

HOW TO RUN YOUR OWN COURT CASE

A practical guide
to representing yourself in
Australian courts and tribunals

{NON-CRIMINAL CASES}

Nadine Behan



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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.

4 Do you have a case at all?

There isn't a legal remedy for every grievance. And if there is a remedy for your grievance, it may not be to your liking.

Before you get carried away with enlisting the legal system to fight the good fight for you, think about the actual substance of your case. The legal system deals with the law. It is not enough to argue injustice and unfairness in a court of law if there is no legal basis to your claims. You must have solid legal grounds on which to base your case.

Also you may have a number of serious grievances against your opponent, but they may not all be relevant to the case at hand. Spare yourself the time and angst. Define and isolate your grievances specifically so that you have the best chance of pursuing the grievance that you can succeed on and pursuing the right remedy for it.

This book and your research will help you determine whether your case has valid grounds. If at any stage you are still unsure, get legal advice. Chapter 6 'Where to go for help' lists where and how to get this advice.

Throughout the book you will be constantly reminded to reassess your case's merits. If at any time you become aware that you have no case at all to argue and you get legal advice that confirms this position, do not be afraid to back away. Check any liability you have incurred so far and the consequences of terminating the case. If you initiated the claim, you can withdraw it by notifying the other party and the court or tribunal and lodging the appropriate paperwork. If you are defending a claim against you, you can either accept full liability or try to negotiate a more suitable settlement.