

DocWriteReview, LLC



Research. Write. Connect. Succeed. All in One Place.
Technical, Legal & Grant Writing
Plus Custom Web Applications for Modern Professionals.

COMPLETE GUIDE TO ANSWERING A CIVIL COMPLAINT

A Step-by-Step Resource for Pro Se Defendants

ASSEMBLED BY DOCWRITE_{REVIEW}.COM

Complete Guide to Answering a Civil Complaint

A Step-by-Step Resource for Pro Se Defendants

LEGAL DISCLAIMER

This guide provides general legal information only and does not constitute legal advice. It does not create an attorney-client relationship. Laws vary by state and change frequently. You should consult with a licensed attorney in your jurisdiction for advice about your specific situation. While we strive for accuracy, we make no warranties about the completeness or accuracy of this information.

Table of Contents

1. Introduction: What This Guide Covers
 2. Understanding Your Civil Complaint
 3. Why You Must Respond
 4. Know Your Deadlines
 5. Step-by-Step: Drafting Your Answer
 6. Understanding Affirmative Defenses
 7. Filing Your Answer with the Court
 8. Serving the Plaintiff
 9. What Happens After You File
 10. Common Mistakes to Avoid
 11. When to Hire an Attorney
 12. State-by-State Deadline Reference
 13. Glossary of Legal Terms
 14. Sample Answer Template
 15. Resources and Next Steps
-

Chapter 1: Introduction

What This Guide Covers

If you've been served with a civil complaint, you're likely feeling overwhelmed and uncertain about what to do next. This guide will walk you through the process of preparing and filing an answer to a civil complaint, even if you've never dealt with the legal system before.

You will learn:

- What a civil complaint is and why it matters
- How to read and understand the allegations against you
- The critical deadlines you must meet
- How to draft your answer paragraph by paragraph
- What affirmative defenses are and when to use them
- The proper procedure for filing and serving your answer
- What happens after you file your answer

Who Should Use This Guide

This guide is designed for:

- Individuals who have been served with a civil complaint
- People who cannot afford an attorney or choose to represent themselves
- Anyone who needs to respond quickly to avoid a default judgment
- Those who want to understand the process before hiring a lawyer

What This Guide Is NOT

This guide is not:

- A substitute for legal advice from a licensed attorney
- Appropriate for criminal matters (this covers civil cases only)
- A guarantee of any particular outcome in your case
- Comprehensive coverage of all possible legal situations

Chapter 2: Understanding Your Civil Complaint

What Is a Civil Complaint?

A civil complaint is the document that starts a lawsuit. The person or entity suing you (called the "plaintiff") files this document with the court to formally state:

- Who they are
- Who you are (the defendant)
- What they claim you did wrong
- What laws or contracts they say you violated

- What they want from you (usually money or a court order)

Parts of a Complaint

Most complaints contain these sections:

1. Caption The top of the first page showing:

- The court name
- The parties' names (Plaintiff v. Defendant)
- The case number
- The document title ("Complaint")

2. Parties A section identifying the plaintiff and defendant, often including addresses.

3. Jurisdiction and Venue Statements about why this particular court has the power to hear the case.

4. Numbered Allegations The main body of the complaint, with each claim stated in numbered paragraphs. You must respond to each numbered paragraph.

5. Causes of Action The legal theories under which the plaintiff is suing (e.g., "Count I: Breach of Contract").

6. Prayer for Relief What the plaintiff wants from the court, typically:

- Money damages in a specific amount
- Court orders requiring you to do or stop doing something
- Attorney's fees and court costs
- Other relief

7. Signature The plaintiff or their attorney signs the complaint under oath.

Reading the Complaint Carefully

Take these steps:

1. **Read it multiple times** - Don't rush. Read through completely at least twice.
2. **Identify each numbered paragraph** - These are what you must respond to.
3. **Highlight key allegations** - Mark claims that are false, partially true, or that you don't understand.
4. **Note dates and amounts** - Pay special attention to claimed damages, dates of alleged events, and deadlines.
5. **Identify causes of action** - Understand what legal theories the plaintiff is using.
6. **Check for attachments** - Complaints often include copies of contracts, invoices, or other documents.

Common Types of Civil Complaints

Contract Disputes

- Breach of contract
- Failure to pay for goods or services
- Violation of lease agreements

Tort Claims

- Personal injury (negligence)
- Property damage
- Defamation
- Fraud or misrepresentation

Debt Collection

- Credit card debt
- Medical bills
- Loan defaults
- Consumer debt

Property Disputes

- Boundary disputes
- Landlord-tenant conflicts
- Foreclosure actions

Business Disputes

- Partnership disagreements
- Shareholder conflicts
- Breach of fiduciary duty

Chapter 3: Why You Must Respond

The Danger of Default Judgment

If you fail to respond to a complaint within the deadline, the court will likely enter a **default judgment** against you. This means:

The plaintiff wins automatically - Without you presenting any defense, the court grants the plaintiff what they requested.

You lose your right to contest the claims - Once a default judgment is entered, it's extremely difficult to undo.

