



# Civil Procedure

English for Lawyers I.4



hello



# Vocabulary

1. občanské právo  
procesní
2. předvolání, úkon  
soudu, příkaz
3. řízení
4. soudní jednání,  
líčení

1. **civil procedure**
2. **process**
3. **proceeding(s)**
4. **trial**

# Civil procedure – definition

Civil procedure

**may be understood as**

the **body of law** that **sets out** the rules and standards that courts follow when adjudicating civil lawsuits.

# Exam tip:

Definovaný termín	zařadíme	do třídy pojmů	s rozlišujícím znakem
Civil procedure	may be understood as  may mean  refers to  can be defined as  could be explained as	body of law	that <b>sets out</b> the rules and standards that courts follow when adjudicating civil lawsuits.

# What do these rules govern?

- how a lawsuit may be commenced,
- what kind of **service of process** is required, the types of **pleadings** or **statements of case**,
- **motions** or **applications**, and **orders** allowed in civil cases,
- the timing and manner of **depositions** and **discovery** or **disclosure**,
- the conduct of trials,
- the process for judgment, appeals and jurisdiction.

# Parties

- plaintiff
- defendant

Definovaný termín	zařadíme	do třídy pojmů	s rozlišujícím znakem

# Attorney

- **a counsellor**
  - helps advise the client how to order the client's affairs (pending or potential litigation)
- **a negotiator**
  - works with the opposing counsel to get a favourable resolution for the client with respect to pending lawsuit
- **a litigator**
  - helps pick a jury, participates in pre-trial motions, presents evidence at trial,...



# Litigation

- the act or process of bringing or contesting a legal action in court
- a judicial proceeding or contest
- a lawsuit

CZ:

soudní spor, vedení sporu

# Basic Stages

- issuing and serving the **writ of summons**
- delivering the acknowledgement of service
- exchange of pleadings
- trial is held
- enforcement of the judgment

# Pleadings

- procesní materiály
- spisy
- podání

**The object of pleadings is to define the areas of contention between the parties.**

In English it covers:

- the **statement of claim**
- the **defence** (i.e. the defendant's answer),  
**counterclaim**
- the **reply** (P's answer to D's defence)

# The statement and particulars of claim

- stanovení žalobního nároku a uvedení podrobností případu
- vylíčení rozhodných skutečností

# The last sentence in the pleading

- in CZ?
  - žalobní petit
- in EN?
  - **a prayer for relief**
  - **a demand for relief**
  - **a prayer**

# Defendant's Steps

- he may **admit** the allegation
- he may **deny** the allegation
- he may **require** the other party to prove the allegation
  - without specifically denying it
  - effected by using the phrase „the Defendant does not admit“

# Důkazní břemeno

- in EN?
  - **burden of proof**
  - **onus of proof**
- usually on the plaintiff
- standard of proof
  - **on the balance of probabilities**
  - AM preponderance of evidence

# Enforcement of Judgment

- losing party in a lawsuit
- **judgment debtor**
- povinný
  
- winning party in a lawsuit
- **judgment creditor**
- oprávněný



# Enforcement of Judgment

- a writ, warrant of execution
- an attachment of earnings order  
= a garnishee of wages
- a third party debt order
- garnishee order
- a charging order

# Listening

- What claim has been filed against the client?
- Will the case go to trial

## **AND SOME MORE 😊 :**

- ✓ What did the client receive yesterday?
- ✓ What does the lawyer need before he can draft an answer?
- ✓ Who might they get affidavits from?
- ✓ What will they hope to achieve by filing motions?
- ✓ When will the trial take place?

# Videos

- What is a tort?

# References

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