

Frequently Asked Questions for Filing a Complaint on Your Own Behalf and Helpful Legal Terms

Questions and Answers

Please refer to the Helpful Legal Terms that follow these Questions and Answers for the meaning of any legal terms that you do not understand.

Question: Can I file a case on my own behalf without an attorney?

Answer: **Yes, filing a case on your own behalf without an attorney is referred to as filing “Pro Se.” You should be aware that if you proceed pro se, you will be required to follow the same Court rules as an attorney.**

Question: How do I file a case on my own behalf (Pro Se)?

Answer: **A case is started by filing a complaint. You should refer to the Federal Rules of Civil Procedure and this Court’s Local Rules for information about the proper form of your complaint. The Court requires a civil cover sheet (available from the Clerk’s Office) and a complaint that includes an original signature and your address. You must also either pay the \$350 filing fee or request the Court to allow you to file the case without paying the filing fee. This is referred to as proceeding *in forma pauperis* (“IFP”).**

Question: Can I file a case without paying the \$350 filing fee?

Answer: **Maybe. You must submit an IFP motion and an affidavit in which you will tell the court about your income and other financial information. These forms are available from the Clerk’s Office.**

Question: Can I pay the \$350 filing fee in installments?

Answer: **No, you must pay the full \$350 filing fee or file an IFP motion and affidavit.**

Question: If I file a case and request to proceed IFP, will that stop the running of the statute of limitations or other deadlines?

Answer: **Yes, if your complaint is accompanied by a completed IFP motion and affidavit.**

Question: What happens after I am assigned a case number?

Answer: **If you paid the filing fee, you will need to have a copy of the complaint delivered to each person you have named as a defendant. The way in which a copy of the complaint is delivered to the defendant(s) is called “service.” The Clerk’s Office can provide assistance on how to do this. If you did not pay the filing fee, the Court will review your IFP motion and decide if you can proceed without paying the filing fee. The Court will also review your complaint to determine whether a copy of the complaint should be delivered to the defendant(s). If the Court decides that you do not have to pay the filing fee and determines that the complaint should be delivered to the defendant(s), the Clerk’s Office will have a copy of your complaint delivered to the defendant(s).**

Question: Can someone tell me before I decide to pay the filing fee whether the Court will allow me to proceed IFP?

Answer: **No. Eligibility for IFP will be decided only when a Judge rules on your motion.**

Question: How long will it take the Court to determine if I can proceed IFP?

Answer: **Usually, between thirty (30) and sixty (60) days.**

Question: What if my IFP motion is denied?

Answer: **The Court will notify you in a written order that your motion has been denied and you will be given additional time to pay the filing fee.**

Question: Can I add claims to my complaint after I have filed it?

Answer: **Yes, if the defendant has not filed anything in response to your complaint, you may add more claims. This is called amending your complaint. If the defendant(s) has replied to your complaint, then you must receive permission from the Court to amend.**

Question: Once the defendant(s) receives a copy of the complaint, how long does he/she have to reply?

Answer: **The defendant(s) has twenty (20) days to respond if the plaintiff delivers the complaint with a notice that a lawsuit has been filed. This notice is called a summons. If the defendant(s) agrees that the complaint can be delivered without a summons, then he/she has sixty (60) days from the date of mailing to respond.**

Question: After filing my case, how do I go about getting facts and information from the defendant(s) so that I can prepare for trial?

Answer: **The process of getting facts and information is called discovery. Federal Rule of Civil Procedure 26 controls discovery and you should refer to this rule for the methods you can use to obtain facts and information.**

Question: I tried to file a motion with the Court but it was returned to me because it did not contain a certificate of service. What is a certificate of service?

Answer: **Each document that you file with the Court must contain your signature and a certificate of service. A certificate of service indicates to the Court that you have delivered a copy of the document to the other parties. The certificate of service states the name and address of the attorney or party served with the document, the manner of service, and the date of service.**

Question: Can Clerk's Office personnel answer legal questions or provide legal advice?

Answer: **No, Clerk's Office personnel may not give legal advice. The Clerk's Office will not be able to advise you on such things as:**

- explaining the meaning of rules**
- answering questions as to whether this is the proper Court in which to file your complaint**
- commenting on your case**
- recommending how you should proceed**
- predicting a decision a judicial officer might make**
- answering questions as to how long you have to file a complaint in this Court.**

Question: Will the Court provide me with an attorney?

Answer: The Court does not have to appoint you counsel and in most cases it does not. You can, however, ask the Court to appoint you counsel by filing a motion for appointment of counsel (form motions are available from the Clerk's Office). If you file a motion for appointment of counsel, you must still proceed with your case and not wait for the Court to make its decision on your motion.

Question: Can you provide me with the names of attorneys who could help me?

