

Five Most Important Things To Consider Regarding Your Civil Suit

Here are the five most important things to consider if you are served with a lawsuit:

1. Don't stick your head in the sand. The summons you receive along with the complaint will tell you how many days you have to answer. If you miss the deadline, the plaintiff can ask the clerk to enter a default against you. If you try to file a response after the default is entered, the clerk will reject it. Then you'll have to make a motion to set aside the default. These are usually granted, but you don't want to go there. Above all, don't toss the papers and hope it will go away. It won't. In two or three years you'll be shocked to discover your checking account's been garnished, and there'll be nothing constructive you can do about it.
2. Try to resolve the dispute. If somebody's spent the money, time, and effort to sue you, they're serious. Even if you've already tried to settle without success, try again. Think about where you'll wind up if the case proceeds. For example, if you're being sued over a debt, will you owe the money after all is said and done? If the honest answer is yes, it doesn't make much sense to fight to the death over it. And many lawsuits are not only about money. They're also about hurt feelings. Entertain the idea that you may have had something to do with causing the dispute or making it worse. An apology is sometimes the key to a quick and reasonable resolution.
3. Don't hide the embarrassing stuff from your lawyer. Tell the lawyer both the good news and the bad news about the case. Tell the whole truth. A lawyer can't give you good advice without knowing both sides. If you did something or said something that's going to put you in a bad light in front of a judge or jury, get it out on the table right away. Lawyers have ways to minimize the damage done by bad facts, as long as they know up front what they are. Similarly, when you tell your lawyer about what's happened, don't leave things out because you think they don't matter one way or the other. It's the lawyer's job to figure out what matters and what doesn't.
4. Think about a budget. How much can you reasonably spend on legal fees? This works two ways. First, if somebody is after you for \$10,000, spending \$6,000 to defend yourself and then settling for another \$6,000 doesn't make much sense. You're \$2,000 behind. Or you might have spent \$2,000 and settled for \$7,000. You're \$1,000 behind. If your attorney knows what he's doing, he'll be shooting for a happy medium between defense costs and settlement costs, and he'll involve you in the process. Trials are furiously expensive, they're unpredictable, and they're all or nothing. A reasonable settlement is usually a better bet than a trial.
5. The world has not come to an end. Being sued is a big deal, but it's not life and death. We're talking about a civil suit here, not about prosecution for a crime, and there are no more debtor's prisons. Life is going to go on no matter what happens at the court house. Don't obsess, don't have a nervous breakdown, and don't ruin your marriage. Ten years from now your lawsuit will be long gone, the sun will still be rising and setting, and the waves will still be rolling in.