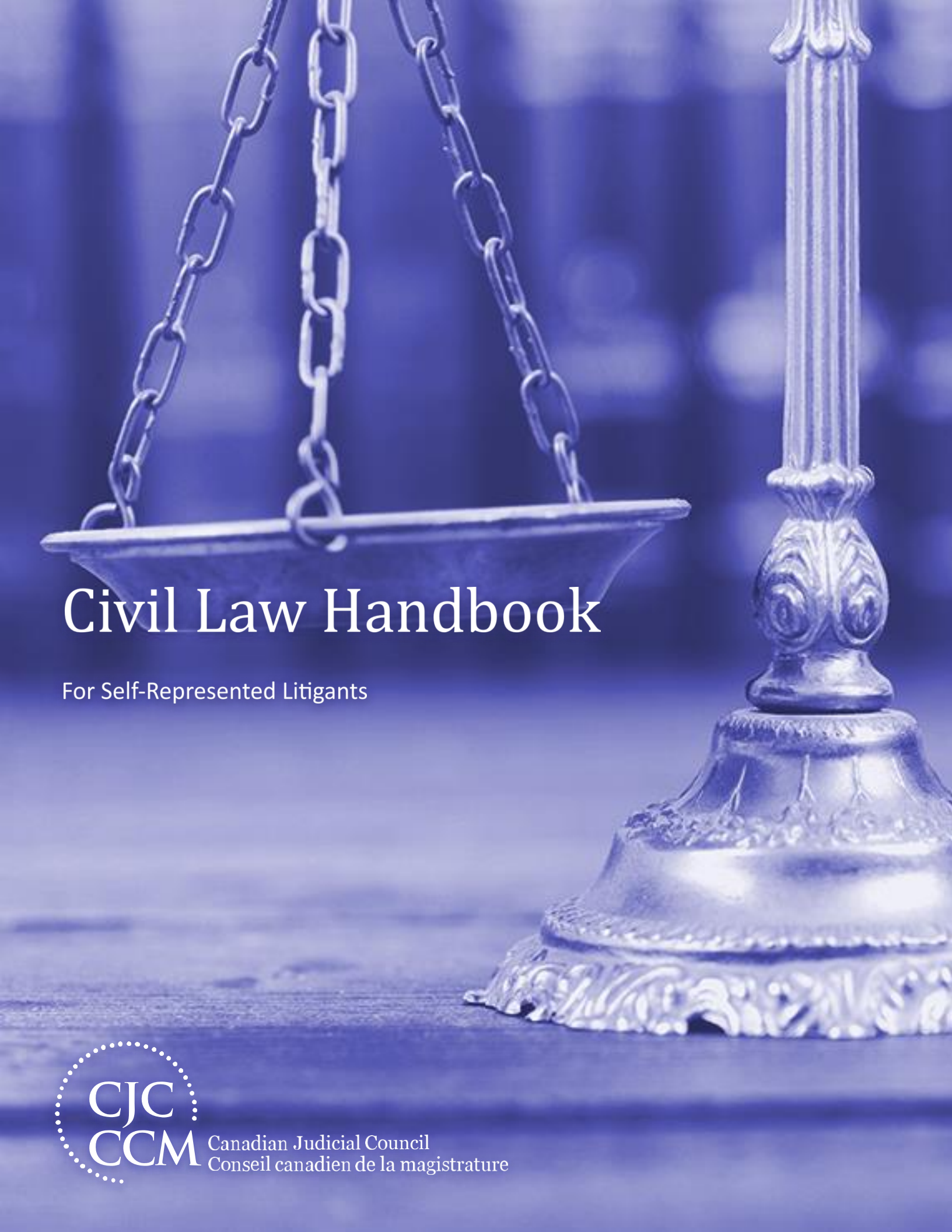


Civil Law Handbook

For Self-Represented Litigants

CJC CCM
Canadian Judicial Council
Conseil canadien de la magistrature

Table of Contents

Civil Law Handbook for Self-Represented Litigants

Note to Readers

This Handbook is intended as a reference for self-represented civil litigants appearing in Canadian courts. While this Handbook cannot anticipate all of the possible situations that may arise, it provides a starting point that will assist and guide litigants.

This handbook does not provide legal advice and is not a substitute for the advice that a lawyer may provide. The handbook provides general information only.

Certain laws and court procedures are different in each province and territory. Information in this handbook may not be applicable to your situation.

Language

Throughout this document, the term "self-represented" is used to describe persons who appear in court without representation from a lawyer. The use of this term is not meant to suggest or imply the reasons an individual is without representation, or comment on the wisdom of self-representation.

This handbook tries to describe legal processes in plain language, but we provided definitions for words that are not normally used outside of the legal context in **Section 12: Glossary**.

Hyperlinks

Hyperlinks have been added where referenced material is available online. Clicking or pressing "Ctrl" while clicking on a link in the Handbook will open the target document in your default web browser.

1. Self-Represented Litigants' Rights, Responsibilities & Supports

1.1 Statement of Principles on SRLs

In 2006, the Canadian Judicial Council issued a statement of principles on self-represented persons to foster access to justice and equal treatment under the law. Read the full statement of principles here. The following are the highlights of the statement.

To promote rights of access

Access to justice for those who represent themselves requires that all aspects of the court process be open, transparent, clearly defined, simple, convenient and accommodating.

The court process should, to the extent possible, be supplemented by processes including case management, alternative dispute resolution (ADR) procedures, and informal settlement conferences presided over by a judge.

Information, assistance and self-help support for self-represented persons should be made available through the normal means of information, including pamphlets, telephone and courthouse inquiries, legal clinics and internet searches.

All self-represented parties should be:

- informed of the potential consequences and responsibilities of proceeding without a lawyer;
- referred to available sources of representation, including those available from Legal Aid, pro bono assistance and community and other services; and
- referred to other appropriate sources of information, education, advice and assistance.

To promote equal justice

Judges and court administrators should do whatever is possible to provide a fair and impartial process and prevent an unfair disadvantage to self-represented persons.

Self-represented persons should not be denied relief on the basis of having a minor or easily rectified deficiency in their case.

Where appropriate, a judge should consider engaging in such case management activities as are required to protect the rights and interests of self-represented persons. Such case management should begin as early in the court process as possible.

Depending on the circumstances and nature of the case, the presiding judge may:

- explain the process;
- inquire whether both parties understand the process and the procedure;
- make referrals to agencies able to assist the litigant in the preparation of the case;
- provide information about the law and evidentiary requirements;
- modify the traditional order of taking evidence; and
- question witnesses.

Responsibilities of the participants in the justice system – both justices and court administrators

Judges and court administrators should meet the needs of self-represented persons for information, referral, simplicity and assistance.

Forms, rules and procedures should be developed which are understandable to and easily accessed by self-represented persons.

To the extent possible, judges and court administrators should develop packages for self-represented persons and standardized court forms.

Judges and court administrators have no obligation to assist a self-represented person who is disrespectful, frivolous, unreasonable, vexatious, abusive, or making no reasonable effort to prepare their own case.

1.2 Right to Represent Yourself

You have a right to represent yourself. You are allowed to appear in court without a lawyer. However, it is highly advisable to get a lawyer if you are able to do so. Lawyers provide experience and legal expertise that help to reduce the stress and time of a legal case. They can also provide you with valuable advice that can help you prove or fairly resolve your case.

1.3 Your Responsibilities

You are expected to prepare your own case. The information in this Handbook is intended to assist you to do so.

You are responsible for learning about the court process, the rules and the law that relates to your case. The fact that you do not have a lawyer will not excuse you from having to follow court rules and processes.

You have the right to be in the courtroom throughout your hearing or trial. However, that right is not absolute: if you disrupt the hearing, the judge can require you to leave the courtroom. If you do not follow the judge's orders, you can also be found in contempt of court. The punishment for contempt of court may include a fine or jail.

1.4 Role of the Judge

Judges ensure that the case is dealt with fairly and impartially, and ensure that the law of evidence and procedures of the court are followed. Judges hear from witnesses, assess the credibility of witnesses' evidence, consider arguments and make decisions based on the law and the facts as they find them.

A judge cannot provide you with legal advice. They cannot tell you how to protect your rights or how to run your case. They must remain neutral and unbiased. A judge may, however, provide you with information about the process and help explain and clarify what is happening. If you do not understand what is happening or what you are being asked to do, be sure to ask the judge.

Juries are not common in civil cases in Canada, but if there is a jury, the judge will not be deciding the case. In jury cases, the judge instructs the jury on the law so they can decide what actually happened.

1.5 Communication

Communications with the other side

Communicating with the other side can be difficult as you are in a legal dispute. The better you communicate the easier, cheaper and quicker it will be to settle your case.

Try to stay focused on the issues that you need to discuss. Set out what you are going to discuss and stay on topic. If you allow the conversation to get off course, your goal will not be met. If the other person is getting off course, refocus them by acknowledging you have heard what they are saying, but that you want to work this issue out before moving on to other issues.

Try practicing these refocusing phrases:

- "I hear what you're saying about _____. Could we talk about that after we have discussed _____?"
- "I'm sorry. I'm getting us off topic. Let's get back to talking about _____."

- "We agreed to talk about _____. Let's leave the conversation about _____ for later, okay?"
- "I know it's complicated, but we really need to find a solution about _____."

Communication tools

When stress levels are high and emotions are sensitive, meeting face-to-face may make it more difficult to reach agreement. Thankfully, there is no shortage of communication alternatives. You can choose to communicate a different way, like by telephone, through e-mail, or by texting. Choose the right communication channel that works for both of you. Remember there is generally less confusion about a communication that is in writing.

Communication with the Court

Usually, court staff will help you as much as they can. If court staff refuse to help you with something, it may be because they are not permitted to give the assistance you are requesting. It is important to understand that court staff cannot give you legal advice.

Communication with the Judge

Do not try to contact the judge outside of the courtroom. If you need to send any letters or information to the Court when you are not in a hearing, send it through the court staff. Make sure to send a copy of everything you give to the Court to the other parties or their lawyers. This is because the judge cannot communicate with one party alone—any communication from the judge to one party must be shared with all other parties.

1.6 Resolving Your Case Without Going to Court

Going to court and having a trial is not the only way to resolve a civil issue. Often disputes can be settled without trial, and even without starting a legal case. The text below provides information about alternate dispute resolution options (ADR). These methods may help settle your case without going to court.

Negotiation

Negotiation is a discussion between at least two people with the goal of reaching an agreement. It is an everyday activity, whether it is negotiating a work contract or debating with friends about where to go for dinner. Negotiating a civil dispute allows you to have a lot of control over the process. You can come up with a mutually agreed-upon solution. Negotiating your own settlement can allow for creative solutions, while the remedies you get through court will be limited to those specifically allowed by the law.

You can still negotiate and try to settle your case even after a lawsuit has been started. It often takes many months between starting a case and getting to trial. During this time, try to settle some or all of the issues in the dispute. Negotiating a resolution will save you the time and money of going through trial, reduce your stress, and help you move forward in your life.

Mediation

In mediation, the parties in a civil dispute meet with a mediator whose job is to help them talk to each other and see where compromise or creative solutions may be possible. The mediator does not make decisions for you. Their job is to help you make the decisions for yourself. Therefore, mediation allows you to have more control over your case. If the case goes to trial, the judge will make all the important decisions concerning the procedure and the outcome.

Mediation may be used at any time. Sometimes people use mediation soon after a claim has been filed in court. Others use mediation when they get very close to a trial. Mediation may also be used before someone has started a court action. Sometimes there is no need to go to court if mediation is used and the parties come to an agreement.

Arbitration

You might also think about arbitration. Arbitration is a lot like court, because it is adversarial in nature. Rather than a judge, both parties hire someone – the Arbitrator – to decide. While there are positives and negatives to the arbitration process, it can be simpler and faster than court, and is held in private.

1.7 Legal Assistance

If you do not have a lawyer because you cannot pay for one, you can try applying for a legal aid lawyer. There are certain criteria such as income level or type of case that may allow you to qualify for legal aid. Check with your local legal aid provider to see if you qualify. If you do not qualify for legal aid, check to see what other free or low-cost legal services are provided in your area. There are often legal clinics and non-profit organizations that can provide legal advice and representation. Check out **Section 13: Resources** for listings of services in your community.

Unbundled legal services

If you cannot afford a lawyer to represent you throughout your entire case, you might still be able to get help from a lawyer. A lawyer might provide *limited* services, which they sometimes call “unbundled” or “limited scope” legal services. If you think you can handle some parts of your case on your own, you can pay a lawyer to do the parts that you cannot do. It is an arrangement where you pay only for what you want. It is a mid-way option between full legal

representation and no legal representation.

Here are some examples of how you might pay a lawyer for limited or unbundled services:

- You pay the lawyer to research the law for you and tell you the results of other similar cases that have gone to court.
- The lawyer helps you prepare the documents that are necessary for the court hearing and gives you advice on how to make your own application in court.
- You prepare your own court documents and hire the lawyer to represent you at the court hearing.

A client "retains" a lawyer to work on their case. An agreement with a lawyer for legal work is called a "retainer". A retainer agreement sets out the scope of the lawyer's involvement in the file.

It is *very* important that both the client and the lawyer understand and agree on what tasks the lawyer will do. You and your lawyer will want to be sure that you understand the work that you will be doing on your own and the work you are expecting a lawyer to do. Your lawyer will prepare a retainer letter that sets out:

- the lawyer's responsibilities and the work that he or she will do (and not do);
- your responsibilities and the work that you will do by yourself; and
- how the lawyer's fees for their work will be calculated.

Even if you do not retain a lawyer, it is always advisable to speak to one about the merits of your case. Your case may be more complicated than you think. So, make sure to exhaust all methods of getting legal advice available to you.

Preparing to meet with a lawyer

Your first meeting with a lawyer is an important step in dealing with your legal dispute. In addition to giving you a chance to meet each other, you can also learn a lot about your legal dispute, and what the result is likely to be. The more prepared you are, the more cost-effectively you can use your time with a lawyer.

What a lawyer will want to know:

- **Basic information**: The lawyer will want to know your situation and the reason that you decided to consult him or her.

- **All relevant information**: It is very important to tell the lawyer *everything* that is related to your dispute, not just the information that supports your side of the story. "Relevant" means that the information tends to prove a matter of fact significant to the case. It is sometimes difficult to know what is relevant and what is not, but the lawyer will help you sort this out.
- **The truth**: It is important to tell the lawyer the truth so they can advise you properly. What you say to your lawyer remains confidential – your lawyer will not tell the other side what you tell them (there are some very narrow exceptions to this rule). A lawyer cannot act for you if you are planning to testify and not tell the truth.
- **Documents**: You must also provide *all* relevant documents to the lawyer. Take a file of documents to your appointment containing such things as letters, court documents, receipts, invoices, and agreements.

It is a good idea to write down the basics of your case and questions you want to ask the lawyer. You should also ask about other ways to resolve your dispute without going to court, like negotiation, mediation, or arbitration. In some cases, it is far more cost-effective to settle the dispute immediately by paying money or transferring property from one party to another.

Review to the ***Questions to Ask a Lawyer Worksheet*** so you get a better idea of what to ask a lawyer.

1.8 Questions to Ask a Lawyer Worksheet

Documents to take to your first meeting with a lawyer:

- A written summary of the facts in your dispute.
- Important documents relating to your dispute, such as letters, invoices, receipts, photographs, court documents, agreements and contracts.
- Personal contact information, including your personal and business addresses, telephone numbers, email addresses.
- Contact information for potential witnesses.

Some of the following questions may not apply to your situation. Read the worksheet before visiting a lawyer and cross off the questions you do not need to ask.

1. What experience do you (the lawyer) have with similar cases?
2. How would you handle my case?
3. How does the law affect my situation?
4. What are my options?
5. What legal risks am I facing?
6. What documents do I need to support my case?
7. Do I need statements from witnesses?
8. What are my options for resolving the dispute out of court?
9. How can I settle the case?
10. How long will my case take?
11. What is the court likely to order?
12. If I am successful at trial, how can I collect money after the judgment?
13. What types of fee options do you offer? What is your hourly rate? What do you estimate the total cost of my case will be?
14. When will I receive bills from you, and when am I expected to pay?
15. How can I reduce the cost? Can I handle some of the legal work myself?
16. Do you need a retainer right away and how much?
17. How is it best to contact you, and how soon can I expect a reply?

18. What do you expect from me?

19. What can I expect from you?

1.9 Appearing in Court Without a Lawyer

When you appear in court without a lawyer, the judge will likely ask you if you have obtained a lawyer or if you wish to do so.

If you have not been able to get a lawyer but wish to do so, you may ask the judge to postpone your case (grant an adjournment) so you can obtain a lawyer. Explain to the judge:

- That you wish to hire a lawyer;
- The reason why you have not been able to get a lawyer yet; and
- That you wish to request adjournment of your case until you have a lawyer (this must be a reasonable amount of time and you cannot use this as a tactic to delay the case).

Understand that if you tell the judge you wish to go ahead without legal representation it may be difficult to change your mind after the trial has started or if it means delaying an important hearing.

2. Legal Research

2.1 Overview

Legal research is about learning the law and understanding how the law applies to your case. It is important to understand your legal rights. A judge can only give you what you are entitled to under the law. By knowing the law, you will have a better idea of what orders a judge might grant you and you can develop a stronger, more convincing argument for your trial or hearing.

It is important to know your legal rights and what you are entitled to under the law so that you can ask for it. It is equally important to understand your legal obligations.

The law includes two elements:

- Legislation: written laws passed by government (e.g. the *Bankruptcy and Insolvency Act*).
- Case law: decisions made in other cases

2.2 Legislation

Finding the law

A judge may use both legislation and case law to decide your case. You will want to use the law to support your position and convince the judge to decide in your favour. This means you will need to have a basic knowledge of how to research legislation and case law.

First you will want to see what the legislation says about your legal rights. In Canada, laws about some things (like criminal law) are made by the federal government; laws about other things (like minimum employee rights) are made by provincial and territorial governments. All federal and provincial legislation can be found for free online, usually through a government website. Go online and search for legislation and the name of your jurisdiction. Select a government website. If you are looking for a federal law, they are found on the Justice Canada website. Each law (or Act) has a table of contents to help you navigate its content. Generally speaking you will be able to find all of the legislation and case law that you require at CANLII.org at no cost.

For example, if you go to the Table of Contents of an Act you can see that it is divided into different parts, divisions, and sections. In most cases there is a definition section under Part 1. This is a great place to go when you are not exactly sure what a word means. Words that we

use every day may have a different meaning under the law. So, it is a good idea to check the legal definition in Part 1.

Understanding the law

Now that you know how to find specific laws, you need to gain some skill to read the law. Generally speaking, in the past, laws were not always written in a way that is easy to understand (but this is changing). The older the law is, the more likely it is to be hard to read. Lawyers are trained to read and understand the law. You do not need to become an expert at reading law, but if you are representing yourself, you need to be able to understand the laws that apply to your case.

For example:

Let us say there is a law that states:

> *Only fruit stands registered with the city can sell class 5 fruits.*

To understand this better, you will need to look up how class 5 fruits are defined. Imagine the law states:

> *Class 5 fruits are any fruit grown in America or Mexico and imported legally into Canada.*

Now if you want to sell mangos at your fruit stand, how can you use the law to prove your case?

To help build your case, it is useful to use a worksheet like the **"Applying the Law" Worksheet**. Putting information into each column in the table will help you pull all of the important information together.

Under the 'Law' column, you would enter the sections of the law about registered fruit stands. Under 'Facts,' you will describe important points about your situation – that you have a fruit stand which is registered with the city, and what you sell there.

Finally, in the last column you need to state how the law applies to the facts of your case. Think of this column as the argument or conclusion to the first two columns. When you apply the law to the facts, what argument can you make about your legal right to sell mangos at your fruit stand?

