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Departments  
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# Civil Court, Frequently Asked Questions



## Frequently Asked Questions

1. What types of cases are civil cases?
2. Where do I file a civil case?
3. What does it cost to file a case?
4. Will there be a jury in my case?
5. Does the court appoint a lawyer to represent me?
6. How can I find an attorney to represent me?
7. What should I do before I go to court?
8. What should I do when I am in court?
9. What happens if I do not go to court on my court date?
10. If I win my case, what am I entitled to?
11. If I lose my case, is there anything I can do?
12. Where Can I Find North Carolina Law?

### **Q.What types of cases are civil cases?**

**A.** There are many types of civil cases. The more common cases are:

#### *Domestic*

Divorce, child support, custody and visitation, and division of the marital property.

#### *Contracts*

Disputes over an agreement usually for the payment of money for services or goods.

### *Personal injury*

Action to recover damages (money) for injuries sustained due to someone else's fault. *(Last updated on 09/14/2001 )*

### **Q.Where do I file a civil case?**

A. In general, there are three levels of the civil trial courts in which an action can be filed. However, there are exceptions to these rules, so seek the advice of an attorney before filing.

Small Claims: Actions for less than \$5,000 and many landlord tenant disputes.

District Court: Actions for less than \$10,000 and all domestic cases.

Superior Court: Actions for over \$10,000.

Small Claims court is the same as the magistrate's office, usually located in the Courthouse. *(Last updated on 08/01/07)*

### **Q.What does it cost to file a case?**

A. Court costs vary depending upon which division you file the action in. You can contact the Clerk of Superior Court's office in your county for the current cost of court. You may have to pay additional fees besides court costs. These include service fees that are paid to the sheriff. *(Last updated on 09/14/2001 )*

### **Q.Will there be a jury in my case?**

A. Not necessarily. It depends upon the type of case, and even if you are entitled to a jury trial, you must still request one. *(Last updated on 09/14/2001 )*

### **Q.Does the court appoint a lawyer to represent me?**

A. No. Only in criminal cases are you guaranteed a right to an attorney paid for by the state. In the civil courts, you must hire your own attorney. *(Last updated on 09/14/2001 )*

### **Q.How can I find an attorney to represent me?**

A. If you do not know of an attorney in your area, you can contact the Lawyer Referral Service of the North Carolina Bar Association. The Lawyer Referral Service maintains a list of attorneys in your area who will provide an initial consultation at a reduced cost. Call: 800-662-7660.



If your income is limited, you may qualify for free legal services, provided by the legal services office in your area. Call (919) 828-4647. *(Last updated on 09/14/2001 )*

**Q.What should I do before I go to court?**

A. Your attorney should advise you on what to expect in your particular case. Below are some guidelines that apply to most cases.

Plan to stay at least three hours. The courtroom will be crowded and it may be a while before the judge listens to your case.

Dress appropriately. If you dress inappropriately, you may be asked to leave the courtroom.

Find out in which courtroom your case will be heard before court starts. Your attorney may be able to help you with this. You can also call the Clerk of Court's office in the county where your case is pending. Call *prior to your court date*, not the morning of court.

If you have any witnesses, make sure they know the date and time for court. Make sure that they also dress appropriately.

Bring a pen and paper to court with you. You may need to take notes about your case or write down court dates. *It is your responsibility to know when to return to court if your case is continued (or postponed) until another date. (Last updated on 09/14/2001 )*

**Q.What should I do when I am in court?**

A. Arrive at the courthouse early enough to give yourself time to find your courtroom.

When court starts, listen for your name to be called. Your name may be mispronounced so listen closely. When your name is called say, "Present," loudly and clearly. If your name is called and you do not answer, it is the same as not being there. If your name is *not* called, notify the person who is calling the names at the first recess or break since you may be in the wrong courtroom.

If you get to court late, stay in the courtroom until the next break or recess and let the baliff know that you are there. This *does not*



mean that the judge will listen to your case. *(Last updated on 09/14/2001 )*

**Q.What happens if I do not go to court on my court date?**

A.If you are the plaintiff, your case may be dismissed.

If you are the defendant, the judge may enter a judgment against you even if you are not present or the judge may continue the case.

If you cannot be in court for some reason, you should immediately notify your attorney. If you do not have an attorney, you should file a motion to continue the case with the Clerk of Superior Court. *(Last updated on 09/14/2001 )*

**Q.If I win my case, what am I entitled to?**

A.It depends upon the type of case you filed and what type of relief you asked for (i.e., divorce or money). *(Last updated on 09/14/2001 )*

**Q.If I lose my case, is there anything I can do?**

A.You may have the right to appeal the judge or jury's decision. Most appeals will go to the appellate courts, which are the Court of Appeals and the Supreme Court. *(Last updated on 09/14/2001 )*

**Q.Where Can I Find North Carolina Law?**

A.There are several locations where North Carolina statutes and case law are maintained. [The North Carolina Supreme Court Library](#) in Raleigh maintains an extensive collection of state (including other states) and federal law, periodicals, and law reviews.


The North Carolina General Statutes can be also be found on-line at [ncga.state.nc.us](http://ncga.state.nc.us).

Most public libraries and university libraries have the North Carolina General Statutes. All of the law schools in North Carolina have law libraries, but should be contacted to determine whether the public can have access to those books. Those law schools are at Campbell University, Duke University, North Carolina Central University, University of North Carolina at Chapel Hill, and Wake Forest University.



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*The above information is provided to assist you in understanding some of the basic functions of the court system in civil matters. It is a general outline and is not intended and should not be construed to offer legal advice or be a substitute for legal counsel. (Last updated on 04/04/2003)*

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