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Kinds of Cases

Arkansas juries decide two kinds of cases - civil and criminal. In most civil and criminal cases, the written documents setting forth the claims of the respective parties are called the pleadings.

CIVIL CASES

A civil case usually involves a claim for money damages or some kind of claim with respect to property. The person who files a civil lawsuit is called the plaintiff and the person against whom the suit is brought is the defendant. There may be more than one plaintiff or defendant.

The plaintiff will file with the court a written complaint stating the basis for his or her complaint against the defendant and requesting money to compensate for damages. The defendant will respond with an answer stating why he believes he is not responsible for the damages or why he should not be required to pay money the plaintiff claims is due. The defendant's answer may also contain a counterclaim. A counterclaim is a complaint the defendant files against the plaintiff related to the same situation. These papers are called pleadings. Pleadings are not evidence, but merely the written opinion or claim stated in the course of an argument between the parties.

CRIMINAL CASES

The plaintiff in a criminal case is always the state of Arkansas. If it is believed that a state law has been broken, the prosecuting attorney, who acts for the people of Arkansas, files a complaint or criminal information against the person accused of breaking the law. That person is the defendant. The criminal information is not evidence, but merely an accusation against the defendant which must be proved by the state.

One major difference between civil cases and criminal cases is that in civil cases, only nine (9) of the twelve (12) jurors must reach the same decision, whereas in criminal cases the decision must be unanimous.

Important: The information on this website is not intended to take the place of the instructions given by the judge in any case. Should you see a conflict, the trial judge's instructions will prevail.

Note: The pronouns, he, him, his, refer to both the male and female gender.

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