Law	Facts	Applying the law
Only fruit stands registered with the city can sell class 5 fruits.	You have a fruit stand. It is registered with the city. You sell mangos legally imported from Mexico.	You are allowed to sell mangos.

As you can see, it takes time to find the right law, to understand the law and then to apply the law to your situation. Using the ***Applying the Law Worksheet*** can help. In the next section, you can use the worksheet to apply the law to your case. Use this example as a reference to help you.

2.3 Applying the Law Worksheet

Complete this worksheet to help build your case. Under "Law", write the laws that apply to your case, if any, (note the section and summarize the law). Depending on your key issues and the amount of conflict, you may need to refer to several laws.

Under "Facts", write the facts in your case that relate to the law. In the last column, combine the facts and the law to show how the law applies to your situation. Think of this as the argument or conclusion to the first two columns. When you apply the law to the facts, what argument can you make about your legal right? Complete the worksheet below, based on your case.

Law	Facts	Apply the law to the facts

2.4 Researching Case Law

Laws can be interpreted in different ways. A judge must decide how to interpret the law. Their decision becomes "case law". Case law helps to guide judges in a later case on how to interpret the legislation and make decisions. Some cases (often from an appeal court) become important because they set the standard for how legislation or facts are to be interpreted. The legal term for this is "precedent". Legally, this is when a decision made by a judge, becomes the standard for how other judges make decisions related to a certain area of law. As you can see, using case law to support your case can help the judge understand how to interpret the law in your favour. Cases with facts similar to yours may be more helpful to you. To do this, you need to be able to research past cases. When you are representing yourself in court, this kind of legal research can be important.

If you are able to find a recent case from your jurisdiction where the situation is like yours and the decision is the same as the one you want. Providing this information to the judge may be very persuasive and will help support your case.

At the same time, it is important not to ignore cases that clearly do not support the outcome you want. There is a good chance the other person or their lawyer will use those cases. You need to be able to say why those cases do not apply in your situation (e.g. by showing that the facts are different from your case). If you are finding lots of cases that do not support the legal argument you are making, you might wish to reconsider your position and think about settlement.

Choosing the right case

Before you start your research, you have to know what you are looking for. There are 4 keys to success for choosing the right case:

1. Similar facts
2. Best outcome
3. Court
4. Date

1. **Similar facts**: You want to find cases that have facts or issues that are like those in your case. If you find these cases, you can use them in court and ask the judge to decide your case in a similar way. Present cases where the facts are like your case and the decision is the same as the outcome you want.

2. **Best outcome**: You need to find cases that relate to the outcome you want. For example, if you want the court to award you damages, you will search for cases that awarded

damages to an applicant. Select cases where the outcomes of the cases are the same as the outcomes you want. However, you can't ignore case decisions that are not in your favour. Think of ways that your case is different than, and can be distinguished from, decisions which are not in your favour

3. **Court**: The next most important consideration is the level and location of the court. Decisions of higher-level Canadian courts are more influential than decisions made by lower-level courts. Decisions from an appeal court, are binding on lower-level courts. Decisions from the same or lower-level court may be persuasive – they could help convince a judge to decide the same way, but the judge is not required to decide the same way.

   The Supreme Court of Canada (is the highest court in Canada. Each jurisdiction (province or territory) in Canada has its own lower-level courts. Usually these courts are broken down into the Court of Appeal (the highest court in each province or territory), a superior trial court and, Provincial or Territorial Court (the lowest court in each province or territory). If you cannot find a decision from the Supreme Court of Canada or from a court in your jurisdiction you can search courts from other provinces. Decisions from different provincial courts may be persuasive, but they are not binding on courts outside that province. Sometimes the legislation in other provinces that apply to facts like yours may be different than the legislation in your province and the decisions from courts in those provinces will therefore be less persuasive. Those decisions may or may not be followed.

   When searching for case law, select decisions from the courts in this order:

   1. Supreme Court of Canada.
   2. Courts from your jurisdiction in order of importance: appeal, superior trial court, provincial / territorial court.
   3. Courts from other provinces (in order of: appeal, superior trial, provincial / territorial court).

4. **Date**: The date of the decision is the final consideration when selecting cases. Keep in mind that each of the other three points is a higher priority than this one. What happens if you find two decisions from the same level of court with similar facts and outcomes? Look at the date. Select cases where the decision is most recent, or a case which is referred to in many subsequent decisions. A judge will put more weight on a decision from last year than on a decision from the 1990s.

Also, make sure the decision has not been overturned on appeal. The process of checking to see if a case has been overturned on appeal is called "noting up". When a decision is overturned, it means that an appeal court has ruled that the decision is no longer good law. Over time, our society changes and so does the interpretation of laws. When using any case that is more than 20 years old, be very careful to research its current applicability. The case law may be out of date and the interpretation of the law may have been overturned.

Case Study

Imagine you are preparing for a trial in BC Provincial Court. There is an Act that states: You must have some trees in your front yard. What does "some" mean? The law is not clear. So, you research case law and you find 2 cases.

- Case 1: Alberta superior trial court says, "some means at least 3 trees".
- Case 2: BC superior trial court says, "some means at least 1 tree".

Which case is best?

The most important case will be the BC Supreme Court case. That case is binding on BC Provincial Courts. Thus, according to BC case law, you must have at least one tree in your front yard.

If you had found a BC Court of Appeal or Supreme Court of Canada case that said, "some means at least 2 trees", you would select that case because it is from a higher level of court. The judge would be required to follow this case.

Where to find case law

When you go about doing your research, be sure to use the resources within your community. Courthouse libraries are often able to help you locate case law. There are also online databases where you can search for cases. As indicated earlier, a good free online case law database is CanLII. See **Section 13: Resources** for more information.

3. Building Your Case

3.1 How to Build Your Case

Now that you have learned a few legal skills, it is time to put it all together and start building your case. This is the critical step that brings together what you have learned so far about legislation, case law, and evidence.

Whether you are appearing in court or completing a court document, you need to be able to make legal arguments. You need to ask the court for something and provide information that supports a favourable decision. To do this, you need to build your case.

To build your case, you need to answer these four questions:

- What do I want?
- What is the law?
- What do I need to prove?
- How am I going to prove it?

What do I want?

Ask yourself: what do I want the judge to decide? You need to be realistic. You may want to keep everything, while the other party gets nothing. But asking for an order that is not supported by law will not be successful. In fact, in some courts, you may be required to pay court costs for bringing unsuccessful claims. A costs claim can be for a lot of money so don't forget that if you lose you may be ordered to pay costs.

Deciding what you ask for depends on your legal entitlement. A judge can only make an order that follows the law. For instance, a judge will not award you damages for breach of contract if your arrangement does not meet the definition of a contract. To figure out what to ask for you need to know:

- what the law says about your rights; and
- how the laws relate to the facts of your situation.

You must include what you are asking for (the order you seek) in your pleadings (or initiating court forms). If it is not in there, the judge may not grant you that order. For example, if your application is for property damages to your roof, a judge is unlikely to give you compensation for damages to your fence.

What is the law?

Do your legal research. It is good to know the law that supports your claim. When you make your legal argument, you will want to be able to refer to the specific section of the statutory law (legislation) that gives you the right to what you want, or the cases that have been decided in a way that helps support your case.

Case study

Your neighbor has a tree in their yard. Its branches have grown over onto your property and they are scratching your car. You want the tree cut so that it does not scratch your car. The law says: *You can only cut tree branches that reach into your yard.*

NOTE: In this situation you may be able to resolve your dispute by talking to your neighbor first. Remember, negotiating is always an option. If you cannot resolve your dispute, then use your knowledge of the law to make a court application.

If you ask a judge to order that the whole tree be cut down, you are not likely to succeed. Even though it might be an ugly tree and it is scratching your car, you probably have no right to have it cut down. The law only gives you the right to cut the branches that reach into your yard.

You should ask for the branches that have grown over onto your property to be cut. This will meet both your desire to stop the scratching and will be within your legal rights.

What do I need to prove?

This next step is to determine what you need to show that the law applies to your situation. When thinking about what you need to prove, remember, a judge can only make orders that follow the law. To use a silly, but illustrative example, if the law says you are entitled to a free horse only if you have lived on the moon for a year, a judge cannot give you a horse if you have never lived on the moon. If you want a free horse, think how you can prove that you should get one. Break the law down into its elements.

This example shows how you need to work within the legal requirements set out in the law. The best way to do this is by breaking down the law into its legal elements. Once you have figured out what elements you need to prove, you can start thinking about proving them.

For example:

The Law:

You get a free horse only if you have lived on the moon for a year.

Broken down, there are 2 elements you need to prove to get that free horse:

- That you lived on the moon.
- That you lived there for at least one year.

Showing the judge what a good horse owner you will be, will not help your case.

How am I going to prove it?

Once you have figured out what you need to prove, you can think about how best to do this. You will need to bring to court evidence to establish the facts. For each claim or element of the claim, you are trying to make, you should have some evidence to prove it. If there is evidence you are missing (e.g. financial statements or an expert appraisal opinion), make note of it and try to obtain it.

For example: Using the horse example above, think about what evidence you could use to prove each element.

Element A: That you lived on the moon.

Evidence:

- A witness, like your neighbour, could testify.
- A government document with your moon address.

Element B: You lived there a year.

Evidence:

- You could have your witness talk about how long you lived there.

You are now ready to complete your own ***Case Building Worksheet***.

3.2 Case Building Worksheet

Fill in the columns. Under "What I Want", state the orders you are asking the judge to make. Under "The Law", summarize the law you are relying on (legislation and cases). Under "Points to Prove", apply the law to your situation to find what you need to show the judge. Under "Evidence (the Proof)", state the evidence you are using to support your points.

For example – What I Want: To be able to sell ice cream on Sundays. The Law: One must hold a permit to sell ice cream on Sundays. Points to Prove: You have a permit to sell ice cream on Sundays. The Proof: The permit.

What I want	The law	Points to prove	Evidence (the proof)

4. Legal Writing

4.1 The Basics

To complete court forms correctly, you must learn some basics about legal writing. Legal writing is the style of writing used when you are writing a document that is filed or presented at court. When you think of legal writing, you may think of a phrase such as:

> *Please be advised, I am herewith returning the application to dismiss in the above entitled matter; the same being duly executed by me.*

This convoluted traditional legal style of writing, often called "legalese", is, thankfully, no longer necessary in legal writing. In fact, this style of writing is discouraged. This is not how you should write. Simple and plain language is best.

As you move through a lawsuit, you will likely need to fill out court forms or write other legal documents. When legal documents are poorly written, the judge has difficulty understanding your situation and your legal arguments might not be clear. The easier it is to understand your documents, the more convincing your legal arguments will be. Since you want to convince the judge to decide in your favor, it is important to take the time to write clearly and well.

15 Tips for Good Legal Writing

1. **Use plain language**: A judge wants to understand your case. The best way to ensure that they do is by writing in plain language.

Language Chart

Overly complex language	Plain language
• it is important to add that we own a cabin	• we own a cabin
• during the month of May	• in May
• adequate number of	• enough
• for the reason that	• because
• in the event of	• if
• at that point in time	• then

Overly complex language	Plain language
• in connection with • despite the fact that	• about • although

2. **Write shorter sentences**: Avoid telling your reader too much in one sentence. Shorter sentences are easier to digest. A good rule of thumb is to keep sentences under 20 words.
3. **Write one idea per paragraph**: Complicated information usually needs to be broken up into separate paragraphs to be understood.
4. **Always keep your reader in mind**: Your number one reader is the judge but the other side is also important. When you are writing, be serious and professional. Do not be sarcastic or try to be funny. The judge needs to understand the relevant and material facts of your case. This does not necessarily mean you need to include the detailed story of your dispute – just what is needed for this application or trial.
5. **Be clear**: A good test is to read the document out loud. If you have to read a sentence more than once to understand it, you should rephrase it.
6. **Be well organized**: Start by getting your ideas organized. Figure out what you want to write, for example "what are you asking for", "why" and "your evidence". Make a point form outline. This will help your writing to have more flow and become easy to comprehend. To organize your document, number each page and number each paragraph.
7. **Be specific**: Try to give the exact detail. Choose more specific words instead of vague ones. Instead of using "recently," use the date. Instead of using "him" or "her", use names.
8. **Be accurate**: Avoid contradicting yourself. If one statement in the document says the opposite of another statement, the reader will not know which to believe. The last thing you want is for the judge to question your honesty because this can be fatal to your case. If you do not know whether something is true, do not say that it is true. Be clear if you only *believe* something to be true.
9. **Be consistent**: You want to make it easy for your reader to understand what you are saying. If you use a term or name for something or someone, be sure to consistently use it. For instance, do not keep switching between first name, last name, and nickname. Often you can use a definition. You can show that you are using a definition this way: "John Doe (Doe)". From then on, you would always refer to John Doe as Doe.
10. **Provide context**: Assume the reader knows nothing about your situation. Provide a short description. One or two lines may be enough to help the reader understand the situation.

11. **Say what you are asking for first**: A legal document should not be a mystery novel. The reader should not have to guess what this is about or wait until the end. Instead, tell the reader your point right at the beginning of your document. You do not want your reader asking the question, "Why are you telling me this?" The strategy is to say what you are asking for and then support it with evidence. Use this strategy for every point you are making.
12. **Only what is helpful**: Do not get distracted when you are writing. Say exactly what you need to convince the reader. Irrelevant information will do nothing to help your case. You do not want the helpful facts getting lost in a pile of irrelevant ones.
13. **Type your document**: If you have the option to type your document, do so. Handwriting is usually accepted, but a typed document looks much more professional and is easier to edit and to read.
14. **Edit your work**: As in all professional writing, spelling and grammar is important. Be sure to read through it multiple times before finalizing your draft. If you can, have someone else proofread it.
15. **Legal review**: Getting a lawyer *to* review your document will help ensure that it is done properly. A lawyer can point out mistakes that are not immediately obvious to people without legal training.

Things to Avoid

Stating accusations as fact: Only tell the reader the facts (what you know is true). Let the reader reach their interpretation. In other words, do not tell the reader your interpretation; show them the facts so they can draw their own conclusion.

> DO NOT: "He is a horrible parent."
> DO: "Our son failed two of his quizzes last month. His father was not aware of this."

Exaggerations: Your statements should be neutral and truthful. Exaggerating can hurt your credibility.

> DO NOT: "He is always late and drives like a race car driver!"
> DO: "On March 3, 2020, he dropped the kids off 30 minutes late and drove through the stop sign without slowing."

Long storytelling: The judge needs to understand the relevant facts and this is done best with clear concise sentences. Avoid personal narratives that take a long time to get to the point.

> DO NOT: It was one of those hot spring days, so I was outside waiting for him to drop the children off. He was late. He is always running late. When we went on vacation 5 years ago, we missed our flight because he was late.

DO: On March 3, 2020, he dropped the children off half an hour later than agreed upon.

Slangs, idioms and acronyms: These make your writing look unprofessional. The reader also might not understand the terms you use. Tell the reader in plain language.

DO NOT: It was raining cats and dogs!
DO: It was raining heavily.

4.2 Affidavits

You might need to write an affidavit as part of your court case. An affidavit is a written statement of facts that you swear are true. Affidavits are often used as evidence to support your case when you are applying for interim (temporary) orders or consent orders. A non-party witness may also swear an affidavit on an interim or consent order application. It is important that an affidavit be properly written, as it is evidence, just as if you were in court testifying before the judge.

Writing Affidavits

Since an affidavit is used as evidence in court, there are strict rules on what you can write in your affidavit. Courthouse libraries often have resources on the court rules about writing affidavits that could be helpful. Affidavits must provide information that is true and relevant.

Here are some general principles.

- **Truth**: Everything within your affidavit must be true to the best of your knowledge. Lying in your affidavit will hurt your case and may lead to a criminal charge of perjury. If you have a doubt about whether something is true, you should not include it in your affidavit. If you think it is true, but are not positive, use “I believe”.
- **Relevance**: Do not include facts that are not related to the issues in your case. For example, if your application relates to a specific contract, do not include information about another contract, unless it is helpful.

Avoid hearsay evidence in your affidavit. Hearsay is information being offered for its truth, that a witness learned from someone else, but of which the person does not have direct knowledge. Hearsay is not always considered reliable, and not always allowed as evidence in court. To learn more about hearsay, and exceptions to allowing it as evidence in court, see **Section 9.10: Hearsay**.

Do not provide your opinion in your affidavit. Generally, only experts are allowed to state their opinions for consideration by a judge. Affidavits should be statements of facts, not personal opinions.

For example, an opinion statement would be, “I think she loves chocolate ice cream”. You cannot include this, but you can include, “I see her eat chocolate ice cream every weekend”.

Sometimes, opinions can be written to look like facts: “He is a crooked businessman”.

The judge will likely wonder how you can know he is a crooked businessman. Try to just stick to the facts. Instead write: “He refused to pay contractors for work done, reneged on our contract, and lied to investors”.

Reading this, a judge can come to their own conclusion that he is a crooked businessman.

The Dos and Don’ts of Affidavits

Dos	Don’ts
• **Give personal knowledge**: Include what you saw, heard, did, and said, not what someone told you (hearsay). • **Be truthful**: Lying in your affidavit could seriously hurt your case and courts can punish you for it. • **Organize your affidavit so it flows logically**: Most people will have facts in chronological order (according to date they occurred) or by subject matter, e.g. in an employment case, the first few paragraphs are about your employment duties and the next few are about the conflict at work and then you finish with a few paragraphs about the circumstances of your dismissal.	• **Give opinions**: Avoid stating personal opinions, e.g. “I believe that” or “I think that”. • **Express feelings**: Judges will ignore statements of how you felt, e.g. “I was devastated by her moving out” instead write “my roommate moved out on July 12, 2020”. • **Ask questions**: You should not use questions, e.g. “What could I have done, but take the money?” Instead say “I had no choice but to take the money”. • **Use legal arguments**: An affidavit is not the place to be talking about the law, or why you should succeed e.g. “in accordance with the legislation, I should be paid $200 monthly in support”. • **Make absolute statements:** Avoid words like “always” or “never”. From the judge’s perspective, “always” means “100% of the time”, and “never” means “not even once”. Words such as “frequently”, “seldom”, and “not often” will give the judge a more balanced view and make you sound more reasonable.

Formatting Affidavits

The affidavit can vary in length from one or two paragraphs to multiple pages. Keep your affidavit as short as possible. The facts are set out in paragraphs with each paragraph numbered on the left side. It is best to keep your paragraphs short. Limit each paragraph to one idea. Spacing should be set at least 1.5 and a space should separate the paragraphs. Never use a font smaller than 10 point or larger than 12 point for the main body of the text.

Exhibits

When you want to support a statement in your affidavit with a document, you can attach it as an exhibit. Any document that can be printed on paper can become an exhibit: e.g. income tax return, web page printouts, receipts, photographs, prescription, etc.

Here are examples of facts that can be supported by exhibits:

Fact	Exhibit
As of July 12, 2020, I have $30,000 in my bank account.	Bank statement
I have been suffering from severe headaches for the past three months.	Doctor's note; prescription

The judge may not automatically accept the evidence shown in every exhibit as true; it will depend on the nature of the exhibit. Some exhibits may need more support to be accepted.

Attaching an Exhibit

If you want to support a fact in your affidavit with an exhibit, you must refer to it in your affidavit. Each exhibit should be given a letter and referred to in alphabetical order. The first exhibit you refer to in the affidavit will be lettered 'A', the second, 'B', and so on. References to the exhibit should be typed in bold.

For example: As of July 12, 2020, I have $30,000 in my bank account. Attached as Exhibit A is a true copy of my bank statement.

Attach all your exhibits at the end of your affidavit. If an exhibit has multiple pages, number the pages. When you bring your affidavit to the commissioner to get it sworn, you must also bring the exhibits so they can be stamped as part of the affidavit.

