

# Legal Primer

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# Roadmap

- Civil versus Criminal Cases
- Common Legal Terminology
- Plaintiff versus Defendant
- Court Structure
- Overview of a Civil Case
- Enforcing Judgments/Collections
- Hiring an Attorney
- Legal Information versus Legal Advice
- Questions



# Civil versus Criminal

<b>Criminal Cases</b>	<b>Civil Cases</b>
<ul style="list-style-type: none"><li>• Always brought by the government (“The People versus Defendant”)</li><li>• Can result in jail/prison time</li><li>• Brought by prosecutors</li><li>• Right to counsel</li></ul>	<ul style="list-style-type: none"><li>• Can be brought by government OR private party</li><li>• Cannot result in jail/prison time</li><li>• No right to counsel in most cases</li></ul>



\* Michigan Legal Help can only assist with civil legal issues

# Common Legal Terminology

**Plaintiff** – The party bringing the lawsuit

**Defendant** – The party being sued

**Complaint** – The court document that starts the case

**Summons** – This is the document that tells the Defendant to go to court

**Answer** – This is the name of the document a Defendant files in response to the Complaint

**Motion** – This is a document that can be filed by either side that asks the judge to do something

**Defenses** – The reasons why the Plaintiff shouldn't get what they are asking for in the Complaint

**Counterclaims** – The Defendant's claims against the Plaintiff

**Discovery** – The process of gathering information to support your case

**Judgment** – The final decision from the court

# Common Legal Terminology (Cont.)

**Statute of Limitations** – The amount of time someone has to file a lawsuit

**Filing** – The act of submitting court documents to the court (complaint, motion, etc.)

**Service** – The act of giving the other party what you are filing in court

**Default** – If a Defendant fails to respond to the Complaint

**Default Judgment** – Judgment entered because the Defendant is in default

**Hearing** – A court proceeding

**Jury Trial** – A trial in front of a jury. Someone has to ask for a jury trial to get it

**Bench Trial** – A trial in front of the judge

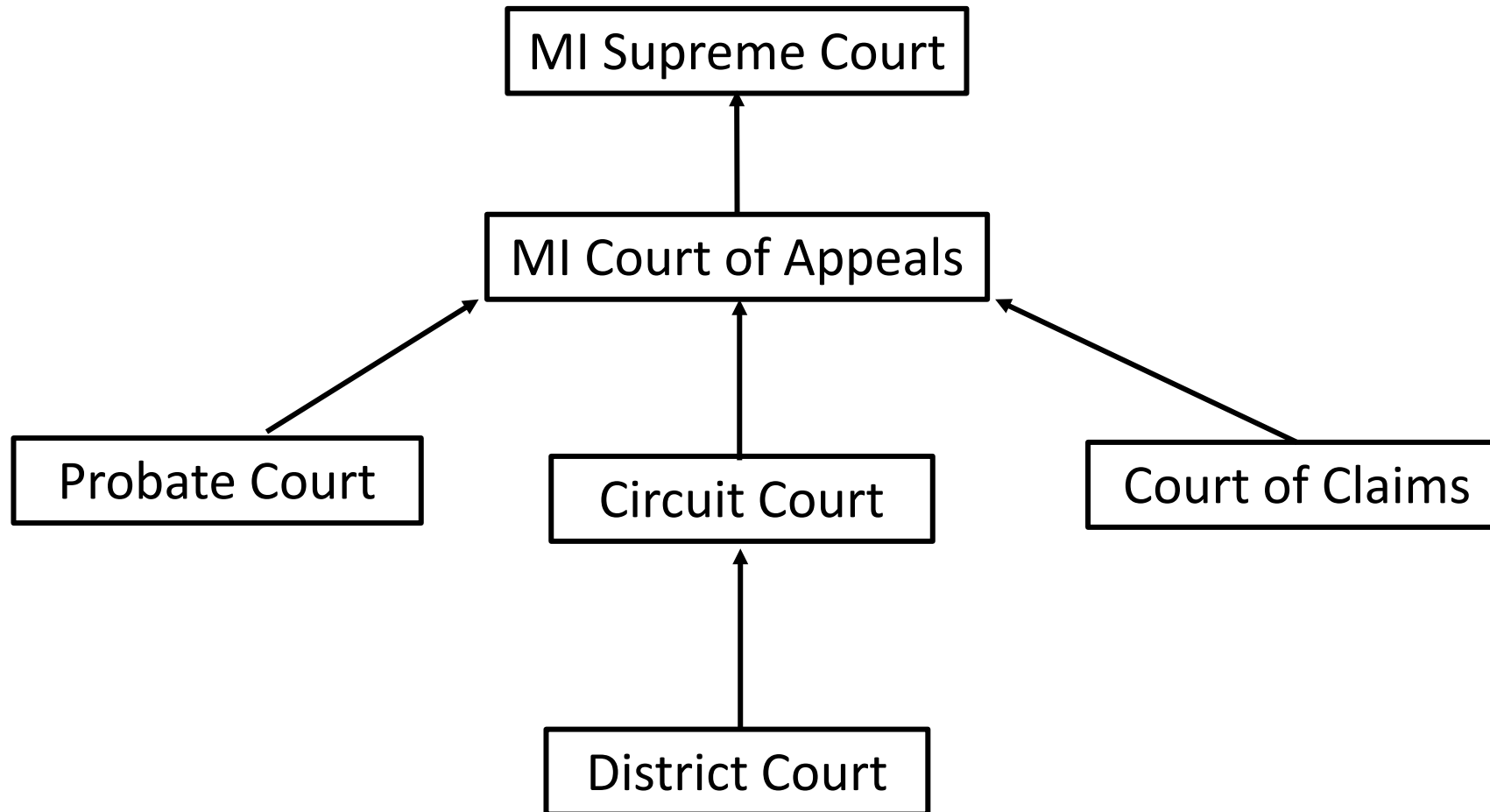
**Mediation** – Neutral third party tries to help settle the case

