

Deciding Whether or Not to Sue

Often times I am given a fact pattern and asked whether there is sufficient information to sue someone. What they are really trying to ask is whether they can win the lawsuit. The questions are not the same and the answer to each question depends on the facts or evidence of the particular case. No two cases are the same.

It is relatively easy to file a lawsuit in the United States. You can do it yourself or you can hire a lawyer to do it for you. Without going into the details, the threshold for filing a lawsuit against someone is not that high. You just have to meet the minimum requirements set by law to file suit. If you have the time, money and emotional fortitude you can file a lawsuit.

The real question is after you have filed the lawsuit, will you win? The answer to that question will depend on whether the facts or evidence supporting your case weights more in your favor than the facts or evidence supporting your opponent's case.

After you have determined with the help of a lawyer that you have a case, the next question that you have to ask yourself is whether it is going to be worth it to sue? Lawsuits cost a lot of money. But there are other costs as well. Lawsuits are adversarial affairs. They take a toll emotionally, mentally and physically on all the parties, including the attorneys in the case. Are you prepared to have sleepless nights worrying about how your case is going? Sacrifices will have to be made by you and your family during the entire litigation process. Even if you win, it may not be over because there is a chance the losing party will appeal the decision.

Even if you have a sure win case, what are your chances of collecting? Will the losing party have the money to pay you? What will it cost you to collect from the other party after the lawsuit is over? Will the amount of money you receive cover your legal expenses as well as other costs, like the time

and energies that you put in the lawsuit.

Filing a lawsuit is relatively easy, but living with the consequences may be a little more difficult. For each choice that you make there are seen and unforeseen consequences. Before deciding whether or not to sue, you should weight all the issues and balance your desire to obtain a specific result (from the lawsuit) versus the importance of moving on with your life.

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