

Watch Your Step...Answering Collection Lawsuits

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I meet with clients on a regular basis that have been [sued by a debt buying company](#) on an old credit card debt. If you have had the misfortune of being sued, you know that the process server provides you with a copy of the Complaint and Summons.

In Arizona, you have 20 days from the day you are served with the Complaint and Summons to submit a written response to the court. The written response is called the “Answer”. How you answer a lawsuit can have lasting implications in your collection lawsuit. Because of this, it is important to fully understand the process of answering a lawsuit and what things to avoid.

Don't Discuss Prior Settlement Offers

Many times when people finally come to see me they have already submitted their Answer to the court. Nine times out of ten the Answer doesn't really address the allegations but instead provides a narrative as to how you have tried to pay the debt or have tried to work with the creditor to accept payments.

Whether you have tried to work something out with the creditor is totally irrelevant at this point in the lawsuit and actually may do you significantly more harm than good. In Answering the lawsuit stick with admitting or denying what they are accusing you of – and, if you don't know or aren't sure, don't guess. This is truly a case of anything you say can and will be used against you.

Don't Guess

In Arizona, in submitting an Answer to a collection lawsuit all you need to do is admit or deny the allegations. If you don't know, for example, if the company suing you actually owns the debt, don't admit it. If you don't know if the amount you are being sued for is accurate, don't admit it. Only admit to the items you know are accurate and true.

Seek Out Counsel

If you have recently been sued and are not sure how to respond, seek the advice of a consumer lawyer. Most consumer lawyers will offer a free consultation and give you some idea of what you are dealing with and the best way to proceed. The main thing is, don't wing it. It can have lasting and expensive consequences.

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