

# *Motivations for Filing Lawsuits*

The United States has often been called the land of lawsuits, where people will file lawsuits at the drop of a hat or at the slightest insult. That is a gross exaggeration of the facts and it is not true. This popular belief is based on a sliver of the truth that it is much easier to file a lawsuit in this country than in many other countries. The threshold to file a lawsuit in the United States is much lower. Our forefathers decided that it was important for the common people to be able to have their day in court. It was about having equal access to the judicial system that was once available only to the wealthy and the powerful. It was also about having the judicial system assist in resolving problems that the parties in the lawsuit could not resolve themselves. It was about balancing the needs of the parties with the needs of society. It was about resolving conflicts that potentially affected society as a whole.

There are many reasons why people file lawsuits. Some of their motivations are obvious, while others are not. Whatever their motivation, they want to use the judicial system to do something that they cannot do themselves. Usually there is a dispute over something. It could be over the division of assets, allocation of rights and responsibility, payment or the execution of an action.

When a married couple files for divorce, what they are saying is that their business relationship (i.e., the marriage) is coming to an end and they need someone, preferably a neutral party, to assist them in dissolving the relationship. This includes the division of assets acquired during the marriage, child custody issues, visitation rights, payments, etc. People suing for a breach of contract generally want the court to compel the other party to either do something or to pay for something that was spelled out in the written agreement.

Filing a lawsuit does not mean the party doing the filing will win. It just

means that they have alleged sufficient facts for the court to review their claim. Whether they will eventually prevail in this matter will depend on the evidence presented by each party in trial. The filing of a lawsuit is often for tactical reasons. If the parties are unwilling or unable to resolve the dispute because one side refuses to come to the negotiation table or the parties are at odds as to how the dispute should be resolved, one or more of the parties may ask the court to step in. Sometimes a lawsuit is filed because the parties do not trust each other and they feel the need to bring the court in to assist them in settling the dispute.

As in all litigation, it is not enough to say or feel that the other party did you wrong. It is more important to understand what part you played in creating the situation and maintaining it even to this present day. To create a business relationship, at least two people or entities are involved. Each is equally responsible for creating and maintaining the relationship. When the relationship goes sour, each is equally responsible. By understanding the foundation on which the relationship was created and maintained will go a long way towards resolving the disputes. Do you know thhe foundation on which your business and personal relationships were created and maintained?

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