

## INSTRUCTIONS FOR FILING COMPLAINTS

If you wish to file a case against someone in Civil court, *we strongly suggest that you get a lawyer*, because the law is complicated. If you do not believe you can afford a lawyer, there are still options to get legal help. There are lawyers who can assist you for just a limited part of a case (called a “limited appearance”), lawyers who offer sliding scale fees for those of limited income, and lawyers who will give you a half hour of free advice. In some cases, the lawyers will not charge you unless you win the case. In addition, Legal Services Vermont may be able to help if your income is below a certain level. We suggest you try all of these options before trying to bring a case by yourself:

Vermont Lawyer Referral Service:	<a href="http://www.vtbar.org">www.vtbar.org</a>	1-800-639-7036
Legal Services Vermont:	<a href="http://vtlawhelp.org">vtlawhelp.org</a>	1-800-889-2047
<a href="http://Vt.freelegalanswers.org">Vt.freelegalanswers.org</a>		

To start a lawsuit, you must file a **Complaint**. That form is available on the Court website. If you have a lawyer, they will take care of that for you. *If you do not have a lawyer, you are still responsible for following the Vermont Rules of Civil Procedure*, which you can find on line or in a library.

There is a fee for filing a **Complaint**, which the Court Clerk can explain to you. Before filing the **Complaint** you need to make enough extra copies to keep one for yourself and have one delivered to every person, organization, or company you are suing (the “Defendants”). Once you file the **Complaint**, the Clerk will give you a **Summons** with a Docket Number. That number must be put on everything else you file in the case so it can be properly filed.

Once you have the Summons signed by the Court Clerk, you must have copies of the **Summons, Complaint**, and a **Notice of Appearance** form delivered to every Defendant. This is called “serving” the Defendants. You must either take the copies to a sheriff or constable and pay them a fee to serve the papers, or you may first send them by regular mail with a **Waiver of Service** form and cover letter asking the Defendant if they will accept the papers by mail. If they do not mail you back the form agreeing to that, then you must have the sheriff or constable do the service. Whichever way you do it, you must then file in Court either the form from the Defendant saying they agree to mail delivery, or the form from the sheriff showing that they delivered the papers.

There are deadlines for when the papers must be served on the Defendants, and your case could get dismissed if you miss the deadlines. It is your responsibility to learn the rules about this. The rules also give the Defendants a certain amount of time to file their **Answer** to the **Complaint** with the Court, and to send you a copy. Usually nothing will happen in Court until that time has passed. If the time passes and a Defendant does not file an Answer, there are steps you can take to ask the Court for a judgment against them. It is your responsibility to learn the rules about this.