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1 Provide an answer to the complaint. A civil action begins when someone files a complaint and serves you with a copy. If you have been served with a civil complaint, you will have to quickly determine if, and how, you plan on responding. As soon as you receive a copy of the complaint, review it. It will detail the claims being made against you. In addition to the complaint, you will also receive a summons, which is a document telling you that you have been sued and it gives you information on how and when to respond. In general, you will have 30 days to respond to a lawsuit, starting with the day you were served with the complaint. In order to respond, you will have to file an answer. If you do not file an answer in time, you risk having the court rule in favor of the plaintiff in what is called a default judgment. To file an answer, contact the court in which you have been sued in and ask for an answer form. You can usually find them online but if not, you can also visit the courthouse in person and obtain one. The answer will contain straightforward responses to the plaintiff's claims. For each paragraph of the complaint you will deny the claims made, you may agree with the claims made, or you may state that you do not have enough information to provide an answer. Once you complete the answer, you will pay a filing fee and serve the other party with your answer. In California, the filing fee for a contract dispute involving \$25,000 or less, the fees will range from \$180 to \$300. To serve the other party, you will have someone that is not a party to the lawsuit give a copy of your answer to the other party.[6] 2 Consider filing a cross-complaint. In addition to filing an answer, you may want to also file a cross-complaint, which is like filing a lawsuit against the person that just sued you. A cross-complaint can only be filed if the claim you are making is related to the lawsuit that has been filed against you. You must file your cross-complaint at the same time you file your answer. If you do not do this, you will waive your ability to raise your claim later.[7] To file a cross-complaint, find the appropriate form in the same way you found your answer form. A cross-complaint form will usually ask you to state the cause of action and why you think you deserve to have a court rule in your favor.[8] For example, if you have been sued for injuries you are alleged to have caused in a car accident, but you also received injuries that you think were the fault of the other party, you can file a cross-complaint alleging that they should be liable for damages as well.[9] 3 Research the relevant law. In order to defend yourself in court, you must understand the legal claims or charges against you and prepare your legal defense. This requires that you research the law related to your case and strategize on how best to defend yourself based on the legal claims against you. You can gain access to legal resources in the following places: You can use local law libraries open to the public. To locate a local library, conduct an internet search for the name of your city or town and law library and "open to the public." You can ask the law librarian to direct you to the legal resources you need. You can search for local state laws and statutes online at: . You can also use free online legal research websites to locate legal information to assist in your defense. 4 Conduct discovery. As soon as you file your answer, a legal process called discovery will begin. During discovery each party will have the opportunity to request information from the other party in order to learn about the strengths and weaknesses of the case. During discovery you can collect facts, get witness statements, find out what the other side is going to say, and see how good your case is and how good their case is. You can collect informal discovery by conducting your own interviews, gathering documents from public agencies, and by taking photographs. You can also conduct more formal discovery by taking part in: Interrogatories, which are written questions directed to the other party that they must answer. Depositions, which are formal interviews between you and someone else important to the case. Requests for the production of documents, which are formal requests for particular documents. Requests for admissions, which simply ask the other party to admit or deny a specific statement. Subpoenas, which are court orders requiring the other party to provide you with certain information.[10] 5 Attend all required court appearances. Before your actual trial, you will be required to attend at least one pretrial conference. In some states (i.e., California), this court appearance is called a case management conference (CMC). At your CMC, you and the other party will meet with the judge and discuss how the case is going to be handled. At the CMC you should be prepared to discuss: The possibility of a settlement; Your readiness to schedule a trial date; How discovery is going or has gone; and Your willingness to concede certain issues that are not in dispute.[11] 6 Oppose any motion for summary judgment. In most cases, the opposing party will file a motion for summary judgment, which argues that the undisputed facts of the case require the judge to rule in their favor without the necessity of a trial. You will need to respond to this motion quickly. For example, in Nevada, you will have ten days to respond to a motion for summary judgment. In order to respond, you will need to file your own motion explaining to the court why the motion should not be granted. You must be able to show that factual questions exist and are in dispute, and that a judge or jury should decide these issues at trial. Your motion should contain enough information to convince the court that a judge or jury could potentially rule in your favor at trial. To do so, you should present evidence supporting your story from information you have gathered during discovery. You can usually find an opposition motion form on your court's website. Fill out the form completely and accurately and attach any necessary documents. 7 Try to settle the case outside the courtroom. Before your trial date, meet with the opposing party and try to come to an agreeable solution so you do not have to go to trial. In California, for example, there can be mandatory settlement conferences aimed at resolving the dispute. Settlement conferences can also be voluntary. During a settlement conference, you and the other party will meet with a neutral third party. During your meeting, you will discuss a possible settlement with everyone. The neutral third party will not make a decision but they will help assess the strengths and weaknesses of your case. Settling a case can save you time because you will not have to go to trial. Also, coming to an agreement will save you money because you will not have to pay court fees, witness fees, and you will not have to take as much time off of work. Finally, settling before trial will give you more control over the outcome because you will not be leaving the decision up to a judge or jury.[12] 8 Prepare for trial. If all else fails you may have to go to trial. Before your trial date, be sure you prepare adequately and are confident in your game plan. To prepare: Be sure you have prepared your evidence, which will be in the form of witness testimony or exhibits. When preparing your evidence, make sure you organize it in a way that makes it easy for you to introduce it in court. Have everything in the order you are going to bring it to the court's attention. Also, make sure you have prepared your witnesses so they know what you are going to ask them and what the other party might be expected to ask. Also, be sure you know the rules of evidence. While no person, attorneys included, knows every possible rule out there, you should try and understand the basics so you are ready for court. The rules of evidence dictate how, why, and when evidence can be introduced in court. They are there to make sure the court only gets reliable, relevant, and accurate information.[13] 9 Go to trial. When the day of your trial arrives, get to the courthouse early and get settled in. When your case is called, step to the front of the courtroom and be ready to go. In general, you will be required to conduct the following: An opening statement, which is your opportunity to lay out the facts of your case and tell the judge or jury what you will prove during the trial. You should plan and write your opening statement as part of your preparation for trial. In addition, outline the evidence they will see and the witness testimony they will hear. A Cross-examination of witnesses. The Plaintiff must provide you a list of witnesses before trial and you should prepare to cross examine them at trial. During cross-examination, you want to make juries question the believability of witnesses.[14] When cross-examining witness, it is important to remember the following: Ask direct and leading questions so that a witness has little opportunity to explain his or her answers. Do not appear to "badger" the witness or it may make the jury more sympathetic to the opposing side. If a witness changes their testimony, use their deposition testimony to show that they are providing inconsistent testimony. This may make the jury discount the entirety of the testimony as unreliable. If the witness is hostile to your case, then you must highlight their bias so that the jury understands that their testimony may not be completely reliable.[15] A presentation of your defense. After the plaintiff is finished putting on their trial, you will have a chance to call witnesses and introduce evidence that supports your position. The plaintiff must prove his or her case in order to win and therefore, the burden is on the plaintiff to present enough evidence to meet legal requirements and convince a jury. Objections. During trials, the opposing attorney may try to present evidence or question a witness in a way that is not permissible under court rules. You should make an objection to this type of evidence. You do this by stating, "I object" and then give the legal basis for your objections. Give a closing argument. After you finished your defense, you will have a chance to make closing remarks to the jury. Since the Plaintiff must prove their case to win, you should restate your story of what happened and refer to the evidence that supports your story. Your closing argument should be brief and directly on point so the jury can easily follow your argument. At the end, ask the jury to find you not responsible. Advertisement

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