

Why Defend Yourself from the Debt Collectors?

Your Chance of Winning if you Defend is Good – and you'll overpay if you Don't

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Why you Should Defend against Debt Collectors, and Why you Can Do it Yourself

When you are sued by a debt collector, you are presented with two questions that often merge into one because of money.

- Should you defend yourself (at all) from the lawsuit?
- And if you do defend, do you have to have a lawyer?

A lot of people answer the second question first. They decide they need to have a lawyer in order to get anything done, and then they decide they cannot afford a lawyer, so they fail to defend themselves at all. This is a mistake.

First: Should you defend yourself?

Our answer to this question is absolutely "Yes."

There is a tendency for people to think that lawsuits (filed against them) are only filed because the lawsuit is "good," and that the plaintiff will or should win. That isn't really true of any kind of lawsuit. In most kinds of law, however, the plaintiff's lawyer will have done some research into the law and facts and will have some confidence that it's a winner. After all, in most kinds of lawsuit, one expects a defense - the lawyer anticipates spending a considerable amount of time and money on the case before collecting anything significant.

And most plaintiffs are at least somewhat reluctant to start a lawsuit because of time and expense; often they are extremely reluctant, and with good reason.

Debt Law is Different

These things are simply not true of debt cases. In debt cases, a debt purchaser buys hundreds of thousands or millions of dollars of supposed debt and files suit without ever doing ANY research into the validity of the debt at all. When they file suit, very few debt collectors have any idea at all of whether they have a right to the money, and they have little, if any, evidence of the debt. They think they might be able to get some if they have to, but they file suit expecting not to need any evidence at all. And they're usually right.

They Expect you to Give Up

They design their cases to cause people to give up without fighting. Since most people, in fact, do give up one way or another, the whole debt collection business is based on not spending money or time on a case. As soon as you do anything at all to defend, you cause the company to diverge from its business model. Of course, they know some people won't just give up - they know people hate them, after all. So even though you have stepped out of their business model by resisting, you haven't really challenged them yet. To challenge them, you must make them spend time and money on your case alone. We'll discuss that below.

What if you Don't Want to Fight?

Actually, NO ONE really wants to fight. It takes time and involves various uncomfortable feelings, from insecurity to anger, to frustration. You will at some point need to weight these lifestyle questions, but the appropriate place to start is with the legal questions. And our answer to those is that it makes sense, always, to fight the debt collector.

Regarding the more practical questions, it is also usually true that fighting the debt collector will pay of very well. For example, if they're suing you for \$5,000, it's a fair bet that they have already damaged your credit, and they are obviously trying to get at least \$5,000 from you. If you defend yourself, you can save the \$5,000 and repair your credit: what hourly rate would that be if it took you 50 hours of your time? \$100/hour.

And the amount at stake is often much more than \$5,000, and the time required to defend often much less than 50 hours, but you will have to make your own estimates of these things.

What if you Really Think you Owe the Money?

We get this question a lot because for most people, debt lawsuits are not "lightning from a clear blue sky," as the saying goes. They know they haven't been paying some bill, and people have often been bugging them about it. So should you still fight?

Yes, absolutely.

And this is because although you think you owe money, you might not owe the person suing you the money, and you might not owe what they're suing you for. On top of that, and behind our legal system, is that you only "owe" what they can prove you owe - and most debt collectors cannot prove you owe anything. So even if you think you owe, you should fight to make sure you're dealing with the right person for the right amount - and that they can prove it.

What if you Want to Settle?

If you hope to settle, you still need to start out by fighting - people only settle lawsuits when they think doing so is the best outcome for them. In other words, they'll settle if you persuade them that they'll make more money by settling than by not settling. You do that by fighting - nothing makes them think the case is going to take money to win than by making them spend money. That's just common sense, right?

Do You Need a Lawyer to Defend You?

The answer to the question of whether to fight or not is almost always "yes." And if you doubt that, consider how many times corporations simply roll over when people sue them - it almost never, ever happens. You know that, right? But even if you decide you should fight, you have to decide HOW to fight. Do you need a lawyer? or can you do this by yourself?

Remember what we said about "most" lawsuits - the lawyers do back up work and have a pretty good idea they deserve to win. Additionally, they typically expect to, and do, spend quite a bit of time and money to make sure they do win. For these reasons, and others, you might not want to handle a typical lawsuit pro se.

Debt law is not like that at all.

Debt Law is Different

We discuss this question in great detail in a lot of places, and therefore we will only touch on it lightly here, but debt law is not like other forms of litigation. It will almost always come down to a dispute about whether certain records should be allowed as evidence. And of course you need not to admit or do things that will hurt you. You almost certainly will not need witnesses, and they probably won't have any, either. Thus debt law is relatively simple, and people can defend themselves without a lawyer.

We can help you do that in a lot of ways.

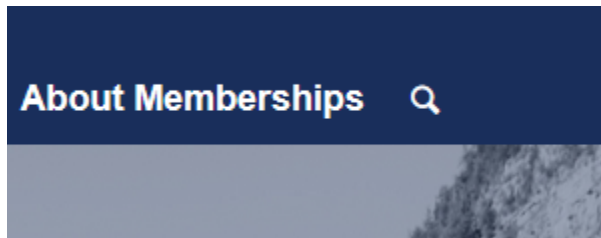
Your Legal Leg Up

[Your Legal Leg Up](#) is a website and business dedicated to helping people defend themselves from debt lawsuits without having to hire a lawyer. As you can see below, we have a number of products as well as memberships that should help you wherever you are in the process. In

addition to that, our website is a resource for all. Many of the articles and materials are reserved for members, but many are available to everyone.

Finding Resources

Every page has a site search button in both the header and footer. It's a little magnifying glass icon that looks like this:



Click on the magnifying glass icon, and a small window opens. Put in a key word – a word you think relates to what you're looking for – and enter. You will get a page of results.

Product Information

Because much of this article involves taking action and creating legal document, we include an addendum of the products we have that can help. First, if you are at the beginning stages of your case and needing to answer (or otherwise respond to) the petition, our [First Response Kit](#) is designed to help with that. If you have already answered and need to start (or restart) conducting discovery, our [Discovery Pack](#) will help. The Discovery Pack is included within the First Response Kit, so don't get both. If you are trying to force the debt collector to respond to your discovery, you may want our [Motion to Compel Pack](#).

If they're filing a motion for summary judgment and you are not ready to file a motion for summary judgment yourself, our [Motion for Summary Judgment Defense Pack](#) could help. But if you want to respond to theirs and file one of your own, you will want our [Cross-Motion for Summary Judgment Pack](#). And if they haven't file a motion for summary judgment but you want to, that would be our [Motion for Summary Judgment Offense Pack](#). Don't get more than one of the MSJ packs.

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