

Connecticut Judicial Branch Self-Represented Parties Information Series

Starting a Lawsuit in Connecticut

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

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Starting a civil lawsuit in Connecticut.

In this overview, we will discuss the most common ways to begin a lawsuit in a civil case in Connecticut. There are many kinds of civil lawsuits or cases; they can include family matters, housing matters, torts, personal injury, contract disputes and more. Some types of civil lawsuits, such as family or housing matters, have special forms and procedures for bringing a lawsuit. We will not address family and housing cases in this video. Rather, this video is a general look at ways to begin other types of civil cases such as torts, personal injury or contract disputes.

Deciding to bring a civil lawsuit is a serious decision. You need to make sure that you have tried every other way to resolve your problem first. Bringing a civil lawsuit will take a lot of time and will cost money. Getting in touch with a lawyer to help you make this decision and to handle your lawsuit is a good idea. But, if you decide to act as your own lawyer and handle your own lawsuit, the following is information to think about as you begin the process.

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Some words to know.

A lawsuit is when a person, a business or governmental entity files in court a legal claim against another person, business or governmental entity. A lawsuit may also be called a case, action or proceeding. Party is a word for a person, business or governmental entity who is involved in a lawsuit either as a defendant or plaintiff. The Plaintiff is the party who is doing the suing. The Defendant is the party who is being sued. A cause of action is defined as the events or series of facts that give you a legal reason to sue. An allegation is a statement or fact that you claim is true or provable. A cause of action can be made up of one or more allegations.

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The plaintiff's complaint.

The first thing you need to do to start a civil lawsuit is to write a Complaint. A complaint tells the defendant why he or she is being sued. It is one of the first pleadings, or papers, filed with the court that tells the court who and why you are suing. Connecticut General Statutes section 52-91 and Connecticut Practice Book section 10-20 talk about the Complaint.

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Finding a cause of action.

The cause of action is the events or series of facts that give you legal reason you to sue. A Complaint is made up of one or more true or provable statements or facts that give you a cause of

action. You must have some legally allowed reason to sue; being angry with someone is not a legal reason to sue. There are many different legal reasons to sue. In order to decide your reason to sue, you will need to research laws, case decisions and other legal material. Resources to help you find your cause of action are available in the Connecticut Judicial Branch Law Libraries.

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The Connecticut Practice Book

There are very specific rules to follow to move a case through the court. The rules tell you what you can and cannot do in your case and the specific time in which things must be done. As a Self-Represented Party you are expected to know and follow the court rules. Claiming to not know the court rules does not excuse you from following them; no one is excused from following the court rules. If you do not follow the court rules you can harm or lose your case.

The court rules are found in the Connecticut Practice Book. The Connecticut Practice Book is available at any Judicial Branch Law Library or on the Judicial Branch website.

The basic format for how to set up the caption, or header, in a court pleading can be found in the Appendix of the Practice Book, Form 101. You will need to use this heading on many of the pleadings you file in your case.

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Connecticut Practice Book.

From the Judicial Branch home page, click on the link for Court Rules.

Click on the link for the current year Connecticut Practice Book.

The Connecticut Practice Book is in PDF format with a linked table of contents on the left hand side.

Under Superior Court, General Provisions, click on Chapter 8, Commencement of Action.

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Writing the complaint.

You will have to write the complaint yourself, there is no pre-printed form. You will need to read and follow the statutes and court rules. Connecticut General Statutes section 52-91 and Connecticut Practice Book section 10-20 talk about what should be in the Complaint. Connecticut Practice Book sections 4-1 and 4-2 tell you how the Complaint should be written, including paper size, margins and heading. A sample of the heading can be found in Appendix Form 101. Connecticut Practice Book sections 10-1 to 10-5 talk about how the allegations should be written. The purpose of the Complaint is to state the facts that give you a cause of action or a legal reason to sue. If you do not write the Complaint correctly the Court Clerk can ask you to write it again.