Swearing / Affirming the Affidavit

To “swear” or “affirm” means that you have read the affidavit and that you promise the information in the affidavit is true. Sign the affidavit in front of a commissioner for taking affidavits (or notary) that will also take your oath or affirmation, and will sign it. Lawyers and public notaries are commissioners for this purpose, as are some staff in lawyers’ offices. Sometimes a court official (clerk) may be a commissioner. If you do not know how to find a commissioner, try calling your local courthouse for help. Be sure to bring government identification when you go to have an affidavit sworn.

5. Starting a Civil Court Case

5.1 Overview

Being involved in a lawsuit can sometimes be overwhelming. You may be wondering what to expect. Here is a general snapshot of the steps in a legal matter. Each jurisdiction (province or territory) has their own set of rules and procedures. Also, within each jurisdiction there are different levels of court (e.g. provincial, superior trial, and appeal) which have their own set of rules and procedures. So, a lawsuit in Alberta Provincial Courts will look different from a lawsuit in an Ontario Superior Court. You will need to check the rules and procedures for your location and case. In **Section 13: Resources**, you will find specific information and services for your region. Regardless of your location, there are some common rules and procedures in all civil lawsuits.

5.2 Court Documents

Completing Court Forms

You will need to use your legal writing skills when completing court forms. Court forms are the documents that the court needs from you. These forms require specific information from you that help the judge understand your case.

At the start of your case, you will need initiating court forms (sometimes called pleadings). These are the documents that start or respond to an action. Pleadings are important because they set out what is your position and what you want from the court. In your pleadings, you must clearly write what you want the judge to order.

When writing your court forms:

- **Know what you want**: Considering what your legal rights and obligations are and what you want, you can figure out what order to ask from the judge.
- **Know your legal position**: Get familiar with your legal rights and obligations. You will not want to ask for an order to which you do not have a legal right.
- **Know the "interests" and legal position of the other person**: Try to understand what the other side wants and why.
- **Know what to write**: Include everything you want the court to order. A judge may only grant you an order that you requested in your initial forms, (e.g. if you only claim

medical expense damages in your pleadings, you may not be able to ask the judge for an order for compensation for lost wages).

- **Keep it simple**: For example: "I was driving down main street when the defendant wrongfully or negligently drove through a stop sign and hit me, damaging my car and causing me injury. I want payment for the cost of repairs for my car ($10,000) and compensation for the pain and suffering caused by my injury ($100,000)."

Tips for writing forms:

1. **Using names**:
    a. Use full legal names, including middle names.
    b. If you or the other party often use a name other than a legal name, include that name by adding "AKA" (also known as) before that name, e.g. "John James Doe AKA JJ Doe".
    c. You may also define the name at the beginning of the document text, e.g. John Doe ("John"). Then you only have to refer to him as John in the rest of the document.
2. **Complete**: Be sure to fill in every part of the forms that apply to you, even if the answer is obvious. In some jurisdictions, there are special requirements about crossing out sections or writing "not applicable" in sections of forms that don't apply to you. You should check with court staff it you aren't sure how to fill out a form.
3. **Accurate**: Be accurate and truthful. Being dishonest in your forms will hurt your case and lying in an affidavit is a crime (perjury).
4. **Keep it professional**: Remember that a judge and the other party will be reading this.
5. **Review**: Make sure you read through your form before submitting it. Read it to make sure it would make sense to someone who knows nothing about the case. The form should clearly explain the facts and what orders you are asking for. Seek legal help if you want a professional to look over your forms.

5.3 Starting a Civil Claim

A lawsuit starts by filing (which means to formally submit) an initiating court form with the court. Different kinds of lawsuits are started with different initiating forms. The type of form you file will depend on your location, court and type of legal issue you are facing. The most common forms used to start a lawsuit are notice of claim, a petition, a writ of summons and statement of claim. This form will say who you are, whom you are suing, and why you are suing

them. It also has important information about when the person you are suing must reply to your lawsuit.

It is important to prepare the right form to make sure that everyone has all the information they need and understands what happens next in your lawsuit. Go to the courthouse staff or seek legal advice on which form to use.

5.4 Serving Documents

After you have filed your initiating court form, you must deliver the document to the person you are suing in a special way called "service". There are very specific rules about how you can serve (give / deliver) documents such as court forms, to other parties. The courts are very concerned about all parties being properly served because they want to ensure parties are given notice. The way you serve a document will depend on the type of form you use. Check the court rules to learn how to serve your document.

Most of the time, service happens when the document is handed to the person being sued, but it can be easier or more complicated than that. You may be able to send it through registered mail. If you are having difficulty serving the other party, you may need to seek a court order for alternative service.

The person you are suing must then file a replying court form in court within a set number of days after they have been served. The most common forms used to reply to a lawsuit are a statement of defence, reply, or response. If the responding party does not file a replying court form, you may be able to apply to get a final order without the other party's involvement (a default judgment).

5.5 Responding to a Civil Claim

If you are the person being sued, you must file a reply form (often called an Appearance, Statement of Defence, or Response). This document tells both the court and the person who has sued you which of the claims you agree with and which you do not agree with.

You have a set number of days to file your reply after you have received the initiating court form. The initiating court form will usually say on it the number of days you have to reply. If you are unsure about the time limit, ask the courthouse staff. If you do not file a reply the person who started the lawsuit might be able to ask for a final order (often called a Default Judgment) and a final decision could be made without your input.

It is also important to reply to the initiating court form using the right reply form. Each type of initiating court form will have a specific reply form. If you are unsure of what form to use to

reply you can check the Rules of Court, or ask the courthouse staff or a legal help provider in your area.

5.6 Counterclaim

If you want to make a claim of your own against the person who is suing you, you must file a counterclaim in court. This form says who you are, whom you are suing, and why you are suing them. For example, if you are being sued for not completing the landscaping work you were hired to do, you might have a counterclaim against the other party because they have not paid you for the work you already did on the landscaping.

6. Disclosure / Discovery / Questions

6.1 Overview

Throughout your case, you must exchange, with the other party all of the relevant documents related to the case and all of the information you have about the case. Trials are not run like card games where you cannot see what anyone is holding. Trials are the opposite. All the cards are on the table and everyone knows everything everyone else knows.

In every lawsuit, each party must be completely open and forthcoming about the information they have. There are two very important reasons for this rule. First, trials must be fair for everyone. Second, settlement is always preferable to trial, and the chances of settling a lawsuit before trial are much higher when each party knows what evidence every other party has.

Discovery is a legal process to obtain information. It means getting access to relevant information the other party has about the case. The basic rule is that you have to let each other know about all of the relevant documents, other records and information that you have that are related to any of the claims either of you has made. This means that if you have a document that is unfavorable, but related to your claim, you must still let the other person know about it. If you do not share the documents you have, the consequences can be serious. For example, the lawsuit could be resolved against you, you could have costs awarded against you or you might not be able to use the document in court.

It is very important that you understand the rules about the kind of documents and information you must exchange. There are three common forms of discovery: disclosure, written discovery (interrogatories) and examination for discovery (sometimes called questioning). The type(s) of discovery allowed in your case will depend on the jurisdiction you are in, and the court your action is in. Check your Rules of Court and with local legal resources for assistance.

6.2 Disclosure

You may be required to make a list of all relevant documents in your control and give a copy of your list to the other parties. There is often a specific court form you must use for your document list. If another party asks for them, you must give a copy of these documents to that party and allow them to look at the original document.

Privileged documents

There are some documents that you do not have to share, for example, "privileged" documents. In general, a document is privileged if it contains legal advice from a lawyer you have consulted for this lawsuit. There are other documents that may be privileged. You should speak to a lawyer to see if any of your documents are privileged and do not need to be disclosed.

6.3 Written Discovery (Interrogatories)

In certain types of cases, depending on whether allowed by your jurisdiction's Rules of Court, another party may ask you to reply to a list of questions called interrogatories. Interrogatories are written questions about the case that you have to answer in writing, under oath. Normally, you answer interrogatories by writing and swearing an affidavit.

You must provide your affidavit replying to the interrogatories within a certain number of days according to the Rules of Court.

You can refuse to answer questions that do not relate to a claim in the lawsuit. You can also refuse to answer questions that would require you to give privileged information. If you refuse to answer any of the questions in the interrogatories, you must explain why you are refusing.

6.4 Examination for Discovery / Questioning

When the Rules of Court allow, the parties involved in a lawsuit can make an appointment to ask each other questions under oath or affirmation before trial, at a meeting called an "examination for discovery" (also known as "questioning"). Examinations for discovery are not open to the public, and happen out of court at the office of a court reporter or the office of a lawyer for one of the parties. If none of those are available, you may need to rent a meeting room. A court reporter has special training and is certified by the court or government agency. The court reporter keeps an exact written record of all that is said during the discovery. They do not make decisions about your case.

The court reporter will ask the party who is being questioned to swear to tell the truth, and the party who is asking the questions will begin.

When being discovered, you can refuse to answer questions that do not relate to a claim in the lawsuit. You can also refuse to answer questions that would require you to give privileged information.

The purpose of an examination for discovery is to find out what the other party will say at trial and what evidence they will present to the judge. Examinations for discovery can also be helpful to find out areas of agreement, so the trial can be shorter and focus only on the facts and claims that are in which are in dispute.

What to expect:

- Examinations for discovery often have a time limit by law or by agreement (check your Rules of Court).
- When you examine the other side, you are responsible for making arrangements (room, booking the court reporter, paying the court reporter and the witness fee).
- Most discoveries begin by asking the person to swear or affirm that they will tell the truth. Then they are asked to state their name, address, and occupation.
- You can ask questions about anything relevant to your case.
- The person you are examining is required to bring all of their relevant documents with them to the questioning.
- You can ask questions about documents you present to the other side, or about documents they have included in their list of documents.
- If they cannot answer a question during the discovery, you can ask them to send you the answer by letter (often called an “undertaking”).
- You can also ask the person for the names and addresses of other people who might have relevant information.

You can get the transcript of the discovery of any other party, but generally only the questioning party can use it as evidence in court. But be aware that, depending on the length, these transcripts can be expensive. Therefore, be sure to take good notes while conducting a discovery.

Tips on conducting an examination:

- **Prepare**: It is a good idea to prepare a script of your questions (and potential follow-up questions) ahead of time and to organize the documents you will be presenting to the witness. Also, make sure you know your facts.
- **Ask one question at a time**: If you are asking multiple questions at a time, you will not know which question they are answering. It is better to break it down and ask shorter, more precise questions

- **Listen**: Be sure to listen to the answers. Be flexible enough to deviate from your script to ask follow-up questions when needed.
- **Move on**: Once the other side has said what you wanted them to say or has clearly answered your question, move on.
- **Be courteous**: Always be polite to opposing counsel and the person being examined.

Tips on answering questions at a discovery:

- **Prepare**: Before attending, familiarize yourself with the facts and review all the relevant documents. It is your responsibility to know the relevant facts of your case. In most cases, you will be expected to bring all of your relevant documents and other records with you to the questioning.
- **Keep it short**: Answer the question asked, and only the question asked, as briefly as possible.
- **Be honest**: You must answer truthfully. Do not guess. If you do not know the answer, say so. If you don't remember the answer to a question, say so.
- **Stay calm**: Do not get upset.
- **Be polite**: Show respect to opposing Counsel and / or the person examining you.

6.5 Use of Disclosure / Discovery

To Settle: You may gain information about the case the other side will present / answer, and insight about your own case, which will help you to decide what a fair settlement might be. Settlement is always a good option, so you should consider settlement possibilities after receiving disclosure or conducting discovery.

At Trial: Each party can use the documents and information they received from another party at trial as evidence. This includes the answers given in reply to interrogatories and the documents from each party's list of documents.

You can also use a transcript from an examination for discovery of questions you ask of the other side. You may read into evidence the relevant parts of the discovery transcript of the opposite side as proof of the statement or to challenge the credibility of witness' statement at trial. For example, if the other side is saying something different at trial than they did at their examination for discovery, you can use the transcript to ask why they are being inconsistent. You must read both the questions and answers from the transcript. Be mindful that any question and answer you read to the court becomes part of your case. So, you should avoid reading in parts of the discovery that are damaging or contradicting to your own case. You

cannot read into evidence the answers you gave in discovery – you have to testify about that

Fill out the ***Examination for Discovery Worksheet*** before you conduct one so you will not forget to ask any questions you want to ask.

6.6 Examination for Discovery Worksheet

Go through the worksheet organizing your questions by topic, (e.g. What I need to know about: damage to a home). Questions could include: What was the value of the home before the accident? What was the damage to the property? How much did you pay to contractors to fix the damage? Were you given another estimate from other contractors? (Note: if there is a document you do not have, request it so it is on the record in the discovery.)

Bring this worksheet to the discovery so you can write quick notes in the Response area, and keep track of questions you want to ask and answers that are given.

What I need to know: _____

Question: _____

Response: _____

Question: _____

Response: _____

Question: _____

Response: _____

What I need to know: _____

Question: _____

Response: _____

Question: _____

Response: _____

Question: _____

Response: _____

Documents I am requesting: _____

7. Becoming Familiar with Court Processes

7.1 The Courtroom

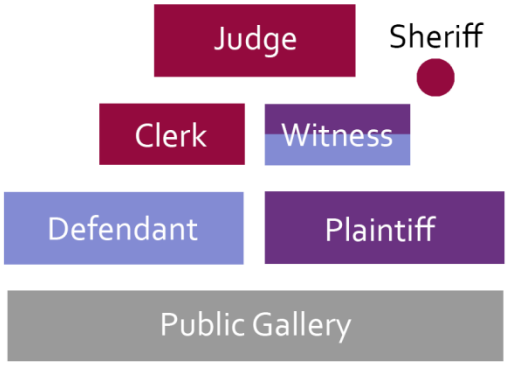
The courtroom and its processes can be intimidating, especially if you have never been to court before. If you can, you should spend some time watching trials or hearings to get comfortable with what you might experience. It will especially be useful to see how other people present before the judge.

Courtrooms are almost always open to the public, so (subject to usual security checks) you are free to walk in and out as you please. You will be able to find information about what hearings are happening in which courtroom in the hallway. Usually there are boards or screens with posted lists of proceedings for that day. If you need additional assistance, you may ask the court staff and they can help you.

It would also be a good idea to brush up on expectations of courtroom behaviour before your visit. The last thing you want to do is be disruptive when court is in session.

Courtroom layout

Courtrooms come in different shapes and sizes, but they have common features.



Usually there will be a raised bench opposite from the door you use to walk into the courtroom. This is where the judge or master (a judicial officer) sits when the court is in session. The judge or master is the decision maker.

Below the bench to the right or left is the court clerk. The court clerk is the person who helps the process run smoothly administratively. The clerk will be the person who accepts exhibits, administers oaths to witnesses, keeps track of proceedings, and helps the court stay organized

and efficient. The clerk will command everyone to rise when the judge enters and exits the courtroom. Listen to the clerk's instructions, like you would listen to the judge.

At certain hearings a court reporter may be sitting near the clerk. The court reporter's job is to record everything that is said at the hearing for later use. Alternatively, there may only be an electronic recording being taken to capture everything being said. A transcript of the hearing might be useful to a party who wants to launch an appeal.

There is often a raised seat near the court clerk. This is called the witness box. If you are testifying, or having a witness coming to testify at one of your hearings, this is where they will be when they are speaking to the court and being questioned.

In most courtrooms, the parties sit across from the judge's bench at separate tables. At your hearing / trial you will sit at one table, and the other party and their lawyer (if they are represented by one) will sit together at the other.

A sheriff may be present, if required for security purposes. A sheriff is a uniformed peace officer who maintains order and security in the courtroom. The sheriff might stand or sit somewhere in the courtroom. They will keep track of who is entering and exiting the courtroom. Listen to the sheriff's instructions, like you would listen to the judge.

Some courtrooms may have another section of seating to the side of the room. This is called the jury box. This is where jurors sit as they listen to proceedings.

Finally, the general public and people interested in your case, such as friends or family, are welcome to sit in the public seating at the back of the courtroom. This section is called the gallery. The gallery is separated from the rest of the courtroom by a railing called the "bar". The only people that can pass through the bar into the inner part of the courtroom are lawyers and people who are directly involved in the case. If you are not involved in the case, you may not cross the bar.

7.2 Behaviour in Court

Court can be a stressful experience. It is a formal place that puts a strong emphasis on process. If you are going to court, there are some things you need to keep in mind.

1. Be courteous and respectful at all times

It is your responsibility to be respectful and courteous to everyone in court at all times, no matter what happens. You can expect to be treated with the same respect and courtesy by the judge and the court staff during the process.

Everyone will have a chance to speak in court. Be patient and attentive. Never interrupt anyone when they are speaking, unless you have an objection to what is being stated (in which case you can/stand and make your objection, and the judge will rule on it – See **Section 9.9** for more detail).

Do not make a scene if the judge or the other party says something with which you disagree. You will get an opportunity to respond. Rolling your eyes or being sarcastic or offensive will not help you. Be respectful at all times, no matter how you are feeling about what is being said.

2. Keep your emotions in check

Whatever happens at your hearing, you are going to be better off if you remain calm at all times. Court can be highly emotional. During your trial, you might hear evidence or arguments, or be asked questions that make you feel uncomfortable. If you are asked an uncomfortable question, try your best to give the most truthful, professional reply you can give.

3. Arrive early

You should arrive at court at least fifteen minutes before your hearing / trial so that you have enough time to get to the right courtroom. Many courthouses have security checks that take time to get through-similar to going through security at an airport. Make sure you are not late for court.

4. Dress appropriately

You should dress as professionally as possible. Jeans, hats, shorts, low cut tops, or short skirts are not appropriate. You should be neat, modest, and well-groomed for your court appearance. Dressing in a neat and professional way will help show the judge that you are serious about your case and respectful of the court process. You want to make a good impression.

5. Speaking in court

When you are in Provincial Court, generally the proper way to address the judge is “Your Honour”. When you are in a superior trial court, the proper way to address the judge is usually “My Lord” or “My Lady”. If in doubt you can use “Judge” in provincial court and “Justice” in a superior trial court. Refer to the jury as “the jury” or “members of the jury”. You should call everyone else by their title and last name (Mr. _____ or Ms. _____).

Do your best to speak clearly and calmly when it is your turn to speak. Take your time. Do not use slang words and be mature about the way you address the court. You always want to make a good impression.

6. Court Protocols

There are expectations for how people act in court. You should stand whenever the judge enters or leaves the courtroom (to show respect). If there is a jury, stand when the jury enters or leaves the courtroom (to show respect). Stand when you wish to say something. You should address all of your comments to the judge.

7.3 Presentation Skills

Speaking in a courtroom can be especially nerve-wracking. But do not worry. There are strategies and tools that can help. Learning how to be an effective presenter will help you be effective in presenting your case and give you more confidence in front of a judge.

1. Preparation

You usually only have one opportunity to present your case. To make good use of your opportunity, think about what you want to say beforehand.

You should be prepared to inform the judge about relevant facts and issues, and to make convincing legal arguments. You will also want to be flexible enough to answer any questions the judge has and to address any unexpected issues that arise. Be prepared to modify your approach to the situation presented to you. The best strategy is somewhere in between improvising and reading a script. Ideally, you should have a list of points that you need to cover. These points can be keywords or short phrases. You should refer to this list while you are speaking. But you should have practiced enough to not stare at the list all the time.

2. Be Organized

Make sure that you are organized and ready for your chance to tell your side of the story. You should know where all of your paperwork is, and you should not waste time fumbling around in a folder. It is a good practice to organize all of your paperwork with tabs that can be easily referenced by you and the judge.

3. Practice

Practice really does make perfect. Try to get your practice to imitate what it is going to be like in court; speak standing in a clear voice.

