

# Basics to Representing Yourself in Court

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www.iRepMyself.com

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**Note:** This Self-Represented Guideline is for any Common Law Jurisdictions:  
North America, UK and elsewhere.

# Representing Yourself in Court

*“And when they bring you unto the synagogues, and unto magistrates, and powers, take ye no thought how or what thing ye shall answer, or what ye shall say: For the Holy Ghost shall teach you in the same hour what ye ought to say.” Luke 12:11, 12*

*“But the Comforter, which is the Holy Ghost, whom the Father will send in my name, he shall teach you all things, and bring all things to your remembrance, whatsoever I have said unto you.” John 14:26*

*“And they called them, and commanded them not to speak at all nor teach in the name of Jesus. But Peter and John answered and said unto them, Whether it be right in the sight of God to hearken unto you more than unto God, judge ye. For we cannot but speak the things which we have seen and heard.*

*So when they had further threatened them, they let them go, finding nothing how they might punish them, because of the people: for all men glorified God for that which was done.” Acts 4:18 - 21*

# Representing Yourself in Court

## ☐ Preparation

Before you start filing court forms and going to court, you need to figure out what your case is about. To do this, you will need to learn a few basic legal skills.

- You need to know about the Court Systems – Provincial – Federal – International
- You need to know about your rights and their restrictions.
- You need to know how to conduct legal research and how to organize your evidences.
- You need to understand parts of the law and how the law applies to the facts of your case.
- You need also to learn dress code and court procedure.

## ☐ Trial

Here is what to expect when going to court:

- You will not be able to make an application one day and get an order the next day. Expect to come to court multiple times.
- The more complex and adversarial your case is the more time you will spend in court.

# Judicial System in Canada

## ❑ **How the courts are organized**

The federal and provincial and territorial governments are all responsible for the judicial system in Canada.

Only the federal government can appoint and pay judges of the superior, or upper-level, courts in the provinces. Parliament can also establish a general court of appeal and other courts. It has created the Supreme Court of Canada, the Federal Court and the Federal Court of Appeal, as well as the Tax Court.

## ❑ **Criminal cases**

Parliament also has exclusive authority over the procedure in courts that try criminal cases. Federal authority for criminal law and procedure ensures fair and consistent treatment of criminal behavior across the country.

