

Losing my Innocence:
What I Wish I Knew about the Justice System
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This seminar is intended to be general legal information.
These slides are highlights of the presentation at Oasis.

Lessons Learned

1. “The justice system is all about justice”

- * If you are wronged, can you always seek redress at court?
- * No....

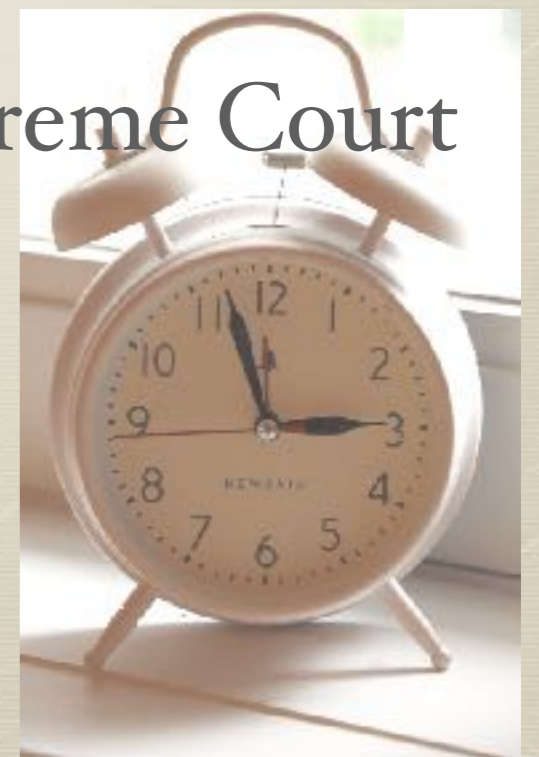


a. Can you sue for anything?

- * “Cause of Action”: what does that mean?
- * See *Morland-Jones v. Taerk* 2014 ONSC 3061, “nasty neighbour” case on my blog...
- * “There is no claim for pooping and scooping into the neighbour’s garbage can, and there is no claim for letting Rover water the neighbour’s hedge. Likewise, there is no claim for looking at the neighbour’s pretty house, ...or just plain thinking badly of a person who lives nearby.”

b. Finality

- * Limitation Periods
- * No “do-over” (re-litigate)
- * Appeal is not a re-trial
- * “Leave” is required to take a case to Supreme Court



c. Most Cases Settle...

- * Skillful settlement negotiations by lawyers
- * Procedural moves drain a party's financial resources.

How Expensive is Expensive?

- * Cost of 7 day trial in 2015: \$82,000
- * Source: Canadian Lawyer Magazine.
- * <https://www.canadianlawyermag.com/surveys-reports/legal-fees/the-going-rate/269815>

