



How To Write A Complaint For A Civil Action, or Civil Case

An Informational Guide to a North Dakota State District Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state district courts. The information provided in this informational guide **isn't** intended for legal advice but only as a general guide to a civil court process.

If you decide to represent yourself, you need to do additional research to prepare.

If you're unsure how to proceed, don't know if this informational guide suits your needs, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. For more information about finding a lawyer, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders;
 - Any local court rules.

Links to the laws, case law, and court rules can be found at ndcourts.gov.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help/glossary.

When you represent yourself, you're held to same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.

This information isn't a complete statement of the law. This covers basic information about writing a complaint for a civil action, or civil case, in a North Dakota state district court. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of a lawyer licensed in North Dakota.

Use at your own risk.

Warning! Serving and filing a Complaint can have serious legal consequences. It's strongly recommended that you consult a lawyer and carefully consider all of your options before you represent yourself in a civil case.

Information About How To Write A Complaint For A Civil Action, or Case, In A North Dakota State District Court

Before you write your complaint, review the [Guide to a District Court Civil Action](#).

What Is A Complaint?

A Complaint in a civil action, or case, is a document from the Plaintiff which states the claims against the Defendant and makes a request for relief.

Both a Summons and Complaint **are required** to start a civil case in North Dakota State District Court.

Does The ND Legal Self Help Center Have Complaint Forms?

No. Because there are many different varieties of civil cases, the ND Legal Self Help Center doesn't have Complaint forms. If you decide to represent yourself, you need to write your own Complaint.

An example of a Complaint starts on Page 6 of this Informational Guide.

A variety of General-Use template forms are available at ndcourts.gov/legal-self-help/starting-a-civil-action. You may find the General-Use template forms of interest as a starting point for creating your own Complaint.

Also review the following on the North Dakota Legal Self Help Center webpage:

- [How to Research Your Legal Issue](#)
- [Guide to a District Court Civil Action](#)
- [Starting a District Court Civil Action](#)

Is There Help Available For Creating Legal Documents?

If you'd like assistance creating your Complaint or other legal documents, consult a lawyer licensed to practice in North Dakota. Ask the lawyer about Limited Legal Representation. Lawyers licensed to practice in North Dakota may agree to help you with part of your civil action, such as preparing legal documents, while you handle the rest of your civil action. You and the lawyer must agree in writing to Limited Legal Representation.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your situation.

Who Are The Parties In A Complaint?

Plaintiff – The party who starts the civil action by serving a Summons and Complaint. There can be more than one Plaintiff.

Defendant – The party who is served the Summons and Complaint by the Plaintiff. There can be more than one Defendant.

Definitions

Jurisdiction

Before starting a civil case, the Plaintiff must determine if the North Dakota State District Courts have jurisdiction. Jurisdiction is the power of a court to inquire into the facts, apply the law, and determine and order judgment.

Generally speaking, there are two types of jurisdiction, subject matter and personal. The Plaintiff must show how the court has both subject matter jurisdiction and personal jurisdiction over the Plaintiff's civil case.

- **Subject Matter Jurisdiction** is the court's power to hear and determine the type of case or controversy involved in the civil action. Subject matter jurisdiction comes from the constitution and statutes. The parties **can't** agree to consent to or waive subject matter jurisdiction. Start your subject matter jurisdiction legal research at [How to Research Your Legal Issue](#).
- **Personal Jurisdiction** is the court's power over the parties in a civil action. [Rule 4 of the North Dakota Rules of Civil Procedure](#) gives the definition of a "person" and the requirements for exercising personal jurisdiction over a person. A party can voluntarily submit to the personal jurisdiction of a court.

Venue (Location of Civil Case)

Venue means the place, or geographical location, of the court that will hear the civil case. The Plaintiff must determine the proper venue for their case. Venue requirements may be found in the laws related to the subject matter of the case. Venue requirements may also be found in [North Dakota Century Code Chapter 28-04](#).

Claim or Cause of Action

A statement of the legal wrong (such as negligence or breach of contract) for which the Plaintiff seeks legal relief. ("Represent Yourself in Court: Prepare & Try a Winning Civil Case," Paul Bergman, Sara Berman, NOLO, 2019.)

Lawyer Resources And Limited Legal Representation

You aren't required to hire a lawyer to access the state court system. If you decide to represent yourself, you must follow all of the rules, laws and procedures that a lawyer is required to follow.

Lawyer Resources

To learn more about finding a lawyer to represent you, go to ndcourts.gov/legal-self-help/finding-a-lawyer. You may also find the following options of interest.

- **Legal Services of North Dakota** is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is legalassist.org.
- **Dakota Plains Legal Services** is a non-profit legal services organization that provides free legal assistance to low-income individuals, older Americans and veterans. Dakota Plains Legal Services (DPLS) has eight offices and serves communities across South Dakota and North Dakota, including nine tribal nations. DPLS is committed to increasing access to justice with quality legal assistance. Contact information is available on the DPLS webpage of dpls.org.
- **The State Bar Association** provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is sband.org.
- **For a list of all lawyers who are licensed to practice in North Dakota**, go to the North Dakota Supreme Court website at ndcourts.gov/Lawyers. You can narrow your search by name or location.