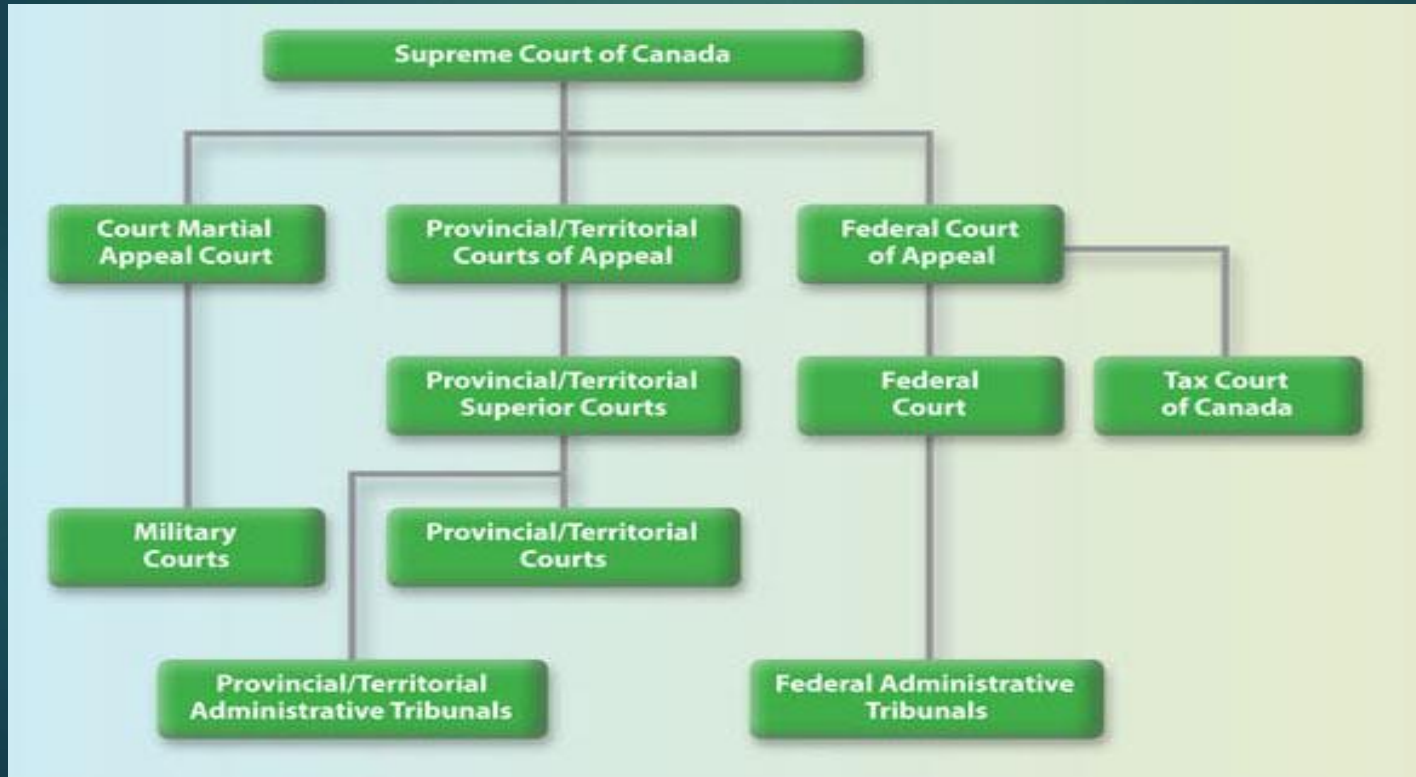
## ❑ **Provincial jurisdictions**

The provinces administer justice in their jurisdictions. This includes organizing and maintaining the civil and criminal provincial courts and civil procedure in those courts as human rights. <http://www.justice.gc.ca/eng/csj-sjc/just/07.html>

# Canadian Department of Justice

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## Judicial Structure: Outline of Court System



# Supreme Court of Canada

## ❑ **The Supreme Court of Canada: Final Court of Appeal**

The Supreme Court of Canada is Canada's final court of appeal. Its nine judges represent the four major regions of the country. Three of them must be from Quebec, to adequately represent the civil law system.

## ❑ **The Supreme Court Two main Functions:**

- It hears appeals from decisions of the appeal courts in all the provinces and territories, as well as from the Federal Court of Appeal. Supreme Court judgments are final.
- It decides important questions about the Constitution and controversial or complicated areas of private and public law. The government can also ask the Supreme Court for its opinion on important legal questions.

## ❑ **Federal Court, Tax Court and Federal Court of Appeal**

The **Federal Court** specializes in areas such as intellectual property, maritime law, federal–provincial disputes, and civil cases related to terrorism.

The **Tax Court** specializes in hearing appeals from tax assessments.

The **Federal Court of Appeal** reviews the decisions of both these courts.

In fact, it is the highest court of the land for about 95 percent of all cases.

<http://www.justice.gc.ca/eng/csj-sjc/just/07.html>



# Canadian Legal System

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Judges - Court Staff - Officers - Legislation - Lawyers - Case Law

## Judiciary

Judges are responsible for enforcing laws codified in legislation AND in case law

## Court Staff / Officers

Responsible for putting cases before judges and making sure cases run as efficiently as possible

## Legislation

Parliament and members of the provincial legislatures create laws that judges are responsible for enforcing

## Lawyers

“Officers of the Court” assist and represent persons who are defending an action OR are instituting an action against someone

## Case Law

Are cases that have come before the Courts already. IF these cases are close enough in fact pattern, *Brother judges* must follow in line with those judgments IF certain conditions are met

# Judicial Provincial Court

## ❑ Provincial Court

The Court is subordinate in relationship to the "superior" courts. The phrase "provincial court" or "territorial court" is often used to mean a low level court whose decisions can be reviewed by a superior court. Decades ago, they were managed at the local municipal level.

