

Connecticut Judicial Branch Self-Represented Parties Information Series

Initial Steps as a Defendant

Slide 1

Welcome to the Connecticut Judicial Branch Law Libraries Self-Represented Parties Information Series.

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Slide 2

Connecticut Civil Lawsuit: First Steps as a Defendant.

In this overview, we will show the most common responses for a person who is being sued in a civil case. Getting in touch with a lawyer to help you in the case is a good idea. But, if you decide to act as your own lawyer, the following is information to think about as you begin this process.

Slide 3

Some Words to Know.

Throughout this overview, the word Defendant is the person who is being sued. The word Plaintiff is the person who is doing the suing. Party is a word for anyone who is involved in a lawsuit as either a defendant or plaintiff. A lawsuit is when a person or a business files a legal claim against another person or business. A lawsuit may also be called a case, action or proceeding. A cause of action is the events or facts that gives a person, business, or governmental entity a legal reason to sue. An allegation is a statement or fact claimed to be true or provable.

Slide 4

Connecticut Practice Book.

As a self-represented party, you must follow the Court's rules of procedure even if you don't know them. The Court rules are in the Connecticut Practice Book. There are copies in all Judicial Branch Law Libraries and on the Judicial Branch website.

It is also important to think about how you will respond. This overview will not suggest any specific plan. You need to think about your plan from the very beginning of this case. In all of the things that you might do, there is a special order and time limit in which you have to do them.

Slide 5

Connecticut Judicial Branch Law Libraries, Court Service Centers, and website.

Not all responses are shown and you will want to look at the Connecticut Practice Book for more information. Other information about lawsuits can be found at the Judicial Branch Law Libraries, the Court Service Centers, and on the Judicial Branch website.

Slide 6

Appearance.

After being given a summons and complaint in a civil case, the defendant can let the court know that he or she got the complaint by filing an official form called an Appearance with the Clerk of the Court where the case is. You can get the Appearance form (JD-CL-12) at any Superior Court Clerk's Office or Court Service Center, or on the Connecticut Judicial Branch website.

A summons is the demand that you come to Court. The Complaint is the document that tells you why you are being sued. An Appearance is the document that notifies the Court that you are involved in the lawsuit. The Return Date is the date that begins the countdown for things taking place in the case.

Connecticut Practice Book sections 3-1 to 3-6, 3-8, 10-13 and 25A-2 talk about the Appearance.

Slide 7

From the Judicial home page, click on the Public tab
Click on the quick link for Forms.
Click on the link for General forms.
Click on the link for form JD-CL-12.
Read the instructions and fill in all the required lines on the form.

Slide 8

Appearance Form.

The Appearance must be signed by the defendant, if the defendant does not have a lawyer and is representing himself or herself; in other words, if the defendant is appearing as a *self-represented party*. An Appearance for a party must be filed on or before the second day after the return date except in certain circumstances.

Slide 9

Appearance Form.

A return date is the date that starts the countdown for things taking place in the case, including the deadlines for filing certain papers.

All Court notices will be mailed to you after you have filed your Appearance. It is important to note that once a defendant files an Appearance, the defendant agrees to follow the rules of the Court.

Connecticut Practice Book sections 3-1 to 3-6, 3-8, 10-13 and 25A-2 talk about the Appearance.

Slide 10

Responding to a Lawsuit.

Once an Appearance is filed, the defendant must decide whether or not to file a response to the Plaintiff's lawsuit. This is called a responsive pleading.

Slide 11

Responsive Pleadings: Motions, Requests, and Answer Options.

In most civil cases the defendant has up to 30 days after the return date to file an answer. The pleadings, or papers, allowed in response to a lawsuit must be filed in a particular order. The pleadings and the order are as follows:

Motion to Dismiss the complaint;
Request to Revise the complaint;
Motion to Strike the complaint;
Defendant's Answer

The Court rules say that the filing of any pleading, or paper, on the list gives up (or waives) the right to file any other pleading which comes before it on the list. The following is a description of each of these pleadings (or papers) and the order in which these pleadings must be filed:

Connecticut Practice Book sections 10-6 and 10-7 talk about the pleadings and their order.

Slide 12

Motion to Dismiss the Complaint.

A Motion asks the Court to make a decision on something. Dismiss means to end the lawsuit.

Slide 13

Grounds for a Motion to Dismiss the Complaint.

The bases for a Motion to Dismiss the Complaint include: the Court does not have the power to hear the type of case; the Court does not have power over the defendant; the case was filed in the wrong Court; the papers were not filed correctly; or the papers were not delivered correctly by a marshal or other person.

Connecticut Practice Book sections 10-31 to 10-34 talk about the Motion to Dismiss the Complaint. It is important to read the Connecticut Practice Book sections on the Motion to Dismiss the Complaint because there is an exception to the standard Order of Pleadings found in Connecticut Practice Book section 10-6.

Slide 14

Sample of Motion to Dismiss.

This motion must include a written paper (called a Memorandum of Law) telling the Court the legal reason why the case should be dismissed and any appropriate affidavits.

Slide 15

Request to Revise.

Revise means asking for a rewrite of the Complaint. An Allegation is what is being claimed in the lawsuit. A Cause of Action is the event or facts that give a reason to sue.

Slide 16

Reasons for a Request to Revise.