When writing your Complaint, list each cause of action. Under each cause of action, list each allegation as a separate paragraph and number each paragraph starting with 1. Be sure that you are describing the event or what was said or done correctly, in order as it happened, and give as much detail as you can. Include the date, place and time when things happened. A Complaint should be an objective retelling of the events without emotions, do not call the Defendant insulting names and do not write about how hurt or angry you feel. Stick to the facts. Be sure to include all Defendants in the Complaint. Be careful not to include any personal identifying information in the complaint such as birth date, social security number or medical records. Connecticut Practice Book sections 4-7 and 11-20B talk about personal identifying information.

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Here is an example of what a Complaint might look like. You can find more information and examples of Complaints at any Connecticut Judicial Branch Law Library.

The complaint lists the legal reason why you are bringing the lawsuit. The legal reason or event is the cause of action. For the cause of action you will list the facts, or allegations, that make up the cause of action. Each allegation should be listed as a separate paragraph. The paragraphs are numbered starting with 1. So, a cause of action with five allegations will have five paragraphs, numbered 1 to 5.

A complaint can have more than one cause of action. If you have more than one cause of action, you would label the first cause of action as Count One, followed by the allegations, each as a separate paragraph and numbered starting with 1. The next cause of action would be labeled Count Two, followed by the allegations each as a separate numbered paragraph.

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Prayer for Relief.

The Prayer for Relief is the part of the Complaint where you tell the Court what you are asking for from the Defendant. The Relief can be money (including interest and fees), property, the return of property, or work to be completed if there is a contract. Connecticut Practice Book section 10-27 allows you to ask the Court to decide any other relief that it may think is fair.

The Payer for Relief is a separate page at the end of the Complaint and begins with the words "WHEREFORE, the Plaintiff prays for the following relief:" and is followed by a list of what you are asking for from the Defendant.

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Here is an example of what a Prayer for Relief might look like. You can find more information and examples of Prayers for Relief at any Connecticut Judicial Branch Law Library.

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Statement of Amount in Demand.

The Statement of Amount in Demand is included if you are asking for money damages. The Statement is where you tell the court how much money you are asking for in damages. This is the amount you are claiming the damages are worth. It does not include the interest, fees or other costs that you may ask for separately in the Prayer for Relief. The Statement is a separate page of paper attached to the Complaint and includes a case heading and is signed by the Plaintiff. Connecticut Practice Book sections 4-1 and 4-2 talk about the case heading and signature.

Connecticut General Statutes section 52-91 and Connecticut Practice Book section 10-20 talk about the Statement of Amount in Demand. According to Connecticut General Statutes section 52-91, there are three ways to write the range in which the amount in demand falls. The three ways are: 1) "is fifteen thousand dollars or more..."; 2) "is two thousand five hundred dollars or more but is less than fifteen thousand dollars..."; 3) "is less than two thousand five hundred dollars..." Use the range in which the dollar amount for which you are asking falls. For example, if you are asking for \$5,000.00 dollars write "is two thousand five hundred dollars or more but less than fifteen thousand dollars."

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Here is an example of what a Statement of Amount in Demand might look like. You can find more information and examples of Statements of Amount in Demand at any Connecticut Judicial Branch Law Library.

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Choosing a Return Date.

Choosing a Return Date is important. A Return Date is the date that begins the countdown for things taking place in the case. You, as the Plaintiff, and the Defendant are both affected by the Return Date you choose. Except in certain types of cases, the Return Date must fall on a Tuesday. It cannot be more than two months into the future. Connecticut General Statutes section 52-48 sets out the rules for Return Dates.

Information about choosing a Return Date can be found at both the Connecticut Judicial Branch Law Libraries and Court Service Centers.

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Choosing the correct court.