Collection actions can begin immediately - The plaintiff can:

- Garnish your wages
- Levy your bank accounts
- Place liens on your property
- Damage your credit report for 7-10 years

"Maybe They'll Forget About It"

This is wishful thinking. The plaintiff and their attorney have invested time and money into filing the lawsuit. They will not forget. In fact:

- The court will notify you of the default judgment
- Collection efforts will intensify
- Your silence is treated as admission

"The Claims Aren't True"

Even if the allegations are completely false, you must respond formally through the court system. The court cannot know the claims are false unless you tell them in a proper legal answer.

"I Can't Afford a Lawyer"

You have options even without a lawyer:

- Represent yourself (pro se)
- Seek free legal aid if you qualify based on income
- Request a fee waiver for court costs
- Use self-help resources like this guide

Not responding is worse than any of these options.

"I Plan to Settle"

Even if you intend to negotiate a settlement, you should still file your answer. Here's why:

- It protects you if settlement talks fail
 - It shows the plaintiff you're serious
 - It prevents default judgment during negotiations
 - You maintain leverage in settlement discussions
-

Chapter 4: Know Your Deadlines

General Deadlines by State

Most states follow these timelines:

- **20-30 days** from service of the complaint
- **Counted from the date you were served**, not the date the complaint was filed

Your deadline depends on:

1. Your state's rules
2. How you were served
3. Whether you're responding to a complaint, cross-claim, or counterclaim

How Service Method Affects Deadlines

Personal Service (handed to you directly)

- Deadline begins the day after you're served
- Example: Served on June 1, deadline starts June 2

Mail Service

- Most states add extra days if served by mail
- Typically 5-10 additional days beyond the standard deadline

Service by Publication

- For defendants who cannot be located
- Typically 30-60 days from first publication date

Calendar Days vs. Business Days

Important distinction:

- Some states count calendar days (including weekends)
- Others count business days (excluding weekends and holidays)
- Check your state's specific rules

When the Deadline Falls on a Weekend or Holiday

Most courts extend the deadline to the next business day if your deadline falls on:

- Saturday or Sunday

- Federal or state holidays
- Days the court is closed

Finding Your Specific Deadline

Check these sources:

1. **The summons** - Should state your deadline explicitly
2. **Your state's civil procedure rules** - Available online
3. **The court clerk** - Call and ask; they can tell you the deadline
4. **This guide's state reference** - See Chapter 12 for a state-by-state list

Setting Personal Deadlines

Don't wait until the last day. Build in cushion time:

- **Research deadline:** Check your exact deadline immediately
- **Draft deadline:** Complete your answer at least 5 days before the court deadline
- **Filing deadline:** File at least 2 days before the deadline to account for delays
- **Service deadline:** Ensure the plaintiff receives your answer on time

What If You're Running Out of Time?

If your deadline is approaching and you're not ready:

Option 1: Request an Extension

- File a motion for extension of time
- Most courts grant one reasonable extension (typically 15-30 days)
- Must be filed before your deadline expires

Option 2: File a Basic Answer Now

- File a simple answer denying all allegations
- You can amend it later with more detail
- This protects you from default while you prepare

Never miss the deadline - Even an imperfect answer filed on time is better than the best answer filed late.

Chapter 5: Step-by-Step: Drafting Your Answer

Overview of the Answer Document

Your answer is a formal legal document with specific required sections:

1. Caption (matching the complaint)
2. Title ("Answer to Complaint")
3. Introduction
4. Responses to each numbered paragraph
5. Affirmative defenses
6. Prayer for relief
7. Signature and verification
8. Certificate of service

Step 1: Create the Caption

Copy the caption exactly from the complaint, including:

- Court name
- Case number
- Party names
- County/jurisdiction

Change only the document title from "Complaint" to "Answer" or "Answer to Complaint"

Step 2: Write the Introduction

Begin with a simple statement:

"Defendant [Your Name], appearing pro se, answers the Complaint as follows:"

If you're represented by an attorney, they will include their information here.

Step 3: Respond to Each Numbered Paragraph

This is the core of your answer. For each numbered paragraph in the complaint, you must give one of three responses:

ADMIT - The allegation is true

- Use when: The statement is completely accurate
- Example: Admitting your name and address

DENY - The allegation is false

- Use when: The statement is incorrect, misleading, or only partially true
- Example: Denying you breached a contract

LACK SUFFICIENT KNOWLEDGE - You don't know if it's true

- Use when: You genuinely don't have information to confirm or deny
- Example: Claims about the plaintiff's damages or internal business matters
- Note: Courts may deem this a denial

How to Format Your Responses

Template for each response:

"Paragraph [#]: Defendant [response type] the allegations contained in Paragraph [#] of the Complaint."

Examples:

"Paragraph 1: Defendant admits the allegations contained in Paragraph 1 of the Complaint."

"Paragraph 2: Defendant denies the allegations contained in Paragraph 2 of the Complaint."

"Paragraph 3: Defendant lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 3 and therefore denies them."

