

A Maryland Judiciary Production  
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Small Claims Part 3: Defending a Small Claim

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## **Introduction**

Hello. I'm here to help you understand your options when a small claim is filed against you. 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. Let's start by discussing what happens when you receive notice a small claim was filed against you. This is referred to as being "served" or "service of process."

## **Getting Served**

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. Hand delivery may be made on a member of the same household. The summons will state your trial date and case number.

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 should also contain detailed information about why you are being sued and how much money the other person is asking for. The statements in the complaint will have to be proven by the other side. The court does not assume those statements are true. The court will hold a trial to determine whether the statements are true and whether you must pay the money to the other side. At trial you will have a chance to present your side of the story and show the court any evidence you have.

Now that you have reviewed the summons closely, let's discuss how you may respond.

## **Responding to the Summons**

You have several options; You can file a Notice of Intention to Defend, file a counterclaim, or try to settle the case.

Let's start with the 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. Defendants are not

required to file a Notice of Intention to Defend. If you do not file one, however, the Judge might not let you present a defense at trial and will rely on what the plaintiff presents to the Court.

Next, let's talk about counterclaims. 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.

Your third option is to try to settle the case. This 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. Consider contacting the District Court's Alternative Dispute Resolution office for help reaching settlement. They offer mediation free of charge in many cases. Call 410-260-1676 to request an appointment.

### **Trial**

After you are served, and you file your Notice of Intention to Defend the case will proceed to trial on the date listed on the summons unless it is rescheduled by the court. 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 or not you owe the plaintiff any money. Our video library has videos to help you prepare for trial.

### **Where Can I Get Help?**

One last thing before we review. If you have any questions, speak with a lawyer. If you don't have a lawyer, you may 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 [mdcourts.gov/helpcenter](http://mdcourts.gov/helpcenter) for a list of hours and locations.

### **Let's Review**

Let's review what you have learned. You will be notified about a small claim when a summons is served on you. Read the paperwork closely. You may respond by filing a Notice of Intention to Defend, filing a counterclaim, or seeking to settle the case. At trial, both you and the plaintiff may present evidence and call witnesses. A judge will decide the outcome. The court provides free resources to help you along the way including the opportunity to speak with a lawyer. Visit [mdcourts.gov/courthelp](http://mdcourts.gov/courthelp) for a complete list. Thanks for watching.

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