

HOW TO RUN YOUR OWN COURT CASE

A practical guide
to representing yourself in
Australian courts and tribunals

{NON-CRIMINAL CASES}

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Note for the reader

While every effort has been made to make the information contained in this book as up to date and accurate as possible to reflect the laws and the legal system of Australia as at August 2008, its contents are not intended as legal advice. Use it as a guide only and be sure to obtain legal advice for your specific legal problem.

1 Why represent yourself?

There are many reasons why people represent themselves. For some it's a conscious decision. Others have little choice but to go it alone.

Your case might be a minor one and not worth the bother or the cost of a lawyer. Or you may have never used a lawyer and don't know where to find a good one. You might have had a bad experience with lawyers in the past and want more control this time. Or perhaps a lawyer or the right lawyer is out of your price range.

The most common reason for not using a lawyer is probably the cost. Private lawyers aren't cheap. And increasingly, legal representation from legal aid and other free services is becoming harder to get.

At the same time our lives are now so regulated that we're constantly being exposed to the law. Like never before, we need to be able to access the legal system directly, quickly and easily to deal with the increasing number of problems that are coming our way.

Thankfully, we don't need to be a lawyer or have a lawyer to use the legal system. In fact, our system is built on the idea that we are all equal before the law. With or without a lawyer, we can take our grievance to a court of law and we can expect it to be heard and judged fairly according to the law.

This is one of our most basic and powerful democratic rights and each time we test this right, without a lawyer, we test the legal system to deliver the same high quality of justice. Be assured, the

legal system understands the importance of self-representation.

If your case is suited to self-representation or if you have no choice but to represent yourself, running your own case can offer many advantages. By giving you direct control, it can bring great personal satisfaction, increase your peace of mind and it may even improve the quality of the result that you're seeking.

When you represent yourself you're kept personally informed of developments and have access to the information you need to continually assess your case's merits and your options. This gives you greater power over conducting your case, and yourself, appropriately.

At the hearing you interact directly with the decision-maker and can ensure that the correct facts and the correct arguments are presented. You can fix errors, update details and query inconsistencies that only an interested party might notice.

These simple things are surprisingly important. They better equip the decision-maker to make a clear and accurate decision. In turn, this gives your case the greatest chance of success.

It stands to reason that in an appropriate case, with the right preparation and care, you can be your own best advocate. After all, you know your case better than anyone.