## ❑ Court System

The **Court system** is roughly the same across Canada. Except for Nunavut, each province has three levels: provincial and territorial, or lower, courts; superior courts; and appeal courts. The Nunavut Court of Justice has a single-level trial court.

## ❑ Family Law

Cases deal with matters of custody, access and support, child protection so long as these are not incidental of or were not previously a part of a divorce application. Cases are heard by a judge only. Appeals from these cases are heard by the Superior Court of Justice.

## ❑ Criminal law

The Court deals with approximately 95% of criminal charges laid within the province and has responsibility for other matters pertaining to criminal law, including authorizing search warrants, bail hearings, and peace bonds, under sections 515 and 810 of the Criminal Code, respectively. [https://en.wikipedia.org/wiki/Ontario\\_Court\\_of\\_Justice](https://en.wikipedia.org/wiki/Ontario_Court_of_Justice)



# How a judge can rule?

## Supreme Court of Canada Judgments

(All judges across Canada must follow in line with these rulings  
IF the fact pattern is similar)



## Provincial Appellate Court Judgments

(All judges in that province must follow these judgments  
IF the fact pattern is similar)



## Superior Court Judgments

(All Superior Court/Provincial Court judges must follow these judgments  
IF the facts are similar)



## Provincial Court / Admin Board Judgments

(All Provincial judges/Administrative Boards must follow in line  
IF the facts are similar)

## Binding vs. Persuasive

If a higher Court in a province has ruled on an issue, and the facts are similar enough, a lower Court in the same province must follow in line with that decision, even if legislation says something else.

This type of case is called a “binding” case. All cases from the Supreme Court are binding in ALL provinces in all levels of Courts/Administrative Boards

**If a case is not “binding” a litigant can argue a case is persuasive.**

# United Nations International Courts

## ❑ United Nations International Court of Justice (ICJ)

The International Court of Justice (French: La Cour Internationale de Justice) is an international organization. It is the main judicial organ or branch of the United Nations. In short, International Court of Justice is ICJ; sometimes people call it the **World Court**. Established in 1945, ICJ has its headquarters at The Hague, in the Netherlands.

- ❑ The ICJ began its working from 1946. It replaced an earlier similar court named Permanent Court of International Justice. The **International Court of Justice** is different from the **International Criminal Court** as it deals only with **States** (countries) matters. The ICJ uses two languages, the English language and the French language.
- ❑ The International Court of Justice has two major functions. Firstly, it settles disputes, which the **member countries** may bring before it. Secondly, it may give its opinions on legal matters.
- ❑ Generally, all the 15 judges of the ICJ sit together to hear and decide any matter. However, sometimes smaller chambers of three to five judges hear and decide a case. Such chambers may be for special types of cases. Sometimes, the ICJ sets up ad hoc chambers to hear and decide particular disputes.
- ❑ While deciding the case, the ICJ applies the principles of international law. It also uses the laws of the civilized world. This may be the civil and criminal law of major countries. It may also refer to legal writings, law books, and earlier decisions while deciding any matter.  
[https://simple.wikipedia.org/wiki/International\\_Court\\_of\\_Justice](https://simple.wikipedia.org/wiki/International_Court_of_Justice)

# United Nations International Courts

## ❑ United Nations International Criminal Court (ICC)

Trying **individuals** for genocide, war crimes, crimes against humanity, and aggression. The International Criminal Court (ICC) is the world's first permanent international criminal court, which is established and governed by the Rome Statute. It is located in The Hague, in the Netherlands.

- ❑ The adoption of the Rome Statute in 1998 was a historic step, reflecting the determination of the world community to put an end to impunity and to contribute to the prevention of crimes which threaten the peace, security and well-being of the world.
- ❑ The ICC has jurisdiction over the most serious crimes of concern to the international community: genocide, crimes against humanity and war crimes committed after 1 July 2002. <https://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf>
- ❑ While deciding the case, the ICC applies the principles of international law. It also uses the laws of the civilized world. This may be the civil and criminal law of major countries. It may also refer to legal writings, law books, and earlier decisions while deciding any matter.