Strategy for Responding

Admit obviously true facts:

- Your name
- Your address (if correct)
- Basic undisputed facts
- Existence of documents (if you signed them)

Deny allegations you dispute:

- Claims that you breached a contract
- Allegations of fault or wrongdoing
- Disputed amounts owed
- Claims about your intentions or motivations

Use "lack sufficient knowledge" sparingly:

- The plaintiff's business operations
- Damages they claim to have suffered
- Facts you couldn't reasonably know

Important: Be honest

- False statements can harm your credibility
- Perjury is a crime

- Judges remember dishonesty

Dealing with Compound Allegations

Some paragraphs contain multiple allegations. For example:

"Defendant signed the contract on March 1, 2024, and immediately breached it by failing to make payment."

Your options:

1. Admit the parts that are true, deny the parts that are false
2. Deny the entire paragraph if any part is disputed

Recommended format:

"Paragraph 5: Defendant admits signing a contract on March 1, 2024, but denies the remaining allegations in Paragraph 5."

Or:

"Paragraph 5: Defendant admits the allegations in the first sentence of Paragraph 5 but denies the remaining allegations in Paragraph 5."

Responding to "Causes of Action" Sections

When the complaint transitions to "Count I" or "First Cause of Action," continue responding paragraph by paragraph:

"Paragraph 15: Defendant incorporates by reference all prior paragraphs and repeats the responses made above."

Then continue with specific responses to each new allegation in that count.

What If You Don't Understand an Allegation?

If a paragraph uses legal jargon or is confusing:

- Don't admit it
- Either deny it or state you lack sufficient knowledge
- Consider: "Defendant is uncertain what allegations are being made in Paragraph X and therefore denies them."

Step 4: Number Your Responses Consistently

Match your paragraph numbers to the complaint's paragraph numbers exactly. If the complaint skips from Paragraph 10 to Paragraph 15, you should too.

Chapter 6: Understanding Affirmative Defenses

What Are Affirmative Defenses?

An affirmative defense is a legal reason why you should win even if everything the plaintiff says is true. It's your opportunity to say, "Even accepting the plaintiff's version of events, I'm still not liable because..."

Why Include Affirmative Defenses?

You may waive them if you don't assert them - If you don't include an affirmative defense in your answer, you might not be able to raise it later.

Common Affirmative Defenses

1. Failure to State a Claim

- The complaint doesn't include all necessary elements of a legal claim
- Example: A breach of contract claim that doesn't identify a valid contract

2. Statute of Limitations

- The plaintiff waited too long to sue
- Different claims have different time limits
- This is one of the strongest defenses if applicable

3. Statute of Frauds

- Certain contracts must be in writing to be enforceable
- Applies to contracts for real estate, contracts lasting over one year, etc.

4. Lack of Consideration

- A valid contract requires both parties to exchange something of value
- If you received nothing in return for a promise, there may be no contract

5. Waiver

- The plaintiff gave up their right to make this claim
- Example: They previously agreed not to pursue legal action

6. Estoppel

- The plaintiff's own actions prevent them from making this claim
- Example: They led you to believe they wouldn't enforce a contract term

7. Payment

- You already paid what was owed
- Include dates and amounts

8. Release

- The plaintiff signed a release giving up the right to sue
- Common in settlement agreements

9. Contributory/Comparative Negligence

- The plaintiff's own actions caused or contributed to their damages
- Reduces or eliminates their recovery

10. Accord and Satisfaction

- The parties reached a new agreement that supersedes the original

11. Duress

- You were forced to sign the contract under threat or pressure

12. Fraud or Misrepresentation

- The plaintiff lied or misled you in forming the contract

13. Mistake

- Both parties were mistaken about a fundamental fact

14. Illegality

- The contract involves illegal activity and is therefore void

15. Lack of Capacity

- You lacked the legal ability to enter the contract (minor, mentally incompetent, etc.)

16. Unconscionability

- The contract terms are so unfair as to be unenforceable

17. Failure to Mitigate Damages

- The plaintiff failed to minimize their losses
- Example: A landlord didn't try to re-rent an apartment after you moved out

18. Set-Off or Counterclaim

- You have claims against the plaintiff that offset what they claim you owe

How to Assert Affirmative Defenses

Standard format:

"AFFIRMATIVE DEFENSES

Without waiving any defenses, Defendant asserts the following affirmative defenses:

1. **Failure to State a Claim:** The Complaint fails to state a claim upon which relief can be granted.
2. **Statute of Limitations:** The Plaintiff's claims are barred by the applicable statute of limitations.
3. **Contributory Negligence:** Plaintiff's own negligence contributed to or caused the alleged damages.

Defendant reserves the right to amend this Answer to assert additional affirmative defenses as they become known through discovery.

PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully requests that this Court:

1. Dismiss the Complaint with prejudice;
2. Award Defendant costs incurred in defending this action; and
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: [DATE]

[Your Signature] [Your Name] [Your Address] [Your City, State, ZIP] [Your Phone Number]
[Your Email Address] Pro Se Defendant

CERTIFICATE OF SERVICE

I hereby certify that on [DATE], I served a true and correct copy of the foregoing Answer to Complaint upon [Plaintiff's Attorney Name/Plaintiff Name] at [address] by [first-class mail/certified mail/hand delivery/email].

Dated: [DATE]

[Your Signature] [Your Name]

Chapter 15: Resources and Next Steps

Online Resources

Court Websites

Most courts maintain websites with:

- Local rules and procedures
- Forms and templates
- Filing instructions
- Contact information
- Fee schedules

State Bar Associations

Find attorney referral services, legal aid information, and pro bono programs at your state bar website.

Legal Information Websites

- Nolo.com - Legal guides and forms
- Justia.com - Free legal information and case law
- Legal aid websites for your state

Books and Publications

Represent Yourself in Court by Paul Bergman and Sara Berman

- Comprehensive guide to self-representation
- Covers trial preparation and courtroom procedure

Your state's civil procedure handbook

- Available at law libraries
- Often available online through state bar

Pro se litigation guides

- Many courts publish guides specifically for self-represented litigants
- Check your local court's website

Where to Get Help

Law Libraries

- Most courthouses have law libraries

- Librarians can help you find resources
- Cannot provide legal advice but can show you where to look

****Legal Aid Organizations****

Search "[Your State] legal aid" to find:

- Free legal services
- Eligibility requirements
- Application procedures

****Court Self-Help Centers****

Many courts have self-help centers staffed with:

- Court facilitators
- Paralegals
- Forms assistance

****Bar Association Referral Services****

- Low-cost consultations
- Help finding attorneys
- Reduced fee programs

Next Steps After Filing Your Answer

****1. Calendar All Deadlines****

- Discovery deadlines
- Motion deadlines
- Trial date (when scheduled)
- Status conference dates

****2. Organize Your Documents****

Create a file system for:

- All court documents
- Evidence and exhibits
- Correspondence
- Notes and timelines

****3. Prepare for Discovery****

Start gathering:

- Documents relevant to the case
- Photos or physical evidence
- Names and contact info for witnesses
- Timeline of events

****4. Consider Settlement****

- Evaluate the strengths and weaknesses of your case
- Determine what outcome you'd accept
- Be open to negotiation

****5. Continue Learning****

- Read about courtroom procedure
- Observe court proceedings
- Research similar cases
- Stay informed about your rights

Final Thoughts

Filing an answer to a civil complaint is a significant accomplishment. By responding on time and properly, you've:

- Protected yourself from default judgment
- Preserved your right to defend yourself
- Taken the first step in the legal process

****Remember:****

- This is a marathon, not a sprint
- Stay organized and meet all deadlines
- Be honest and professional in all dealings
- Don't hesitate to seek help when needed
- Consider settlement throughout the process

****You can do this.**** Thousands of pro se litigants successfully defend themselves each year. With preparation, organization, and persistence, you can protect your rights and present your case effectively.

About This Guide

This guide was created to provide accessible, practical information for individuals facing civil lawsuits. While we've made every effort to ensure accuracy, laws change and vary by jurisdiction.

****Always:****

- Verify information with your local court
- Check current statutes and rules
- Consider consulting with an attorney
- Adapt templates to your specific situation

****This guide is not:****

- Legal advice for your specific case
- A guarantee of any particular outcome
- A substitute for professional legal counsel
- Comprehensive of all possible situations

Feedback and Updates

Legal procedures evolve over time. If you notice any information that seems outdated or incorrect, or if you have suggestions for improving this guide, please contact us.

****We're here to help you navigate the legal system with confidence and clarity.****

****END OF GUIDE****

Appendix A: Quick Reference Checklist

Before Filing Your Answer

- [] Read the complaint thoroughly (multiple times)
- [] Calculate your exact deadline
- [] Set personal deadlines 5-7 days before the court deadline
- [] Research your state's answer requirements
- [] Gather any documents mentioned in the complaint

- [] Make notes about which allegations are true/false

Drafting Your Answer

- [] Copy the caption exactly from the complaint
- [] Title it "Answer to Complaint"
- [] Respond to every numbered paragraph
- [] Include affirmative defenses
- [] Add prayer for relief
- [] Sign and date the answer
- [] Include certificate of service

Filing Your Answer

- [] Make 3-4 copies (original + copies)
- [] Check filing fee amount
- [] Apply for fee waiver if needed
- [] Choose filing method (e-file, mail, or in-person)
- [] File before deadline
- [] Get file-stamped copies
- [] Keep receipts and proof of filing

Serving the Plaintiff

- [] Identify plaintiff's attorney (or plaintiff if pro se)
- [] Get correct mailing address
- [] Send copy by certified mail with return receipt
- [] Complete certificate of service
- [] Keep proof of mailing
- [] File certificate of service with court (if required)

After Filing

- [] Store all documents safely
- [] Calendar all future deadlines
- [] Watch for discovery requests
- [] Organize your evidence
- [] Consider settlement options
- [] Continue researching your case

Appendix B: Common Forms

Fee Waiver Application Template

[COURT NAME] [COUNTY]

[YOUR NAME],)) Case No.: [CASE NUMBER] Defendant.) _____)

APPLICATION TO PROCEED IN FORMA PAUPERIS (Request for Fee Waiver)

I, [Your Name], declare under penalty of perjury that I am unable to pay the filing fees in this case due to my current financial situation.

