

## Frequently Asked Questions About Small Claims Court

**What is a Statement of Claim and why have I received one?** You have received a Statement of Claim because you have been sued by someone to whom it is alleged that you owe money. The Statement of Claim sets forth the facts upon which the person who is suing you is relying. You should read the Statement of Claim carefully.

**What is the date, time and location of my trial?** On the left hand side of the Statement of Claim under the heading "Summons to the Defendant," you will find the date, time and location of the trial. All trials are held in a courtroom located on the 6th floor of the Widener Building, 1339 Chestnut Street, Philadelphia, PA 19107. It is important that you appear on time because you risk losing your case if you are late.

**What should I do if I am unable to be present at my trial?** All requests for a continuance must be in writing to John J. Joyce, Deputy Court Administrator, 1339 Chestnut Street, Room 1020, Philadelphia, PA 19107 or [mcclaims@courts.phila.gov](mailto:mcclaims@courts.phila.gov). The request should specify the reason for the continuance, and demonstrate that you have notified all parties of your request. If the request is received by the court ten days or more before the trial, you will be notified prior to the trial of whether your continuance request was granted or denied. If the continuance request is received by the court less than ten days before the trial, the judge assigned to the case will make the decision at the time on which the trial is scheduled.

**Do I need a lawyer?** No. The Philadelphia Municipal Court was established for the purpose of providing "an expeditious small claims procedure whereby it shall not be necessary for the litigants to obtain counsel." You may, however, have a lawyer represent you at a trial. If you want a lawyer, you may want to contact the Philadelphia Bar Association's Lawyer Referral and Information Service at 215-238-6333 or visit its site at [www.philadelphiabarlawyers.com](http://www.philadelphiabarlawyers.com). Additionally, you may also qualify for a FREE lawyer or may be able to receive FREE advice from SeniorLaw Center (215-988-1244), Community Legal Services (215-981-3700 – Center City Office or 215-227-2400 – North Philadelphia Office), Legal Clinic for the Disabled (215-587-3350), or the AIDS Law Project (215-587-9377).

**Do I need to file any papers before coming to trial?** If there is a Notice of Defense in the packet of papers that you received and you intend to present a defense at trial, you should complete the Notice and mail it at least five days before trial in the pre-addressed envelope that is supposed to be enclosed. If there is no envelope enclosed, you do not need to complete and return the Notice of Defense. If you complete and return the Notice of Defense, you should bring a copy of it to trial with you. If you believe that the Philadelphia Municipal Court is not the proper court in which you should be sued, please call 215-686-2910 as soon as possible and a member of the court's staff will explain to you how to file a letter bringing your position to the court's attention. If you believe that you have a claim against the person who sued you or believe that another person should be a party to the action, please call 215-686-7988 as soon as possible and a member of the court's staff will explain to you how to file a counterclaim, cross claim, or additional claim. The court does not require or accept what you may have heard described as an Answer, New Matter, or Preliminary Objections.

**What should I bring to trial?** You should bring all documents and witnesses that support your defense to trial. Those documents may include letters, cancelled checks, bills of sale, contract, agreements, cancelled checks, photographs (it is preferred that photographs be printed and not on a cell phone), account books, and paid bill receipts.

**What happens if I fail to appear at trial and the case has not been continued?** If you fail to appear at trial and the case has not been continued, you risk losing your case and having what is called a Default Judgment entered against you.

**What do I need to bring to court if the party sued is a corporation, partnership or other similar entity?** You should bring proof that you have authority to speak on behalf of the entity. One example is articles of incorporation showing that you are an officer of the corporation. Additionally, the court has an Authorized Representative Form that you may use.

**Who should I call if I have a question that is not addressed above?** Call the court at 215-686-2910, 215-686-7987 or 215-686-7988 or visit the court at 1339 Chestnut Street, 10th floor, Room 1000.