<https://www.icc-cpi.int/about>

<https://www.youtube.com/watch?v=1K4Y8iqLzxQ>

<https://www.youtube.com/watch?v=0RbKE4thMQk>

# United Nations Human Rights Council

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## ❑ United Nations Human Rights Council (UNHRC)

The United Nations Human Rights Council (UNHRC) is the United Nations System inter-governmental body responsible for strengthening the promotion and protection of human rights around the world. Its 47 seats are filled by member states elected for three-year terms.

- ❑ The UNHRC is the successor to the UN Commission on Human Rights (UNCHR, herein CHR), and is a subsidiary body of the UN General Assembly. The council works closely with the Office of the High Commissioner for Human Rights (OHCHR) and engages the United Nations' special procedures.
- ❑ The UNHRC addresses human rights-related situations in all UN member states. The UNHRC also addresses important thematic human rights issues such as freedom of association and assembly, freedom of expression, freedom of belief and religion, women's rights, LGBT rights, and the rights of racial and ethnic minorities.
- ❑ In July, 2011, the UN Human Rights Committee adopted a 52-paragraph statement, General Comment 34 on the International Covenant on Civil and Political Rights (ICCPR) 1976, concerning freedoms of opinion and expression.

<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

[https://en.wikipedia.org/wiki/United\\_Nations\\_Human\\_Rights\\_Council](https://en.wikipedia.org/wiki/United_Nations_Human_Rights_Council)

# United Nations Human Rights Council

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## ❑ **United Nations International Covenant on Civil and Political Rights**

International Covenant on Civil and Political Rights (ICCPR) - Paragraph 48 states:

Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirement of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26.

- ❑ Thus, for instance, it would be impermissible for any such laws to discriminate in favor of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.
- ❑ Article 20, paragraph 2 of the Covenant states: Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

<https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

[https://en.wikipedia.org/wiki/United\\_Nations\\_Human\\_Rights\\_Council](https://en.wikipedia.org/wiki/United_Nations_Human_Rights_Council)



# United Nations Human Rights Council

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## What are human rights according to the UNHRC?

Human rights are **rights inherent to all human beings**, whatever the nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. All are equally entitled to their human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

- ❑ **Universal human rights** are often expressed and **guaranteed by law**, in the forms of treaties, customary international law, general principles and other sources of international law.
- ❑ **International human rights law** lays down **obligations of Governments** to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.
- ❑ **Universal and inalienable** - The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States (Countries) to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

[https://en.wikipedia.org/wiki/United\\_Nations\\_Human\\_Rights\\_Council](https://en.wikipedia.org/wiki/United_Nations_Human_Rights_Council)



# United Nations Human Rights Council

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## Human Rights: Expression of Universality

All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates **legal obligations** for them and giving concrete expression of **universality**. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations.

- ❑ **Interdependent and indivisible** - All human rights are indivisible, whether they are **civil and political rights**, such as the right to life, equality before the law and freedom of expression; **economic, social and cultural rights**, such as the rights to work, social security and education, or **collective rights**, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancements of the others. Likewise, the deprivation of one right adversely affects the others.
- ❑ **Equal and non-discriminatory** - **Non-discrimination** is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

[https://en.wikipedia.org/wiki/United\\_Nations\\_Human\\_Rights\\_Council](https://en.wikipedia.org/wiki/United_Nations_Human_Rights_Council)

# United Nations Human Rights Council

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## Who wrote the United Nations Human rights?

