



Civil Litigation FAQ

Whether you are facing a legal dispute in Pennsylvania, considering legal action, or seeking representation in a civil case, [Van Horn Law](#) will help you successfully resolve disputes with clarity and purpose. The first step of that process, however, is understanding the process. Our [civil litigator](#) in [Allentown](#) helps clients understand and participate in the civil litigation process to the extent it serves their best interests. We believe informed clients make the best decisions for themselves and their stakeholders.

Here, we provide answers to some common questions we initially receive from our clients.

*If you want answers more specific to your unique legal situation,
[contact us at 610-437-2757 to schedule your consultation.](#)*

What is Civil Litigation?

Civil litigation is a legal process involving two or more parties who need to resolve a dispute through the court system. It typically involves one party (the plaintiff) seeking damages or specific remedies from another party (the defendant) for alleged wrongdoings, like a breach of contract, personal injury, or property dispute.

The parties in civil litigation can be individuals or entities, like private citizens or residents, public officials, private businesses, non-profits, or government agencies.

When Should I Consider Pursuing Civil Litigation?

When civil disputes occur – typically because you have suffered some kind of harm in the form of property damage, personal injury, or breach of contract – the first step is typically discussing the claims with the at-fault party. A settlement or another resolution could be reached through negotiations. When talks break down, however, you might want to consider civil litigation. Contact our civil litigation lawyer in Pennsylvania to discuss your case and what your best legal options might be.

How Long Does Civil Litigation Take?

The duration of civil litigation varies depending on the complexity of the case, court backlog, and whether a settlement is reached. Some cases can be resolved in a few months, while others may take several years to conclude.



How Does a Lawsuit Work in Pennsylvania?

Civil litigation, as opposed to criminal litigation, involves disputes between people, businesses, and other entities. While each lawsuit has its own particular circumstances, most follow the same steps summarized below.

- **Pleadings Stage.** During the pleadings stage, the plaintiff files and serves a complaint on the defendant(s). In the complaint, the plaintiff states, among other things, the harm they incurred, how it occurred, and why the defendant is liable for that harm. Next, the defendant will prepare an answer in response to the complaint. The defendant may also file a counterclaim or cross-claim. The plaintiff will then have an opportunity to reply to any pleadings that require a response. While this is a simple explanation, the pleadings stage can involve other steps, such as the defendant filing a motion to dismiss and a hearing to address any motions filed.
- **Discovery Stage.** The discovery stage is when both parties have the opportunity to request information and documentation from the other party. This is accomplished formally through the filing of interrogatories and requests for production. It is also at this stage that witnesses are deposed and their testimonies obtained.
- **Trial Stage.** At the trial stage, the parties will each be able to present opening arguments. Then, the plaintiff will be able to present their case, and the defendant their defense before a judge and/or jury. Evidence is produced and testimony is taken from witnesses, and the parties are allowed to have closing arguments. The judge will issue a decision or the jury will reach a verdict.
- **Appeals Stage.** The party that does not prevail at trial may pursue an appeal to have the decision reviewed by a higher court. Appeals can continue until there are no higher courts with jurisdiction to hear the matter.

Again, this is a general summary of lawsuits. Each suit may proceed differently according to the facts of the case and the jurisdiction where the case is heard.

What Are the Potential Outcomes of Civil Litigation?

The potential outcomes of civil litigation are usually one of four:

1. **Dismissal**, where the court orders a case dismissed;
2. **Settlement**, where parties agree to resolve the dispute outside of court;
3. **Judgment**, where a court ruling in favor of one party, leading to damages, injunctions, or other remedies; or
4. **Appeal**, where a party may appeal an unfavorable judgment to a higher court.



Can I Settle a Civil Dispute without Going to Court?

Yes, many civil disputes are resolved through negotiation, mediation, or arbitration – collectively referred to as alternative dispute resolution (ADR) methods – before going to court. Alternative dispute resolution methods can be more cost-effective and less time-consuming than litigation.

There are, however, pros and cons to each method, so the decision to use any ADR method should be carefully considered with the help of a civil litigation attorney. In fact, our [civil litigation attorneys](#) in Pennsylvania can help you with negotiations during most of these processes, including the provision of insightful, strategic counsel.

Are there Alternatives to Trial?

Alternatives to trial are alternative dispute resolution methods. Negotiations are the most common form of ADR, but mediation and arbitration are often used or required. Many states have other types of ADR methods, too, that may offer other benefits. Again, whether or not an alternative to trial is best for a particular case is a matter that should be discussed with your legal representative.