Answer: No, the Clerk's Office cannot provide you with the name of an attorney. You can, however, contact the Missouri Bar Association's Lawyer Referral Service (phone number (573) 636-3635) to get the names of attorneys who may help you. In the St. Louis area, the Lawyer Referral Service can be reached by calling 314-621-6681.

Question: My case has been assigned to a Magistrate Judge. What is a Magistrate Judge?

Answer: Magistrate Judges are judicial officers appointed by the Court to assist in the work of the Court. They can also decide civil cases when both parties agree to have the case heard by a Magistrate Judge instead of a District Judge. If your case is assigned to a Magistrate Judge, you will receive a form that gives you the option to have your case heard by the Magistrate Judge. If you decide not to have your case heard by a Magistrate Judge, it will be reassigned to a District Court judge.

Question: Can I get a copy of this Court's Local Rules?

Answer: Yes, copies are available from the Clerk's Office and can also be obtained from this Court's website, www.moed.uscourts.gov.

Question: Where can I find legal materials such as case law and rules of civil procedure?

Answer: You can find legal materials at local law and public libraries. Also, the United States Court of Appeals for the Eighth Circuit maintains a law library in this building on the twenty second floor. This library is open to the public. Please check with the library for its policies regarding public use. You can also find links to the Federal Rules of Civil Procedure, Federal Rules of Appellate Procedure, and Federal Rules of Evidence on this Court's website.

Question: Can I file a criminal case against someone?

Answer: **You cannot file a criminal case against anyone. The United States Attorney's Office is responsible for filing federal criminal cases. Allegations of criminal behavior should be brought to the attention of the local police, the Federal Bureau of Investigation, or other appropriate law enforcement agency.**

Question: Could there be additional costs involved in litigating my lawsuit besides paying the \$350 filing fee?

Answer: **Yes, for example, you may have to pay someone to deliver your complaint. Also there may be costs for getting documents and information from witnesses and the defendant(s). Finally, the losing party may have to pay for some of the winning party's expenses.**

Question: What type of civil action can be filed in the District Court?

Answer: **Federal District Courts can only hear certain types of cases. Generally, only civil cases that involve diversity of citizenship (parties in the case live in different states and the amount in controversy is greater than \$75,000), a federal question (lawsuits that have been authorized by Congress), or have the United States as a party can be filed in Federal Court.**

Question: What can I do if the Court dismisses my case?

Answer: **If you are dissatisfied with the Court's decision to dismiss your case, you may appeal your case to the United States Court of Appeals for the Eighth Circuit. You must file your notice of appeal in the District Court Clerk's Office. Generally, you have thirty (30) days from the date the judgment is entered to file your notice of appeal. The filing fee for a notice of appeal is \$455 and is paid to the Clerk of the District Court.**

Question: I was granted leave to file my complaint IFP and now I want to appeal, do I need to file another IFP motion for appeal?

Answer: **No, if the Court previously granted your motion to proceed IFP, you only have to file a notice of appeal.**

Question: Is there anyone who can assist me with my legal problems?

Answer: **Yes, you can contact the Legal Services of Eastern Missouri (phone number (314) 534-4200) or Gateway Legal Services (phone number (314) 534-0404).**

Question: Where can I find general information about the court's policies and other law-related services?

Answer: **Visit the Self-Help Resource Center in the Clerk's Office.**

Helpful Legal Terms

To familiarize you with words that you will hear frequently, the following is a list of some legal terms and their definitions:

ACTION

Another word for lawsuit.

AFFIDAVIT

A written statement of facts made under oath.

ALTERNATIVE DISPUTE RESOLUTION

ADR offers the parties to a civil action the opportunity to resolve that dispute without having to go through a full-fledged trial that can be both lengthy and costly. This Court offers two different processes for ADR - mediation and early neutral evaluation (ENE). Mediation is the process in which an impartial neutral (the mediator) helps the parties through negotiations to reach a settlement. ENE is a process in which a neutral evaluator offers pre-trial planning assistance to the parties together with a non-binding assessment of their case.

AMEND

To change an existing complaint, pleading, or motion that is already before the Court.

ANSWER

A document filed by the defendant in response to the complaint.

CASE

Another word for lawsuit.

CERTIFICATE OF SERVICE

Every pleading, correspondence, or other document, subsequent to the original complaint shall be served upon each of the parties who have appeared in the case. Each pleading must contain a certificate of service, which shall state the name and address of the attorney or party served, the manner of service, and the date of service. This lets the Court know that the other parties have been served a copy of the same document filed with the Court. If you attempt to file something that does not contain a certificate of service, the Court may return it to you without filing.

COMPLAINT

The document that a plaintiff files with the Clerk of Court to initiate a lawsuit. It contains a clear statement of the important information about the claim(s) of the plaintiff and identifies each defendant.

COUNSEL

One who has been admitted as an attorney at law to assist his/her client with advice, and pleads for him/her in open court.