“Every man did that which was right in his own eyes.” Judges 21:25

- ❑ The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: “**All human beings are born free and equal in dignity and rights.**”
- ❑ “We begin with “ALL Human Beings...”, which brings in the significant principle of Universality, which is closely related to Synthesis. Both energies are distinctive of the Aquarian age. One way of capturing the key insights of universality and equality that lie at the heart of the first article is summed up in a concept that **Alice Bailey** said should be taught to every child: namely, the value of the individual and the fact of the One Humanity.”
- ❑ The United Nations was founded by the occult and has a **flat earth map on their official logo**. There is a Satanic library inside the United Nations building called Lucis Trust. It was founded by **Alice Bailey** who was a new age occultist.
- ❑ The title page of Alice Bailey’s book, Initiation, Human and Solar was originally printed in 1922, and clearly shows the publishing house as: Lucifer Publishing CoIn 1923. Bailey changed the name to Lucis Trust, because Lucifer Publishing revealed the true nature of the New Age Movement too clearly.

[https://www.lucistrust.org/blog\\_wgun/un\\_manifesting](https://www.lucistrust.org/blog_wgun/un_manifesting)

<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

# Representing Yourself in Court

## Worst Case Scenario: International Sunday Law is Enforced

You are charged by the International Criminal Court (ICC) and the United Nations International Covenant on Civil and Political Rights (ICCPR) under Paragraph 48 which states:

- ❑ Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26.
- ❑ Thus, for instance, it would be impermissible for any such laws to discriminate in favor of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.
- ❑ Article 20, paragraph 2 of the Covenant states: Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>  
[https://en.wikipedia.org/wiki/United\\_Nations\\_Human\\_Rights\\_Council](https://en.wikipedia.org/wiki/United_Nations_Human_Rights_Council)  
<https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

# Representing Yourself in Court

## ❑ Preparation

Before you start filing court forms and going to court you need to figure out **what your case is about**: Charged under International Criminal Court for Lack of Respect for a religion or/and other belief system - Discrimination – Religious hatred – Hostility prohibited by International Laws

- You need to know how to conduct legal research and how to organize your evidences.
- You need to understand parts of the law and how the law applies to the facts of your case:

[https://www.youtube.com/channel/UCIfms\\_n4iyXwT5AKhS1SD9g](https://www.youtube.com/channel/UCIfms_n4iyXwT5AKhS1SD9g)

<https://irepmyselfcanada.wixsite.com/main>

- You need also to learn dress code and court procedure:

<https://www.youtube.com/watch?v=4u7xQywgWH4>

## ❑ Trial

Here is what to expect when going to court:

- You will not be able to make an application one day and get an order the next day. Expect to come to court multiple times.
- The more complex and adversarial your case is the more time you will spend in court.

# Before Going Into Court - 1

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## Research

**A litigant must do a lot of research before stepping foot into Court**

**This includes:** Knowing the rules of that Court, knowing how to speak in Court, basic procedural formats for making arguments/presenting evidence, knowing which cases are good to support your arguments.

## Preparation

**Preparation may bring confidence**

Good preparation may be helpful in so many ways. It is always good to stay on top of making photocopies for all parties, serving documents enough time in advance and having a well-fashioned set of statements (arguments) that supports the party's position.

## Emotional Wellness

**Court is stressful!**

Ask ANY self-represented litigant and they will tell you: *"The process of representing yourself is extremely stressful."*

Litigants may get nervous and crack under pressure. This is why most hire lawyers: because lawyers are "emotionally removed" from their case.

# Before Going Into Court - 2

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## Research

- **What does case law** say about the issues in your case?
  
- **What Rules** are applicable?

## Preparation

- **Do you have these cases** printed? Highlighted passages?
  
- **Have I cross-referenced** any cases (I think are relevant) against the Rules?

## Emotional Wellness

- **Preparing** far enough in advance, gives the litigant time to focus and control their body/mind
  
- **Dealing** with legal issues continuously may be good reason to seek emotional support from a therapist or counselor (Someone removed from the circumstances or immediate family)





## The Application/Claim

This document starts off ANY legal matter. It has many names: Statement of Claim, Plaintiff's Claim, Application, Action, Information



## Answer/Defence

If someone wishes to 'defend' a claim, this document will be appropriate to serve back and file in a timely manner.



