

**Presented by:**



## **“Civil Claims” (Tips and Information)**

Welcome to this film on Civil Claims. Let's get started with things to remember if you are here for a Civil Claims trial.

If you are involved in the Civil Claims process, it is because you are a Plaintiff, a Defendant, or a Witness.

- You are a Plaintiff, if you are starting a lawsuit against another party
- You are a Defendant, if you are defending yourself against a lawsuit
- You are a Witness, if a Plaintiff or Defendant has asked you to attend at trial and tell the Court what facts you know about the lawsuit

There is more information about the Civil Claims process on the Alberta Courts website. The information will be helpful to you whether you are a Plaintiff, Defendant, or a Witness.

The website has information on:

- Things to think about before you sue
- What choices you have if you are being sued.
- What options do you have to resolve your claim without going to court including mediation
- What costs are involved when starting or defending a lawsuit
- What court forms a Plaintiff and Defendant will need to fill out
- What happens when you go to court
- How you should act in court
- And, what happens after you have been in court

Courtrooms are open to the public. If you are involved in a lawsuit, it is a good idea to watch a trial to see what happens in court. It will make it easier for you to understand how a trial works and what you need to do.

If you are a Plaintiff, think carefully about whether you can find a solution to your claim without starting a lawsuit. Starting a lawsuit can take a lot of your time, will cost you money and may even cause you stress. There is no guarantee that you will win.

If you decide to start a lawsuit, get organized. Make sure that you sit down and identify all of the elements of your claim. Some elements include:

- The names of the Plaintiffs and Defendants;
- The facts of your lawsuit;
- The reasons why you are starting the lawsuit;
- The damage or injuries that the Defendant has caused you; and
- What you are asking the court to do, including how much money you are asking for from the Defendant.

You can only prove your lawsuit through evidence. Evidence can come from documents like Emails, letters, contracts, receipts or pictures. Evidence can also come from what you and your Witnesses will say in court.

On your trial date, make sure that you bring copies of any documents that you want to show to the court. Bring enough copies of your documents for the Defendant, the judge, the court clerk, and any Witnesses. You will need at least 4 copies of your documents to hand out. The person who prepared the document will need to be a Witness.

If you are going to have Witnesses give evidence for you, make sure they come to trial.

- To make sure your witnesses come to trial you must prepare, file and serve each Witness with a notice to attend and a Witness fee. This must be done 21 days before your trial.

If your Witnesses miss the trial, you may lose the opportunity to tell your side of the story and you might lose the lawsuit.

In the courtroom, treat all the parties like you would want to be treated. Be polite, courteous, and do not interrupt anyone else when they are speaking.

Let's take a look at what actually happens during a Civil Claims trial, step by step.

When you enter the courtroom, sit down and wait for the Judge to come in. Stand when the judge enters and sit when you are told to be seated. There might be other trials in your courtroom and the judge will decide in what order to hear them. Stay seated until the judge calls your lawsuit.

Once the judge calls your lawsuit, stand up and go to the front of the courtroom.

The judge might ask the Plaintiff and Defendant to make an opening statement. The opening statement is a chance for you to briefly summarize your case for the judge. The Plaintiff makes their opening statement first and then the Defendant.

Next, the Plaintiff will present the evidence in support of their case. The Plaintiff can present this evidence:

- by telling their story;
- by asking Witnesses to tell their story; and
- by showing the judge their documents.

After the Plaintiff and their witnesses give evidence, the Defendant can examine them by asking questions.

Once the Plaintiff is finished presenting, the Defendant gets to present the evidence in support of their case. The Defendant presents their evidence in the same way that the Plaintiff did:

- by telling their story;
- by asking Witnesses to tell their story; and
- by showing the judge their documents.

The Plaintiff can also examine the Defendant and their Witnesses by asking them questions.

After the Plaintiff and Defendant have presented evidence, the judge will give each party the opportunity to summarize their case. In the summary, set out all the evidence that you think supports your case.

The Plaintiff gives their summary first. If you are the Plaintiff, tell the judge what you want including how much money you want the Defendant to pay. The Defendant then gives their summary. If you are the Defendant, tell the judge what you want to happen in the lawsuit.

Once the judge hears from both the Plaintiff and Defendant, the judge will give a decision. The judge can give their decision in the courtroom or may ask for extra time to prepare. The judge might give their reasons verbally or in writing. Once the judge has made their decision, do not argue with the judge.

Thank you for watching this film.

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