FINANCIAL INFORMATION:

1. Monthly Income: Employment: \$_____ Public assistance: \$_____ Other: \$_____ Total Monthly Income: \$_____
2. Monthly Expenses: Rent/Mortgage: \$_____ Utilities: \$_____ Food: \$_____ Transportation: \$_____ Medical: \$_____ Other necessary expenses: \$_____ Total Monthly Expenses: \$_____
3. Assets: Bank accounts: \$_____ Property: \$_____ Vehicles: \$_____ Other assets: \$_____
4. Dependents: [Number of people you support]
5. Additional Information: [Explain any special circumstances]

I declare under penalty of perjury that the foregoing is true and correct.

Dated: [DATE]

[Your Signature] [Your Name]

Motion for Extension of Time Template

[COURT NAME] [COUNTY]

[PLAINTIFF NAME],)) Plaintiff,) Case No.: [CASE NUMBER]) v.)) [YOUR NAME],))
Defendant.) _____)

MOTION FOR EXTENSION OF TIME TO FILE ANSWER

Defendant, [Your Name], respectfully moves this Court for an extension of time to file an Answer to the Complaint.

In support of this motion, Defendant states:

1. Plaintiff filed a Complaint on [date].
2. Defendant was served with the Complaint on [date].
3. Under [state rule], Defendant's Answer is due on [date].
4. Defendant requires additional time to prepare a proper Answer because [state reason: complexity of issues, difficulty obtaining documents, need to consult with attorney, etc.].
5. This is Defendant's first request for an extension.
6. [If applicable: Defendant has contacted Plaintiff's counsel, who does not oppose this motion.]

WHEREFORE, Defendant respectfully requests that this Court grant an extension of [15/30] days to file an Answer to the Complaint, making the new deadline [new date].

Respectfully submitted,

Dated: [DATE]

[Your Signature] [Your Name] [Your Address] [Your Phone] [Your Email] Pro Se Defendant

CERTIFICATE OF SERVICE

I hereby certify that on [DATE], I served a copy of the foregoing Motion on [Plaintiff's Attorney] at [address] by [method].

[Your Signature]

Appendix C: State-Specific Notes

California-Specific Information

- Answer deadline: 30 days from service
- Add 5 days if served by mail within California
- Add 10 days if served by mail outside California but within US
- Add 20 days if served by mail outside US
- File with Superior Court
- Filing fee: Approximately \$225-\$435
- Fee waiver: Form FW-001
- Must include "proof of service" within specific timeframe

New York-Specific Information

- Answer deadline: 20 days for personal service, 30 days for other service
- Supreme Court handles most civil cases
- Filing fee: Varies by county (\$210-\$350)
- Fee waiver: "Poor Person's Application"
- Strict rules about responsive pleading format
- Must serve complaint on Attorney General if suing government entity

Texas-Specific Information

- Answer deadline: 10:00 AM on Monday following 20 days after service
- District Court handles most civil cases
- Filing fee: Approximately \$200-\$300
- Fee waiver: Statement of Inability to Afford Payment
- "General denial" permitted in some circumstances
- Electronic filing required in many counties

Florida-Specific Information

- Answer deadline: 20 days from service
- Circuit Court handles cases over \$30,000
- County Court handles cases under \$30,000
- Filing fee: Approximately \$295-\$400
- Fee waiver: Application for Determination of Civil Indigent Status
- Must verify answer in certain cases

Note: These are general guidelines. Always verify current requirements with your local court.

Appendix D: Additional Resources by Topic

Understanding Contracts

- Restatement (Second) of Contracts (legal library)
- State-specific contract law resources
- Small Business Administration resources on contracts

Debt Collection Defense

- Fair Debt Collection Practices Act (FDCPA)
- Consumer Financial Protection Bureau (cfpb.gov)
- National Consumer Law Center resources

Personal Injury Defense

- State comparative/contributory negligence rules
- Insurance policy review
- Medical records organization

Landlord-Tenant Disputes

- State landlord-tenant laws
- Local housing authority resources
- Tenant rights organizations

Small Claims Court

- Small claims procedures differ from regular civil court
- Many states have \$10,000-\$15,000 limits
- Simpler procedures, often no attorneys allowed
- Check your state's small claims court website

Document Version: 1.0

Last Updated: September 2025

Total Pages: 15

Legal Answer Generator Platform

www.legalanswergenerator.com

support@legalanswergenerator.com

*This guide is provided for informational purposes only and does not constitute legal advice. Consult with a licensed attorney in your jurisdiction for advice about your specific legal matter.*erts the following affirmative defenses:

1. ****Failure to State a Claim****: The Complaint fails to state a claim upon which relief can be granted.

