**CIVIL LAW**

**Criminal laws** are the rules that apply when someone commits a crime, such as assault, robbery, murder, arson, and burglary. After a person is arrested and charged with a crime, that person goes to a criminal court.

**Civil law** refers to almost all other disputes – these are the rules that apply when one person sues another person, a business, or an agency. This can cover a housing case such as for eviction or foreclosure, a family case such as divorce or custody, consumer problems such as debt or bankruptcy, or when someone sues for money because of damage to property or personal harm. All of these cases go to a civil court.

The judges in criminal and civil court have different powers. Criminal court judges can punish you for breaking the law by sending you to jail. Civil court judges can order you to pay money or a fine, or make decisions about your family or your home.

In civil court, one person **sues** (files a case) against another person because of a dispute or problem between them. A business or agency can also file a case in civil court or be sued in civil court. If someone loses a case in civil court, that person may be ordered to pay money to the other side or return property, but that person does not go to jail just for losing the case. In a civil case, the one filing the lawsuit is called the **plaintiff**. Unlike in a criminal case, where the prosecution must prove beyond a “reasonable doubt” that the defendant is guilty, in a civil case, the judge or jury must simply believe that your case is stronger than the other side’s case.

There are many different types of civil cases, but let’s look at some of the most common ones:

**Torts and injury cases**

If you’ve been harmed due to the negligence of another person, you’re entitled to file a lawsuit against the offender in order to receive just compensation. A **tort** is a civil case in which one party alleges that another caused them physical or emotional harm. Tort cases can take many different forms, and can relate to a person’s personal safety, safety of their property, and financial security. Common torts related to accident and injury include assault or battery cases, and negligence cases in which one party alleges that a caregiver did not do their assigned duty. Tort cases can also involve medical malpractice, fraud, and defamation (where one party damages the “good character” of another by giving false statements).

**Class action cases** are similar to tort cases, only the plaintiff in these cases represents a group or class of people who have all been injured by the same thing. These are common in cases of defective products or exposure to hazardous materials in which the faulty item injured multiple people before it was recalled.

**Family Law and Divorce cases**

Family cases are a type of civil case, but they generally involve issues between or concerning spouses, parents, and children. One common area of family law involves divorce and dissolution of marriages. When a couple separates, courts often have to make rulings about property, families, and future payments from one person to the other for the sake of children. Family law courts can also make rulings about paternity (who is legally the father of a child) and child custody (who has legal custody, what a visitation schedule might be for couples not living together, and any child support payments).

Beyond these common areas of a family law, courts may also hear cases involving protection orders against domestic violence, name changes, guardianship of children or adults who cannot care for themselves, emancipation of minors, adoptions, and termination of parental rights.

**Contract disputes**

A breach of contract case typically results from a person's failure to perform some term of a contract, whether the agreement is written or oral, without some legitimate legal excuse. When one person breaches a legal contract they’ve signed, the other party can file a lawsuit in civil court. Cases often involve claims for such things as not completing a job, not paying someone what they are owed for work done, failing to deliver goods sold or promised, or some other disagreement about what was expected from either party of the contract. Sometimes, this results from a contract that is not written clearly – both sides can dispute what the contract actually says, and the courts will have to make a decision. Usually, however, contract disputes result from one party overextending itself to the point where it does not have the money or time to fulfill its obligations.

**Equitable claims**

An "equitable claim" asks the court to order a party to take some action or stop some action. It may or may not be joined with a claim for monetary damages. Usually this involves cases where a party is seeking a temporary restraining order or **injunction** to stop something that cannot later be reversed and would cause irreparable harm to something (a person, a business, property). This could be the destruction of property – for instance, if Wal-Mart wanted to build a new store on land that is home to an endangered species, a local environmental group may ask the court to stop this action until a later lawsuit is settled; building the store would wipe out that endangered species, which could never be brought back. Equitable claim cases can also include the improper transfer of land, the solicitation of a business’s customers, and so on.

**Property disputes**

Property law involves disputes about property ownership and damages to one person’s property or real estate. There are many different types of property disputes that a civil litigation attorney may handle. One common one is property line disputes, in which one party alleges that a neighbor crossed the property line boundary between their two homes for building or planting. Another form of property is intellectual property, such as copyrights over music, movies, TV shows, video games, books, and so on.