

1.01 | QUESTION 1: HAVE I EXPLORED ALTERNATIVES TO SUING?

Even if you do have the right to sue, you should carefully consider alternatives to suing. Lawsuits can be costly, stressful, and time-consuming. Instead of filing a lawsuit, you can try other alternatives or solutions. Some alternatives to bringing a lawsuit include:

Gathering Information.

Sometimes things are not what they seem at first. Sometimes things that appear to have been done on purpose were done unintentionally. Fully investigating what happened may help you decide whether a lawsuit is advisable.

Working Things Out.

Consider talking directly to the people who you think might be responsible for causing the problem. Sometimes people are more likely to respond in a positive way if they are approached respectfully and given a real opportunity to talk about the problem, rather than if they first they hear about the problem through a lawsuit.

Going to Governmental or Private Agencies.

Consider whether there are other processes you could use, or agencies you could ask for help, with your problem. Sometimes there is a governmental or private agency that can address your problem or lend assistance to you. Examples of such agencies include:

- The Equal Employment Opportunity Commission (or an equivalent state, county or city agency) to address employment discrimination;
- The local police review board or office of citizens' complaints to hear complaints about police conduct;
- A consumer protection agency or the local district attorney's office to investigate consumer fraud;
- The Better Business Bureau or private professional associations (e.g., associations of contractors, accountants, securities dealers, architects and engineers, etc.) to hear business-related complaints.



Using a Small Claims Court.

In some cases, you may have the option of filing a case in small claims court, which is designed for people without formal training in the law. These courts are part of any state court system. There is no equivalent to the small claims court in the federal courts.

Alternative Dispute Resolution.

Dispute resolution services – such as mediation – may be faster and less expensive than taking a case to court. Mediation encourages parties to communicate clearly and constructively to find common ground or to identify solutions that can serve the parties' real interests. Many counties have free or low-cost agencies that can assist you in finding a provider of alternative dispute resolution services. Go to page 38 for more information about Alternative Dispute Resolution.

(Federal Bar Association: Access to Justice Task Force. © 2019.

Honorable Mention: USNYND, USCAND)