Practice in front of a friend or family member. You can also videotape yourself or practice in front of a mirror. Seeing how you present may reveal some of your habits, such as distracting hand gestures. The more you practice, the less nervous you will get.

4. Be Clear

Speak slowly and audibly. You want the judge to understand what you are saying. Do not be afraid to pause a few seconds between ideas instead of barreling through your presentation. Do not yell, but make sure that the judge and the other party can hear every word you are saying. In court, it is important to make eye contact with the judge when you can. If the judge is looking through paperwork to get to evidence you are talking about, you should pause your speaking until the judge has found the right place and is able to pay attention to what you are saying.

5. Be Truthful and Professional

When you are giving evidence under oath, tell the judge the whole truth. Do not be misleading by telling half-truths or exaggerations. The danger with half-truths and exaggerations is that the judge might not find them credible and you might contradict yourself. If this happens, your credibility will suffer. The judge might not trust you even when you are telling the truth, because you haven't been completely truthful before. Be professional when you speak. Do not use sarcasm or derogatory language.

6. Be Confident and Direct

Try to avoid starting every sentence with "I think" or "I believe". These words make you sound uncertain. Also, avoid verbal fillers. These are the "um" and "ah" that you tend to say during a casual conversation. But in court, these fillers are distracting.

Overall, when you sound confident, you are more credible. Having good posture makes you look confident and more credible. Try not to slouch, fidget, or lean against the table. When you are speaking, keep eye contact with the judge. This will help you engage the judge. But, it is okay to look at your notes from time to time.

7. Be Respectful

Even though you are trying to put forward your side of the argument, it is important to be respectful to everyone in court including the other side. This makes you look professional.

Never make a personal attack on anyone in the courtroom.

8. Answer the Judge's Questions

If the judge asks you a question, stop speaking immediately and listen to the question. If the judge has a question, that means they need clarification. The judge needs to fully understand your story to be convinced.

Listen to the entire question before you answer. A trial is not a test to see how quickly you can answer the judge's questions. Feel free to pause and think about the question before answering.

If you cannot hear the entire question or if you do not understand what the judge is asking, you can ask the judge to repeat or explain the question. It is critical to make sure that you are answering the right question.

Even if your answer weakens your position, give your answer anyway. If you ignore or avoid a question, the judge will not be impressed. Remember, do not argue with the judge. Always be respectful, even if the question weakens your position.

7.4 Managing the Stress of Trial

Going through a trial can be very stressful. At times it may feel frustrating and emotional. It is vital that you take care of yourself leading up to your trial date as well as during.

Here are a few tips to keep in mind:

- **Stick to the plan**: Remind yourself what is important to you. Revisit your goals. Try not to get caught up in a battle mentality. It is not about revenge.
- **Stay calm**: Take deep breaths or write notes on your page to remind yourself to relax. Do not let your emotions control you.
- **Have support**: Bring someone you trust to court with you. They cannot talk to you while court is in session, unless allowed by the court, but during breaks and lunch they can give you support and encouragement. In most jurisdictions, if you want to have the person sit with you in court, you can ask the judge permission to have a "McKenzie Friend".

  A McKenzie Friend is allowed to sit with you during the trial, and may provide moral, emotional and practical support like organizing documents and taking notes. They can make quiet suggestions to you, but they cannot address the court or give you legal advice.
- **Believe in yourself**: Tell yourself you can do it. You have worked hard to get here, so be confident.
- **Fuel your body**: Make sure to eat something nutritious before court. When in the courtroom, you cannot eat or drink anything except water.

- **Rest**: Get a good night's sleep before trial. It will benefit you more to be well rested then to stay up preparing all night the night before.
- **Stretch**: There will be an opportunity to walk around during the court's breaks. Make sure you stretch out your legs at this time.
- **Breathe**: Take deep quiet breaths to help you stay calm and focused.
- **Be Professional**: Stay collected, objective and courteous. Keep calm.

To help you prepare fill out the ***Before Court Checklist***.

7.5 Before Court Checklist

To be sure you are ready for court, consider the following checklist:

- ❑ Reviewed and disclosed all the court documents, including the initial documents that started the claim, and the responses.
- ❑ Clearly understand the timeline of the case. Able to tell the judge, in chronological order, the relevant history of the court proceedings if the judge is not aware of them.
- ❑ Prepared all witnesses. They have been served with a subpoena / summons which lets them know where and when to come.
- ❑ Organized all documents and case law.
- ❑ Have the original document evidence (to be handed to the clerk) and 3 copies (for the other party, judge and yourself) of all document evidence.
- ❑ Prepared strategy for trial, opening statement, and questions for the witnesses.
- ❑ Wear appropriate clothing in court.
- ❑ Eat a healthy meal before court.
- ❑ Had a good night sleep before going to court.
- ❑ Know the time and place of your court appearance and plan to arrive early.

8. Pre-trial Court Appearances

8.1 Conferences

Case Management Conferences

Some courts have voluntary or mandatory case management or pre-trial conferences. Generally, these conferences help to resolve disputes or deal with procedural issues, such as making sure parties are ready for trial or that documents have been disclosed. In some cases, there will be an opportunity to exchange settlement offers at a case management conference. Before you attend a conference, be sure to do your research so you are prepared for the meeting. How to prepare for a conference:

- Be sure proper Court forms have been used to start the case, or application.
- Be ready to tell the judge what order you are seeking or opposing.
- Understand your case (your rights and responsibilities).
- Make sure you have given copies of all relevant documents and other evidence to the other parties before the conference.
- Consider any procedural matters that still need to be dealt with (such as disclosure you have not received yet or a request to be referred to mediation).

Pre-trial Conference

A pre-trial or case management conference is usually a short meeting between you, the other party and a judge. The purpose of these conferences might be to:

- See if the matter is ready to proceed to trial;
- Review the proceedings that have taken place to date, such as pleadings, exchange of documents, discoveries, motions;
- Discuss what steps need to be taken in order to move the case ahead to trial and who will take those steps and when;
- Discuss evidence including whether there can be an agreed statement of facts, exhibits, witnesses, and expert witnesses;
- Expected duration of the trial, and time required for each party (including argument after the evidence is presented); and
- Orders required before trial.

Settlement Conference

The purpose of a settlement conference is generally to provide a way to resolve your dispute with the assistance of a judge or judicial officer. This might include:

- Addressing outstanding issues such as the exchange of documents;
- Finding common ground;
- Settling some or all issues;
- Discussing what you are really seeking; and
- Other procedural issues.

A judge might make an order during a conference, such as ordering one party to provide the other party with certain documents. Make sure to take a pen and paper in order to take notes of what was discussed or ordered.

8.2 Applications / Motions

> The procedure for applications and motions may differ between jurisdictions. As such, you should check the Rules of Court for your jurisdiction or ask the courthouse staff for help.

Before a lawsuit goes to trial, issues may come up that require the court to decide. These issues are handled through applications (sometimes also called motions). A motion or an application is a request to the court for an order to deal with one or more issues in advance of a trial.

Procedure

To request a motion, you will need to apply with the correct court form. These forms need to be filed with the court and served on the other party. Some courts require replies to motions, much like the initiating court forms that started the lawsuit. In that case the other party has a limited amount of time to reply to the motion and serve their reply to the motion.

To avoid wasting time, it is a good idea to discuss the date of the hearing with the other party to choose a date when you are both available and the court has an opening hearings date and time. Of course, if you cannot agree on a date, you can unilaterally choose a date for the hearing, but the judge may adjourn it so the other side can attend.

Some motions are about procedural issues that must be resolved so the trial can proceed, like the exchange of documents or whether someone must be examined by a doctor. Other motions are seeking interim (temporary) orders if something needs to be arranged until it can

be dealt with at trial. For example, if there is a dispute over property, but, in the meantime before trial, the utility bills need to be paid. If you cannot agree with the other party about something that needs to be done before the trial, you can apply for an interim court order about how to deal with things until the matter is dealt with at trial.

Some motions can be filed at the courthouse without a party having to appear in court. Seek legal advice or assistance on which motion is appropriate in your situation.

Hearings

For most motions you and the other party must attend a hearing. A hearing is often before a judge or court officer who will decide whether or not to grant the order you are requesting. Both sides will be able to argue why the order should or should not be made. For most hearings, you can only provide evidence through affidavits (sworn written statements), whereas, in some limited cases, you may be able to call witnesses to give evidence in person at a motion. You will need to check with your legal help services or the court rules to know what type of evidence you are allowed.

Although a motion may determine the course that a trial will take, it is not the trial and will normally not result in a final order. All a judge at your hearing can do is make an interim decision on the issues raised in the motion. They will not be able to make other decisions about your case.

At the start of your motion or hearing, the person applying will need to explain what orders they are seeking and why the judge should make them. Be as clear as possible. You do not need to tell the judge all the details of your case. Focus on the issues relating to the motion / application. Then the other party will be allowed to explain which orders they think the judge should make and which they should not. The party applying for the order will then be given a chance to reply.

Hearings are a lot shorter than trials. The judge may only give you a few minutes to present your position to them (often as little as 20 minutes for all parties). Be sure to stay on topic and keep your arguments short and to the point. Be sure to prepare a lot ahead of time.

Chambers Applications

The court in which preliminary applications and motions are heard is often called “chambers” or “motions court”. Either a judge or a “master” may preside over chambers. Masters are like judges but are limited in the types of issues they can decide on; they typically hear matters related to pre-trial and procedural matters.

Chambers is normally reserved for brief applications. If your application will take more time, the court scheduler may set a special time and date for the longer hearing.

Evidence by Affidavit

The evidence that the judge will consider in the motion, is sworn affidavit evidence that you must submit in advance of the hearing.

Adjournment

If you need to have the hearing adjourned (postponed) to a later date, you can ask the judge for an adjournment. Before granting an adjournment, the judge must be satisfied that there is a good reason to do so. If an adjournment is granted, costs may be assigned against you or conditions set on the adjournment.

In cases where both parties consent to an adjournment, they can make a very quick appearance or often just file a form and not have to make an appearance at all. This might happen if one party is not available or if the evidence required is not available yet.

Decision

Once the judge has all the evidence and everyone has explained their positions on the issues raised, the judge will decide. They may either dismiss the motion or make all or some of the orders requested. Usually the judge will give oral reasons of their decision right then. In some cases, the judge will give written reasons at a later date. Make sure to take notes of the decision. One of the parties (usually the successful party) will need to prepare a written order of the judge's decision, for the judge to sign.

Costs

A judge will also consider whether the unsuccessful party should be required to pay some money to the successful party to compensate them for having had to bring the motion. In most cases, the amount of money (called "costs") they will order is based on a chart of costs in the Rules of Court or may be discretionary. Generally, the person who wins is entitled to a sum of money to help pay the costs of the motion. One of the things they might consider include whether it was necessary or reasonable to make the motion, and reasonable to oppose it.

If the judge decides that the motion was not necessary or was not reasonable, or opposing it was not reasonable, the judge may make an award of costs against the unsuccessful party who was not being reasonable. This means the unreasonable party will have to pay the other party's costs of making the application / motion. The amount of costs will be decided either

immediately or at a later date.

If the person who is required to pay the costs does not pay, a judge may, on application:

- Dismiss or put on hold that person's case in the lawsuit;
- Require the person to pay security into court; or
- Make some other appropriate order.

9. Evidence

9.1 Overview

In this section, you will learn what evidence to bring forward, how to organize it and how to use it in court. This is an important step in building your case. The judge will decide based on the evidence that is presented at trial. Evidence is defined as "the facts used to support a conclusion".

Only evidence that is relevant and material to your lawsuit is allowed.

Relevant: evidence that relates to the issues in your case.

For example, if you want to prove the plumber did not fix the pipes properly:

- Relevant Evidence: evidence proving the condition of the pipes before and after the repairs, and the repair contract itself.
- Not Relevant Evidence: the plumber's messy appearance or information about the electrical repairs he did in the past for you.

Material: evidence that either tends to prove or disprove facts in issue in your case.

For example, if you want to show you were fired without just cause:

- Material Evidence: your last performance evaluation and letter of dismissal.
- Not Material Evidence: the location of your desk at the office.

Take inventory of both documentary and oral evidence and fill out the ***Evidence Inventory Worksheet***. This will help you keep track of your evidence so you can be sure you have evidence of all of the elements of your case and can present a stronger case.

9.2 Evidence Inventory Worksheet

Fill in the worksheet organized by issues. Identify the issue the evidence falls into, what the evidence is and any identifying details about it, and why the evidence is important to your case. For example: Issue: headache; Evidence: medical records; Specifics: symptoms only started after accident; Relevance: Headaches are a result of accident; claiming it as damages.

Issue: _____

Evidence: _____

Specifics: _____

Relevance: _____

_____

Issue: _____

Evidence: _____

Specifics: _____

Relevance: _____

_____

Issue: _____

Evidence: _____

Specifics: _____

Relevance: _____

_____

9.3 Types of Evidence

In legal matters, there are three types of evidence:

- **Documents**: This can be any physical or electronic record that provides information, (e.g. – contracts, receipts, emails, pictures, videos, etc.).
- **Oral Evidence**: This is testimony given in court (by a witness, a party, or an expert witness allowed to give their opinion).
- **Physical**: An actual object relevant to your case.

The evidence you use should support your claim and allow the judge to make the conclusion that the order you requested order should be granted. For example, if the conclusion you want to reach is "it is raining outside", your evidence to support this might be a picture of people outside are using umbrellas or a statement by you that you got wet when you went outside.

9.4 Documents

Document evidence is not just paper documents. Document evidence could include pictures, videos, sound recordings, text messages, emails or something else. You will most likely need a range of document evidence to prove your case.

For example, if you are involved in a motor vehicle lawsuit, the document evidence might include the accident report, the insurance assessment, video surveillance of the accident, and medical records. To be successful in court, you need to have your document evidence organized.

Using documents at court

Any document, photograph or object that you wish to use to prove a fact at trial may be used as evidence. Things that have been entered into evidence are called "exhibits" and each exhibit is logged in the court's record. Each exhibit is numbered for easy reference. You should make a list of the things that are entered into evidence and their exhibit number.

Entering an Exhibit

In most courts, if you wish to enter a document, photograph or object as an exhibit, you must either have the agreement of the other party to use that evidence in court or have a witness identify the thing. "Identify the thing" means that the witness is present in court and says under oath that they made, saw or had possession of the thing and recognize it.

You must then show it to the other party, and then ask that it be entered as an exhibit. The judge will consider whether the thing should be allowed as evidence, and will then enter it or refuse to enter it as an exhibit. If entered, the court clerk will then assign a number to the exhibit.

To have a written document entered as an exhibit, you must prove that:

- it is accurate;
- it fairly represents the facts and is free of any intention to mislead; and
- it can be verified under oath by the author or creator, or another person capable of doing so.

To have an object, rather than a document, entered as an exhibit, you must prove that:

- it is relevant to an issue in the case;
- it is authentic or real (for example, that it is the original object and that it has not changed in any way that could be misleading); and
- you must be able to account for everything that happened to the object since you acquired it.

To have a photograph, videotape, audiotape or any other kind of recording, like a computer file, entered as an exhibit, you must prove that:

- it is accurate;
- it fairly represents the facts and is free of any intention to mislead through, for example, editing or camera angles; and
- the person who made the recording can verify it on oath.

Ideally, it is best if you can put the original document or recording into evidence. However, if you cannot produce the original, you may be able to enter a copy. If authentication is required, you may need to get someone to authenticate the copy if the authentication is required.

Steps of dealing with document evidence

- **Gather**: Collect all the documents you have (or need to obtain) that might be relevant to your case, (e.g. receipt, assessments, emails, medical records, etc.).
- **Organize**: You need a system for sorting all of the document evidence you will gather. It will be helpful to have a series of containers to hold the document evidence. Some people use envelopes, file folders, boxes, and / or filing cabinets. The key is to have a system that will help keep you organized.

Sort your documents according to the issues. Create separate files for each issue. For example, have one file for documents showing what happened during the collision and have another for medical documents showing injuries.

As you gather document evidence, you might find it helpful to create sub-categories for some of the key issues. For example, with the medical injuries, you might have individual files for injuries to your legs, head and mental health. Whatever works for you – have a system and stick to it.

- **Assess**: Consider each document. Is it really helping your case? How? Be specific. Judges do not like reading through stacks of irrelevant information. They do not want "dirty laundry" stories. Include only relevant and material evidence that supports the points you are trying to prove.

9.5 Oral Evidence

The other type of evidence presented in court is oral evidence. This is when a person provides verbal information in court. To testify means to provide oral statements in court that the witness swears / affirms are true.

There are two types of oral evidence:

1. **Testimony of parties**: This is when you or the other party named in the case gives sworn oral statements in court.
2. **Testimony of a witness**: This is when a person who is not a party in the case comes to court to answer questions.

9.6 Testimony of Parties

During the trial, you will be able to take the witness stand and testify in support of your own position, if you wish to do so. When doing this you will be testifying just like any other witness. You will have to take an oath or affirm (promise) to tell the truth, you will give your evidence and other parties will be able to cross-examine you (ask you questions that you will be required to answer). Often, it is helpful to testify because you have first-hand knowledge of the facts. If you testify, you will need to truthfully answer the questions asked by the other party as well as by the judge.

You will not be allowed to argue your case while you are testifying. This means that you cannot explain the legal issues or why you believe the court should decide in your favour. The time to make your argument is when the evidence is finished, and you and the other party give your closing arguments.

When you are testifying

Do	Don't
• Tell the truth • Come prepared, practice what you will say beforehand • Answer questions asked of you by the judge and the other party • Talk only about facts that relate to the issues in the lawsuit	• Lie or exaggerate • Argue your case • Try to explain your legal issues

9.7 Witness Testimony

You and the other party may each bring people to court to help prove the case. These are witnesses. This is not mandatory; you can decide not to call witnesses. Witnesses will need to take an oath or affirm to tell the truth. They will need to answer questions asked by both parties and the judge. When you call a witness to court you will get to ask questions first.

When questioning your own witnesses, you can only ask open-ended questions that do not suggest an answer (e.g. did anything unusual happen at the birthday party?). The other side may then ask questions, but because it is not their witness, they may ask leading questions (cross-examination) (e.g. you saw a fight break out at the birthday party did not you?). Once the other party is done their questioning, you can re-examine the witness i.e. follow-up with any questions that arise from their evidence, that have not already been addressed – those questions must also be non-leadings. A witness cannot lie when they answer (that would be perjury). If they do, there may be serious penalties, such as a fine or jail time. See **Section 10.4: Witnesses** for more information on questioning witnesses.

Some people will decide not to call a witness because they believe the other party cannot prove their case. However, a jury or judge can make inferences about what did or did not happen if you decide not to call relevant and material witnesses.

Who to call as witness?

You may call witnesses to give evidence on any issue raised in the lawsuit. You should only call a witness if they can give evidence that will help you strengthen your position or weaken the other party's position. If you have documents you want to present to the court, you may need

to have a witness explain them or verify their authenticity. Witnesses can also give evidence about things they heard or saw. For example, if your neighbour told you about seeing a fire in your backyard, you cannot testify to that as being true because you did not see the fire, but you could have your neighbour provide this information that they observed the fire directly in court.

It is important that the witnesses you choose are credible, articulate, and sincere. You cannot tell your witnesses what to say other than to tell the truth. But it is helpful to review with them the questions that you will ask and to understand the information they will provide. It is also helpful to consider what questions the other party or the judge might ask them. Remember that it is not the number of witnesses you call that counts, but the importance of what they have to say.

Requiring a witness to attend

A witness is notified that they need to attend court when you send them a court form called a subpoena or summons to witness. A blank form may be obtained from the courthouse for this purpose. You will fill out the name and address of the witness and serve it on (deliver to) the witness. You may be required to file the form in court before you serve it on your witness.