## Affidavit

The written form of a 'sworn statement' - an affidavit has many purposes, primarily, giving one version of events under oath.



## An Order

The judge's Order (this may also include a tribunal's decision) may be written or given orally and must be followed with very limited exceptions (An appeal **MAY** "stay" an Order)

**NOTE: There are many other forms and each Court/Tribunal will have their own. They may also have slightly different names.**

# Forms Breakdown

Most Court forms will have these basic elements.  
Some may have different names or information sections to fill out.

This image shows the top portion of a court form with five red circles highlighting specific areas: 1. A circular seal. 2. The court's name and address. 3. The court file number. 4. The names of the applicant and respondent. 5. The date and time of the hearing.

This image shows the middle portion of a court form with two red circles highlighting claim details: 6. A table of claims under the Family Law Act or Children's Law Reform Act, including support for the applicant, child support, custody, and access. 7. A list of other claims such as costs, interest, and arbitration.

This image shows the bottom portion of a court form with two red circles highlighting facts and signature: 8. A section for 'IMPORTANT FACTS SUPPORTING MY CLAIM FOR DIVORCE' with checkboxes for separation, adultery, and cruelty. 9. A section for 'IMPORTANT FACTS SUPPORTING MY CLAIM(S)' with a space for the applicant to provide details.

- 1- Seal /something official from Court, once the file has begun
- 2- Name/address of the Court the action has been started at
- 3- File # (once the file is created at the courthouse)
- 4- Names of parties
- 5- Directions to Defendant /Respondent

- 6- Details of claim being made
- 7- Some forms require facts or "pleadings" to be stated

- 8- Date of signing/signing page of Applicant or Plaintiff (Criminal form: Judge issuing the charge or police officer that swore to charge)

# Form 1 – Application Claim

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## The Application/Claim

This document starts off ANY legal matter. It has many names: Statement of Claim, Plaintiff's Claim, Application, Action, Information (Criminal Court)



### **Form Number: 4B**

Form Description: General Heading of Documents - Applications  
MS Word Form – Enable Editing : [RCP-E-04B-0412.doc](#)  
<http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/4b/>

### **NOTE:**

**There are many other forms and each Court/Tribunal will have their own. They may also have slightly different names.**

# Form 1 – Application Claim

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## The Application/Claim

This document starts off ANY legal matter. It has many names: Statement of Claim, Plaintiff's Claim, Application, Action, Information (Criminal Court)



**APPLICATION**

**Form Number: 4B - General Heading of Documents - Applications**

MS Word Form – Enable Editing : [RCP-E-04B-0412.doc](#)

<http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/4b/>

### **FORM 4B**

Courts of Justice Act

GENERAL HEADING OF DOCUMENTS — APPLICATIONS

(Court file no.)

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

(name)

Applicant

and

(name)

Respondent

APPLICATION UNDER (statutory provision or rule under which the application is made)

(Title of document)

(Text of document)

(In a proceeding in an appellate court, follow Form 61B.)

RCP-E 4B (April 11, 2012)

# Form 2: Answer - Defence

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## Answer/Defence

If someone wishes to 'defend' a claim, this document will be appropriate to serve back and file in a timely manner.



### **Form Number: 4A**

Form Description: General Heading of Documents - Actions

MS Word Form – Enable Editing: [RCP\\_E\\_04A\\_1105.doc](#)

<http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/4a/>

### **NOTE:**

There are many other forms and each Court/Tribunal will have their own. They may also have slightly different names.



# Form 2: Answer - Defence

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## Answer/Defence

If someone wishes to 'defend' a claim, this document will be appropriate to serve back and file in a timely manner.



**Form Number: 4A - General Heading of Documents - Actions**

MS Word Form – Enable Editing: [RCP E 04A 1105.doc](#)

<http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/>

### FORM 4A

Courts of Justice Act

GENERAL HEADING OF DOCUMENTS — ACTIONS

(Court file no.)

