

# Civil Litigation: Step-by-Step Guide

If you have suffered misconduct or financial harm by a person or company, civil litigation can be a way to get financial compensation. It means applying to a court for a judgement that will order the other party to pay you a sum that reflects the harm or loss you've suffered.

Here's a step-by-step guide to how the process works.

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## Do You Have a Claim?

However hurt or aggrieved you feel, you will need to convince a court that you have a valid claim for compensation. A lawyer experienced in civil litigation will give you an honest assessment of your chances of success.

Precedent is a vital consideration: are there examples of similar cases where compensation has been awarded?



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## Pre-Action

Both parties are expected to act reasonably and exchange information about the case freely in an attempt to resolve the issue without litigation. Sanctions and penalties can be imposed for unreasonable behaviour.



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## Issuing Proceedings and Court Documents

The formal process starts with issuing a claim form containing the 'particulars' (a summary of the basic facts). Documents must be served following the correct procedure and timeline. Further documents may be served to clarify each party's position. All court documents are accompanied by a statement of truth.



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## Defendant's Response

The defendant must serve a defence, including any counterclaim, normally within 28 days of receiving the claim form. If they don't, the claimant could win the case by default.



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## Disclosure of Documents

Any documents, including witness statements, that the parties plan to use during the trial must be disclosed to the other side. Any information that could potentially undermine your case must also be disclosed unless protected by legal professional privilege. Despite what you've seen on TV dramas, producing last minute 'killer evidence' in court isn't how it works.



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## Offers of Settlement

The defendant may offer a financial settlement to resolve the issue without a trial. Claimants don't have to accept the offer but will need to balance it against the chances of success and the likely financial award by the court.



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## The Trial

Unless the trial involves fraud or defamation, there will not be a jury. The judge will determine the outcome. They will normally have reviewed the documents and will hear oral arguments by lawyers for each party. The verdict may be given immediately at the end of the trial or after a period of reflection. Leave to appeal may be granted by the court following the verdict but this is an exception in civil cases.



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## Costs

Usually the successful party's costs are paid - at least in part - by the unsuccessful party.



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## Enforcement

If you win your case and the defendant doesn't pay up, there are procedures that allow assets to be seized and sold, or to force the other party into insolvency.



For more information or advice, contact us on Powells Law on **01934 623501** or email [helpforyou@powellslaw.com](mailto:helpforyou@powellslaw.com).