

LEGAL PLEADING SERVICE PROCESS FORM INSTRUCTIONS

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1. PURPOSE:

1.1. To help legal neophytes learn the process for filing pleadings and motions in most courts.

1.2. To describe the reasons and authorities behind why you perform these steps.

- 2. PROTECT YOUR LEGAL EVIDENCE.** Keep the original in a safe place locked up, preferably away from your house so that it may not be seized. Also, scan it in as a full color PDF and make backups you keep in several locations. One of the first things a judge will do if you want the document admitted as evidence in a legal trial is ask about the chain of custody of the document and whether it has remained under your own control at all times so that there is an assurance that it was not tampered with. See the free article Techniques for Building a Good Administrative Record available below for further details:

<http://sedm.org/ItemInfo/RespLtrs/AdminRecord/AdminRecord.htm>

3. FURTHER READING AND RESEARCH:

3.1. SEDM Litigation Tools Page

<http://sedm.org/Litigation/LitIndex.htm>

3.2. *Federal Pleading/Petition/Motion Attachment*, Litigation Tool #01.002

<http://sedm.org/Litigation/LitIndex.htm>

LEGAL PLEADING SERVICE PROCESS

1. INTRODUCTION

Whenever you file a legal pleading or motion in a court of law, the overall process is the same:

1. Complete the document you wish to file consistent with the local court rules.
2. Add to the end of the document a section called “Certificate of Service”
3. Print several copies of the document.
4. Serve via postal mail with the Certificate of Service upon the opposing counsel.
5. File the remaining copies with the court. Keep one original for your records.

Most jurisdictions specify in their local court rules the number of copies of each pleading that must be filed with the court. Consult the rules of your local court in order to determine how many copies this is.

1. In most jurisdictions, the number of copies to file is TWO.
2. For the purposes of the remainder of this document, the term “(NUMBER COPIES TO FILE)” shall refer to the number of copies you must file with the court
3. To find out how many copies to file for any particular federal court, locate the court website and download the court rules using the following resource:
<http://www.uscourts.gov/courtlinks/>

The timing of the filing usually must be no less than 20 days before the hearing. Consult your local rules. The timings and rules governing judicial process in most federal courts are summarized below:

<p><i>Federal Litigation Quick Reference</i>, Litigation Tool 10.001 http://sedm.org/Litigation/LitIndex.htm</p>

2. DETAILED LEGAL PLEADING SERVICE PROCESS

1. If you are litigating an existing case, you must first call the clerk of the court and ask to add your particular motion to the judges calendar. Ask them to give you a date and a time to put on your pleading for the motion.
2. Take the date and time given to you by the clerk and put it in the caption at the top of the legal pleading or motion you wish to file.
3. In the legal pleading you wish to file with the court, ensure that you have a section at the end called “Certificate of Service”. This section might look like the following, in the case of pleadings served upon a U.S. attorney:

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing, the associated Memorandum of Law, and the associated Affidavit of Material Facts has been made upon the following addressee by depositing a copy in the United States mail, postage prepaid, this _____ day of _____, 20____ addressed to:

<<Attorney Name>>
Department of Justice
PO Box _____
Washington, DC 20044

I furthermore certify that:

1. I am at least 18 years of age
2. I am not related to either party to this legal proceeding by blood, marriage, adoption, or employment
3. I serve as a "disinterested third party" to this action
4. That I am in no way connected to, or involved in or with, the person and/or matter at issue in this instant action.

<hr/> <i>Signature</i> <i>Printed Name:</i> _____	<hr/> <i>Date</i>
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4. Print out [(NUMBER OF COPIES TO FILE) + 2] copies of the document to be served. This means that if the court requires two, then you would print out FOUR copies:
 - 4.1. Two for the court.
 - 4.2. One copy for you
 - 4.3. One copy for the opposing counsel.
5. Create an envelope addressed to the opposing counsel with postage already affixed to put the pleading.
6. In original blue ink, sign *all* copies of everything EXCEPT the Certificate of Service above.
7. Hand the [(NUMBER OF COPIES TO FILE) + 2] original copies to the process server. The process server is a disinterested, neutral third party who is not an employee or relative of you.
8. The process server signs the Proof of Service in original blue ink on [(NUMBER OF COPIES TO FILE) + 2] originals.
9. The process server places one of the [(NUMBER OF COPIES TO FILE) + 2] originals in the envelope created in step 5, seals it, and personally places it in a United States Postal box or delivers it to the post office. He DOES NOT place it in a local community mail bin because it may be intercepted.
10. You place one original and the copy made in an envelope addressed to the clerk of the court and places it in the United States Postal box . The envelope must also contain ANOTHER stamped, self addressed envelope addressed to You that the court can use to return the conformed copy of the pleading to you. You may also optionally use certified mail with return receipt to send the item to the court. A note should be attached to the mailing indicating that you would like the copy "conformed" (e.g. stamped) by the court and sent back in the stamped, self addressed envelope.
11. You keep the remaining original for yourself. Keep an original rather than a copy so that you have a court admissible document with evidence it was delivered. Courts frequently exclude copies not signed in original ink as hearsay and exclude under the authority of the Hearsay Rule, Federal Rule of Evidence 802.

3. FURTHER READING AND RESEARCH

1. *Rutter Group Practice Guide: Federal Civil Trials and Evidence*-excellent resource for those engaging in civil litigation in federal court
<http://www.ruttergroup.com/cartfcte.htm>
2. *Federal Criminal Practice*-excellent, inexpensive resource for those engaging in civil litigation in federal court
<http://www.jamespublishing.com/books/fcp.htm>
3. *Legal Research Sources*-free places on the internet to look up any statute, rule, constitution, case, or regulation
<http://famguardian.org/TaxFreedom/LegalRef/LegalResrchSrc.htm>
4. *State Legal Resources*-free place to look up most state statute, regulations, constitutions, cases, and rules
<http://famguardian.org/TaxFreedom/LegalRef/StateLegalResources.htm>
5. *SEDM Litigation Tools Page*-sample pleadings and forms
<http://sedm.org/Litigation/LitIndex.htm>
6. *Federal Pleading/Petition/Motion Attachment, Litigation Tool #01.002*-attach this to any pleading filed in federal court to protect your status from false presumptions
<http://sedm.org/Litigation/LitIndex.htm>
7. *Federal Rules of Civil Procedure*- rules government federal civil litigation
<http://www.law.cornell.edu/rules/frcp/index.html>
8. *Federal Rules of Criminal Procedure* - rules government federal criminal litigation
<http://www.law.cornell.edu/rules/frcrmp/>
9. *Federal Rules of Evidence* – rules for admission of evidence in federal litigation
<http://www.law.cornell.edu/rules/fre/index.html>