

WHEN YOU GET SUED

By Attorney Michael H. Wald

Knowing what goes on in the suit process can help you immensely when it happens to you. Without warning, you may be faced with this situation, and you will have to respond within the guidelines of the law or face serious consequences.

The Announcement

You will know if you are being sued if a sheriff, marshal or "constable" approaches you and hands you a set of papers which say "Citation" or "Summons" on the top.

On the other hand, if the word "Subpoena" appears on the papers, this is an order for you to appear in court, not a notice of your being sued.

Your Responsibilities

Once handed the citation or summons papers, you must file a written answer to the charges with the court which issued the citation or summons. In federal court you have 20 days to do this. In Texas state courts the answer is due by 10:00 a.m. the first Monday after 20 days after you've received the papers.

In other words, say you've been handed citation papers from a Texas state court on March 4. Go to March 5, the day after, and count 20 days. This is March 24. By the next Monday, your written answer must be received at the proper court. If the 24th is a Monday, your answer is due the "next Monday." Don't hold off on getting your answer in -- 20 days is not a long time, and if you miss the deadline, you will automatically lose. It is difficult to open the case up again.

The Written Answer

In most cases, you will file what is called a "General Denial" which can be taken literally -- you deny all the charges brought against you by the person who is doing the suing -- the "plaintiff."

In other cases, the answer must contain specific language to work for you.

It is always a good idea to bring an attorney in when you receive a summons. He will explain the situation to you, translating any legalese that you may not understand in the papers, and he will be sure to make the 20-day deadline, if you take the case to him quickly enough.

After Filing

When you or your attorney files the written answer, you are through with action for a while. The court will wait for further action by the plaintiff's side before going to trial. The trial date may be held up if either side files additional documents which will require additional responses. It is advisable to have a lawyer handle these responses.

Accident-Related Suit

If you are being sued as the result of an injury or death caused by accident with or in your car, house or property, call your insurance company first. In these cases, it is very likely that it will offer to provide an attorney for you -- at its cost.

Being sued is traumatic for many people. If you hire a good attorney, you can sit back and let him take away the worry, or at least some of it.