DAMAGES

Money sought by a party who has suffered a legal wrong.

DEFENDANT

The party being sued.

DEPOSITION

A discovery (formal pre-trial investigation) tool in which a party (or his/her attorney) asks a series of oral questions of another party or witness, who answers under oath. The proceeding is recorded by a court reporter.

DIFFERENTIATED CASE MANAGEMENT (DCM)

DCM is a system that monitors and manages a civil case from filing to disposition consistent with the needs and characteristics of the individual case. All cases will be assigned to an appropriate processing track with the expectation that a case will be resolved within a standard amount of time depending on its complexity.

DISCOVERY

Formal investigation that parties conduct before trial in order to obtain information from each other about the case and to prepare for settlement or trial. The primary tools in most cases are depositions and interrogatories.

DOCKET NUMBER

The civil case number assigned to a case by the Court when a new complaint is filed. The number includes the designation of the division where the case is filed, which will be either 1 (Southeastern Division), 2 (Northern Division), or 4 (Eastern Division); the last two digits of the calendar year in which the case is filed; the “CV” designation for a civil case; the file number assigned; and the initials of the District or Magistrate Judge to whom the case is assigned. (Example - 4:02CV4000ABC).

IN FORMA PAUPERIS (IFP)

To proceed without prepayment of costs or fees for filing a complaint.

INTERROGATORIES

A set of written questions submitted by one party to another party to answer under oath as part of the pre-trial investigation of a lawsuit.

JUDGMENT

A final Court ruling resolving the claims at issue and determining the rights and obligations of the parties.

JURISDICTION

The power or legal authority of the Court to hear and decide a case.

LAWSUIT

A legal proceeding initiated in Court.

LITIGANT

A party to a lawsuit.

MOTION

*A request made to the Court for the purpose of obtaining a ruling or order directing an act to be performed in favor of the applicant or movant. The Court may either hold a hearing on the motion requiring the parties to appear **OR** the Judge may decide the motion without a hearing.*

ORDER

A ruling issued by a Judge or a Magistrate Judge that usually directs the plaintiff or the defendant to do something. An order may also be issued to grant or deny a motion.

PARTY

A person or entity who has brought a lawsuit, or one who is defending against or responding to a lawsuit.

PLAINTIFF

The person who is filing the complaint against an individual, a corporation or company, or a government agency.

PRO SE

If you are filing a lawsuit on your own and will represent yourself, you are proceeding pro se.

RELIEF

What a party asks the Court to do, or what the Court grants to a party.

RULE 16 CONFERENCE

A Rule 16 conference is a pre-trial conference held between the parties and the Judge. The conference is held after the parties have been served, and its purpose is to develop an appropriate pre-trial plan that meets the needs of the individual case. At the conference, parties discuss issues affecting the case, and a trial date is usually set.

SERVICE OF PROCESS

The delivery of legal documents to an opposing party.

STATUTE OF LIMITATIONS

The time period following an event in which a lawsuit can be filed.

STATUTES

Laws enacted by legislatures.

SUBPOENA

An order for a person to appear in Court or at a deposition, or to produce documents.

SUMMONS

A document providing notice to the defendant that an action has been brought against him/her and an answer is required.

TRIAL

The in-court examination and resolution of issues between litigants.

VENUE

The geographic area over which a Court has authority. The federal District Courts each have their own venue and they have very strict rules on where you may file your action. If you do not comply with these rules, the Court may transfer your action to another District Court or dismiss it.

WAIVER OF SERVICE OF SUMMONS

Pursuant to Federal Rule of Civil Procedure 4, a plaintiff can request a defendant to forego service of summons. To do this, the plaintiff must send a copy of his/her complaint with two “Notice of Lawsuit and Request for Waiver of Service of Summons” forms (available from the Clerk’s Office) by first class mail to the defendant(s). The defendant(s), however, does not have to agree to the request and can insist on being served with a summons.

General Information

The District Court Clerk’s Office in St. Louis, Missouri, is open for business between the hours of 8:30 a.m. and 4:30 p.m., except for Saturdays, Sundays, and legal holidays. Documents may be filed in person at the Clerk’s Office or by mail.

Court’s Address

Thomas F. Eagleton Courthouse
111 South 10th St., Suite 3.300
St. Louis, MO 63102
(p) (314)244-7900

In addition to the St. Louis office, there is a staffed divisional office in Cape Girardeau, Missouri, for this Court’s Southeastern Division. It is located at 339 Broadway, Cape Girardeau, Missouri 63701. Business hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. The telephone number is (573)335-8538.

Disclaimer - the Frequently Asked Questions and legal terms listed in this brochure are by no means comprehensive and are only intended to assist you in understanding the basic terms and procedures required by the court and CANNOT take the place of an attorney’s legal advice.