

IMPORTANT FACTS IF YOU ARE BEING SUED IN SMALL CLAIMS COURT

1. THERE IS MORE INFORMATION AVAILABLE:

The District Court Clerk's Office has a free booklet available which gives information about small claims procedures. You can get a copy from that office in person or one will be sent to you at your request. The address of the Clerk's office is:

2. WHAT IS SMALL CLAIMS COURT?

It is a simple, informal hearing in which 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 decide who is right. **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 or only half 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 have a signed copy. A signed copy should be filed with the District Court clerk. A sample settlement agreement is shown in the free booklet. 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 CAN YOU PREPARE FOR TRIAL?

A. Be sure to go to court on time. The date set for your court appearance is the date your trial probably 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 date you are to be at court, try to learn what your rights are. One idea: The Maine Bar Association at 124 State Street, Augusta, Maine 04330 (Tel. No. 622-7523) may refer you to an attorney.

5. WHAT IF THE JUDGE DECIDES AGAINST YOU?

If you think you may want to appeal if the decision is against you, you can inform the District Court clerk that you want your trial to be tape recorded. You can request this on the day of trial, but the sooner the better. You should read the free booklet about appeals and what is involved.

If the Judge decides against you and you do not appeal, your credit may be hurt if you do not pay the judgment. When you do pay the judgment, be sure that the District Court clerk has proof of your payment so the public record of your case will show that payment.