

You may file a suit with a district justice if you have a complaint against a person or business and wish to recover an amount of



money totaling \$12,000 or less. This is called a civil lawsuit. The \$12,000 limit does not

include the court costs involved in the suit, or any interest that may be due on your claim. If you are successful, you are entitled to be reimbursed for court costs.

You may also be brought before a district justice to answer a summary offense charge or a motor vehicle violation. These are called criminal actions.

If you are involved in a dispute over a landlord/tenant issue, the timeframe for hearings and appeals is different from those outlined here. Contact your local district justice office for more information.

Should I go to District Court or Common Pleas Court?

Claims for \$12,000 or less may be filed in Common Pleas Court; however, district justice courts are less formal, less expensive and faster than Common Pleas Courts. Also, you need an attorney in Common Pleas Court. In district justice court, an attorney is not required, but it may be advisable to have one present for certain types of cases.

Which District Justice Should I Go To?

If you decide to sue in a district justice court, you must decide which district justice has authority to handle the suit. There are rules that govern where a suit may be filed. Generally, the suit must be filed where the person you are suing lives or is located, or where your claim arose. For example, a small claim arising out of a traffic accident or contract dispute could be filed with the district justice who serves the territory where the accident occurred or where the contract was signed.

The district justice closest to you can advise you on where to file. District justices are listed in the yellow pages of the telephone book under “District Justice” or “Justice of the Peace”.

How Should I Start A Lawsuit?

Once you have found the correct office, the next step is to file a complaint on a standard form that you can obtain from the district justice. The form is easy to complete. The



important items on the form are:

- Your name and address;
- The name and address of the person or business you want to sue;
- The amount of money you are suing for, including all expenses; and
- A short statement of why you believe you are entitled to the money. Be sure to provide information so the person you are suing knows why he or she is

being sued. Include the dates of when things important to your case may have happened.

Although the complaint may be filed by mail, it is advisable to submit it personally to the district justice. It will be easier for the clerk to tell you whether your complaint has been properly completed, and, if it is not, how it should be corrected. It will also be easier to determine precisely what fees you must pay. Keep in mind that if you succeed in the suit, the party you are suing (the defendant) will be required to pay you back for the cost of filing the suit.

There will be an additional fee for service of the complaint to the defendant that will vary according to how it is served.

How is the Other Party Notified?

Once you have filed a complaint, the clerk will schedule a hearing between 12 and 60 days from the time you file. The law requires that before the hearing, the other party must receive a copy of the complaint. This can be done in one of two ways:

- You can request that the complaint be sent by certified mail. The letter will be delivered to the defendant and the receipt will be returned to the district justice as proof that it was received; or
- The complaint can be delivered by the sheriff or a constable for an additional fee that can be recovered if you win the suit. Sometimes having the complaint personally served is more effective because a person may not be home or may refuse to accept a

certified letter and a sheriff can make certain that the complaint is served.

What Should I Do Before The Hearing?

You should gather all documents and papers relating to the suit. It is also a good idea to line up supportive witnesses to be present at the hearing.

What Happens At The Hearing?

At the hearing, those present will be the district justice, you (the plaintiff), your witnesses, your lawyer if you choose to have one, the defendant, defense witnesses, and possibly the defendant's lawyer. The courtroom will almost always be open to the public, as well.

The district justice will explain the procedure to you. Do not be afraid to ask questions. During the hearing, you will be given an opportunity to tell what happened that caused you to sue the defendant. Show any papers, bills, receipts, or letters you have to the district justice. You will probably be asked questions by the other side, or possibly by the district justice. Then your witnesses will be allowed to tell what they know about the case. The defendant will be given the same opportunity. You will also be permitted to ask questions of the defendant.

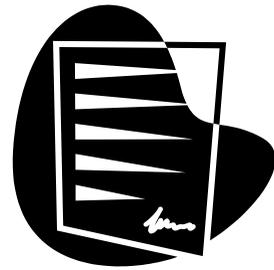


The district justice's decision may be made at the hearing or you may be

informed of it later, within five days of the hearing.

What Happens After the Decision is Made?

If you succeed, the other party may arrange to pay you in installments, lasting up to 12 months, as set by the district justice. However, the defendant has 30 days to appeal the decision to Common Pleas Court and you cannot collect your money until that time has passed.



If there is an appeal, a Notice of Appeal is filed with the prothonotary in the county courthouse. Copies of the notice will be served on both you

and the district justice who made the decision. The notice prevents you from collecting any money until the appeal is decided.

If the district justice's decision is in favor of the defendant you, likewise, have the right to appeal in the same manner. Please note that any party filing an appeal must also file a Proof of Service of copies of the notice no later than 10 days after the appeal is filed.

If appealed, the case will then be heard in Common Pleas Court. Since the procedure of this court is governed by more formal rules, the presence of an attorney is strongly advised.

How Do I Proceed if No Appeal is Filed?

If your suit was successful and after 30 days you still have not collected your money, ask the district justice to issue an Order of Execution. This involves filing out a form that the district justice gives to the sheriff or constable, who then attempts to collect the money owed to you. Any fees you pay will be charged to the other party when the money is collected.

An execution order permits a sheriff to levy on property, which means that property of the defendant can be sold to pay the debt. However, you should realize that it is difficult to collect payment from someone who has no property or money.

How Can I Locate An Attorney?

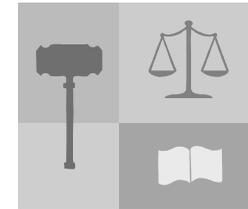
Call the Pennsylvania Bar Association Lawyer Referral Service toll free at 800-692-7375, or 717-238-6807. Most counties have this same service at the local level. Check your yellow pages under "Attorneys" for more details.

What If I Live in Philadelphia?

This pamphlet does not cover the procedures for suing in Philadelphia County, which has a separate system called Municipal Court. A handbook dealing with the procedures of the Municipal Court is available by writing to: Court Administrator, Philadelphia Municipal Court, City Hall, Philadelphia, PA 19107.

Please Note

This pamphlet has been issued to inform and not to advise. It is based on Pennsylvania law. The statements are general, and individual facts in a given case may alter their application or involve other laws not referred to here.



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FILING A LAWSUIT

Bringing Suit Before A District Justice



***County of Bucks
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Consumer Protection/
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