**Settlement** – An out-of-court agreement that settles the case

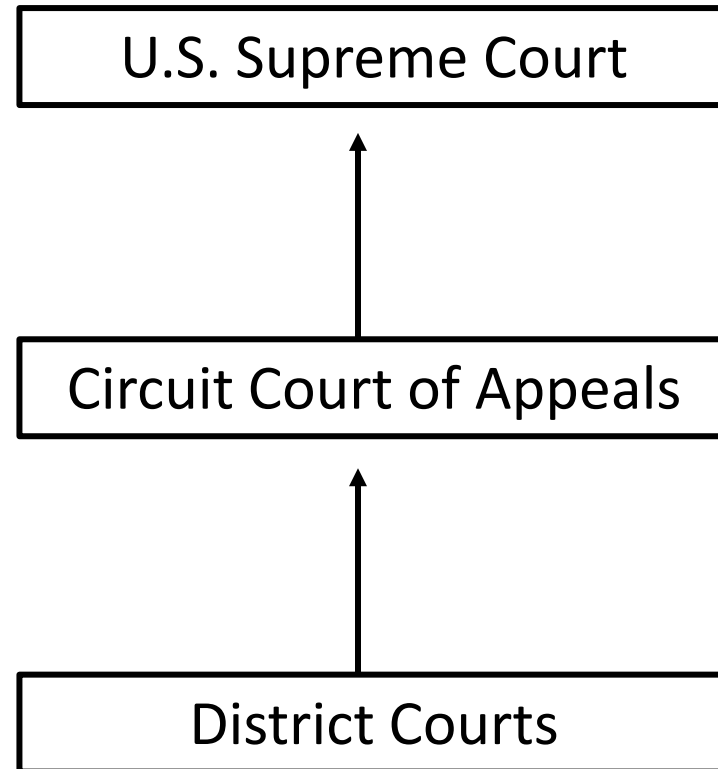
# Plaintiff versus Defendant

<b>PLAINTIFF</b>	<b>DEFENDANT</b>
<ul style="list-style-type: none"><li>• Files the complaint</li><li>• Has to pay fee to file (fee waiver)</li><li>• Has “burden of proof”</li><li>• If fail to move forward, case can be dismissed</li><li>• Can file motions</li></ul>	<ul style="list-style-type: none"><li>• Doesn't have burden of proof - Defenses</li><li>• Counterclaims – does have burden</li><li>• Files Answer</li><li>• If fails to respond, can get default judgment</li><li>• Can file motions</li></ul>

# Court Structure: State Courts



# Court Structure: Federal Courts





# Overview of a Civil Case

Plaintiff files a complaint

Answer/Possible motion practice

Possible motion practice

Trial

Defendant is served

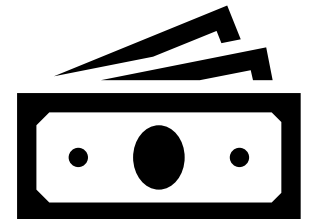
Discovery

Possible settlement discussions



# Enforcing Judgments/Collections

- Garnishment
- Installment Payment Plan
- Seizure of property





# Hiring an attorney

- In most cases, no civil right to counsel
- Legal Aid
  - Types of cases
  - Immigration status restrictions
  - Income restrictions
- MLH Guide to Legal Help for other non-Legal Aid nonprofits
- Private attorney
  - Hourly
    - Retainer
  - Fixed
  - Contingent
  - Limited Scope Representation



# Legal Information vs Advice

 Legal Information	Legal Advice 
<ul style="list-style-type: none"><li>• Accurately states objective information</li><li>• Doesn't apply or tailor that information to the person</li><li>• The visitor applies the information to their situation</li></ul>	<ul style="list-style-type: none"><li>• Applies the information to the person's particular situation</li><li>• Tells someone what they should or ought to do</li></ul>



Questions?

