

## Going to court

Call of the list. In most courts a group of cases are scheduled for the same time. The judge calls the names of all the cases on the list to take attendance, and then each case has a turn with the judge. If your court day is on Zoom, the judge will still take attendance and hear the cases one by one.

Mediation. When your case is called, the judge might ask if both parties would like to try to settle the case in mediation. (Court-appointed mediators are available on the hearing day.) A mediator is a person who helps parties talk about how they might settle their case. The mediator does not take sides. This service is free. If you settle the case in mediation, your agreement is given to the judge to make sure it is reasonable. If the case does not settle in mediation, the judge will hear the case.

Hearing. Both sides appear before the judge. The judge asks the plaintiff to say why they are there and to make their case. Then it is the defendant's turn to explain any reasons why the plaintiff should not win. Both sides can show pictures or documents like canceled checks or pay stubs, and witnesses can testify.

Decision. After the hearing, the judge decides who wins the case. The judge can announce the decision right away at the end of the hearing or can mail the decision later, after studying the evidence or doing legal research. The judge's decision is called a "judgment."

## Collecting a judgment

If the plaintiff wins and the defendant does not pay or follow the terms of the judgment, the plaintiff may call the defendant back to court for a "disclosure hearing" to work out a payment plan. Defendants are often asked to bring documents about their finances. A disclosure hearing can be scheduled by either:

Serving the other side with the Notice of Small Claims Disclosure Hearing (form SC-004) – (the clerk will tell you the date to insert),

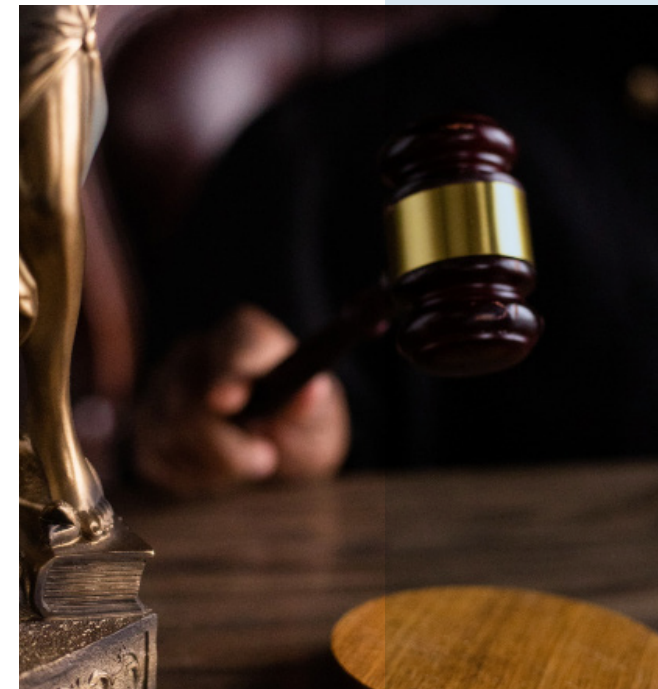
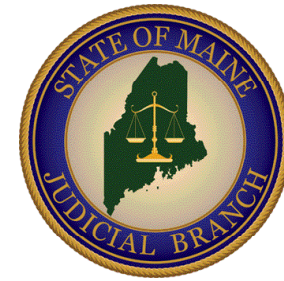
OR

If not planning to file more than 3 disclosures in the calendar month, sending the clerk the Request for Small Claims Disclosure Hearing (form SC-003) and the Affidavit and Request for Service (form SC-006). The clerk needs these forms to arrange for service of the notice of the disclosure hearing on the defendant.

## Appealing the case

Either side can appeal the decision within 30 days of judgment by filing a Notice of Appeal (form SC-007). You can get this form from a clerk or on the Judicial Branch website.

For more information on filing or responding to a small claims case, ask a court clerk for a copy of A Guide to Small Claims or visit: [www.courts.maine.gov/help/small-claims](http://www.courts.maine.gov/help/small-claims)



## An Overview of Small Claims Court

[www.courts.maine.gov](http://www.courts.maine.gov)

Small Claims Court is a simple, quick, and low-cost way to get a money judgment for up to \$6,000.

## How to file a small claim

You can get court forms to start a small claim case from any district court clerk's office or from the Judicial Branch website at [www.courts.maine.gov/forms](http://www.courts.maine.gov/forms).

There are four steps to a small claim:

1. Complete the form.
2. "Serve" the other person.
3. File the case in the District Court.
4. Attend the hearing.

Step 1: Fill out the Statement of Claim (form SC-001). You are the plaintiff, the person you are against is the defendant. On the form, explain to the court why the person owes you money provide details. Complete the rest of the form, and sign.

Step 2: "Serve" the Statement of Claim on the defendant. This means making sure the defendant gets notice of the case and a chance to respond. See the "Service" section, to find out how to do this. Proof that you served the defendant is called "return of service."

Step 3: File the case in the clerk's office. Within 20 days after the defendant has been served, file the Statement of Claim and proof of service with the court, along with the \$70 filing fee.

Step 4: Attend the Hearing. The clerk will mail both parties a Notice with the date, time, and

place of their hearing. The hearing may be in person or by Zoom (remotely). If you are unable to attend on the date in the notice, let the clerk's office know right away and ask in writing for the hearing to be rescheduled. The clerk cannot reschedule your hearing over the phone.

## Service

Service is how you give the defendant notice that you are filing a case. Return of service is proof to the court that the defendant was served. Service of a small claims case can happen in several ways:

1. By U.S. Mail: You will first need form SC-005. Mail a copy of the Statement of Claim, two copies of form SC-005, and a self-addressed stamped envelope to the defendant(s). The defendant needs to sign the SC-005 form and send it back to you to file with the court. If you don't receive a signed acknowledgment after 20 days, you will need to serve by one of the methods below.
2. By U.S. Mail, Return Receipt Requested. The signed receipt (green form from the post office) that comes back to you is the return of service.
3. Service by Sheriff. Contact your county sheriff's office about how to have the Statement of Claim served by the sheriff. You must pay for service by the sheriff up front, but can ask for the cost to be added to the judgment if you win. Give the sheriff two copies of the Statement of Claim. The defendant keeps one. The sheriff signs and returns the other to you for filing.

4. Service by the Clerk's Office. For \$15 the clerk may try to have the defendant served by U.S. Mail. If an acknowledgement does not come back within 20 days, the clerk will return the paperwork to you, and will need to complete service by one of the three ways described above.

5. Service by Alternate Means. If you want to do service in some other way, you must file a motion with the court for permission to do so.

## If you have been served with a Statement of Claim

If you have been served with a Statement of Claim, you are being sued. You are the defendant in the case.

The clerk will mail both sides a Notice of Hearing with the date, time, and place of the hearing. The hearing may be in person or by Zoom (remotely). If you are unable to attend on the date in the notice, let the clerk's office know right away and ask in writing for the hearing to be rescheduled. The clerk's office cannot reschedule the hearing by phone.

Be sure to go to the hearing! Be ready to tell the judge any reasons why you should not have to pay the plaintiff. If you do not attend, it is likely you will lose the case by "default" and owe the full amount claimed.

Settlement. You might be able to settle the case by talking with the plaintiff, either before the hearing day or at court. Many cases settle in mediation at court (see the "Mediation" section). You can also contact an attorney or legal services provider for advice.