It is a good idea to serve all witnesses with a subpoena or summons, even if they promise they will come. If a witness has been summoned but fails to come to the trial, the court can issue a warrant for their arrest or may allow you time to get them to attend. The witness may be ordered to pay the costs caused by their failure to come to court. If you did not give a witness a subpoena or summons, and they do not come to court, the judge might go ahead with the trial and you would not have that witness' testimony to help you prove your case.

Each witness gets a certain amount of money as compensation for the time spent in coming to court, along with travel and meal expenses. You are responsible for paying this cost for witnesses you call. Witness fees are usually set out in the Court Rules.

Expert witness

In certain situations, you may want to call an expert to present opinion evidence. An expert witness is a person who has special knowledge about a subject, like medicine or engineering. An expert witness is called to shed light on issues that are complex and outside of common knowledge. They may give their opinion about issues in which they have expertise.

Usually witnesses are not allowed to present their opinions at court. An exception to this rule is expert witnesses. Experts are allowed to give their opinion on something if they are experts

with special knowledge about that thing. Experts cannot offer opinions outside of their area of expertise. For example, an electrical engineer cannot provide an opinion about how to build a bridge, but can provide an opinion about how to install a light fixture.

If you want to present expert opinion evidence in court, you must:

- Get the expert to prepare a written report and their resume;
- Deliver this report to the other party before the trial; and
- Have the judge accept that the witness is qualified (based on education and / or experience) to express the opinion.

Expert report

For an expert to testify at a trial you need to serve the other party with a report from that expert. This must be done well before the trial. The exact number of days before the trial that you must give an expert report to the other party will depend on the Rules of Court for your court, and any orders that a judge might have made in your case.

The requirements for expert reports vary across Canada so you should review your own jurisdiction's Rules of Court. Usually, however, the expert report should set out the expert's name, address, qualifications and describe what the expert will say at trial. The report must state the expert's findings, opinions and conclusions. It must also state the documents, calculations and data that they used in reaching their opinions or conclusions.

The trial judge will usually not accept a summary of the report prepared by you or another party; the full report by the expert must be used at trial. In most cases, the expert will also have to be at the trial to explain their opinion and answer questions about it.

Once the report is produced and the witness is established as an expert, that expert may be examined and cross-examined at trial about their opinions, including any discussions between the expert and the person who hired the expert.

Establishing the witness as an expert

Before an expert witness can give their opinion to the court, the judge will decide whether the witness is a qualified expert. You have to convince the trial judge of three things:

1. That the expert will offer relevant information regarding the case beyond ordinary knowledge.
2. That the expert is a qualified expert in their field.

3. That the evidence they will provide cannot be excluded for any legal reason.

To show that your witness is a qualified expert you must first establish that they have the right training and experience to give an opinion on a particular subject. You do this when you first call the witness to give evidence in the trial. This is done by filing the expert's resume with the court. You then ask them about their education, qualifications and work experience in the area you intend to ask them to give their opinion.

If you do not agree that an expert called by the other party is qualified, you may cross-examine the expert about their qualifications, before the judge decides if they are qualified as an expert.

If the other side calls an expert witness and the judge accepts that they are properly qualified to give their opinion as an expert, you still have the right to question the expert about the facts they relied on to form the opinion and you can still disagree with the expert's analysis or conclusions. When you cross-examine the expert, you might focus on trying to show that the facts used by the expert in forming the opinion are different than the facts in the case, or that the opinion itself is wrong.

If the judge decides that the witness is not qualified as an expert, that witness may still give evidence about facts of which they have personal knowledge, but may not give opinion evidence. Learn more about questioning witnesses at trial in **Section 10.4 Witnesses**.

Using witnesses before trial

Witnesses are usually called to give their evidence at trial. But you may need to provide this evidence to court before trial – such as at a pretrial motion or in court documents. You can use witness evidence by getting written statements that they swear are true. This type of evidence is presented to the court in an affidavit. For more on affidavits see **Section 4.2: Affidavits** on drafting Affidavits. For now, just keep in mind that you can use written statements from a witness, under oath, as document evidence.

To help you prepare fill out the ***Evidence Worksheet***.

9.8 Evidence Worksheet

Take inventory of your evidence both documental and oral and fill out the Evidence Worksheet. This will help you keep track of your evidence so you can present a stronger case.

For each issue of your case write out the main points you want to show, what evidence you have to support it and any specific documents you will be presenting.

Issue: _____

Main point you want to establish: _____

_____

Oral Evidence by: _____

_____

Supporting Documents: _____

_____

Issue: _____

Main point you want to establish: _____

_____

Oral Evidence by: _____

_____

Supporting Documents: _____

_____

Issue: _____

Main point you want to establish: _____

_____

Oral Evidence by: _____

_____

Supporting Documents: _____

_____

Issue: _____

Main point you want to establish: _____

_____

Oral Evidence by: _____

_____

Supporting Documents: _____

_____

Issue: _____

Main point you want to establish: _____

_____

Oral Evidence by: _____

_____

Supporting Documents: _____

_____

9.9 Objecting to Evidence

If the other party thinks that any evidence that you want to introduce is not material or relevant, they may object and ask the judge to exclude that evidence. Likewise, you too have the right to object to any evidence introduced by another person if you think that it is irrelevant or immaterial. To object, simply stand up and let the judge know that you object and why. This is one of the few times that it is acceptable to interrupt another party when it is their turn to talk. However, it's a technique that should not be used very often—and only when you truly think another party is trying to introduce improper evidence. Some TV shows make it look like good lawyers frequently object to evidence the other side is trying to introduce. In reality, objections are not very common.

You can also object if the other person tries to introduce evidence that may be protected by privilege. One way evidence may be privileged is if it concerns legal advice from a lawyer you have consulted or hired to represent you for part of this lawsuit. Another way evidence can be privileged is if it concerns settlement discussions between you and another party, in this lawsuit.

Sometimes, the identity of the person who made a document or made a statement may be in doubt. As a result, the evidence may be unreliable. Unreliable evidence may be excluded, so if that arises, you should raise an objection for the judge to consider.

For more information on objections see **Section 10.4: Witnesses**.

9.10 Hearsay

One type of evidence that is generally not allowed in most courts and some administrative tribunals (there are some exceptions) in affidavits and oral evidence is "hearsay" evidence. Hearsay is information being offered for its truth, that a witness learned from someone else, but does not have first-hand knowledge of it.

For example: if you want to prove Jane rode her bike yesterday

- "Jane Smith told me she biked to work yesterday" is hearsay because you learned it from Jane, so it is 2nd hand knowledge.
- "I saw Jane Smith arriving at work on her bike yesterday" is not hearsay because you observed this and have 1st hand knowledge.

Exceptions to Hearsay

Sometimes, hearsay can be introduced as evidence under rules of exception. One exception is that the evidence is both reliable *and* necessary. The following are common exceptions:

- **Necessity**: Hearsay evidence may be allowed, if reliable and necessary, such as if a witness has died and therefore cannot testify.
- **Business records**: Another exception to the hearsay rule is business record evidence. Statements and records prepared in the usual course of business, by a bank or company, for example, are generally admissible as proof of the information set out in the statements or records, as long as:
    - the statements or records were made in the ordinary course of a witness' duties;
    - the witness has personal knowledge of how the statements or records were made;
    - the witness had a duty to make the statements or records; and
    - the witness has no reason to misrepresent or lie about the contents of the statements or records.
- **State of mind**: Hearsay evidence may be introduced in order to demonstrate the speaker's intentions or state of mind when they made the statement (but not as proof of what is said). You can introduce evidence of statements made by the other person for this purpose. However, when you introduce such evidence, you cannot take the statement out of context and provide only the parts that support your case, and you cannot unfairly edit the other person's statements. You must put the whole of the statement to the court.

If you want to introduce hearsay evidence under one of the exceptions noted above, you must show that it comes from a reliable person or show that the person who made the statements had no reason to lie. Judges will carefully consider how reliable hearsay evidence is when they decide how much weight to put on that evidence in making their decision in the case.

10. Trial

The trial is where you will be able to present your full case and will bring in evidence to support it. Your trial might be as short as an hour or as long as many days, depending on how complex the issues are and how many witnesses will give evidence.

10.1 Overview & Summary of Steps in a Trial

1. **Opening statement of person who started the lawsuit**: If you started the lawsuit you will start by giving an opening statement. In the opening statement you can tell the judge what the trial is about, what you are asking the court to do, the important facts you intend to establish during the trial and the specific orders you are seeking. Think of it as a short summary of what is to come, not a complete description of all the evidence that will be heard and how it will help your position in the lawsuit. This is not the time to give evidence. You will have an opportunity to do that.
2. **Calling of witnesses by person who started the lawsuit**: Your witnesses should wait outside the courtroom until they give their evidence, so they aren't influenced by what others have said or argued. You can also ask the judge to order all witnesses to remain outside of the courtroom until it is their turn to testify and you can ask the judge to order that witnesses who have testified not discuss their evidence with the witnesses coming after them.

   You will call your witnesses one by one to give their evidence. If you are giving evidence, you will normally be the first witness (so that the opposite side can't argue that you tailored your evidence to accord with what your earlier witnesses said). You are not allowed to make legal arguments when you are giving evidence as a witness. Your opportunity to tell the court all of the things you witnessed and experienced is when you are a witness. If you give evidence, the other side can cross-examine you once you are finished giving the evidence you want to give.

   When you are calling witnesses (other than yourself), you get their evidence by asking your witness questions. Their answers to your questions are their evidence. The process of you asking your witness questions, and them answering your questions is called "direct examination". When you are done asking a witness questions, the other party gets to ask them questions. This is called "cross-examination". Once the other side is done their cross-examination, you will usually have the option to ask questions if it is necessary to clarify the witness' answers or address any issues that were raised in cross-examination that you didn't previously ask them questions about. This is called the "re-examination". Once that process is finished for your first witness, you will then call your next witness and the questioning process begins again.

Remember that it is not the number of witnesses that important but the clarity of their evidence – you don't need to call more than one witness to say the same thing – pick the best witness only – the one with the most knowledge and the clearest speaker.

3. **Opening statement of other party**: Once you have called all your witnesses and testified (if you wish to), the other side will give their opening statement. That is the most common order of things, but the process can sometimes vary. In some trials, both opening statements are done one after another before any witnesses are called.
4. **Calling of witnesses by other party**: They will then call their first witness and start with a direct examination of that witness. You will then be able to cross-examine that witness. The other party may re-examine the witness if necessary.
5. **Rebuttal evidence**: The party starting the lawsuit might be able to present evidence, through a witness, to address anything new that came up during the other side's evidence. Rebuttal evidence is not a chance for the party who started the lawsuit to repeat the evidence they gave earlier. The procedure is the same as calling a witness.
6. **Closing statement by person who started the lawsuit**: Once the other party has finished calling witnesses and giving evidence, you will be asked to explain why the evidence that was presented in court supports your position in the lawsuit. This is called a closing statement or legal argument. This is when you can talk about the cases and laws that are relevant to the issues in your lawsuit.
7. **Closing statement by other party**: The other party will then present their closing statement and make an argument about the evidence and the law. If necessary, you may reply to their closing statement to respond to issues that have been raised for the first time in their argument.
8. **Judge's decision**: After the closing arguments are completed, the judge may decide right away, or, if they need more time to think about the evidence or the law, you will get a written decision later.

10.2 Opening Statement

The opening statement gives you a chance to explain to the judge what the case is about and explain what order you are asking for, or opposing. The other party will also have a chance to give an opening statement. However, in all but the most complex cases, your opening statement should only be a few minutes long, so you want to be direct and to the point. In simple lawsuits, opening statements may be very brief or not be necessary at all.

An opening statement allows you to summarize what has happened in the case up to that

point. For instance, you should inform the judge of any relevant interim orders in place. You're basically providing a brief outline of where you have been and where you are going. You will want to outline the basic framework of your case, leaving the details to be filled in by the witnesses and exhibits.

Your opening is not the time or place to present evidence or make arguments (although you may summarize each briefly). You should outline the main points of your position, describe the issues in the lawsuit, and briefly explain how you will prove or disprove each issue. Make sure that you summarize the facts necessary to prove the main points of your position in this lawsuit. Be sure your statement covers these points:

1. **Inform the judge what has happened**: Summarize any relevant pretrial orders including when they were made, and any issues that have been settled. If your case is very complicated it might be helpful to prepare a chronology of events. You might even present it as an exhibit through your testimony or that of another witness.
2. **Inform the judge why you are here**: Clearly state what orders you are seeking or objecting to.
3. **Inform the judge what you will be doing**: State what you believe are the important issues, how you intend to support your claims, the witnesses who you will be calling, and what key documents that you will be presenting to the court. Remember to keep it short. Briefly explain who your witnesses are and what they will be saying. For example, "I will be calling on Jon Smith, my family doctor, who will be speaking about my medical condition after the collision".

To help you prepare for trial you can fill out the ***Opening Statement Worksheet***.

10.3 Opening Statement Worksheet

Fill in the blanks to help you prepare for your opening statement.

Decision you seek / oppose: _____

Chronology of your case: _____

_____

Brief overview: (Provide a summary of the case)

_____

_____

_____

Brief court overview: (e.g. when relevant court documents were filed, any relevant orders made, previous hearings or conferences attended and their outcomes or settlements you reached)

_____

_____

Theory of the case: Briefly state the reasons why you want what you want (e.g. you seek an order for compensation for wrongful dismissal. You plan to bring evidence of how you were given no notice and how there is no just cause for your dismissal, how much you suffered due to the dismissal, and how long it took you to find comparable work.)

_____

_____

_____

_____

The witness: Who and what they will say (in a sentence or two)

_____

_____

10.4 Witnesses

Calling witnesses

After you have presented your opening statement you will be asked to call your witnesses.

Your witnesses should be outside of the courtroom until it is time for them to give evidence, so other evidence and submissions doesn't taint their evidence. After they are called to give their evidence, you should not discuss the case or their evidence with them. When you are ready to call a witness, tell the court clerk the name of the person you wish to call. The clerk will page the witness to come to the courtroom or ask you to go get them. The witness will then go into the witness box and swear an oath or affirm to tell the truth, and you can begin your direct examination. The Judge may ask questions of the witnesses every now and then. Those questions will normally be to clarify the evidence that the witness has given or to fill in gaps to achieve a better understanding. You cannot discuss a witness' evidence with them during a break at court.

Questioning witnesses

Before your trial you will want to think about what questions to ask the witnesses so that they answer questions that help prove your case. There are 2 ways to question witnesses:

1. Direct Examination (when you ask questions of a witness you have called); and
2. Cross Examination (when you ask questions of a witness the other side has called).

You must also be careful that your questions are questions rather than statements or arguments. Save your arguments for your closing statement, not during cross-examination.

Direct examination

You will need to question the witnesses you call. This type of questioning is called direct examination. For a direct examination, you will need to ask "open-ended" questions (questions that allow for explanations but do not suggest answers). Open-ended questions usually begin with words like who, what, why, where, how, tell me about, or describe. Open-ended questions usually call for longer answers and do not restrict the witness to saying "yes" or "no".

The opposite of an open-ended question is a "leading" question. Leading questions as the name indicates leads the witness to a particular answer. They are usually answered with "yes" or "no". In general, you will usually not be permitted to ask leading questions of the witnesses you call. However, leading questions are allowed when you are asking your witnesses about introductory things that aren't in dispute. For example, "Your name is John Doe?", "You signed

an Agreed Statement of Facts?"

Leading questions allow you to control what the witness talks about and often helps you get the witness to give a specific answer. This is why you are not allowed to ask your own witnesses leading questions.

Here are some examples to show you the difference:

Open Question: "can you describe your car for us?"

Leading Question: "you own a green car, don't you?"

Open Question: "at what time did you get home?"

Leading Question: "you got home at ten o'clock, didn't you?"

Questions for your witnesses

Do	Don't
• Start by asking background questions (What is your name? How do you know the parties? etc.). • Let the witness finish answering before you ask the next question (do not interrupt). • Keep your questions simple and clear. • Organize your questions according to chronology or issue. • Be precise with questions.	• Ask leading questions: questions with the answers in them (except on non-controversial issues). • Ask long questions. • Ask complex or confusing questions. • Asking 2 questions at the same time (it will be unclear which one the witness is answering). • Be too broad or vague. • Ask them to give their opinions – unless they are an expert witness.

Once you have finished examining your witness, the other party will be allowed to cross examine them. The other side is allowed to ask your witness leading questions. Be sure your witnesses know in advance, that this will happen.

Cross-examination

Once the other party has finished questioning a witness they have called, you can question that witness. Asking questions of the other party's witness is called cross-examination. When cross-examining a witness, you are allowed to ask leading questions. Leading questions are questions that suggest the answer, such as "you have a blue car, don't you?" or "you work at ABC Plumbing, right?"

During cross-examination, you are allowed to try to put the witness in a bad light. You can ask questions that challenge their credibility and the accuracy of their testimony. However, you cannot try to discredit the witness by challenging their credibility on issues that are not directly related to the issues in your lawsuit.

Cross-examination allows you to:

- Challenge or test the truthfulness or reliability of the other side's witness and evidence.
- Get more details about their evidence.
- To get evidence that supports your case, you will want to get the witness to agree to the facts you present.
- To discredit the witness. This approach is used so the judge will minimize or disregard evidence or comments that do not support your case. You can do this by bringing into question their memory or their truthfulness. You can try to show that they may be biased or that they are inconsistent with their story.
- Cross-examination may help you to get useful information, bring out facts that the witness has not explained, and introduce facts that weaken the witness' evidence or the other person's position.
- Cross-examination may help you show whether that the other side's witness is not truthful, sincere, and credible.

If you intend to challenge or contradict the evidence of a witness later in your case, you must confront them with the evidence you intend to later present so they have an opportunity to talk about it. Otherwise, you may not later be allowed to contradict them (this is called the *Brown v. Dunn* rule).

When you are cross-examining, you may wish to challenge a witness' credibility or reliability. Make note of the following and you can bring any issues up in your closing argument (see **Section 10.6: Closing Argument**).

- The attitude and behaviour of the witness in the witness box;
- The ability and opportunity that the witness had to observe the things they say;
- The ability of the witness to give an accurate account of what they saw and heard;
- Whether the witness has any reason to be biased or prejudiced, or has an interest in the outcome of the case;
- Whether the witness attempted to answer questions in a forthright manner, or whether they were argumentative or evasive; and
- Whether the testimony given by the witness was impartial and objective or whether it was slanted. Cross examination of the other side's witnesses

Do	Don't
• Ask leading questions. • In your questioning, move from general to specific. • Be clear and brief. Use simple language. • Listen to the answers given and note important ones. • Treat the witness with respect. • Ask only one question at a time. • Be precise with questions. • Ask questions that may discredit their testimony.	• Argue with the witness or try to tell your story. • Repeat a question asked during direct examination that hurts your case. • Ask them to give their opinions – unless they are an expert witness. • Comment about their answer. You can do this during your closing argument.

Remember, your questions are not evidence. The witness' answers are evidence.

Objecting to questions

The judge can disallow any question that is unnecessarily rude or is irrelevant to the issues in the lawsuit.

Either party can object to a question the other party is asking of the witness. They will need to explain to the judge why they are objecting. The judge will then decide whether to allow the

question or not. A judge may also stop a question if it is unnecessarily harassing or embarrassing a witness.

Common reasons for objecting include:

- leading where only an open question is appropriate;
- multiple questions before allowing the witness to answer;
- opinion – asking someone to provide an opinion when they are not an expert;
- repetitive questions;
- vague or ambiguous questions;
- irrelevant;
- argumentative;
- speculative questions; and
- hearsay.

If you want to object to a question that the other party is asking, simply stand up to let the judge know that you object. Be sure to explain why you object.