A Request to Revise is a request to the Plaintiff to make the claims, or allegations, in the lawsuit more complete, take out unnecessary claims or allegations, split up the case into separate cases, or causes of actions, or to make any other proper changes to the lawsuit so the Defendant can respond to the claims, or allegations.

Slide 17

Sample of Request to Revise.

Connecticut Practice Book sections 10-35 and 10-36 talk about the Request to Revise.

Slide 18

Motion to Strike.

A Motion asks the Court to make a decision on something. Strike means to remove words from the Complaint.

Slide 19

Purpose of a Motion to Strike.

A Motion to Strike is used to question whether or not one or more of the Plaintiff's claims is legally allowed, especially if a claim does not give the Court a reason to do anything.

Connecticut Practice Book section 10-39 talks about this motion.

Slide 20

Sample of Motion to Strike.

The filing of this motion must include a written paper telling the court the legal basis for the motion, called a Memorandum of Law.

Slide 21

Answer.

An Answer responds to the specific claims or allegations in the lawsuit.

Slide 22

Answer Purpose and Options.

An Answer specifically answers each of the Plaintiff's claims. The answers must be specific and direct. The defendant must answer each claim in the lawsuit with one of the following: admit the claims are true (admission), say the claims are not true (denial), or

say that the defendant does not have enough information to either admit that the claims are true or say that the claims are not true.

Connecticut Practice Book sections 10-46 to 10-55 talk about the Answer.

Slide 23

Sample of Answer.

When you admit to a claim, the Court treats the claim as true and it can not be denied or questioned later on at trial. Be sure that you know what you are admitting when you answer by saying the claim is true.

Slide 24

Special Defenses.

A Special Defense is a legal reason why you should not be sued.

Slide 25

Purpose of Special Defenses.

When writing your Answer you may want to include a Special Defense if there is a reason to do so. A Special Defense is a legal reason why you, the defendant, should not be responsible for the claim, or allegation. A list of the Special Defenses or reasons that can be made is in the Connecticut Practice Book section 10-50.

Slide 26

Sample of Special Defense Motion.

All Special Defenses must be included in the Answer. If a Special Defense is not included in the Answer, it can not be brought up during the trial.

Slide 27

Counterclaim.

A Counterclaim is the Defendant suing the Plaintiff in the same case.

Slide 28

Purpose of Counterclaim.

A Defendant can decide to bring a case against the Plaintiff if there is a reason to do so. This is called a Counterclaim. The Counterclaim must have something to do with the events that are in the Plaintiff's lawsuit. A Counterclaim must be filed with the Answer.

When the Defendant files a Counterclaim, it is as if the Defendant is now the Plaintiff and the Plaintiff is the Defendant for the claims made in the Counterclaim. The Counterclaim Defendant, in other words the Plaintiff who first started the case, may use any or all of the responses we have talked about before filing an Answer to the Counterclaim.

Connecticut Practice Book section 10-54 talks about the Counterclaim.

Slide 29

Memorandum of Law.

A Memorandum of Law is a document that gives the legal reason for what you are asking the Court to do.

Slide 30

Content of a Memorandum of Law.

A Memorandum of Law is a written paper that must be filed with some motions or pleadings. It explains to the Court the legal reason why the Court should do what you are asking the Court to do.

A Memorandum of Law must include the facts of the case, the legal reason or argument for the motion, and include the laws, legal rules or other Court cases that explain why the motion is correct.

Connecticut Practice Book section 11-10 talks about the Memorandum of Law.

Slide 31

Order of Pleadings.

Order of Pleadings

Slide 32

Pleadings Allowed and Their Order.

The pleadings must be filed in a certain order. You should take some time to think about which pleadings you will be filing and plan out the timing of filing them. You need to think about what might happen if you do or do not file a pleading. To review: Connecticut Practice Book section 10-6 lists the order in which a Defendant must file the motions or requests. A Defendant does not have to file all of these responses but you must file them in the right order. The order is a Motion to Dismiss the Complaint, Request to Revise, Motion to Strike, and Answer. If a defendant files one of the last motions first, he or she has given up, or waives, his or her right to file any of the ones that come before it in the list.

As mentioned before in this overview, it is important to read the Connecticut Practice Book rules for the Motion to Dismiss the Complaint because there can be a situation where this Order of Pleadings rule does not apply.

Slide 33

First Example of Pleading Order.

For example – if a Defendant decides to file a Motion to Strike, the Defendant cannot later file a Request to Revise or a Motion to Dismiss the Complaint except as noted previously.

Slide 34

Second Example of Pleading Order.

In another example - if the Defendant decides to respond to the lawsuit with an Answer first, the Defendant cannot later file a Request to Revise, or a Motion to Strike, or a Motion to Dismiss the Complaint except as noted previously. Therefore, it is very important for you to think about which responses you want to use and to file them in the correct order.

Slide 35

Connecticut Practice Book.

Before starting to plan your answer to a civil complaint, you should read the Court rules in the Connecticut Practice Book. If you do not follow the Court rules you may hurt, or even lose, your case. The Connecticut Practice Book can be found on the Judicial Branch website or at any Judicial Branch Law Library.

Slide 36

To get to the Connecticut Practice Book from the Judicial Branch home page,
Click on the Public tab;
Click on the quick link for Court Rules;
Click on the link for the current year Connecticut practice Book

Slide 37

This is the end of our overview. For more information please visit a Judicial Branch Law Library, a Court Service Center, or the Judicial Branch website.