2. Uncertainty in Litigation

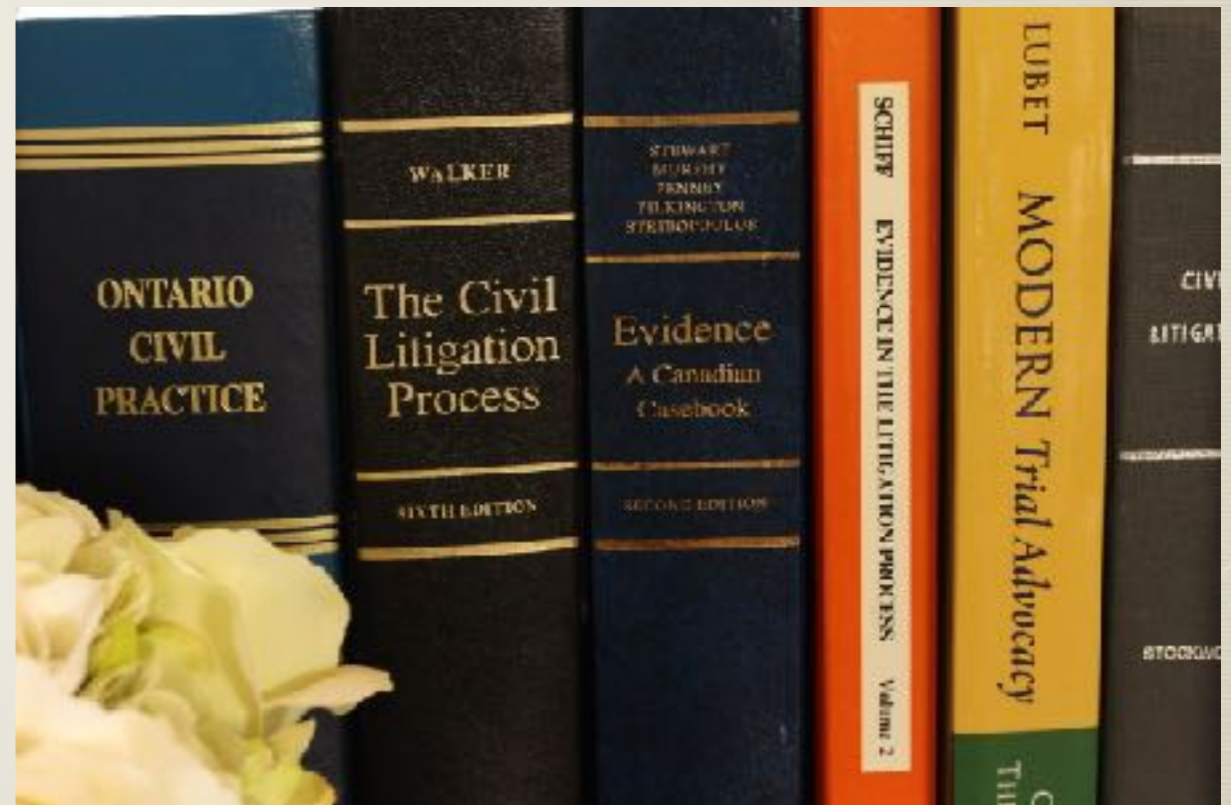
- * Wise lawyer's advice: "You can never be sure you'll win."
- * Right and wrong is subjective:
 - * Parties are biased.
 - * Judges can have different opinions on a legal issue.
 - * eg. Rule on dismissal (Cousins v Roesler <http://canlii.ca/t/g8fsp>)

3. “I can rely on Common sense to represent myself”

- * “I know what fairness and justice means!”
- * “Any reasonable judge who has any common sense will agree with me.”
- * Common sense alone does not equip you to handle a lawsuit

Rules of court hearings

- * Rules of procedure
- * Statutes
- * Case Law
- * Trials: examination of witnesses and presentation of evidence follows a rigorous, structured format
- * Not intuitive: you must know where to look
- * See video interview with Dan Rosman: <https://litigation-help.com/litigation-help-videos/>



The law that is “codified”

- * There is legislation passed by Parliament...



Then, there is “case law”

- * Common law (case law): judge-made law
- * “Stare Decisis” (common law doctrine of precedents)



4. “Law School teaches me Everything”

- * Skills and knowledge is gained through practical experience
- * Law school teaches legal reasoning
- * But there is much, much more to know!



On a happy note...

5. “Conspiracy theory”

* Incorrect:

* “Judges and lawyers all gang up against lay people.”

* “They purposely make the law impossible to understand so that we are forced to hire lawyers.”

* “All lawyers are evil!”

