

Conditional Acceptance Is a Bad Idea

What's an Admission, and What's an Answer When you're Sued for Debt?

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Conditional Acceptance Is a Bad Idea

One of my Youtube viewers told me about some trouble she'd gotten into with something she called "conditional acceptance." The idea sounded like something she'd gotten off the internet, of course, and it sounded farfetched, but I thought that was all.

I should have known it was another scam going around.

A Little Background

As far as I know, it started with a lawsuit – a petition and summons were served on a woman we'll call "Ms. Smith." Instead of answering the petition or denying the allegations, Ms. Smith filed a "conditional acceptance" with the court. Here's what she said.

I, Ms. Smith, a living woman, conditionally accept the offer of [Law firm] and [lawyer], upon proof of claim that Law firm and Lawyer bring forth the original contract agreement between Ms. Smith and [original creditor] and contract between original creditor, Law firm, and lawyer, with all parties signed contracts and testify under oath. If these contracts are not presented to said court, then I, Ms. Smith, a living woman, consider Law firm and Lawyer's claim against me, Ms. Smith, the living woman, to be a false claim and subject to liability on the part of Law firm and Lawyer. Please produce and or bring forth the bond for sending me a false claim.

Legal Effect of Conditional Response to a Lawsuit

Legally, Ms. Smith's "conditional acceptance" was just noise. If you get served with a petition, you must either file an Answer that denies liability or some sort of motion. Failing that, the case will be ripe for either a default (if you don't answer) or a judgment on the pleadings (if you don't deny). A lawsuit is not an "offer" that can be accepted, it's the invocation of legal process, a process that will end in judgment.

It appears that the court in Ms. Smith's case took some middle ground and seems to have entered judgment for some reason that is still not clear to me.

I have hopes that whatever was done will come undone. If the court granted a judgment on the pleadings, I suspect this shouldn't have been done without a notice and opportunity to be heard for Ms. Smith. Otherwise the whole thing should be treated as a default and subject to a motion to vacate, which should be granted in my opinion. What is clear from the pleadings is that Ms. Smith thought she was effectively denying liability. She wasn't, but it was an honest mistake the court should allow to be undone.

But courts don't always do what they should do by a long shot.

What is "Conditional Acceptance?"

In my research, I've run across some of the conditional acceptance "gurus" who think the way to defend yourself in court is by starting every sentence with a conditional acceptance – i.e., starting every sentence with the words, "I conditionally accept your offer to..." They actually called it a "mantra."

One of the endorsement videos involved a woman who had been arrested for some sort of disturbance, it wasn't clear what. The video showed her telling the judge she "conditionally accepted" his various offers, most of which were of course not offers but instructions. Then the video broke to a scene outside of court where the woman said she'd gotten off with paying a fine and court costs – jail time had been suspended. The Youtuber asked if she'd recommend the conditional acceptance training to others, and she said "yes."

And that's about as good as it gets.

What Law Is

Law is not magic, and lawyers and judges are neither magicians nor subject to magic. The law is a set of requirements that apply to people within the jurisdiction. Judges are supposed to apply those laws consistently over a host of circumstances, many of which were never foreseen. And lawyers are supposed to help their clients figure out what judges will do – or try to persuade judges to allow what their clients already did do.

All of law is really just an elaboration of those ideas. And of course applying that process to the vast number of laws and people that exist in our country.

Using “Magic Words” Only Hurts you

What do you think you’re doing by reciting a formula as a mantra? Legally, you aren’t doing anything good for yourself - you aren’t doing much of anything at all. But this is not to say you aren’t hurting your case, because you are.

The hardest challenge a pro se litigant faces is getting the judge to take what she says seriously, to listen to it and apply the law correctly rather than, as they all too often do, habitually.

You want the debt collector to have to prove its case, and you want the judge to see that it can’t. That means you need the judge to pay attention to you. When you start every sentence with a formulaic mantra, do you think the judge will listen to you? Would you listen to someone acting like that towards you?

The judge will not listen to you if you start every sentence with a phrase you think will have some magical effect. The judge will think you’re an idiot and do what the debt collector asks him or her to do.

Contract Law

I have spent considerable time looking for some basis in legal reality for the conditional acceptance notion. It is apparently some illegitimate offspring of contract law, but there is simply not enough there to refute in legal terms. Psychologically, it would seem to draw from some idea that you can get an advantage by not straightforwardly denying or rejecting something, but instead by modifying it with a “conditional acceptance.”

In law, you get no such advantage, and in court you will be crushed if you attempt to use the phrase to get one.

Your Legal Leg Up

[Your Legal Leg Up](#) is dedicated to helping people defend themselves from debt lawsuits without having to hire a lawyer. Lawsuits have a number of points where specific action is called or, and we have products to help you deal with most of these situations. We also have memberships that give you access to more materials and better training, and also provide a regular opportunity to ask questions and get answers in real-time. You can use this time to find out what the debt collectors are trying to do and what you might do in response, and you can get guidance on the issues that matter and how to think about and address them.

In addition to that, our website is a resource for all. Many of the articles and materials are reserved for members, but many others are available to everyone. Every page has a site search button in both the header and footer.

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.

Products Related to this Article

If you are considering the “Conditional Acceptance” idea, it’s probably because you are being sued. If so, the first question to address is whether or not you have been properly served with the suit. We have two ways of helping there. You can use our [Case Evaluation product](#) for a quick evaluation of the legal issues presented by your suit, which will include a discussion of the way you were given it, or “served.”

A second way would be to join us as a gold litigation member or above and ask about it at a teleconference.

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