

## HANDOUT 1: Introduction to the Civil Court

Civil law involves cases where there are private disputes between individuals or parties that cannot be resolved outside the court system. They do not involve or affect other members of society as in criminal law.

Torts, contracts and the law of negligence are integral parts of civil law. These are defined below:

- *Tort*: An act of the legislature declaring, commanding, or prohibiting something; a particular law enacted and established by the will of the legislative department of government
- *Contracts*: An agreement between two or more persons which creates an obligation to do or not to do a particular thing
- *Negligence*: The omission to do something which a reasonable person, guided by those ordinary considerations which regulate human affairs would do, or the doing of something which a reasonable and prudent person would not do

The burden of proof in civil cases is on the balance of probabilities which means that it is more probable that one side is correct. The judge or jury listens to both sides then they weigh the evidence and make a decision.

### Civil Court

A civil case is started by one party filing a claim in the court against the other party and asking the court to decide the outcome. This case would read differently from a criminal one in that it would be the Plaintiff (Jones) versus the Defendant (Smith). The plaintiff is the person starting the action or the one suing. The defendant is the person who allegedly caused the problem.

A civil jury has eight members. The decision of this jury does not have to be unanimous, as long as 75% or 6 out of 8 jurors agree after at least three hours of deliberation. The penalties are usually monetary in the form of a damage award.

Civil cases with a monetary claim of \$25,000 or less are heard in Small Claims Court. Cases with a claim of over \$25,000 are heard in the Supreme Court. The majority of civil cases are settled out of court.

### Types of Civil Cases

- Contract
- Divorces
- Custody
- Contested wills and estates
- Personal injury

