

Civil Litigation

The goal of any legal system is to provide a fair and civil way to resolve disputes. Such a system is necessary to ensure that members of society will resolve their disputes in a peaceful manner. Hence, “civil” litigation is a proceeding where people can act civilly in resolving private disputes and the courts will insist that proper decorum and respect be shown during these proceedings. To ensure that both sides will have a fair opportunity to present their case, the courts have adopted formal rules of procedure and formal rules of evidence and an impartial Judge will be assigned to oversee the proceeding.

The phrase “civil litigation” refers to a wide variety of private disputes. Civil litigants are typically private individuals and companies but may include government agencies. Civil issues include anything of a private nature, as opposed to criminal actions. Some examples of civil actions include business disputes, employment disputes, landlord/tenant disputes, personal injury claims, and civil rights claims. In all of these cases, the plaintiff asserts that the defendant(s) did something wrong and as a result, the plaintiff has suffered some sort of injury. In most cases, the plaintiff will seek monetary damages but in some cases, a plaintiff may ask for equitable relief. That is, a court order compelling the defendant to stop doing something (injunction) or to compel the defendant to do something (specific performance).

Lawyers often refer to civil matters according to the type of litigation. The two most common are “tort actions”, which are for personal harm, such as personal injury (PI) or defamation of character, and “assumpsit” which are claims arising out of a contract for breach of a promise.

The civil litigation process typically starts at the lowest level but can move to higher levels if one or both of the parties wish to appeal. For example, in Pennsylvania, a dispute involving money less than \$12,000 can be heard by a district magistrate. There is also a compulsory arbitration process, the amount of which can vary by county. For larger amounts and for minor court appeals, the Court of Common Pleas will hear the dispute.

Litigation attorneys are familiar with the formal rules of procedure and evidence and will represent their client in obtaining a settlement or, if necessary, at a trial. While litigators are trained to be advocates, they are also trained not to become so emotionally involved in the client’s case that they lose their objective perspective. This educated but objective advocate can be invaluable to reaching an out of court settlement.

If you are involved in a civil case and do not have an attorney, either as a plaintiff or as a defendant and have a question, please contact my office. My office has experience in many types of civil matters and can provide assistance at any step in the civil litigation process.

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