

## **Things you need to know about filing a lawsuit:**

Thinking about taking legal action? Most people do at some point in their life. Before you act, take a moment to consider what's involved.

### **Your Complaint**

There are generally two types of complaints: criminal complaints, which are typically brought by a state or federal prosecutor against an individual accused of a crime, and civil complaints, which are usually brought by private individuals or companies against other individuals or companies for compensation for damages or injuries.

### **What Court?**

The United States has two principal court systems: federal and state. You might be able to file your suit in the federal courts if it involves a question of constitutional or federal law. Other civil matters are usually heard in a state court. Sometimes a suit may be brought in more than one court. Many people choose to take their complaints to small claims courts because they can represent themselves and avoid attorney's fees. State small claims courts handle disputes under a certain dollar amount, usually no more than \$1,500 to \$5,000.

### **Need a Lawyer?**

It depends on what kind of case you have, and how much money may be involved. Hiring a lawyer to get back a security deposit from your landlord may be a waste of time and money. But if you're seeking a large amount of money, you probably should talk to an attorney. Attorneys usually charge by the hour or sometimes agree to a flat fee. You will probably have to pay for court costs like filing fees. A third option is a contingency fee arrangement, which means he or she will get a predetermined percentage of the settlement you are awarded. If you do not win your case, the lawyer gets nothing. Whatever you decide to do, be sure to get your fee agreement in writing.

If you can't afford a lawyer, you should seek help from your local Legal Aid Society.

### **Filing a Lawsuit**

Filing suit begins with the Complaint, which is referred to as the Petition in Texas, and a summons notifying the party you are suing of the action against them and a deadline for them to answer to your petition in writing. At the time the opposing party files their answer they will also have an opportunity to file a counterclaim against you. Usually, a local sheriff or process server serves the summons.

The next step in the process is discovery, where each side gathers information about the other party through sworn oral statements (depositions) and/or sworn written statements (interrogatories).

Offers of settlement are often made during the discovery or pretrial stage. If both parties agree to the terms of the settlement, a trial is avoided. In fact, most cases end up being settled before trial.

The law can be complicated, and a lawyer can be a valuable guide even if you decide to represent yourself. Trying to maneuver the thicket of legal brambles by yourself might lead to sticky situations that could have been avoided by an initial consultation with a professional.