The purpose of an objection is to have the judge decide whether the question that is being asked of the witness can be admitted. You cannot object just because you do not like the answer the witness may give. Review **Section 9.9: Objecting to Evidence** to read more about what evidence is allowed.

Re-examining witnesses

Once your cross-examination is complete, the other party can re-examine his or her witness. This re-examination (sometimes called the redirect) is very restricted. The other party can only ask about new things that were not raised before, or that clarify the witness' evidence in cross-examination.

In your redirect examination, because you are examining your own witness, you may only ask non-leading questions. Once re-examination is completed, that is the end of that witness' testimony.

Witness introducing a document

If you want a document to become evidence, you must either have the other party agree to introduce the document without a witness or you must have a witness identify the document. "Identify the document" means that the witness is able to say that they made the document or had it in their possession, and confirm it accurately represents the truth. You should have the

original and at least three copies of each document with you. It is best if you can produce the original document, which will be kept by the clerk, marked as an exhibit in the case and referred to by the witness. You must have at least three copies of each document so that you, the other party, and the judge, each have a copy. Fill out the ***Witness Worksheet*** to better help you prepare if you plan to call witnesses.

Defendant's options

Once the party bringing the lawsuit has finished calling their evidence, if you are the defendant you have some options. At this time, you have three options.

1. Ask for a non-suit.
2. Decide not to call witnesses or enter evidence. Move directly to closing arguments.
3. Decide to call witnesses and enter evidence.

Non-suit

It is the responsibility of the person bringing the lawsuit to prove on a balance of probabilities (at least 50%) all of the elements of their case. If you are confident the other side has not proven one or more elements of their case at all, you may choose not to call any witnesses or give evidence yourself, but ask for a non-suit.

You may ask the judge to decide whether or not the party who started the lawsuit has proven every necessary element of their case. This is called a motion for non-suit. If your motion for non-suit is granted, you will not have to call evidence or make a legal argument about your position in the lawsuit, and you will usually win the lawsuit. If your motion for non-suit is denied, you can still call your own evidence if you want.

Give no evidence

Second, you can decide to not call evidence, at which time the case will simply move to closing arguments. In closing arguments, you can argue that the other party has not provided sufficient evidence prove their case. This is a fairly risky thing to do, because if you are wrong, you will not have a chance to call evidence later. You should only choose to call no evidence if you are absolutely confident the other side has not proven their case sufficiently.

Give evidence

The third option is that you may proceed to give evidence and begin calling your witnesses.

10.5 Witness Worksheet

Fill in each column. For example:

- Witness: Dr. Reynolds.
- Points: 1. Your sleeping disorder, 2. How this affects your ability to focus during the day and your ability to drive, 3. It started to be reported after the collision.
- Documents you will use: the medical records dated March 2019 – January 2020.

Witness	Points you want them to make	Document you are putting to them

10.6 Closing Argument

The closing argument (also called closing statement) is the time when you will make your argument. You will describe what decisions you wish the judge to make and why they should make them, based on the evidence heard during the trial. If there is legislation or case law that supports your position, you should explain how the law applies to this lawsuit and the evidence that was given during the trial.

The time for giving evidence is over and you may not present any further evidence. In making your closing arguments, you may only refer to evidence that has already been given during this trial. You want to show that the evidence supports your position and the law supports the decision you seek. Here are the steps you want to take for your closing:

- **Summarize the law**: Very briefly state the law you are relying on and any case law you are using to support your claim. Highlight the points you are trying to prove. If you are going to rely on any cases or statutes, you must have copies available for the other party and the judge.
- **Summarize the evidence and how it relates to the law**: Refer to the evidence presented to the court such as witness evidence or documents that show the points you are trying to prove.
- **Go over any issues with a witness' credibility or reliability**: Highlight the ways that the witnesses that helped your case were credible and reliable, and the ways a witness who did not help your case was not reliable or reliable. See **Section 10.4: Witnesses** for more on what to consider regarding credibility and reliability.
- **Address any arguments by the other party**: If you can show how their points do not apply to you, do so.
- **Conclude**: Restate the decision you seek. When the evidence or the law is complicated, you can ask the judge if you can give a written summary of your closing arguments.

It is sometimes possible to submit your closing statement in written form. Ask the judge in advance if you can submit your written closing statement to them so they can follow along as you present it. A judge does not need to accept your closing statement in writing, so ask to see if they will. If you are submitting a closing statement in writing, make sure all key elements of your legal argument are included.

Fill in the ***Closing Statement Worksheet*** before the trial to help you prepare, but be sure to continue to fill it in with more detail during your trial.

10.7 Closing Argument Worksheet

Fill out this worksheet to help prepare for giving a closing statement. You might need to leave blanks to be filled out during the trial as evidence is brought forward.

Orders you seek / oppose: _____

Theory of the Case: Briefly state the reasons why you want what you want.

_____

_____

_____

_____

Relevant Laws:

_____

_____

Supporting Case Law:

_____

_____

Relevant Facts (supported by evidence presented at trial):

_____

_____

_____

Additional Comments (address arguments made by other party or credibility of a witness):

_____

_____

_____

10.8 Decision / Order / Judgement

After a hearing or a trial, the judge will state their decision in writing or orally. The results of their decision will be called a judgment or order and, in most cases, will be written down. A court judgment or order is created (usually drafted by the successful party) that describes what the judge has decided. Orders apply to both parties for a defined or undefined period of time.

If all the parties to a case agree to resolve (settle) all or part of a case in a certain way, they can also tell the court that they agree to an order or judgment. If the judge agrees, they can issue a "consent order" showing that everyone has agreed to that judgment.

It is important to know that just because there is a judgment from the Court, this does not mean that it will always be followed. You may need to take actions to enforce the judgment.

11. Appeals

Appeal deadlines for filing and service are very short. Depending on the jurisdiction and type of matter, you may only have a few weeks or even days to file an appeal so you must act quickly. Failing to meet a deadline could be fatal to your appeal.

Appeal deadlines, forms and procedure vary so it is vital that you check the Rules of Court in your jurisdiction as soon as possible after you receive a judgment on your case, to determine your appeal deadline.

If you are acting without the assistance of a lawyer, you may be able to find helpful information and "how to" advice on the appeal court's website. Staff in the appeal court's registry office can also provide advice about appeal procedures. Procedures will vary somewhat from one appeal court to another and each appeal court has its own set of Rules that set out what is required on an appeal.

11.1 What is an Appeal?

Once you have received the judge's or jury's decision / order / judgment, you might want to appeal it if you disagree with the result. An appeal is where you argue in a higher court that the court that made the decision in your case made an error. The decision to appeal should not be taken lightly. Making an appeal can be time-consuming and costly, due to the cost of transcripts, preparing your written appeal arguments and the risk of cost orders if the appeal court decides against you on the appeal. It is important to get legal advice. A lawyer can help assess your chances of success if you were to appeal a decision.

In almost all cases, an appeal is not a new hearing or a new trial. An appeal is usually a hearing on the evidentiary record from the original hearing or trial. There are no new affidavits, witnesses or juries in appeal cases. The job of the appeal court is to decide if the lower court judge made any errors at the trial / hearing or in the judgment.

It is not enough to be unhappy with the result of a trial or other proceeding. In order to successfully appeal, generally you must show that the judge's decision was unreasonable or cannot be supported by the evidence or the judge made a mistake about the law.

Mistakes about the facts

This is when the evidence presented at the trial or hearing was misunderstood by the judge. Appeals on mistakes of fact are seldom allowed and a decision may only be overturned where a finding of fact is found to involve a serious error that affected the judge's decision. Generally, appeal courts will not overturn a lower court's decision regarding which witnesses were credible or telling the truth.

Mistakes about the law

Not every error made by a judge will lead to a successful appeal. However, if the judge's decision about the law is wrong, the case can usually be successfully appealed. When there is a jury, you may also be able to appeal if the judge made an error in their instructions to the jury.

11.2 Process of Appealing

You can appeal the decisions of a trial or hearing judge to a higher-level appeal court.

For example:

- A decision from a provincial / territorial court will usually be appealed to the next level of court, the superior trial court (an appeal court for this purpose), although some appeals go directly to the Court of Appeal.
- A decision from a superior trial court will be appealed to the Court of Appeal, although you may have to apply for permission to file an appeal.
- Decisions of a Court of Appeal may be appealed to the Supreme Court of Canada but only if the Supreme Court grants permission to appeal.

Leave to appeal

For some appeals, you have to ask permission to appeal the decision / order / judgment of the lower court. This is called "applying for leave to appeal". You should check the Rules of Court to see if your matter requires leave to appeal.

To succeed with a leave application, you will need to show the court of appeal that your proposed appeal involves a mistake of law or an important mistake of fact. In other words, if leave to appeal is given, you are expected to be able to show that the judge applied the wrong law or misinterpreted the law, or applied the right law in the wrong way, or came to a decision that is unreasonable in light of the evidence.

Even if you are able to show that there appears to have been a mistake of law or fact, the appeal court may still have to decide whether your appeal is the kind of case that deserves to be heard on appeal and should be allowed to proceed.

Documents

An appeal is started with a "notice of appeal". The notice of appeal should set out the errors of law or fact on which the appeal is based. Generally, the court will only deal with the grounds set out in the notice of appeal. It is possible to later amend the notice of appeal to set out new grounds of appeal, but that should be done as soon as possible and well before the hearing of the appeal itself.

You will also need to file an appeal book which will generally include the notice of appeal, the documents that began the proceeding in the lower court, affidavits (if any), the trial transcript and the list of exhibits from the original trial or proceeding.

You will likely also have to write a "factum" which is your written argument. There are court rules for how each of these documents should be formatted.

11.3 At the Appeal Hearing

The person who started the appeal will speak first. Then the other side is given an opportunity to speak. After that, the person who started the appeal will have an opportunity to address any new issue the other side raised.

In most appeals, the judges will have:

- the written arguments (factums) from both parties; and
- the transcript of the proceedings before the lower-court judge / tribunal.

The judges might ask you questions during your presentation to make sure they understand the case and what you are saying. If you submitted a written argument (factum), you do not need to read out those arguments at the appeal hearing. Instead you should just briefly summarize them and explain why you think the lower court judge made a mistake and what you want the appeal court to do. The judges will either give their decision at the end of the appeal or will reserve their decision to a later date.

New Evidence

Generally new evidence is not allowed to be presented on appeal. Most appeal hearings are based on the record (i.e. the transcript and exhibits or affidavits from the lower court) of the

previous trial or hearing. If there is evidence you think the court should have which was not presented at the trial or hearing, you must ask for permission to refer to that new evidence. You must show that the evidence you want to present could not have been presented at the trial or hearing (e.g. you didn't know about it), that the proposed evidence is reliable and that it would have affected the outcome.

You should prepare:

- a notice of application or notice of motion as required by the court rules; and
- an affidavit explaining why the evidence was not presented and why you think it would have been important to the outcome of the trial or hearing.

You should attach the new evidence to your affidavit or include it in your affidavit. In general, the judges hearing your appeal will also hear your application to present new evidence, and will decide on both your application to present new evidence and the appeal at the same time.

Time limits

There are strict deadlines that say when an appeal can be made. If you are outside those deadlines, and if you want to appeal the judgment in your [trial / hearing], you may be able to apply for an extension of time. Extensions of time are not easy to obtain. You should speak to a lawyer about your application.

12. Glossary

Act: An Act is a written law that has been passed by the federal or provincial legislature. Also called legislation or statute.

Admissible Evidence: Evidence that may be received by a trial Court to aid the judge or jury. Generally, evidence must be both relevant and material to be admissible, as well as not barred by any specific rule. In addition, the inclusion of the evidence should not be significantly unfair or prejudicial to a party.

Adjournment: The postponement, suspension or interruption of an ongoing hearing, proceeding, or trial, to resume at some future date. This may be at the request of one of the parties, or directed by the Court. It is always the Court who decides whether or not to adjourn the proceedings.

Affidavit: A document that contains facts that a person swears or affirms to be true. A lawyer, notary public, or commissioner for affidavits must witness the person's signature and sign it.

Alternative Dispute Resolution (ADR): Alternative Dispute Resolution is the use of arbitration, negotiation, mediation and out-of-court settlements (as opposed to court litigation) in the resolution of legal disputes. In family law, the purpose of ADR is to offer a less conflict-oriented and often less expensive way to resolve a dispute than litigation.

Balance of Probabilities: The burden of proof in a civil trial. The court must be convinced the evidence shows it is more likely than not that the person asking for an order is entitled to the order, or the court will not give the order.

Case Law: Decisions of courts relating to a particular matter or issue. Case law from the same level of court or other jurisdictions may be persuasive, but the court does not have to follow it. Case law from a higher court is binding on the lower court.

Chambers: A courtroom at the superior trial court level where applications (not trials) are heard. In Quebec, "chambers" is called "practice court" and is used for ex parte applications like seizures, or injunctions, or special modes of service.

Chambers Applications: In a proceeding started by notice of civil claim, chambers applications usually deal with pre-trial procedural issues that come up as the case progresses.

Civil Litigation: A lawsuit that is brought to enforce, redress, or protect a private or civil right. It is initiated by the person who actually suffered the effects of the harm. Civil litigation usually

deals with private disputes such as a breach of contract.

Costs: In a superior court, a master or judge's order that the losing party in an application or trial, pay an amount of money to the other party based on the time or money the other party spent to go to court. This may include all or part of court fees, disbursements, and legal fees.

Counterclaim: A document that sets out any claim the defendant might have against the plaintiff or another party related to the lawsuit started by the plaintiff. It is an independent action raised by a defendant that can heard at the same time as the plaintiff's claim. The counterclaim acts as the defendant's statement of claim against those parties.

Court Order: A legally binding direction by the Court to do something. There are serious legal consequences for disobeying a court order.

Court Reporter: A trained professional who creates official records of things said during examination for discovery / questioning, and court proceedings. This may also be done electronically.

Cross Examination: The questioning of a witness by a lawyer or party on the other side - who did not call the witness to testify. Cross-examination takes place after the lawyer or party who called the witness to testify has finished asking question in direct examination (or examination in chief). The purpose of cross-examination is to test the witnesses' truthfulness or reliability. Questions in cross-examination are allowed to be leading, that is, to suggest a certain answer.

Damages: Damages include monetary compensation for financial loss, property loss, emotional injuries, physical injuries, loss of earnings, and costs of care.

Default Judgment: If you do not file a response to a notice of claim or application, the judge may make a decision granting judgment in your absence and without your input.

Direct Examination: The questioning of a witness in court by the person who called the witness to court. The questions must be open ended and must not suggest a specific answer – i.e. they cannot be leading questions. Direct examination is also called examination in chief.

Disbursements: Out-of-pocket expenses incurred in lawsuit (e.g. court filing fees, the costs of registry searches, or the costs to obtain medical evidence).

Disclosure: The process of exchanging information (e.g. financial statements) that is related to the lawsuit and tend to prove or disprove the issues in dispute. Each party to a lawsuit must disclose all of their relevant information to the other side. Failing to disclose required documents can have serious consequences. Also called Discovery.

Duty Counsel: Lawyers paid by Legal Aid or otherwise publically funded, or pro bono, who may help unrepresented persons, generally at courthouses or places of detention, in providing brief, summary services, related to various civil, family, criminal, or immigration law problems, depending on the jurisdiction, Duty counsel provide free legal advice for a specific court appearance, but do not take on your whole case or represent you at trial. Examples include: in civil court, assisting parties in presenting pre-trial civil applications; in family court, assisting parties in presenting pre-trial family laws, including in relation to obtaining or maintaining restraining orders in family violence cases; in immigration court, providing basic advice and release on first appearances; and in criminal court, providing basic advice and release / bail on first appearance.

Evidence: Oral or written statements under oath or affirmation by a witness, or "real" evidence, such as documentation or objects (which become exhibits), presented to the court by agreement of all parties, and the judge, or under evidentiary rules, to prove the facts that are necessary to establish a claim or defence in a civil or family case, or to determine the guilt or maintenance of innocence of an accused in a criminal case.

Examination for Discovery or Questioning: In civil and family proceedings, a process by which the parties to an action question one another, or another person, under oath or affirmation on the facts and issues. A transcript of the questions and answers is produced. The term "questioning" is used in some jurisdictions.

Exhibit: A document or object admitted as evidence in court.

Expert: A witness who gives evidence to help the court understand technical and scientific issues in the legal action. He or she may give opinions in areas that would not normally be within the judge's knowledge. The expert must be shown to possess the necessary skill and qualifications in the area in which their opinion is sought. An expert can give evidence in person, and / or by writing a report called an expert report.

Final / Closing Arguments or Submissions: At the end of the trial, you will present your argument to the court (judge alone in civil and family trials and judge and jury in some criminal trials). It is a summary of your position based upon the evidence that has been presented to the court about the decision that the court should make.

Hearing: In law, a proceeding before a judge or master (only in some civil and family cases) to determine questions of law and / or questions of fact, whether the hearing of an application or the hearing of a trial.

Hearsay: Inadmissible testimony that is given by a witness for the truth of its contents, who relates what others have said rather than what they personally witnessed or observed. There

are a number of exceptions to hearsay being inadmissible – it is a complex legal area.

Interim Application: One party asks the court to make an order, which in most cases is not a final one. These applications often deal with issues that arise in the course of a lawsuit that require a court order before a trial.

Interrogatories: Pre-trial written questions sent to the other party in litigation lawsuit, and for which a reply is mandatory.

Leading Question: A question that prompts or encourages a desired answer. Usually allowed in cross examination but not allowed in direct examination (or examination in chief).

Leave of the Court: The court's permission to proceed with certain types of applications or appeals or to proceed in a certain way.

Legal Advice: Advice from a lawyer about the law as it applies to a particular case. It usually includes information about whether, why and how a party should do something.

Limitation Period: The period of time that a party is allowed to wait before starting a case. After a limitation period has passed a lawsuit cannot be successfully started.

Limited Scope Retainer: See "Unbundled Services".

List of Documents: A list of all the documents that relate to the issues in a case and are in a party's possession or under a party's power and control. The list also includes a list of any documents that may be privileged. This list is provided to the other parties in the discovery process and tells them where the documents can be examined (unless privileged).

Master: A judicial officer of a superior trial court in a province or territory (called "Special Clerks" in Quebec), who may decide certain matters before or after a trial. Masters hear many chambers applications. In some areas of the law (it may vary from jurisdiction to jurisdiction), a master has powers as a judge to make interim or temporary, or, in some cases, final orders, but cannot make final orders in divorce matters.

Material Fact: A fact that is important to proving your case.

McKenzie Friend: A McKenzie Friend is allowed to sit with you during the trial, and may provide moral, emotional and practical support like organizing documents and taking notes. They can make quiet suggestions, but they cannot address the court or give you legal advice.

Mediation: A non-binding process in which a neutral third party with no decision-making authority attempts to facilitate a settlement between disputing parties. Mediation is usually a

private, voluntary dispute resolution process.

Negotiation: Any form of non-facilitated (no third party) communication that allows the parties to discuss the steps they need to take to resolve the dispute. Negotiations can take place between the parties directly, or through others (such as lawyers) acting on behalf of the parties.

Objection: A statement made by a party during a hearing or trial for the purpose of challenging any specific evidence sought to be introduced. Common objections during trial include when a party inappropriately asks leading questions, when a party asks multiple questions at once, when a party asks vague or confusing questions, when a witness gives inadmissible hearsay evidence or opinion evidence, and when a party tries to introduce privileged information as evidence. The judge determines whether the objection succeeds or not, and may suggest a different form of question. See also *Hearsay*.

Onus: The burden of proof – who (which party) has to prove something.

Open or Open-ended Questions: Questions that cannot be answers with a simple yes or no. They usually begin with who, what where, why, and how.