2. ****Statute of Limitations****: The Plaintiff's claims are barred by the applicable statute of limitations.

3. ****[Additional defenses]****: [Explanation]

Defendant reserves the right to amend this Answer to assert additional affirmative defenses as they become known through discovery."

Should You Include All Possible Defenses?

****Two schools of thought:****

****Approach 1: Include everything potentially applicable****

- Protects you from waiver
- Courts expect this approach
- You can abandon weak defenses later

****Approach 2: Include only strong defenses****

- Appears more credible
- Avoids clutter
- Risk: May waive defenses you need later

****Recommendation:**** Include all defenses that have any reasonable basis. You can narrow them later.

The "Failure to State a Claim" Defense

Almost always include this defense. It simply says the complaint doesn't include all legally required elements of a valid claim. It's a standard defense that preserves your right to challenge the legal sufficiency of the complaint.

Chapter 7: Filing Your Answer with the Court

Before You File: Final Checklist

Review your answer for:

- [] Correct caption matching the complaint
- [] Response to every numbered paragraph
- [] Affirmative defenses
- [] Prayer for relief
- [] Your signature
- [] Date
- [] Certificate of service

How to File: Options

****Option 1: E-Filing (Electronic Filing)****

Many courts now require or allow electronic filing:

- Register for an account on the court's e-filing system
- Upload your answer as a PDF
- Pay filing fees online
- Receive electronic confirmation

****Option 2: Mail Filing****

- Send your answer by certified mail, return receipt requested
- Include a copy for your records
- Include filing fees (check or money order)
- Mail to the court clerk's office

****Option 3: In-Person Filing****

- Bring original and 2-3 copies
- Go to the court clerk's office during business hours
- Pay filing fees
- Get file-stamped copies for your records

Filing Fees

Most courts charge filing fees for answers:

- Typical range: \$50-\$300
- Varies by court and case type
- Some courts waive fees for indigent parties

Requesting a Fee Waiver

If you cannot afford filing fees:

1. Complete a fee waiver application (often called "Application to Proceed In Forma Pauperis")
2. Provide financial information (income, expenses, assets)
3. File the fee waiver application with your answer
4. The court will grant or deny the waiver

Number of Copies Required

Generally, you need:

- Original for the court
- Copy for the plaintiff or their attorney
- Copy for yourself (file-stamped)

Some courts require additional copies. Check local rules.

Getting File-Stamped Copies

The court clerk will stamp your copies with:

- Date and time filed
- Case number
- Clerk's signature or initials

These stamped copies prove you filed on time.

Confirming Your Filing

After filing:

- Keep all receipts and confirmation emails
- Note the file stamp date
- Store copies in a safe place
- Consider photographing the file-stamped answer

Chapter 8: Serving the Plaintiff

What Is Service?

After filing your answer with the court, you must provide a copy to the plaintiff or their attorney. This is called "service" and it's legally required.

Who Must Be Served?

Serve the plaintiff's attorney if they have one. If the plaintiff is self-represented (pro se), serve the plaintiff directly.

Find service information on:

- The complaint (attorney information on signature page)
- The summons
- Any previous court documents

Methods of Service

1. Mail Service (Most Common)

- Send by first-class mail
- Use certified mail with return receipt for proof
- Mail to attorney's address on the complaint

2. Personal Service

- Hand-deliver to the attorney's office
- Have someone else deliver it (not you)
- Get a signed receipt

3. Electronic Service

- If the attorney has consented to email service
- Check local rules for requirements
- Save confirmation of delivery

Timing of Service

Serve your answer:

- On the same day you file it, or
- Within a few days of filing
- Before your answer deadline expires

Certificate of Service

Your answer must include a certificate of service stating:

- Date of service
- Method of service (mail, hand delivery, email)
- Name and address of person served

Standard format:

"CERTIFICATE OF SERVICE

I hereby certify that on [date], I served a true and correct copy of the foregoing Answer to Complaint upon [Plaintiff's Attorney Name] at [address] by [method of service].

Dated: [date]

[Your Signature]
[Your Name]"

Proof of Service

Keep evidence that you served the plaintiff:

- Certified mail receipt (green card)
- Receipt from hand delivery
- Email delivery confirmation
- Your own certificate of service

You may need to file proof of service with the court, depending on local rules.

Chapter 9: What Happens After You File

Immediate Effects

****No Default Judgment****

You've protected yourself from automatic loss.

****The Case Proceeds****

The litigation process continues with both parties participating.

****Deadlines Continue****

New deadlines will arise for discovery, motions, and trial.

