



WHAT TO DO IF YOU ARE SUED

Are you being sued in Conciliation Court or District Court?

If it is **Conciliation Court**, the papers will come from the Court if the claim is under \$2,500. If it is over \$2,500 they will come from the person suing you. You will probably get them in the mail. They will tell you the time and date of the hearing and give you a short statement of the claim.

If it is **District Court**, the papers will come from the people suing you, or their lawyer. The papers need to be “served”. This usually means that the papers are handed to you or someone in your household. The papers will not have a court date on them.

CONCILIATION COURT

Conciliation Court is a small claims court for cases up to \$7,500. You do not need a lawyer in Conciliation Court. **You do not need to file a written answer to the claim against you.** But if you want to make your own claim against the person suing you, you need to file a counterclaim at least 5 working days before the court date. Go to the court and tell the clerk you need a form to fill out.

You can settle your case with an agreement. For example, you can agree to pay the other side some money, but not as much as they asked for. You might set up a payment plan. Call or write the other side with your proposal.

You and the other side could meet with a mediator before the court date. Mediators are trained to help settle disputes. Call First Call for Help statewide at 211 (or (651) 291-0211 from a cell phone), for mediation programs in your area.

Put any agreement in writing! Both parties must sign and date it. Even though you have agreed to a deal you need to take the agreement to court on your hearing date. This is so the court can make it into an order. This will help protect you in case there are problems later.



You must go to court on time. If you do not, you will lose by default. If you cannot go, call the court right away. If you miss court because you had an emergency or never got the papers you have 20 days to ask for another hearing. You need to show why you were not there. If your emergency was that you were in the hospital bring proof of that. If you never got the papers tell the judge. In rare cases, you can ask for a new hearing as much as 6 months later.

Prepare for court:

- Give yourself plenty of time before your court date to get ready.
- Go watch a Conciliation Court hearing to see how they work.

- Write a list of everything you need to say.
- Talk to witnesses and ask them to come to the hearing. A person coming to court is much better than a written statement from them. Some judges do not take a written statement. If an important witness does not want to go to court ask the court clerk for a “subpoena”. A subpoena is a court order that they have to go or bring evidence to court.
- If you know the person suing you has papers or evidence they do not want to show you before court, ask the court clerk about a subpoena for the evidence.
- Practice stating your case to a friend as if you are in court.
- Bring all your evidence to court: photos, letters, receipts, estimates, leases. You need to prove your case and show evidence that you do not owe the money they say you do.

At the hearing, be **very** polite to the court and the other side. **Don’t interrupt** when others are talking. Don’t get mad at what the other side says. **Your case depends on the impression you make!**

If you lose, you have 20 days from the date of the order to ask for a new trial in District Court. Call a lawyer right away for help because District Court can be complicated. You can be ordered to pay the other side’s costs if you ask for a new trial and lose.

DISTRICT COURT

District Court is more complicated than Conciliation Court. If possible, see a lawyer right away. If you have a low income, call your legal aid office. If you are being sued in District Court, you will get papers called a “Summons and Complaint”.

You must make a written answer to the complaint within 20 days from the time you got the papers. There is no special form, you can write a letter. Make sure you put important information from the complaint in your letter, like the names of the parties or a case number if there is one. Your answer must say why you do not owe the money that they claim. Mail your answer to the other side’s lawyer. If they do not have a lawyer, mail it to them directly. Keep a copy for yourself. Write down the date you mailed it. **If you do not answer the complaint you will lose the case by default.**



If you were sued and did not respond on time, see a lawyer right away. Sometimes you can get the case re-opened.

After you answer, you might get other papers. You must respond to ALL papers even if you have already answered the complaint. These papers can be called “Interrogatories,” “Requests for Documents,” or “Request for Admission.” **Do not ignore these papers. You must answer them.** Keep copies for yourself. Be sure to go to all scheduled court dates.

The court will probably ask both sides to try to settle the case. You and the other side can choose a mediator to help you try to reach an agreement. You might agree to pay some of the money they claim you owe, or to set up a payment plan.

If you are not using a lawyer, go to your county law library to get more information about the court process and about the laws involved in your case. If you have a trusted friend, relative, or adviser, ask them to help you through the process. Prepare for court the same way as explained above. Make sure you bring your copies of your answer and any other papers you have responded to.

IF YOU LOSE IN COURT

If you lose in Conciliation Court or District Court, the other side will get a judgment. This is an order saying that you have to pay them the money. If you do not pay, they may try to collect it. They can garnish (take money out of) your paycheck or bank account. They can also garnish your paycheck or bank account if you do not answer the complaint in the time given or if you do not show up to court. **Do not ignore a lawsuit against you.**



The law keeps a certain amount of your money safe from garnishment. If you were on public aid in the last 6 months, usually none of your money can be taken. See our fact sheet, [C-4 Garnishment and Your Rights](#).

The judgment will stay on your record for at least 7 years. It will show up when you apply for credit.

To find other Legal Aid Society materials, including the fact sheets mentioned in this document, go to www.lawhelpmn.org/LASMfactsheets.

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