Order: A ruling made by a judge or master that tells a party to do something or not do something. It can also be the document that sets out the decision of the judge or master (in some civil and family cases).

Petition: In some jurisdictions, a document that starts some court cases. It sets out the basic facts of the event or transaction, the legal consequences and the remedy or relief the petitioner is asking for.

Pleadings: A statement in writing of material facts and law on which a party to a dispute relies in support of a claim or defence – the documents that start a lawsuit or explain a party's defence to a lawsuit.

Precedent: An earlier decision of a court or a higher court that should generally be followed in subsequent similar cases.

Privileged Document: A document the other party is not entitled to see because it was created during confidential communications between a lawyer and his or her client, or was created to help conduct or settle the litigation.

Pro Bono Legal Services: Legal services donated to individuals, free of charge.

Process Server: A professional document server.

Re-Examination: Questions asked by the party or counsel who called the witness, after cross-examination by the other party or counsel. Re-examination happens if the cross-examination has brought out new facts, or if something raised for the first time in cross-examination was unclear.

Registered Office: A head office or chief place of business. It is the office where documents may be served on a company and where certain documents and books must be kept. The address of this office is on file with the provincial Registrar of Companies.

Regulations: Laws that usually set out practical information or procedures relating to a particular statute. They provide specific instructions about how to implement the statute and tend to change more often than the statute itself**.**

Release: A document signed by the parties to acknowledge that they are giving up all or some part of claims in connection with the legal dispute. It is usually signed as part of a settlement.

Requisition: A document that asks the court registry to do something. For example, a document that asks the registry to search the court file for a response to the notice of civil claim.

Retainer: An agreement with a lawyer for legal work is called a "retainer". A written retainer letter sets out the work that the lawyer has agreed to do, what the lawyer will not do, and how the lawyer's pay will be calculated. The retainer agreement sets out the scope of your lawyer's involvement in the file.

Rules of Court: Rules that govern the practice and procedure of the Court. They provide guidelines for each step in the litigation and set time limits for when certain steps must be completed. Additional guidance with Rules of Court type effect include, Practice Notes, or Practice Directions, or Notices to the Profession and Public.

Serving a Document: Giving a legal document to the parties to the lawsuit. The Rules of Court set out certain procedures that must be followed when serving a document.

Settlement: An agreement between the parties in a dispute. A settlement can end or avoid or reduce the scope of a court proceeding. It usually involves the payment of money, or the release of rights.

Sheriff / Bailiff: The Sheriff's / Bailiff's responsibilities are to make sure the courtroom is safe, and to look after witnesses, jurors or prisoners.

Standing: A party's right to make a legal claim or seek judicial enforcement of a duty or right.

Statute: See *Act*.

Subpoena: A document that notifies a witness that he or she is required to go to court to give evidence at a trial and that failure to do so could have serious negative consequences.

Superior Trial Court: Hears civil and criminal cases. Depending on the province or territory, they may be called the Supreme Court, the Court of Queen's Bench, or the Superior Court of Justice.

Torts: The legal term for negligent injury or harm caused to a person, for which another person is legally and financially responsible.

Unbundled Services: This is a method of legal representation in which a lawyer and a client agree limit the scope of the lawyer's involvement in a legal action, leaving the responsibility for those other aspects of the case to the client in order to save the client money and give them more control and responsibility.

Without Prejudice: This principle will generally prevent statements, whether made in writing or orally, in a genuine, but unsuccessful, attempt to settle or resolve an existing dispute from being put before the court as evidence of admissions against the interest of the party who made them. If they are used to successfully settle or resolve the dispute, they become "with prejudice", and are admissible.

Witness: A person who gives evidence in a court proceeding orally under oath or affirmation, in person or by affidavit. Witnesses are persons who testify in court because they have some information about the case. A witness may volunteer to testify or may receive a subpoena (a legal document which orders them to come to court at a certain time to testify).

13. Resources (in alphabetical order)

Note: Many changes have been made to court procedures by reason of COVID-19. Thus, it is recommended that you check the current website of the Court before which you are or may be appearing.

National Resources
The Canadian Judicial Council An organization created to maintain and improve the quality of judicial services in Canada's superior courts. Includes guides to the judicial system and the role of judges. • Statement of Principles on Self-represented Litigants and Accused Persons
Federal Court **Federal Court Website** The website, updated in April 2019, includes a section entitled "Representing Yourself", which includes checklists, procedural charts, practice guides and important information such as where to find legal help. The site also includes Notices, links to key statutes and rules, recorded entries, decisions, hearing lists, and information on Registry services and locations. **Deadlines Calculator** The Deadlines Calculator helps calculate the due date for service and filing of documents according to the Court Rules and practice directions. **Centre for Access to Justice** The Centre for Access to Justice (CAJ) is a public legal information centre for self-represented litigants consisting of a resource centre and a three-station computer laboratory in the Toronto Registry. Other centres will eventually be rolled out across the country. **E-Filing Resources** A number of Guides, Videos and FAQs are available to help parties navigate the E-Filing System. **Online Fillable Forms** Forms can be completed online and then submitted through the E-Filing System or printed to file in person. **Your Day in Court** This resource provides a general overview of what a self-rep needs to know before going to court.
Federal Court of Appeal • Court Etiquette and Procedures • Requirements and Recommendations for Filing Electronic Court Documents • Frequently Asked Questions (FAQs) • Registry Information • Hearing Schedule • Court Costs • Request for Interpreter

National Resources

National Self-Represented Litigants Project (NSRLP) The National Self-Represented Litigants Project (NSRLP) is an organization that researches the challenges and hard choices facing the very large numbers of Canadians who now come to court without counsel. NSRLP creates resources for self-represented litigants.

- Resources for Self-Represented Litigants
- National and Provincial Resources The national and provincial resources directory lists organizations, websites, and resources, categorized geographically, that may be helpful for self-represented litigants.

Criminal Code Full document of the *Criminal Code* available online.

Parenting Plan Tool Justice Canada Family Law Guide to making a parenting plan (Parenting Plan tool), information about family violence and abuse, and family justice resources.

Families Change This national website provides age-appropriate information to guide children, teens, and adults through separation and divorce. Information and resources are provided for each region.

CanLII Database of Canadian case law and legislation in both French and English.

- The Canadian Legal Research Writing Guide

Federal Child Support Guidelines: Step-by-Step The Department of Justice has a guide on understanding the Child Support Guidelines and steps for calculating support.

- Provincial and Territorial Child Support Information

Child Support Calculator Free online calculator tool for basic child & spousal support costs.

The Canadian Criminal Law Notebook A free resource of Canadian criminal law. Contains articles on Criminal, evidence, search and seizure, procedure and practice, and sentencing.

Pro Bono Students Canada A law student program that provides legal services without charge to organizations and individuals in need in Canada. You may have a law school with a Pro Bono Students Canada program near you where you can ask for assistance.

- Resources Provides a list of legal help resources by region.

Alberta

Alberta – Law and Justice Government of Alberta website with family law resources, legislation, forms, and guides.

- Family Law Assistance Family court and mediation, family law kits, and how to respond to *Divorce Act* or *Family Law Act* application.

Alberta Court Calendar and Indigenous Court Worker and Resolution Services Programs The Court Calendar and Indigenous Court Worker and Resolution Services Programs booklet contains an overview of the sitting dates for Alberta Courts. It includes a listing of Judges, Justices, Masters and Alberta Court personnel, as well as information on the numerous Court Services Programs available.

Resolution and Court Administration Services RCAS staff work to help find solutions for legal issues, offer programs at no cost or a nominal charge, provide services across Alberta, and provide administrative support to all the courts within the province.

Centre for Public Legal Education Alberta (CPLEA) Is a public legal education organization dedicated to making information about the law available in readable and understandable language for Albertans.

- Family Resources

Alberta
Legal Aid Alberta Assists eligible Albertans facing legal issues.
Alberta Courts • Alberta Provincial Court Help for self-represented litigants in Provincial Courts. • Court of Queen's Bench Information about the Family Law court system, including the rules of the Court, relevant court forms, practice notes, and resources.
Criminal Law in Alberta A guide developed to provide general legal information on Criminal Law in Alberta.
LawCentral Alberta Is a portal or collection of links to law-related information and educational resources on justice and legal issues of interest to Albertans. Our purpose is to create an educated public who understands their rights and responsibilities under the law, and who knows where to go for legal help and referral.
Alberta Law Libraries Facilitates access to legal information for the Alberta community, including its judiciary, lawyers, citizens, libraries, and government agencies. There are 11 public library locations across the province, one Crown and 4 Judicial libraries. Their website contains subject based research guides, extensive tools to help understand the world of legal information, an Ask A Law Librarian service, various eResources for patrons, and identifies Alberta-centric organizations that provide specific legal resources for the public.
University of Alberta Libraries: Divorce and Separation This guide is a starting point for individuals seeking legal information and self-help materials they can use on their own. It identifies a number of law-related resources and services on the web.
Student Legal Services of Edmonton Law students provide legal information, assistance for certain civil, criminal, and family issues. • Family Project: (780) 492-8244.
Student Legal Assistance (SLA) – Calgary Is a pro-bono legal clinic that provides legal information and representation to low-income residents of Calgary and the surrounding area.
Grande Prairie Legal Guidance Provides free legal information and advice to low to moderate income people who have a legal issue but do not qualify for legal aid.
Calgary Legal Guidance Offers free and confidential legal advice at evening clinics and outreach clinics to low income Calgarians who do not qualify for legal aid.
Edmonton Community Legal Centre (ECLC) Provides free legal information and advice to low to moderate income people in the Edmonton area. ECLC assists with legal issues related to family, landlord and tenant, employment, human rights, debt, small claims, income support, and immigration matters. Volunteer lawyers provide free legal advice at evening clinics and provide legal information at presentations across the city. Pro bono services are supplemented by the work of paid staff lawyers who will further assist clients in some situations. ECLC also manages a legal clinic in Grande Prairie. ECLC partners with the Association des juristes d'expression française de l'Alberta (AJEFA) to offer francophone services. Bilingual lawyers who are members of AJEFA meet with francophone clients at ECLC's clinics. Volunteer bilingual lawyers also present ECLC's legal information workshops to francophone communities.
Lethbridge Legal Guidance Provides free legal assistance, information and advocacy to individuals experiencing financial difficulties who need legal services and representation, and who do not qualify for legal aid. Volunteer lawyers at evening clinics provide free legal assistance, information, and

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advocacy in matters relating to family law, civil law, employment law, immigration law, personal injury law, and criminal law.
Medicine Hat Legal Help Centre Provides free legal information and advice to low to moderate income people who have a legal issue but do not qualify for legal aid.
Central Alberta Community Legal Clinic Offers free legal services to people who financially qualify and who do not qualify for legal aid. The Clinic is headquartered in Red Deer and partners with other agencies in Ponoka, Medicine Hat, Fort McMurray, and Lloydminster to provide widespread legal support to smaller communities in Alberta. Volunteer lawyers give legal advice at evening clinics on matters related to family law, civil law, criminal law, wills, and other legal issues. Clients can chat with a lawyer for 30 minutes, following which they may receive further support from a paid staff lawyer.
Fort McMurray Community Legal Clinic
BearPaw Education Produces and distributes culturally relevant legal education resources for Indigenous people in Alberta. We are a department of Native Counselling Services of Alberta.
Pro Bono Law Alberta (PBLA) Volunteer lawyers, through the clinics, also present legal education workshops to the public to inform individuals of their rights, hopefully before a legal issue arises. PBLA promotes access to justice by fostering a pro bono culture in the legal profession. PBLA creates volunteer opportunities for lawyers and works with law firms to develop pro bono policies and projects. In Calgary and Edmonton, PBLA administers the Civil Claims Duty Counsel project and the Queen's Bench Court Assistance Program. Volunteer lawyers staff these programs and support litigants dealing with civil matters at the courthouses in each city.
Alberta Court of Appeal Related Information Court of Appeal locations and contact information Frequently asked questions How to start an appeal, including required documents, filing deadlines and fees Checklists for ensuring your appeal request documents are completed correctly before filing Detailed information on all required documents and processes of the Court of Appeal Filing your documents at the court registry Electronic filing Ordering court transcripts and preparing your appeal record Contact a Case Management Officer with questions about court rules and processes How to prepare an application before the Case Management Officer Court etiquette for in-person hearings How to prepare for an electronic hearing

Alberta
a. Etiquette and best practices b. Logging in and other technical tips c. Troubleshooting common technical issues

British Columbia
The Courts of British Columbia Information and guides on specific court processes. Links to court rules, practice directions, administrative notices and forms: • Provincial Court The Court's plain language website offers practical information and guides on preparing and conducting small claims court cases. Also podcasts, a blog, and Guidelines if you wish to bring a Support Person to help you at a trial. • Supreme Court Information and guides on specific court processes for self-represented litigants. • Court of Appeal The Court's website contains information and resources for litigants in the Court of Appeal including Court Forms, Rules, Practice Directions, and announcements.
British Columbia Government BC government website includes information regarding BC's justice system, Courthouse services, and legal help resources, including BC's Justice Access Centres.
Legal Information and Services:
Access Pro Bono Coordinates lawyers providing pro bono (free) legal services. It operates: • **Lawyer Referral Service** Connects individuals to lawyers for a 30-minute consultation free of charge and the possibility of retaining the lawyer for representation or other services.
Alternative Dispute Resolution Institute of BC and **Mediate BC** Provide information on arbitration and mediation and have services to help in finding an arbitrator or mediator.
Atira Women's Society Runs a Legal Advocacy Program for low-income women (inclusive of transwomen) in the Downtown Eastside to obtain free legal advocacy in a safe and confidential, women's only space.
Clicklaw Provides legal information, education and help with a British Columbia focus. It has information on specific topics and how to perform legal research. • JP Boyd on Family Law Written in plain language, with rollover definitions for legal words and phrases, JP Boyd on Family Law provides practical, in-depth coverage of family law and divorce law in British Columbia.
Community Legal Services Society Provides free legal assistance to people facing issues concerning housing rights, workers rights, human rights, and mental health rights. It produces self-help guides, including: • **Judicial Review Self Help Guide** on how to bring a petition for judicial review to the British Columbia Supreme Court from the Residential Tenancy Branch, the Human Rights Tribunal, the Employment and Assistance Appeal Tribunal, the Employment Standards Tribunal, and the Workers' Compensation Appeal Tribunal.
Courthouse Libraries BC Website that provides links to a number of digital resources that can help with legal research and information on the services available at the courthouse libraries throughout the province.
Dial-a-Law Organization that offers legal information and free resources. A starting point for

British Columbia
information on the law in British Columbia. • Family Relationships • Divorce & Separation • Resolving Disputes
Disability Alliance BC Employs advocates who can help apply for and appeal the denial of provincial and federal disability benefits.
Elizabeth Fry Society Advocate Program Is a free legal clinic providing support to individuals in need of assistance with situations such as rental disputes, evictions, debt collection, bankruptcy, mental health and employment standards, and accessing income programs.
Employers' Advisers Office Provides free help and assistance to employers dealing with WorkSafeBC, including assistance in relation to registering a business, dealing with injury claims, health and safety issues, and appealing a decision.
Family Law LSS A comprehensive website covering all areas of Family Law including do it yourself guides, resources, and factsheets.
Indigenous Legal Clinic Provides free legal services to the Indigenous community and education to Allard School of Law students.
Justice Education Society A wide array of resources aimed at teaching the public about legal issues, including a live chat feature from 11 am – 2 pm PST providing members of the public with help on legal issues. It produces: • Small Claims Online Help Guide • Supreme Court of BC Online Help Guide • Court of Appeal Online Help Guide • Family Law Legal Help Guides
Law Students' Legal Advice Program Is a non-profit run by law students at the Peter Allard School of Law at the University of British Columbia. It provides free legal advice and representation to clients who would otherwise be unable to afford legal assistance at clinics located throughout the Lower Mainland and produces the LSLAP Manual.
Legal Services Society (Legal Aid BC) Provides free legal representation in cases involving serious family issues, child protection matters, criminal law issues, and some mental health and prison law issues. It produces: • **MyLawBC** Provides information concerning separation and divorce, abuse and family violence, missed mortgage payments, and wills and personal planning through do-it-yourself guides, resources, and factsheets.
Native Courtworker and Counselling Association of BC Provides Indigenous accused persons with information about the criminal justice system and court procedures, as well as referrals, where appropriate and available, to legal and social resources.
People's Law School Offers information concerning an array of common legal problems relating to consumer issues, home and neighbours, money and debt, wills and estates, employment, transport, health, planning, business, and dispute resolution. Among its resources is: • **Dial-a-Law** A repository for plain language written and audio information.
PovNet Find an Advocate Is an online anti-poverty community that connects poverty and family law advocates and pro bono lawyers from across British Columbia on issues concerning housing, income, workers' rights, Indigenous peoples, immigration, and more.
Rise Women's Legal Clinic Is a community legal centre providing accessible legal services that are

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responsive to the unique needs of self-identifying women. Most of the services offered at Rise are provided by upper-year law students, under the close supervision of Rise's staff lawyers.
Society for Children and Youth of BC Is dedicated to improving the well-being of children and youth in British Columbia through various resources and services including the Child and Youth Legal Centre, which advocates on behalf of vulnerable children and youth in BC.
Tenant Resource & Advisory Centre Promotes the legal protection of residential tenants across British Columbia by providing information, education, support and research on residential tenancy matters. For eligible clients, the Tenant Resource & Advisory Centre offers direct advocacy by negotiating resolutions with problem landlords or providing representation at Residential Tenancy Branch dispute resolution hearings.
The Law Centre Run by the University of Victoria, focuses on assisting people in the Capital Regional District and provides legal education programs to the public. Staff lawyers are supported by law students to provide representation, information and advice on a range of legal issues.
VictimLinkBC A toll-free, confidential, multilingual telephone service available across B.C. and the Yukon 24 hours a day, 7 days a week at 1-800-563-0808. It provides information and referral services to all victims of crime and immediate crisis support to victims of family and sexual violence, including victims of human trafficking exploited for labour or sexual services.
Workers' Advisers Office Provides free advice and assistance to workers and their dependants on disagreements they may have with WorkSafeBC decisions.

Manitoba
Community Legal Education Association Resources for self-represented litigants. Resources for family law, criminal law, and civil law. Resources include a province-wide telephone legal information service (Law Phone-In & Lawyer Referral Program) with a toll-free number, print resources and online resources (unrepresented litigants section on website). • Family Law
Manitoba Justice – Family Law Government website with general information about Family Law, including child support and information for grandparents. • Family Justice Resource Centre The Family Justice Resource Centre is a service provided by Manitoba Justice. Staff can direct you to the services you and your family may need to deal with family law issues. • Family Law in Manitoba – 2014 Public Information Booklet A booklet with information on Family Law and the legal system in Manitoba. • Family Conciliation Provides a range of free conflict resolution services to families going through a separation or divorce.
Manitoba Courts Provides Information about the province's different courts, procedures, rules and forms. • Manitoba Courts Information for Self Representing Offers general information about the province's different courts and their procedures, rules, and forms. • Court of the Queen's Bench – Family Law Offers information about the Family Division of the Court of the Queen's Bench.