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

(name)

Plaintiff

and

(name)

Defendant

(Title of document)

(Text of document)

(For the title of the proceeding in the case of a,

(a) counterclaim against a person who is not already a party to the main action, follow Form 27B;

(b) third or subsequent party claim in an action, follow Form 29A in all documents in the main action and the third or subsequent party action;

(c) garnishment, follow Form 60H; or

(d) mortgage action in which defendants are added on a reference, follow Form 64N.

(For the general heading in a proceeding in an appellate court, follow Form 61B.)

RCP-E 4A (November 1, 2005)



# Form 3: Affidavit

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## Affidavit

The written form of a 'sworn statement' - an affidavit has many purposes, primarily, giving one version of events under oath.



### **Form Number: 4D**

Form Description: General Heading of Document: Affidavit

MS Word Form – Enable Editing: [RCP\\_E\\_04D\\_0707.doc](#)

<http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/4d/>

### **NOTE:**

**There are many other forms and each Court/Tribunal will have their own. They may also have slightly different names.**

## Affidavit

The written form of a 'sworn statement' - an affidavit has many purposes, primarily, giving one version of events under oath.



**Form Number: 4D** - General Heading of Document: *Affidavit*  
MS Word Form – Enable Editing: [RCP\\_E\\_04D\\_0707.doc](#)  
<http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/4d/>

### FORM 4D

Courts of Justice Act  
AFFIDAVIT  
(General heading)

AFFIDAVIT OF (name)

I, (full name of deponent), of the (City, Town, etc.) of \_\_\_\_\_, in the (County, Regional Municipality, etc.) of \_\_\_\_\_, (where the deponent is a party or the lawyer, officer, director, member or employee of a party, set out the deponent's capacity), MAKE OATH AND SAY (or AFFIRM):

1. (Set out the statements of fact in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact.)

Sworn (or Affirmed) before me at the  
(City, Town, etc.) of \_\_\_\_\_  
in the (County, Regional Municipality, etc.) of \_\_\_\_\_  
, on (date).

\_\_\_\_\_  
Commissioner for Taking Affidavits  
(or as may be)

\_\_\_\_\_  
(Signature of deponent)  
RCP-E 4D (July 1, 2007)

# Form 4: Statement of Claim

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## Statement of Claim

Where a notice of action (4A) is used, the plaintiff shall file a statement of claim (14D) within thirty days after the notice of action is issued, and no statement of claim shall be filed thereafter except with the written consent of the defendant or with leave of the court obtained on notice to the defendant. The notice of action (4A) shall not be served separately from the statement of claim (14D).



### **Form Number: 14D**

Form Description: General Heading of Documents:  
Statement of Claim (Action Commenced by Notice of Action)

MS Word Form – Enable Editing: [RCP E\\_14D\\_0707.doc](#)

<http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/14d/>

### **Rules of Civil Procedure – All Additional Forms:**

<http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/>

### **NOTE:**

**There are many other forms and each Court/Tribunal will have their own. They may also have slightly different names.**

# Form 4: Statement of Claim

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## Statement of Claim

Where a notice of action (4A) is used, the plaintiff shall file a statement of claim (14D) within thirty days after the notice of action is issued, and no statement of claim shall be filed thereafter except with the written consent of the defendant or with leave of the court obtained on notice to the defendant. The notice of action (4A) shall not be served separately from the statement of claim (14D).



**Form Number: 14D - General Heading of Documents:** *Statement of Claim*  
(Action Commenced by Notice of Action)

MS Word Form – Enable Editing: [RCP\\_E\\_14D\\_0707.doc](#)  
<http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/14d/>

### FORM 14D

*Courts of Justice Act*

STATEMENT OF CLAIM (ACTION COMMENCED BY NOTICE OF ACTION)

*(General heading)*

STATEMENT OF CLAIM

Notice of action issued on *(date)*

*(In an action under the simplified procedure provided in Rule 76, add:)*

THIS ACTION IS BROUGHT AGAINST YOU UNDER THE SIMPLIFIED PROCEDURE PROVIDED IN RULE 76 OF THE RULES OF CIVIL PROCEDURE.

