

The Stages of Civil (Cases) Litigation

Texas Rules of Civil Procedure lay down the rules that should be followed by Texas state courts. The rules govern civil actions. The rules are promulgated for a just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law by the state courts.

Civil litigation may go through as many as seven different stages before reaching its conclusion. While not every lawsuit includes all of these stages, you will typically experience at least four stages before the conclusion of your case.

Stage 1 - Investigation

All civil litigation goes through this initial investigation phase. The attorneys for the parties will typically be responsible for the investigation, and they may work with a private investigator as well. During this stage of the case, the party who has allegedly suffered some kind of harm (usually an act called a tort) will determine whether a lawsuit is warranted. If so, the lawyers will look for supporting evidence that can help their clients win or successfully defend their cases. This can include things such as evidence from an accident scene, medical records, and interviewing witnesses informally.

Stage 2 - Pleadings

The initial lawsuit paperwork is called pleadings. Every person involved in a civil lawsuit files a pleading that details their side of the case. In Texas, the Plaintiff's Original Petition is the first and, typically, the most important of the pleadings. The petition will discuss the essential facts of the case, the legal issues, and a review of all alleged damages suffered.

Stage 3 - Discovery

The discovery stage of civil litigation involves fact gathering. Both sides involved in the case are able to formally exchange information about the upcoming trial during discovery. The discovery phase of a case helps prevent surprises during the trial and allows both sides to prepare equally.

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