

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Small Claims Part 1: Before You File a Small Claim

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Introduction

Hello and welcome. I'm here to help you learn about small claims cases which are lawsuits with claims for \$5,000 or less. This video will give you an overview of what happens in a small claims case. You will also learn some important things to consider before you file your case. This video is part of a series where you can learn more about small claims. Look for, *How to File a Small Claim* in this series. Also review the video in our Service of Process series, *Service of Process in the District Court*. Let's get started.

What is a Small Claim?

A small claim is a lawsuit filed in the District Court of Maryland where the amount requested is for \$5,000 or less. The person who files the suit, called the Plaintiff, can ask for no more than \$5,000. This limit does not include, interest, attorney's fees, or court costs. Small claims are for money only. You cannot ask for return of property or performance of a service.

A small claim may be broken down into a few steps. First, the plaintiff files the case at a Maryland District Court. This step involves completing a complaint form and paying filing fees. The second step is called service of process. In this step, a summons must be delivered to the defendant. When service of process is completed, the court will proceed to a 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. A judge will hear evidence and testimony from both parties. At the conclusion of the trial, the judge will decide the outcome.

Let's move on to some important things you should consider before you file a case.

Before you File

Think about the facts of your case and whether you are likely to win. Do you have enough evidence to show the judge? You must bring all the evidence that you have with you to the day of trial. This can include a contract, a letter, an invoice, an estimate, photos, or testimony from a witness. Consider if you can 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. Evaluate whether filing a claim will be worth the time and effort. Keep in mind that the process involves paperwork, preparation, and a trial. Compare the effort involved with the maximum amount of money that you are likely to win. Lastly, evaluate whether you will 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

Even though a small claim is informal, there is a lot involved. Resources are available to help you. Visit mdcourts.gov/courthelp for a complete list of resources provided by the courts.

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 for a list of hours and locations.

Law libraries also have free resources and staff who can assist with a small claim. Visit mdcourts.gov/lawlib for hours and locations.

Finally, there may be a way to resolve your conflict without going to court. Mediation is a great alternative. 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 or call 410-260-1676.

Let’s Review

Let’s review what you have learned. Small claims are informal lawsuits filed in Maryland District Courts. The Plaintiff can ask for no more than \$5,000. Even though small claims are informal, there will still be a lot involved. Before you file, think about the evidence you have, the time it takes to work on the case, and whether you will be able to collect should you win. The Court provides free resources to help you along the way including the opportunity to speak with a lawyer. Visit mdcourts.gov/helpcenter for a complete list. Thanks for watching.

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