Manitoba
Legal Help Centre The Family Law Clinic is a service that is geared towards those individuals who are representing themselves in a family law proceeding. The Clinic is staffed by law students under the supervision of a family law lawyer. This clinic provides assistance with the procedural steps involved in family law. Family Law Clinic appointments are only available by referral from our Drop-In Clinic.
Infojustice Manitoba Is a legal information centre whose purpose is to promote access to justice in French by providing legal information services to francophones. Through workshops and one-on-one meetings, the staff of the information centre seeks to educate francophones and to provide tools to those who choose to represent themselves before the courts.
A Woman's Place A Woman's Place Domestic Violence Support and Legal Services provides supportive counselling and legal services for women who have exited/are exiting an abusive relationship.
Manitoba Justice – The Criminal Case A step-by-step guide through the criminal justice system in Manitoba.
Legal Aid Manitoba Provides services, representation, and resources for qualified individuals with criminal, family, and immigration issues.
University of Manitoba Community Law Centre Primarily handles summary conviction offences. In addition, it may provide assistance for *Highway Traffic Act* offences, small claims cases that involve consumer problems and individual disputes with Manitoba Public Insurance. The Centre is staffed by 50-100 second and third year law students who volunteer their time. Although students have primary responsibility for their file, they are supervised by a LAM staff lawyer. Members of the faculty and other Legal Aid staff are available to provide information or advice when matters require special expertise.

New Brunswick
Public Legal Education and Information Service of New Brunswick Self-help guides touching on family law, civil law, criminal law, and more. Available in French and English. • Family Law Guides, resources, and information on Family Law in New Brunswick. • Family Violence in New Brunswick (PLEIS) A series of pamphlets dealing with family violence. The purpose of these pamphlets is to provide some basic information about family violence in New Brunswick. It does not contain a complete statement of the law in the area and laws change from time to time. • Civil Law Guides, resources, and information on Civil Law in New Brunswick.   ○ Small Claims Court Guide
Family Law NB Offers general information and resources about Family Law in New Brunswick.
New Brunswick Courts Information on the New Brunswick court system.
Legal Aid – Family Law Services An overview of the services Legal Aid provides and for what type of family matters. • Resources
Legal Aid – Criminal Law Services An overview of the services Legal Aid provides and how to apply.
Law Society of New Brunswick Law Library The Law Society allows the public to access their law library.

Newfoundland and Labrador

The Law Courts of Newfoundland and Labrador

Information on court procedures and help for self-represented litigants

- Supreme Court (Superior Court in NL) Hears matters involving serious criminal charges as well as appeals from the Provincial Court. All jury trials are held in Supreme Court, although some criminal cases will be heard before a judge-alone.
    - Supreme Court Family Division Specialized and unified family law courts on the Avalon Peninsula and West Coast areas of the Province.
    - Supreme Court, General Division Handles family law matters for areas not covered by the unified Family Division.
- Provincial Court (Inferior Court in NL) Court of first instance; handles family law matters relating to support and family violence for areas not covered by the Supreme Court, Family Division. Also handles Traffic, Youth, Small Claims, and other matters.
    - Family Violence Intervention Court Specialized criminal court with the goal of preventing and reducing family violence through various programs. The court focusses on victim safety and offender responsibility.
- Small Claims Court For most civil matters where value does not exceed $25,000.00.
- Court of Appeal Highest court in the province. Hears appeals from Supreme Court, Family and General Division; some decisions of the Provincial Court and decisions of certain administrative tribunals.

Court Information & Publications

- Court of Appeal The Court of Appeal website provides information on representing yourself, access to Guidebooks, frequently asked questions and answers, access to the Court of Appeal Legal Assistance Clinic.
- Supreme Court Family Division Information Court website resources providing information on duty counsel, court docket, and general topic information on divorce, separation, children's matters, property, support enforcement, adoption, ISO, and settlement conferences.
    - Family Justice Services (FJS) Webpage under the Family Division Website provides resources for families going through separation and divorce. It also includes a link to the course Living Apart Parenting Together helps parents make decisions which will take into account the best interests of their children.
- Supreme Court Family Division Information Sessions Information about free Family Law Information Sessions which offers assistance to the public who wish to learn about family law proceedings at the Supreme Court, Family Division.
- Supreme Court Resources for Self-Represented Litigants Court website resources including information on finding a lawyer, videos on what to expect when attending family court, and other helpful resources.
- Provincial Court Information Court website resources providing information on family law matters in Provincial Court.
- Provincial court publications
- Court Etiquette and Procedures

Newfoundland and Labrador

- Supreme Court: A Guide to Accessing Proceedings and Records For the Public and Media

Family Justice Services A division of the Supreme Court. FJS offers services that assist families in resolving custody, access and/or child support issues outside of court. FJS offers free services to residents of Newfoundland and Labrador that are involved in family law matters. Some of their services include: parent education sessions on family law and parenting after separation; dispute resolution in cases of parenting and child support; and counselling services.

Government of **Newfoundland and Labrador – Justice and the Law** General information and guides for self-represented litigants.

Public Legal Information Association of Newfoundland and Labrador (PLIAN) An independent non-profit that provides general information, legal education, and lawyer referrals to all Newfoundlanders and Labradorians, with the intent of increasing access to justice. Guides for family law services, victim support, bail, legal aid, probation and pardons. Services include:

- List of Community Resources available to help people navigate the court system.
- Family Law Forms Builder An online program that assists self-represented litigants with filling out court forms. Provides guidance on what forms to fill out and how to fill out the forms.
- Legal Information Phone Line and Lawyer Referral Service A service offering referrals to lawyers from across the province registered with the Lawyer Referral Service. These lawyers will offer a 30-minute consultation for a small flat fee.
- Pro Bono Clinics.
- Legal Publication / Information Distribution.

Law Society of Newfoundland and Labrador Law Library The Law Society's Law Library is an important component in the administration and continuing education of the legal profession. Its comprehensive collection of both primary and secondary print and electronic media resources is available for use by both lawyers and members of the public.

Newfoundland and Labrador Legal Aid Commission Independent organization that provides legal counsel for criminal and family matters either for free or on a subsidized basis.

Newfoundland and Labrador Legal Aid Clinics Independent organization that provides legal counsel for criminal and family matters either for free or on a subsidized basis.

- Application Form
- Application Checklist

Note: Applications must be physically mailed or dropped off to an area office.

Northwest Territories

NWT Family Law Guide The Department of Justice publishes a guide to family law in the Northwest Territories called Family Law in the NWT as part of its mission to provide public legal education and information. This comprehensive guide is designed to help you understand these legal processes.

Northwest Territories Government Information about laws and legislation, courts, and government resources.

- Family Law – General Information Government website with information, resources, and programs for Family Law issues.

• Family Law Mediation Program Voluntary, free service to help families agree on issues such as child custody and division of property. • Legal Aid Information about Legal Aid services and how to apply.
Family Law Mediation Program Voluntary, free service to help families agree on issues such as child custody and division of property.
Northwest Territories Courts Information about the court system in the NWT. • Wellness Court An alternative to regular criminal court that offers supervised program designed to address the conditions that may contribute to re-offending.
Law Society of the Northwest Territories Legal information and resources for the public.
NWT Law + Victim Services Laws and legislation, the legal system, police, emergency, victim services.

Nova Scotia
Family Law Nova Scotia Information about the law, processes, and courts of Nova Scotia. It will help you understand your legal issue and navigate the legal system. **The Family Law Information Program (FLIP) and FLIP Centers** The Family Law Information Program includes the Nova Scotia Family Law website at www.nsfamilylaw.ca and the Family Law Information Program Centres (FLIP Centres). See in particular the **Going to Court: Self-Represented Parties in Family Law Matters** workbook.
The Courts of Nova Scotia Information about the Nova Scotian court system for litigants. • Self-represented litigants • Free Legal Clinics The Courts offer free legal clinics in Halifax, Sydney, Truro and Yarmouth for certain types of Supreme Court and Court of Appeal matters
Legal Information Nova Scotia To find easy to understand legal information to help you deal with everyday legal problems. You are also in the right place for referrals to legal help resources in Nova Scotia, including finding a lawyer or mediator. • Small Claims Court App Frequently Asked Questions, self-help videos and step-by-step instructions for representing yourself on small claims court matters, all in one place. LISNS also has Small Claims Court navigators who provide guidance and support at the locations in Bridgewater and Halifax. • Online Wills App A simple process to help you gather the information you need to prepare a will in Nova Scotia. It will help you decide what to put in your will.
Legal Aid Nova Scotia Provides legal information, legal advice to all Nova Scotians (no financial qualification), and legal representation for those who meet certain qualifications. **Summary Advice Counsel** Is also a service of Legal Aid Nova Scotia.
Dalhousie Legal Aid Service Does community outreach, education, organizing, lobbying and test case litigation to combat injustices affecting persons with low incomes in Nova Scotia. Community groups and community-based agencies with mandates to fight poverty and injustice may apply for legal advice, assistance, and community development and education services. The Service offers advocacy workshops and legal information sessions and works with other groups to lobby the government on social assistance policy and other policies negatively affecting persons with low incomes.
Nova Scotia – Self Represented Litigants This website is designed to offer you resources about how to prepare for court if you are not represented by a lawyer.
Association des juristes d'expression française de la Nouvelle-Écosse (AJEFNE) An organization that aims to improve access to justice for French-speakers. You may speak to one of their legal professionals

Nova Scotia
for free, in person or by phone. ***Note**: Only available in French*
ReachAbility Association Offers form-filling clinics and legal referral services for people representing themselves. These services are temporarily unavailable due to COVID-19.
Halifax Refugee Clinic Provides free legal services for refugees and can include full service for the entire refugee determination procedure or assistance in preparing various applications.
Judges in Canada Videos The Canadian Superior Courts Judges Association (CSCJA) has launched a new educational video, available in English and French, and a related YouTube channel, entitled Judges in Canada. The video teaching tool, aimed at new and young Canadians, as well as the public in general, illustrates what people are entitled to expect from judges in Canadian Courts. The video covers principles fundamental to the justice system, concepts such as Judicial Independence and the Rule of Law.

Nunavut
Legal Services Board of Nunavut As the territory's legal aid plan, LSB is responsible for providing legal services to financially eligible Nunavummiut in the areas of criminal, family and civil law. • Law Line General information about family law in Nunavut. • Criminal Law Information about criminal law in Nunavut.
Nunavut Courts Provides information about Nunavut's Courts, which includes the Nunavut Court of Appeal, Nunavut Court of Justice, Youth Justice Court of Nunavut, Justice of the Peace Court, as well as the Court Services Division of the Government of Nunavut. • How to Basic information on civil, criminal and family processes.
Government of Nunavut Family Services Information about the Department of Family Services programs and services, including Family Violence, Child Protection, and Adoption.

Ontario
Steps to Justice Step-by-step information about legal problems to help people understand and exercise their legal rights. Includes referrals to services that provide in person help, and links to resources such as relevant court forms and guides. Topics covered include separation and divorce; child protection; partner abuse; and restraining orders. The Law Society of Ontario has also launched an emergency family law referral telephone line to assist with urgent family court matters during the covid-19 pandemic.
Community Legal Education Ontario (CLEO) Produces clear, accurate and practical legal information to help people understand and exercise their legal rights in a variety of areas of law including family law, the legal system, and family violence. • Steps in a Family Law Case This is a set of three interactive flowcharts that take people through the family law court process to learn about what happens at each step and what is required.
Ontario Ministry of the Attorney General – Family Law Information about Ontario's legal system,

Ontario
including finding a lawyer, lawsuits and disputes, family and criminal law, and wills and estates. They also provide Family Law Information Centres in family courts across Ontario. **Ontario Ministry of Attorney General – Applying for probate** Information on confirming or securing legal authority to deal with the property and will of a deceased person. **Court Services from the Ministry of the Attorney General** Covering a variety of areas including, guides to procedure in civil, divisional and small claims court, and information on court fees, estates and civil case management.
Community Legal Clinics A network of 73 legal clinics funded by Legal Aid Ontario provides legal assistance for low-income people living in Ontario in the areas of employment, housing, and social assistance law.
Legal Aid Ontario Provides legal assistance for low-income people living in Ontario. • Family Law Services Centres Provide eligible clients a range of legal resources and support for family matters. • Summary Legal Advice Telephone Services 1-800-668-8258. • Student Legal Aid Services Societies (SLASS) Operating out of Ontario's seven law schools, volunteer law students provide legal advice and representation.
Ontario Courts Information for litigants in Superior Court cases and Ontario Court of Justice cases. Specific resources for Divisional Court, Small Claims Court and preparing for Simplified Procedure Trials. • Court of Appeal – How to Proceed in the Court of Appeal for Ontario • Superior Court of Justice – Going to court? Information for people involved in a case such as information about how to find a lawyer or legal information, and information about court proceedings at the Superior Court of Justice. • Ontario Court of Justice – Guides for self-represented parties.
Family Law Limited Scope Services Project Provides a directory of lawyers in Ontario who are willing to provide "unbundled" legal services so that people do not have to retain a lawyer to help with their entire case.
Pro Bono Ontario Hotline People who need help with a civil law matter can call the Hotline and get up to 30 minutes of free legal advice or assistance. The Hotline does not cover family or criminal law issues.
Ontario Legal Information Centre People who need help with a civil law matter can call the Centre and get up to 30 minutes of free legal advice or assistance (or if in Ottawa, can meet with a lawyer for 30 minutes).

Prince Edward Island
Courts of Prince Edward Island Information about the PEI court system, forms and resources.
Representing Yourself in Supreme Court
Prince Edward Island Court of Appeal Procedures and Practices Contains information necessary in preparing for an appeal. • How to Commence and Respond to a Civil Appeal • How to Commence and Respond to a Criminal Appeal

Prince Edward Island – Family Law Centre The Family Law Centre provides child-focused programs and services for families. These family justice programs and services promote and emphasize the best interests of children.
Community Legal Information Provides free legal information through the phone line, website, e-mail, publications, and outreach efforts. They provide lawyer referrals for Islanders who need legal advice and would like to connect with a lawyer. • Lawyer Referral • Family Law
Legal Aid PEI Provides legal representation and assistance to people living on a low income.
Pro Bono Legal Advice Clinic for Self-Represented Litigants Free summary legal advice is offered to self-represented litigants in the areas of family law and civil law.
PEI Public Law Library The law library at the Sir Louis Henry Davies Law Courts Building contains materials for legal research.

Quebec

Courts and Tribunals of Quebec Information about the Quebec court system.

The Court of Québec is a court of first instance with jurisdiction in civil, criminal and penal matters as well as in matters relating to young persons, such as adoption, youth protection and emancipation cases. It also hears administrative matters and appeals, where provided for by law.

The Superior Court of Quebec has jurisdiction throughout Québec and sits in all judicial districts.
In civil matters, the Superior Court hears:

- Cases in which the amount at issue is at least $85,000;
- Divorce and support cases;
- Class actions;
- Cases involving the probate of wills and the homologation of mandates given in the event of incapacity;
- Applications for injunctions to stop harmful activities;
- Except in certain cases provided for by law, cases involving the judicial review of decisions made by courts in Québec other than the Court of Appeal, or made by public bodies in Québec.

The Superior Court hears any application that does not come under the exclusive jurisdiction of another court. It may hear criminal cases such as:

- Criminal cases heard automatically before judge and jury, such as those involving murder or treason;
- Other cases in which the accused elects trial by judge and jury;
- Matters of extraordinary recourse, for example when a person is unlawfully detained in custody, or when the legality of a search warrant is challenged.

Like the Court of Appeal, the Superior Court hears some appeals from decisions:

- Rendered under the *Criminal Code* by a judge in the Youth Division or the Criminal and Penal Division of the Court of Québec, by a municipal court judge or by a justice of the peace;
- Concerning summary offences such as
    - Theft,
    - Prostitution,

Quebec
○ Driving while impaired; • Made under other federal and provincial statutes. Superior Court of Québec Information about court process, rules, forms and other resources. The Court of Appeal of Quebec is the general appeal court for Québec and as such is the province's highest court. In civil matters, the Court of Appeal hears: • Appeals from judgments of the Superior Court or the Court of Québec that terminate a proceeding, where the value of the subject matter of the dispute in appeal is $60,000 or more; • Appeals from certain other judgments, including those that pertain to personal integrity, status or capacity; • Appeals concerning the special rights of the State or contempt of court; • Appeals from all other judgments of the Superior Court or the Court of Québec, with leave from a judge of the Court of Appeal. In criminal and penal matters, the Court of Appeal hears appeals from verdicts of guilt or acquittal and sentences imposed under the *Criminal Code* or the Code of Penal Procedure. Specialized tribunals of Quebec are: • Human Rights Tribunal • Professions Tribunal • Administrative Tribunal of Quebec
Justice Québec General information on various areas of the law and the functioning of the justice system in Quebec, and on the programs and services available to the public; as well as forms and templates.
Justice Québec – Couples and Families (Separation and Divorce)
Barreau du Québec – Access to Justice Resources List of access to justice organizations (non-exhaustive).
Bar of Montreal (public)
SOQUIJ – Services aux citoyens Free access to judgments from courts and tribunals in Quebec, as well as the Supreme Court of Canada; access to Quebec and federal laws. ***Note**: Only available in French*
Young Bar of Montreal – Public services Call-in legal clinic; hearing preparation services; Small Claims Court mediation services.
Educaloi A starting point for legal information about the law in Quebec, including Family Law. • Separation and Divorce • Families and Couples
Fondation Barreau du Québec – Seul devant la cour A series of publications to help self-represented litigants through the court process in the Superior Court. ***Note**: Only available in French*
Centres de justice de proximité Centres located in various locations throughout Quebec and provide legal information, support, and referrals.

Quebec
Justice Pro Bono Provides resources, legal information and legal clinics in Quebec.
Québec Legal Aid Offices Eligibility and service information for Legal Aid.
University Legal Clinics Free and confidential legal information and/or consulting services in various areas of the law: • Clinique juridique de l'UQAM • Cliniques juridiques de l'Université de Sherbrooke • Clinique juridique de l'Université de Montréal (Legal Aid Clinic) • Clinique d'informations juridiques à McGill (Legal Information Clinic at McGill) ***Note**: Only available in French*
Juripop Legal assistance, court representation, document drafting and accompaniment in negotiation and mediation. Services are intended for low-income individuals not eligible for Legal Aid.
Boussole juridique Directory of free or low-cost legal services in Quebec.
Mile-End Legal Clinic Legal information, consultation and accompaniment services for low-income individuals who are not eligible for Legal Aid.

Saskatchewan
The Public Legal Education Association of Saskatchewan (PLEA) Is a non-profit, non-government organization that exists to educate and inform the people of Saskatchewan about the law and the legal system. PLEA offers programs and services to the general public as well as to school communities. • Family Law Saskatchewan Detailed legal information to help you navigate a separation or divorce and everything that follows.
Courts of Saskatchewan Information about court processes, rules, legislation, and resources. • Provincial Court - Adult Criminal Court • Court of Queen's Bench – Criminal • Court of Queen's Bench – Civil Law • Court of Queen's Bench – Family Law • Small Claims Court • Civil and Family Matters
Government of Saskatchewan Find services and information for Saskatchewan residents and visitors. • Family Matters: Assisting Families through Separation and Divorce The Family Matters program aims to minimize the impact of separation and divorce on all family members – especially children, by providing information and resources to deal with a changing family situation; and assistance to resolve urgent and outstanding issues. • Represent Yourself in Family Court A Self-Help Kit is a package of court forms and instructions that has been prepared by the Family Law Information Centre of the Ministry of Justice. The kits are to be used by parties who intend to represent themselves in court on several different types of proceedings. • Courts and Sentencing Find services and information for Saskatchewan residents and visitors.
Law Society of Saskatchewan – Legal Resources Resources and legal research guides.

Yukon
Department of Justice – Family Law Information Centre (FLIC) Is a legal resource for separating or divorcing couples and families in transition. FLIC is an office of the Court Services branch of the Yukon Department of Justice that provides information on family law issues and court procedures.
Yukon Public Legal Education Association (YPLEA) Is a non-profit organization devoted to providing legal information to the public and promoting increased access to the legal system.
Department of Justice – Law Library Resources, research guides and information to help prepare your legal case.
A Guide to Representing Yourself in the Yukon A general guide to help people without a lawyer prepare for court.
Yukon Legal Services Society Information about eligibility requirements for legal aid and other resources.