

What To Do When Your Association And/Or Board of Directors is Served With A Lawsuit

Checklist

☐ Note Service Date, Time and on Whom

Make a written note immediately of the name of the person who was served with the papers, the time and the date. Your attorneys and insurance carrier will need to know this information, as you have only 30 days in which to file a response in State Court and 21 days if the lawsuit is in Federal Court.

☐ Act Promptly

Do not take a lawsuit lightly. Do not put the legal papers in a drawer or someone's mail slot and wait for the person to see it. If you fail to protect your rights, the courts may not help to save you from your own mistakes, or, more likely, it will cost you a great deal more to undo the errors.

☐ Notify Attorneys and Insurance

Immediately send a copy of the lawsuit to your attorneys and your insurance carriers noting the name of the person served, and the date and the time when they were served. Depending on your insurance policies and the nature of the claim, there may or may not be insurance coverage. Your attorneys may have to take the initial steps to protect your rights in the lawsuit.

☐ Preserve Evidence

Your Association, all members of the Board of Directors, the Community Association Manager, and any employees of the Association have a legal duty to preserve evidence related to the lawsuit. Do not delete any emails or other electronically stored information, nor destroy any hardcopies of documents, letters, photographs, etc. If in doubt, ask your attorneys for guidance.

☐ Preserve The Attorney/Client Privilege

Do not discuss the lawsuit with anyone other than your attorneys and other board members in executive session. Do not forward emails or other correspondence from your attorneys to anyone who is not a member of the board of directors, or the Community Association Manager.