

**Rule 509. Counterclaim**

**(a) Counterclaims Allowed.** The defendant may assert a counterclaim within jurisdiction of conciliation court which the defendant has against the plaintiff, whether or not arising out of the transaction or occurrence which is the subject matter of plaintiff's claim.

**(b) Filing and Service of Counterclaim.** To assert a counterclaim, the defendant must perform all of the following actions not less than 14 days before the date set for trial of plaintiff's claim:

- (1) File with the court administrator a counterclaim required by Rule 507;
- (2) Pay to the court administrator the applicable fees or file with the administrator the affidavit in lieu of fees prescribed in Rule 506; and
- (3) Serve the counterclaim on plaintiff by certified mail and file proof of service with the court administrator.

Where authorized or required by Rule 14 of the General Rules of Practice for the District Courts, documents may, and where required must, be filed by electronic means by following the procedures of Rule 14.

**(c) Administrator's Duties.** The court administrator must assist with the preparation of the counterclaim on request. When the counterclaim has been properly asserted, the court administrator must note the filing of the counterclaim in the court's case management system and set the counterclaim for trial on the same date as the original claim.

**(d) Late Filing or Service.** No counterclaim will be heard if filed or served less than 14 days before the trial date of plaintiff's claim except by permission of the judge. Should a continuance be requested by and granted to plaintiff because of the late filing or service, the judge may require payment of costs by defendant, absolute or conditional, not to exceed \$50.

(Amended effective July 1, 2015; amended effective January 1, 2020; amended effective July 1, 2026.)

***Advisory Committee Comment - 2026 Amendments***

*Rule 509(b) is amended to extend the deadline to file a counterclaim from 7 to 14 days before trial. The rule is further amended to require the defendant to serve the counterclaim on plaintiff by certified mail at least 14 days before trial, and file proof of service with the court administrator. The amendment eliminates the requirement that the court administrator must transmit notice of the counterclaim to the plaintiff, as that is now the defendant's responsibility.*

*Rule 509 has been further amended as part of a comprehensive set of changes to the conciliation court rules in 2026 to use plain language and improve clarity.*