

Is Pro Se Debt Defense Hard?

Pro Se Debt Defense Requires Some Change – Mostly in Attitude

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Is Pro Se Debt Defense Hard?

How hard is it to defend yourself from the debt collectors?

You would think that wouldn't be a very difficult question to answer, given that the business is largely automated and conducted by people who all want one thing: your money. And yet the answer can vary because all litigation is a fight, and how hard you will have to fight depends on a number of factors you can't know ahead of time.

Still, with that said, the difficulty is mostly psychological. It can be scary at first, but if you do the things that need to be done one at a time, it isn't that hard. And you have a great chance to win.

The Factors

The first, most important factor in determining how hard it will be to fight the debt collectors is probably YOU.

Courage

I often say that debt collectors "aren't the sharpest knives in the drawer" when it comes to legal work. They could be, but they aren't, because lawyering as a debt collector rarely requires legal expertise beyond a very basic level. For the most part, they file suits and collect judgments – it requires the expertise of a bully walking up and down a beach kicking sand in the face of people who don't look like they'll fight back.

The bully's expertise is in choosing victims and scaring them, not in fighting them, and debt collectors are the same way. The first, most difficult, step is to get up and fight. It doesn't take that much effort, but it's the hardest thing you'll do.

The Debt Collector

The next biggest question is what kind of debt collector do you have. Many of them have no interest in fighting the case at all. I don't know what the percentage of debt collectors is who are like this, but it is surprising how many of them will drop the case if all you do is answer the petition. They don't show up, and the court dismisses their case, just like that.

Most of them have more fight than that, but as I say, you'd be surprised by how many walk away as soon as you answer the petition. They're only interested in the absolute easiest pickings, and when you answer, you aren't that. They go away.

The others have some point to which they'll go. It appears to me that lines typically get drawn near the following events:

- You answer
- You file counterclaim
- You serve discovery
- You pursue discovery
- You file motion to compel
- You file motion for summary judgment
- You defend against their motion for summary judgment
- You show up for trial

Each of these steps is one step further along, of course. What may not be so obvious is that each of these steps involves a decision on their part to spend money and time on your case. It isn't the fact that time is passing, it's that you're making them spend money on your case.

Why is That?

When debt collectors purchase your debt, they do so at a small price, and they can file suit remarkably cheaply – that's their business. By the time you've been served, they've "sunk" these costs of doing business into your case. Their goal is not to spend any more, but simply to pick up a default judgment and send it to the people who look for your money or try to harass you into paying it. Low wage earners. It works this way 80 – 90% of the time.

Every time you make the legal department take some action, though, you are making them pay high wage earners, and you are making them pay for something they didn't expect to pay. AND you are making them pay something that wasn't already a sunk cost. You are costing "extra."

They don't like this, and for good reason. A dollar spent chasing you is much, much less efficient than a dollar chasing the 80-90% who give up. And when they spend NEW money to chase you, they have to worry more about whether they're going to be able to get the money out of you. It's one thing to get a judgment, but a different thing to collect it. And they're very aware of that difference.

Almost all debt collectors have a line beyond which they will not go. The sooner you make them think they'll have to go past that line, the sooner they will drop the case.

Notice I haven't even mentioned the possibility that you could win the case. They don't worry about that much, but if you can make them worry about it, that will push all but a tiny fraction of them to the point where they drop your case. It's not "weakness" on their part or laziness or any other bad quality. It's *business*.

So that Brings us Back to you

The question is, how hard is it to make them go away? You will have to learn how to do things up to the point they give up. It might be just learning how to answer, and that is very, very easy. It might be putting discovery requests together or pursuing the steps leading to a motion to compel. It might be filing or defending against a motion or two.

No one of these things is all that hard, and you will have time to learn as you go. You've probably heard the saying, "inch by inch it's a cinch." Well, I don't know about "cinch" once you get past the answer, but it's all manageable, and in the greater scheme of things it isn't hard at all. And it pays you very well, depending on how much they're suing you for.

It Isn't Hard

So after all, it isn't hard. You will need to learn enough to defend yourself intelligently at each step. It takes some effort, but mostly it's the psychological effort to realize that you CAN do this and that you DESERVE to win for yourself. The more you do, the more you will realize these things are true, so you don't even have to start with much hope of winning.

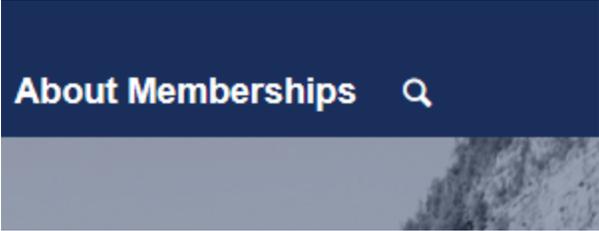
Eventually you will learn what you need to know. When you do, you'll know they'll never be able to push you around again.

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

Our website is both a business and a public resource, and you can use it to find information on a wide variety of debt law-related topics. While many of our resources are restricted to members, of course, many more are free to the public. Please feel free to use it. Every page has a site search button in both the header and footer. It's a little magnifying glass icon that looks like this:



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