The Discovery Phase

Discovery is the process where both sides exchange information:

****1. Interrogatories****

- Written questions you must answer under oath
- Typically 15-25 questions
- You have 30 days to respond

****2. Requests for Production****

- Requests for documents and records
- You must provide relevant documents
- 30 days to respond

****3. Requests for Admission****

- Statements you must admit or deny
- Deemed admitted if you don't respond
- 30 days to respond

****4. Depositions****

- Oral testimony under oath
- Recorded by a court reporter
- You may be required to appear

Motions

Either party can file motions asking the court to take action:

****Motion to Dismiss****

- You might file this if the complaint is legally insufficient
- Argues the case should be dismissed without trial

****Motion for Summary Judgment****

- Either party can file this
- Argues there are no disputed facts and they should win as a matter of law
- Typically filed after discovery

****Motion to Compel****

- Filed if one party isn't cooperating with discovery

Settlement Negotiations

Most cases settle before trial:

- Either party can propose settlement
- Consider mediation
- Settlement saves time, money, and uncertainty
- Get any settlement in writing

Case Management

The court will:

- Set deadlines for discovery
- Schedule hearings
- Eventually set a trial date
- Issue orders managing the case

Possible Outcomes

****1. Settlement****

- Most common outcome (95% of cases)
- Parties agree to resolve the case
- No trial needed

****2. Dismissal****

- Case is dismissed by court or plaintiff
- Various reasons (legal insufficiency, lack of prosecution, settlement)

****3. Summary Judgment****

- Court decides the case without trial
- Based on undisputed facts

****4. Trial****

- Less than 5% of cases go to trial
- You present evidence and arguments
- Judge or jury decides

Chapter 10: Common Mistakes to Avoid

1. Missing the Deadline

****The Problem:**** This results in default judgment against you.

****The Solution:**** Mark your calendar, set multiple reminders, file early.

2. Admitting Too Much

****The Problem:**** Admitting allegations you should contest weakens your defense.

****The Solution:**** Only admit facts you're certain are completely true.

3. Not Responding to Every Paragraph

****The Problem:**** Unanswered paragraphs may be deemed admitted.

****The Solution:**** Go through the complaint line by line and respond to each numbered paragraph.

4. Forgetting Affirmative Defenses

****The Problem:**** You may waive important defenses.

****The Solution:**** Include all potentially applicable affirmative defenses.

5. Failing to Serve the Plaintiff

****The Problem:**** Your answer may be invalid if not properly served.

****The Solution:**** Serve the plaintiff the same day you file, and keep proof.

6. Using Emotional Language

****The Problem:**** Anger and accusations undermine your credibility.

****The Solution:**** Stay factual, professional, and unemotional.

7. Including Irrelevant Information

****The Problem:**** Rambling makes your answer less effective.

****The Solution:**** Answer only what's asked. Save your full story for later.

8. Not Keeping Copies

****The Problem:**** You need records for the ongoing case.

****The Solution:**** Keep file-stamped copies of everything you file.

9. Ignoring Local Rules

****The Problem:**** Courts have specific formatting and filing requirements.

****The Solution:**** Check your local court's rules online or call the clerk.

10. Giving Up

****The Problem:**** The process is intimidating and you stop participating.

****The Solution:**** Take it one step at a time. You've already filed your answer—that's the hardest part.

Chapter 11: When to Hire an Attorney

You Should Strongly Consider Hiring an Attorney If:

****High Stakes****

- The amount in dispute is substantial relative to your finances
- You could lose important assets (home, business, etc.)
- The outcome will significantly impact your life

****Complex Legal Issues****

- The case involves complicated areas of law
- Multiple parties are involved
- The plaintiff has sophisticated legal arguments

****Opponent Has an Attorney****

- The playing field isn't level when one side has professional representation
- Attorneys know procedure, rules, and strategy

****You're Overwhelmed****

- You don't understand the legal concepts
- You can't keep up with deadlines and paperwork
- Your stress level is affecting your health or work

****Business or Professional License at Risk****

- The case could affect your professional reputation
- Licensing boards may be involved
- Future business relationships depend on the outcome

Types of Legal Assistance

****Full Representation****

- Attorney handles everything
- Most expensive option
- Best for complex cases

****Limited Scope Representation****

- Attorney helps with specific tasks
- You handle the rest
- More affordable
- Also called "unbundled services"

****Legal Consultation****

- One-time meeting for advice
- Attorney reviews your answer
- You still represent yourself
- Relatively inexpensive

****Legal Coaching****

- Ongoing guidance from an attorney
- You do the work, they advise
- Middle ground between full representation and pro se

Finding Affordable Legal Help

****Legal Aid Organizations****

- Free legal services for low-income individuals
- Eligibility based on income
- Often waitlists, apply early

****Law School Clinics****

- Supervised law students provide free services
- Available at most law schools
- Good for straightforward cases

****Pro Bono Programs****

- Volunteer attorneys provide free services
- Contact your state bar association
- Limited availability

****Bar Association Referral Services****

- Modest fee for initial consultation
- Reduced rates for qualifying individuals

- Find attorneys in your area

****Payment Plans****

- Some attorneys offer payment arrangements
- Be upfront about your budget
- Get the payment agreement in writing

Chapter 12: State-by-State Deadline Reference

How to Use This Reference

This section provides general answer deadlines by state. However:

- These are general guidelines only
- Your specific case may have different deadlines
- Always verify with your summons or court clerk
- When in doubt, file early