Connecticut General Statutes sections 51-345 and 51-346 talk about choosing the judicial district, or court, in which to file your lawsuit. You will want to read these statutes to make sure that you choose the correct judicial district. Choosing the wrong judicial district, or court, could result in your case being dismissed because of the mistake. For example, if one or both parties live in Connecticut then you can choose either of the judicial districts where the parties live. It is the Plaintiff's choice. If only one party lives in Connecticut then you can choose the judicial district where the party lives. If neither party lives in Connecticut, then choose the judicial district where the event took place. The Judicial Branch website provides a page, Where to File, to assist you in finding a court. Click on Self-Help in the left hand links on the Judicial Branch home page to expand, then click on Where To File.

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Summons.

The Summons is a pre-printed court form, JD-CV-1, that notifies the court and the defendant that you are starting a lawsuit. The Summons notifies parties that you are suing them; the Complaint tells them why. If you are suing more than one defendant, each defendant, must receive a copy of the Summons and the Complaint. The Summons must be signed by the court clerk or another commissioner of the court prior to being served on the defendant(s). Connecticut Practice Book 8-1 talks about the Summons. A Summons form can be gotten from any Clerk's Office, Court Service Center or you can find it on the Judicial Branch website.

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From the Judicial Branch homepage, click on the quick link for Forms.

Click on the link for Individual Civil Forms.

Click on form JD-CV-1.

The Summons form can be filled out and printed.

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What is Service?

Service is the legal delivery of the Summons and Complaint to the named Defendants. When you begin a lawsuit, you must serve the party you are suing with copies of both the Summons and the Complaint. Service is how the Defendant is informed that you are starting a lawsuit against him or her. Connecticut Practice Book rules 10-2 through 10-17 tell you the legal, or correct, way to serve, or deliver

papers, to the named parties. If you do not follow the rules when serving the Defendant you could harm or lose your case.

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How is service legally made?

Connecticut General Statutes sections 52-45a through 52-72 and Connecticut Practice Book sections 10-12 through 10-17 talk about the how service is legally made. In general, according to Connecticut General Statutes section 52-50, service is made by a state marshal. The marshal can either deliver the papers to the defendant by placing them in his or her hands, or the marshal can leave the papers at the defendant's home, or abode. With abode, or home, service, the papers can be left with the person who answers the door or by leaving them at or attached to the door. A state marshal will make a professional judgment about the best method that the situation requires. Connecticut General Statutes section 52-50 allows the court to authorize other methods of service if needed.

As required by Connecticut Practice Book section 10-14, after the Service is completed, the state marshal will give you proof of service. The proof of service is called "Return of Service." The Return of Service is a statement by the state marshal telling when and how service was completed for each defendant. The purpose of the Return of Service is to prove all defendants were properly served. You will file the Return of Service with the court along with the Summons and Complaint.

A listing of state marshals can be found on the Judicial Branch website. From the menu on the left side of the homepage, click on Directories. A list of different types of directories will display below, click on State Marshals. The state marshals are listed by county. Click on the county in which the Defendant lives and select a state marshal.

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File with the court.

Once you have received the Return of Service from the state marshal, file all the original documents with the Clerk's Office at the court. These papers are the original Summons, Complaint and Return of Service. Be sure to keep copies of all papers you file in the lawsuit. You will need to look at these documents again later in the lawsuit process. It is also important to keep all documents the defendant sends to you. You may file the documents either at the courthouse or you may E-file them. Information on E-Service can be found on the Judicial Branch website home page.

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Starting the lawsuit is done.

You have now started the lawsuit. There is still a lot of work ahead before your case can go to trial. You will want to read the Connecticut Practice Book rules to make sure you understand what the defendant has to do and what else you have to do. Connecticut Practice Book rules sections 10-6 through 10-79 list options that the defendant and you have to continue or end the case before going to trial. You will want to follow your case closely to make sure that you have copies of everything in the file and that you are filing pleadings and any other necessary documents on time. The court will not tell you if you forgot anything or missed a deadline, it is your responsibility to make sure you get all pleadings done and filed on time.

You may also visit a Judicial Branch Law Library where you will find more information on how to handle your own lawsuit.

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This is the end of our demonstration. For more information please visit a [Judicial Branch Law Library](#), a [Court Service Center](#), or the [Judicial Branch website](#).