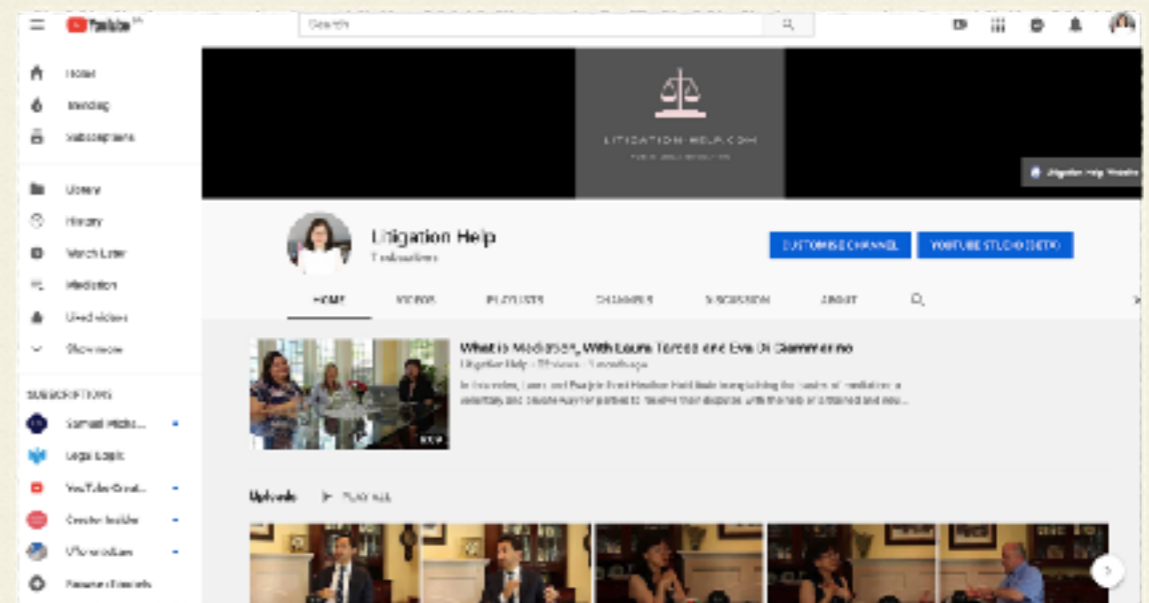
Current Projects





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Special thanks to...



Laura Tarcea



Gregg Fenten

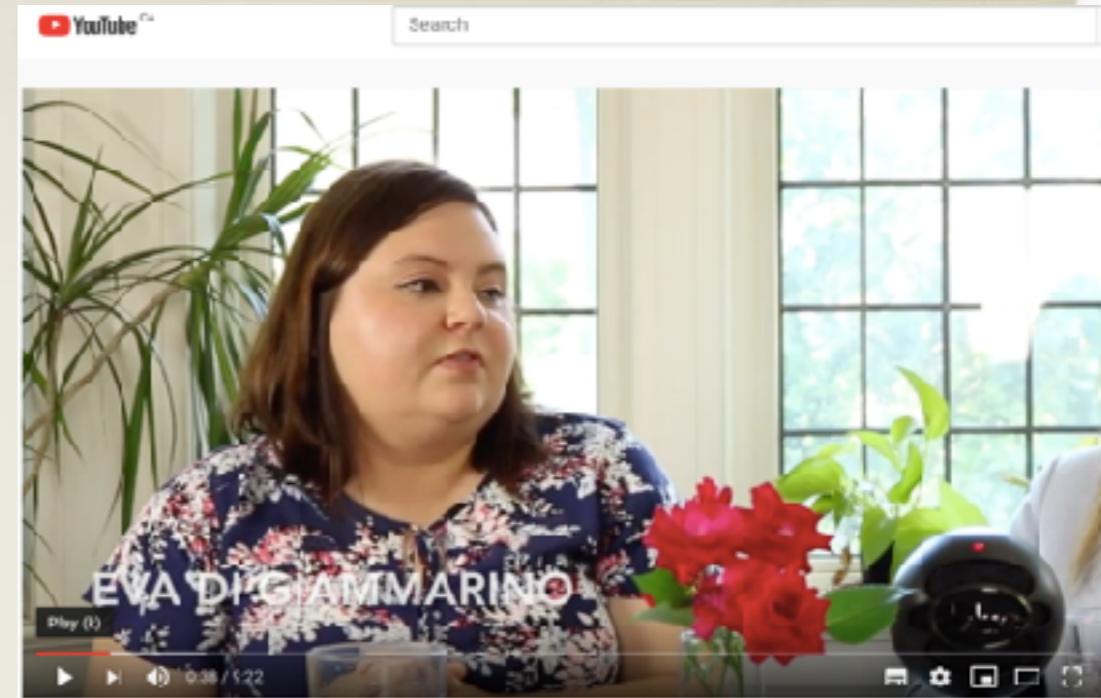


Mick Hassell

Many thanks to..



Samuel Michaels



Eva Di Giammarino



Dan Rosman

www.litigation-help.com

[https://www.youtube.com/channel/
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