Limited Legal Representation

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil cases. Limited Legal Representation (sometimes called "unbundling") is a way that a lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled.

For example:

- You may want a lawyer to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with a lawyer to prepare or review your paperwork, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with a lawyer who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire a lawyer just to make the court appearance for you.

You and the lawyer must agree in writing to Limited Legal Representation.

North Dakota Free Legal Answers

This civil legal program is a partnership of the American Bar Association and the State Bar Association of North Dakota.

The purpose of the program is to provide free answers to **specific** civil legal question to low-moderate income North Dakotans who submit their questions online. Anonymous volunteer lawyers answer your question, but can't represent you.

Go to nd.freelegalanswers.org for information about the program, the online application, and, if you qualify, ask your civil legal question.

Please note that this program **doesn't** provide any assistance with criminal legal questions.

What is a Civil Action?

A civil action is a court case involving non-criminal, or civil, matters.

In general, a civil matter is a private dispute or issue between people or organizations. When a civil matter is brought in state court, it's called a civil action.

Civil actions may also be called civil cases.

The [Guide to a Civil Action or Civil Case](#) on the ND Legal Self Help Center webpage has additional information and resources.

How To Write A Complaint In North Dakota

A Complaint is made up of the following sections:

- Caption;
- Jurisdiction and Venue;
- Parties;
- Facts;
- Claims;
- Request for Relief; and
- Date and Signature.

Caption:

The caption in the Complaint should look exactly the same as the caption of your Summons.

- ☐ Fill in the name of the North Dakota County where the Plaintiff intends to file the civil case (venue).
- ☐ Fill in the name of the Judicial District where the Plaintiff intends to file the case. (The County is within the Judicial District.) County and Judicial District information and maps are available at ndcourts.gov/court-locations.
- ☐ Fill in the full, legal name of the Plaintiff on the Plaintiff line. There can be more than one Plaintiff.
- ☐ Fill in the Defendant's full, legal name on the Defendant line. There can be more than one Defendant.
- ☐ The Clerk fills in the case number after the Complaint is served and filed.

This is an example of a Caption:

State of North Dakota	In District Court
County of _____	_____ Judicial District
_____)	
Plaintiff,)	
)	
vs.)	Complaint
)	
_____)	Case No. _____
Defendant,)	

Jurisdiction and Venue:

- ☐ Opening Paragraph: Choose “his”, “her”, or “their”.
- ☐ 1st paragraph: Explain how the court has subject matter jurisdiction.
- ☐ 2nd paragraph: Explain how the court has personal jurisdiction.
- ☐ 3rd paragraph: Explain how the county is the proper venue for the case.

This is an example of a Jurisdiction and Venue section:

Comes now the Plaintiff, as and for [his/her/their] cause of action, alleges and shows to the Court as follows:

Jurisdiction and Venue

1. North Dakota District Court has subject matter jurisdiction under [specific rules or law].
2. North Dakota District Court has personal jurisdiction because [specific rules or law applied to each party].
3. Venue is in [_____] County under [specific rules or law].

Parties:

- ☐ 4th paragraph: Include the Plaintiff’s identifying information such as the full name and address.
- ☐ 5th paragraph: Include the Defendant’s identifying information such as the full name and address.

***Note:** The number of paragraphs in this section depends on the number of parties.

This is an example of the Parties section:

Parties

4. The Plaintiff is [Plaintiff full name and address].
5. The Defendant is [Defendant full name and address].

Facts:

This section is used to state the facts related to your claims or causes of action. Remember, you must support your facts and arguments.

***Note:** The number of paragraphs in this section depends on your situation.

This is an example of a Facts section:

<u>Facts</u>
6.
7.
8.

Claims:

- ☐ If you have more than one claim against the Defendant, list each claim in a separate section. Describe each claim in short, plain statements showing you're entitled to relief.

***NOTE:** The number of claims and the number of paragraphs in each claim section depends on your situation.

This is an example of a Claims section:

<u>Claim 1</u>
9.
10.
11.
<u>Claim 2</u>
12.
13.
14.

Request for Relief:

In this section, tell the court what kind of relief you're requesting (what you want the court to order the Defendant to do). Be specific and concise.

☐ List the relief you want from the Defendant.

***NOTE:** The number of requests for relief and paragraphs depends on your situation.

This is an example of a Request for Relief section:

Wherefore, Plaintiff respectfully requests Judgment as follows:

15.

16.

17.

18.

19. For such other and further relief as may be equitable and just.

Date and Signature:

The following are required to be in the date and signature block:

- Date;
- Signature;
- Printed Name;
- Address;
- Telephone Number; and
- Email.

This is an example of a date and signature block.

Dated _____.

[Plaintiff's Signature]

[Plaintiff's Printed Name]

[Plaintiff's Address]

[Plaintiff's City, State, Zip Code]

[Plaintiff's Telephone Number]

[Plaintiff's Email Address]