State Deadlines

****Alabama:**** 30 days after service
****Alaska:**** 20 days after service
****Arizona:**** 20 days after service
****Arkansas:**** 30 days after service
****California:**** 30 days after service
****Colorado:**** 21 days after service (35 days if served outside Colorado)
****Connecticut:**** Varies by court type; check summons
****Delaware:**** 20 days after service
****Florida:**** 20 days after service
****Georgia:**** 30 days after service
****Hawaii:**** By date specified on summons
****Idaho:**** 21 days after service
****Illinois:**** 30 days after service
****Indiana:**** 20 days after service
****Iowa:**** 20 days after service
****Kansas:**** 21 days after service
****Kentucky:**** 20 days after service
****Louisiana:**** 15 days after service (30 days if discovery included)
****Maine:**** 20 days after service
****Maryland:**** 30 days after service (60 days if served outside Maryland)
****Massachusetts:**** 20 days after service
****Michigan:**** By date specified on summons
****Minnesota:**** 21 days after service
****Mississippi:**** 30 days after service
****Missouri:**** By date specified on summons
****Montana:**** 21 days after service
****Nebraska:**** By time specified in summons
****Nevada:**** 21 days after service
****New Hampshire:**** 30 days after service
****New Jersey:**** 35 days after service
****New Mexico:**** 30 days after service
****New York:**** 20 days for personal service, 30 days for other methods
****North Carolina:**** 30 days after service
****North Dakota:**** 20 days after service
****Ohio:**** 28 days after service
****Oklahoma:**** 20 days after service

****Oregon:**** 30 days after service
****Pennsylvania:**** 20 days after service
****Rhode Island:**** 20 days after service
****South Carolina:**** 30 days after service
****South Dakota:**** By deadline specified in summons
****Tennessee:**** 30 days after service
****Texas:**** By 10:00 AM on the Monday following 20 days after service
****Utah:**** 21 days after service (30 days if served outside Utah)
****Vermont:**** 21 days after service
****Virginia:**** 21 days after service
****Washington:**** 20 days after service
****West Virginia:**** 20 days after service
****Wisconsin:**** 45 days after service
****Wyoming:**** 30 days after service

****Important Notes:****

- Government defendants often have longer deadlines
- Service by publication typically allows more time
- Some states add extra days for mail service
- Check your specific court's local rules

Chapter 13: Glossary of Legal Terms

****Admission:**** Agreeing that an allegation in the complaint is true.

****Affirmative Defense:**** A legal reason why you should win even if the plaintiff's allegations are true.

****Allegation:**** A claim or statement in the complaint that something is true but hasn't been proven.

****Answer:**** Your formal written response to a complaint.

****Caption:**** The heading of a legal document showing the court, parties, and case number.

****Cause of Action:**** A legal theory under which the plaintiff is suing (e.g., breach of contract, negligence).

****Certificate of Service:**** A statement that you provided a copy of your document to the other party.

****Civil Complaint:**** The document that starts a lawsuit, stating the plaintiff's claims.

****Counterclaim:**** A claim you make against the plaintiff in your answer.

****Cross-Claim:**** A claim against another defendant in the same case.

****Damages:**** Money claimed as compensation for harm or loss.

****Default Judgment:**** The court ruling against you automatically because you didn't respond on time.

****Defendant:**** The person being sued (that's you).

****Denial:**** Stating that an allegation is not true.

****Discovery:**** The process of exchanging information and evidence before trial.

****File:**** To submit documents to the court clerk.

****Interrogatories:**** Written questions that must be answered under oath.

****Jurisdiction:**** The court's power to hear your case.

****Motion:**** A request asking the court to make a decision or take action.

****Party:**** A participant in the lawsuit (plaintiff or defendant).

****Plaintiff:**** The person or entity who filed the lawsuit.

****Pleading:**** A formal court document like a complaint or answer.

****Prayer for Relief:**** The section stating what you want the court to do.

****Pro Se:**** Representing yourself without an attorney (Latin for "for oneself").

****Serve/Service:**** Officially delivering legal documents to a party.

****Statute of Limitations:**** The deadline for filing a lawsuit.

****Summons:**** The official notice that you're being sued.

****Venue:**** The specific court location where the case is filed.

****Verification:**** A sworn statement that the contents of a document are true.

Chapter 14: Sample Answer Template

[COURT NAME] [COUNTY]

[PLAINTIFF NAME],)) Plaintiff,) Case No.: [CASE NUMBER]) v.)) [YOUR NAME],))
Defendant.) _____)

ANSWER TO COMPLAINT

Defendant, [Your Name], appearing pro se, answers the Complaint as follows:

1. Defendant admits the allegations contained in Paragraph 1 of the Complaint.
2. Defendant denies the allegations contained in Paragraph 2 of the Complaint.
3. Defendant lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 3 and therefore denies them.

Assembled by DocWriteReview.com

[Continue for each numbered paragraph]

AFFIRMATIVE DEFENSES

Without waiving any defenses, Defendant ass