Going to Civil Court

10 things you should know before going

1 **Civil court deals with disputes (also called 'issues' or 'legal wrongs') between parties,** such as individuals or businesses. The dispute might be over a breach of contract, debt owing, restraining order, or more. Civil court does not deal with criminal issues. Family courts technically are civil courts but they have their own rules.

2 **There are two civil courts in Alberta:** Alberta Court of Justice and the Court of King's Bench. The Alberta Court of Justice Civil Division (which people usually call small claims court) is only for disputes of $100,000 or less that do not deal with:

- title to land, or taxes
- malicious prosecution, false imprisonment, defamation, criminal conversation or breach of promise of marriage
- complaints about how a justice, justice of the peace or peace officer carried out their duties

3 **There are rules about when you can and cannot start a lawsuit.** Alberta's *Limitation Act* says most lawsuits must be started within two years after the issue came about. There are a few exceptions. If you or your lawyer miss this deadline, you may not be able to go ahead with the lawsuit.

4 **You should almost always try to resolve your dispute outside of court.** Court is adversarial, can take a long time, and can cost lots of money (sometimes even more than is in dispute!). Before you get to a trial, both the Alberta Court of Justice and the Court of King's Bench encourage (and sometimes require) the parties to try to resolve the dispute through other services offered by the court. You can also try to resolve the dispute before filing a lawsuit by writing a demand letter, or through mediation or arbitration.

5 **There are rules for court. Lots of them!** Each court has rules about filing, responding and serving documents as well as sharing evidence, appearing in court and more. Everyone must follow these rules – whether you have a lawyer or are representing yourself.

TIP

View the rules of court online:

- Alberta Court of Justice: **canlii.ca/t/95wj**
- Court of King's Bench: **canlii.ca/t/8nhs**

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6 **You usually cannot appear in court without doing several things first.** For some urgent issues, you can get into court quickly. But usually there are other steps involved: filing, serving and responding to documents, sharing evidence, resolution attempts, etc. There are also rules about how to apply for a trial date. Understand the steps you need to take and when you need to take them.

7 **There are rules about what evidence a justice will consider.** You cannot just walk into court and tell your story. The rules for the court you are in say what evidence is allowed and when. A few tips:

- Your evidence must be material and relevant. Material means that it helps prove what you need to prove.
- Sometimes your evidence must be in a written, sworn document called an affidavit. Other times you can give it orally before the justice.
- If you are calling an expert witness to give an opinion in the Court of King's Bench, there are more rules for getting their evidence into court.
- There are rules about sharing your evidence with the other party. You cannot surprise them in court with new evidence.

8 **Know what to expect in the courtroom. And what is expected of you.** There are rules about how you address the justice, when you speak, and more. You must present your case to the justice politely, respectfully and concisely. You should also arrive early, dress appropriately and stay calm. You can prepare by going to the courthouse before your court date and watching other court proceedings.

TIP

See CPLEA's **Tips for Going to Court** info sheet to learn more: **www.cplea.ca/courts**

9 **Justices are not there to help the parties.** Their job is to listen to the evidence and apply the law to make their decisions. Justices must remain impartial. They may give you direction about the court process or let you know when you can speak. But it is best to be prepared and know what to expect.

10 **It is up to you to take steps to enforce any order the justice grants.** Maybe the other person must pay you money or do something else. They may not do it willingly. There are rules about how you can enforce your order.

TIP

See the Government of Alberta's **Getting and Enforcing Your Judgment in Alberta** booklet for more info: **bit.ly/3clfqWo**

Find more information about going to court at www.cplea.ca/courts.

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