What are the Most Common Types of Civil Litigation Cases in Pennsylvania?

Civil litigation is wide-ranging and encompasses a broad spectrum of case types, including:

- Business disputes
- Landlord/tenant disputes
- Probate disputes
- Real estate disputes
- Financial disputes
- Personal injury disputes
- Breach of contract disputes
- Employment disputes
- Family disputes
- Divorce
- Civil rights violations

While all the above are types of civil litigation, how they proceed and the proper procedure for each can vary significantly.



How Can I Initiate a Civil Litigation Case in Pennsylvania?

Initiating a civil litigation case involves filing a complaint in the appropriate court. To do so, you need to ensure you have the right forms, persuasive arguments, and legal support to accompany the filing.

For most cases, unless it's a small claims matter, we recommend consulting with an attorney who can help you draft and file the complaint in the appropriate court. If you have a legal dispute in Pennsylvania, [contact](#) our [litigation attorneys](#) to guide you through the process and represent your interests.

Do I Need a Civil Litigation Attorney in Pennsylvania to File a Lawsuit?

While it is possible to represent yourself in civil court (*pro se*), it is highly advisable to hire an experienced civil litigator.

At [Van Horn Law](#), our [civil litigators](#) will provide legal expertise, help you navigate complex procedures, and advocate on your behalf, increasing your chances of a favorable outcome.

How Long Does It Take to Resolve a Lawsuit in Pennsylvania?

There is no magic formula for determining exactly how long it will take to resolve a lawsuit, however, there are some factors that can help provide a timeframe for resolution.

- **Type of Case and Fault.** If liability is clear and not at issue in an accident, the case is more likely to reach a prompt resolution. Class action lawsuits and medical malpractice lawsuits tend to be some of the lengthiest.
- **Parties to the Case.** The parties to the case have a huge bearing on how long the case takes to be resolved. Cases involving multiple parties tend to take longer to resolve. Also, the willingness of the parties to work together towards a resolution is a huge factor in the length of time to resolve a case.
- **Damages Involved.** The higher the damages, the more likely the defendant will put up a vigorous defense and the longer the case will take to reach a conclusion.

There may be ways to expedite a lawsuit which is a matter best discussed with our [civil litigation attorneys](#).

What is the Burden of Proof in a Civil Case?

Generally speaking, the burden of proof in civil cases is that the plaintiff must prove their case by a preponderance of the evidence. A preponderance of the evidence is a lower bar than a criminal prosecutor's burden to prove the alleged suspect guilty beyond a reasonable doubt. In civil cases, you must show that more likely than not the evidence proves your claim, and this is done by a preponderance of the evidence.



In some instances, a clear and convincing standard is required. For example, in many states, if a plaintiff seeks punitive damages, then they may have to show clear and convincing evidence, which is a showing of evidence in between the standards beyond a reasonable doubt and by a preponderance of the evidence.

What Should I Look for in a Civil Litigator?

When choosing a civil litigator, consider their experience in handling cases similar to yours, their track record of success, and their communication style. A good attorney should also provide clear and transparent guidance throughout the process.

How Much Does Civil Litigation Cost in Pennsylvania?

Civil litigation attorneys can vary in how they charge for their services. Some of the most common methods include:

- **Contingency Fees.** In a contingency fee agreement, the plaintiff pays nothing upfront. Instead, the attorney will receive an agreed-upon percentage when the plaintiff receives their damages. This is helpful for plaintiffs who do not have money to pay upfront. If the plaintiff does not receive any damages, the attorney does not get paid.
- **Flat Fees.** In flat fee cases, the attorney agrees to represent the plaintiff for a specific amount of money. No matter how the case concludes, the plaintiff is generally responsible for paying this amount.
- **Hourly Rates.** In hourly fee cases, the plaintiff will receive a bill from their attorney for the work completed by the attorney at an hourly rate. Often, in these circumstances, a retainer is required.

In all three types of billing, the plaintiff is generally responsible for paying all costs associated with their case on top of the attorney's fees. In some cases when the plaintiff wins, they might be able to demand and receive attorney fees from the defendant.

Contact our Civil Litigation Lawyer in Allentown Today

At [Van Horn Law](#), we are committed to providing you with sound legal advice and representation tailored to your needs.

If you have specific questions or require legal assistance with a civil dispute in Pennsylvania, reach out to our [civil litigation attorneys](#) by [filling out the online form](#) or calling us at [610-437-2757](tel:610-437-2757) to schedule your consultation.

Your legal rights and interests are our priority.

