

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.

9 The golden rules of litigation

Success in litigation depends on three things: the facts, the law and the presentation; that is:

- 1 how strong and reliable your evidence is to establish the facts;
- 2 whether the law can be used in your favour;
- 3 how clearly and coherently you present your case.

To make the most of these three ingredients for success there are some important rules, learnt the hard way by our country's best and worst litigation lawyers. Throughout this book you will be reminded of them. As you'll see, to use them you don't need a law degree. Here they are:



THE GOLDEN RULES

THE DOs

DO YOUR HOMEWORK; BE PREPARED
KEEP ACCURATE RECORDS
OBEY THE TIME LIMITS FOR LODGING DOCUMENTS
KNOW THE FACTS
CONFIRM THE FACTS WITH EVIDENCE
KNOW THE LAW
KNOW HOW THE LAW APPLIES TO THE FACTS
GET RID OF YOUR EMOTION
CONDUCT YOURSELF POLITELY AND PROFESSIONALLY
IF YOU GET SIDETRACKED, DON'T LOSE YOUR WAY
BE SIMPLE, BE BRIEF
EXPECT SURPRISES

THE DON'Ts

DON'T BE AFRAID TO ASK QUESTIONS
DON'T WASTE TIME ON IRRELEVANCIES
DON'T GET RATTLED, DON'T BE BULLDOZED
NEVER FORGET WHAT YOU WANT