

Introduction to Law

The Civil Lawsuit

Part 1

A large, red, multi-pointed starburst graphic with a black outline, centered on the page. The text is overlaid on this graphic.

Warning:

Litigation can be dangerous to
your health and pocketbook!!



*"My fees are quite high, and yet you say you have little money.
I think I'm seeing a conflict of interest here."*

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Factors to Consider

Slow

Stressful

Expensive

Four Phases of a Civil Suit

Pleadings

Pre-Trial Discovery

Trial

Appeals

Pleadings

Complaint

Answer

Complaint

Statement of Facts

Demand for Judgment

File with the Court

Serve on the Defendant

Sample Complaint

<https://www.uscourts.gov/forms/pro-se-forms/complaint-civil-case>

Answer

Challenge Plaintiff's Standing

Respond to Plaintiff's Factual Claims

Identify Deficiencies in the Complaint

Raise Affirmative Defenses

Assert Counterclaims

Assert Cross-Claims

Sample Answer

<https://www.uscourts.gov/forms/pro-se-forms/defendants-answer-complaint>

Answer

Challenge Plaintiff's Standing

Respond to Plaintiff's Factual Claims

Identify Deficiencies in the Complaint

Raise Affirmative Defenses

Assert Counterclaims

Assert Cross-Claims

Person, Top New York Court Rules

An advocacy group had argued that the elephant was being illegally detained at the Bronx Zoo, in a case involving ethical questions about the rights of highly intelligent animals.



◀ TODAY



Answer

Challenge Plaintiff's Standing

Respond to Plaintiff's Factual Claims

Identify Deficiencies in the Complaint

Raise Affirmative Defenses

Assert Counterclaims

Assert Cross-Claims

Respond to Plaintiff's Factual Claims

Admit

Deny

Don't Know

Deficiencies in Plaintiff's Complaint

Improper service

Plaintiff lacks standing

Facts do not support the claims asserted

No subject matter jurisdiction

No personal jurisdiction

Subject Matter Jurisdiction in Federal Courts

Federal Questions: Lawsuits arising under the U.S. Constitution, or other federal laws.

Diversity Jurisdiction: Lawsuits between residents of different states where the issue in dispute is (for now) \$75,000 or more.

U.S. Government Cases: Lawsuits against government agencies, officers or employees.

Deficiencies in Plaintiff's Complaint

Improper service

Plaintiff lacks standing

Facts do not support the claims asserted

No subject matter jurisdiction

No personal jurisdiction