

INFORMATION ABOUT BEING SUED IN SMALL CLAIMS COURT

1. There is more information available.

The District Court Clerk's Office has a free Guide to Small Claims Cases booklet available, which gives information about small claims procedures. You can get a copy from any District Court Clerk's Office in person or one will be sent to you at your request. You can also access the Guide and additional information at www.courts.maine.gov.

2. What happens at a Small Claims hearing?

First, the Judge will likely ask if both parties would like to attempt to settle the case by talking to a mediator. If mediation is not successful or it is not held, the court will then have a hearing. The hearing is simple and informal. This is when the Judge listens first to what the person suing you has to say (the "Plaintiff"), and then listens to your side of the story (you are the "Defendant"). The Judge will then make a decision. You do not need a lawyer, although you might want to talk to one before you go to court.

3. Can you settle this dispute without a trial?

If you feel that the claim against you is true, partly true, or simply mistaken, you might want to try to settle the case before the date you have to go to court. This could save you time and money. If you talk with the Plaintiff and can settle the case, you both should sign a simple written agreement. Make sure you each keep a signed copy. A signed copy should be filed with the District Court clerk. Remember, if you cannot settle with the Plaintiff, you must go to court on the trial date, or the Judge will decide the case against you.

4. How do you prepare for trial?

- A. Be in court on time.** The date set for your court appearance is the date your hearing will be held. If you do not go, you will lose by default and the court probably will order you to pay the Plaintiff the total amount of the claim, plus costs.
- B. Bring your evidence.** You should bring any evidence and witnesses that support your side of the dispute. For example, bring any receipts, bills marked "paid" or other written agreements or papers. To help you remember all the key facts when you tell your story, you could consider writing them down ahead of time.
- C. Know your rights.** Before the hearing date, try to learn what your rights are. One idea: The Maine Bar Association at 124 State Street, Augusta, Maine 04330 (Telephone No. (207) 622-7523) may refer you to an attorney.

5. What if the Judge decides against you?

If the Judge decides against you, you must pay the judgment within 30 days. If you pay the judgment, be sure that the District Court clerk has proof of your payment so the public record of your case will show payment was made.

If you do not pay the judgment within 30 days, you or the Plaintiff can request the clerk to schedule a disclosure hearing. A disclosure hearing is a hearing to determine a judgment debtor's ability to pay a judgment. Read the free booklet or visit www.courts.maine.gov for more information about the disclosure process.

You can appeal the decision. If you think you might appeal the judge's decision if it is against you, you can tell the court clerk that you want your trial to be recorded. You can ask this on the day of trial, but the sooner the better. Read the free booklet for more information about appeals. If you do not file an appeal, your credit may be hurt if you do not pay the judgment.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.