov/helpcenter](http://mdcourts.gov/helpcenter)