

Lawsuit Anatomy

Article by: Frederick Graves

Anatomy of a Lawsuit

Learning the anatomy of civil lawsuits is as easy as spelling "CAT".

Complaint - Answer - Trial

It's as simple as that!

Master this simple truth and you will soon be operating successfully in court.

Plaintiffs file complaints.

Defendants file answers.

Judges examine the facts and law at trial to decide who wins.

It's not difficult if you keep these three steps in mind.

Every lawsuit has this same fundamental anatomy.

Complaint. Answer. Trial.

If you can spell "CAT", you can master the basics.

C = Complaint ... Where the case begins, when the plaintiff complains.

A = Answer ... Where the defendant responds to the plaintiff's complaint.

T = Trial ... Where the judge (or jury) decides the final verdict.

After the plaintiff files his complaint, the defendant may file a flurry of motions that seek to have the complaint stricken or dismissed so he need not answer.

If the flurry of motions fails, the defendant must answer the complaint.

Once the defendant is compelled to answer the complaint (and sometimes before) both parties are permitted to engage in discovery of evidence procedures, i.e., to demand production of documents and things, to require the other side to admit facts and law under oath, to ask relevant questions of anyone, to put evidence on the public record, and to attempt to settle the case and avoid the expense, delay, and uncertainty of going to trial.

If the parties cannot settle their dispute during the discovery phase, the court must examine the evidence, hear testimony, consider arguments of law, and render its final judgment.

It's just that simple.

By knowing this, you can write a powerful complaint or avoid filing an answer by moving the court to dismiss or strike the complaint or require a confusing or poorly worded complaint to be re-written. You can get the evidence you need with effective discovery tools, getting facts into evidence, demanding your rights, and forcing the court to do what's right ... according to law.

The anatomy of a lawsuit is no more complicated than this. CAT. By knowing the basics you strengthen your case.

Resolve conflicts peaceably, according to the rules that control both judges and lawyers in our courts. About The Author

Attorney Frederick Graves created Jurisdictionary (www.jurisdictionary.com) in 1997 to provide self-help for those who either cannot afford a lawyer or aren't sure they can trust the lawyer they have. Learn more at <http://www.jurisdictionary.com>

lawbook@jurisdictionary.com