1. The plaintiff claims: *(State here the precise relief claimed).*

*(Then set out in separate, consecutively numbered paragraphs each allegation of material fact relied on to substantiate the claim.)*

*(Where the statement of claim is to be served outside Ontario without a court order, set out the facts and the specific provisions of Rule 17 relied on in support of such service.)*

*(Date)*

*(Name, address and telephone number of lawyer or plaintiff)*

RCP-E 14D (July 1, 2007)

# Form 5: Notice of Motion - Appeal

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## Notice of Motion

To bring a motion returnable before a Judge of the Court of Appeal for an order extending the time for service and/or filing of the notice of appeal: a **notice of motion (37A)** must be prepared and a copy of the notice must be served upon the respondent(s), and then filed in the office of the Court of Appeal with proof of service **at least 7 days** before the hearing date of the motion.



### Form Number: 37A

Form Description: General Heading of Documents: Notice of Motion

MS Word Form – Enable Editing: [RCP\\_E\\_37A\\_0707.doc](#)

[https://www.google.ca/search?q=RCP\\_E\\_37A\\_0707.doc&oq=RCP\\_E\\_37A\\_0707.doc&aqs=chrome..69i57.3164j0j7&sourceid=chrome&ie=UTF-8](https://www.google.ca/search?q=RCP_E_37A_0707.doc&oq=RCP_E_37A_0707.doc&aqs=chrome..69i57.3164j0j7&sourceid=chrome&ie=UTF-8)

How to Proceed with a Civil Appeal

<http://www.ontariocourts.ca/coa/en/info/civfam/civil.htm>

### NOTE:

**There are many other forms and each Court/Tribunal will have their own. They may also have slightly different names.**

# Form 5: Notice of Motion - Appeal

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## Notice of Motion

To bring a motion returnable before a Judge of the Court of Appeal for an order extending the time for service and/or filing of the notice of appeal: a **notice of motion (37A)** must be prepared and a copy of the notice must be served upon the respondent(s), and then filed in the office of the Court of Appeal with proof of service **at least 7 days** before the hearing date of the motion.



**Form Number: 37A - General Heading of Documents:** *Notice of Motion*  
MS Word Form – Enable Editing: [RCP\\_E\\_37A\\_0707.doc](#)

### FORM 37A

*Courts of Justice Act*  
*(General heading)*  
NOTICE OF MOTION

The (*identify moving party*) will make a motion to the court (*or judge*) on (*day*), (*date*), at (*time*), or soon after that time as the motion can be heard, at (*address of court house*).

PROPOSED METHOD OF HEARING: The motion is to be heard (*choose appropriate option*)

- in writing under subrule 37.12.1 (1) because it is (*insert one of on consent, unopposed or made without notice*);
- in writing as an opposed motion under subrule 37.12.1 (4);
- orally.

THE MOTION IS FOR (*state here the precise relief sought*).

THE GROUNDS FOR THE MOTION ARE (*specify the grounds to be argued, including a reference to any statutory provision or rule to be relied on*).

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion: (*list the affidavits or other documentary evidence to be relied on*).

(*Date*)

(*Name, address and telephone number of moving party's lawyer or moving party*)

TO (*Name and address of responding party's lawyer or responding party*)



# Starting a file/Responding to a file

## Did you start the file? (Plaintiff/Applicant/Police)

### Paperwork (forms) needs to be prepared

- 1) A file will be generated by the courthouse (fees may need to be paid)
- 2) The file will need to be “served” or given to the other parties (Defendant(s), Respondents, etc)
- 3) Once the other parties have opportunity to “respond” (if they choose to defend the action/application) - the instituting party may “respond” to any new information raised by the other parties (IF they respond) - This is typically called a “Reply” (Form).
- 4) Once the parties have filed all the initial paperwork, there is a period of “discovery” where documents are exchanged/served, prior to trial. There may also be mediation necessary.

## Wanting to respond? (Defendant/Respondent)

### Paperwork (forms) needs to be prepared

- 1) Paperwork (forms) needs to be prepared
- 2) Answer/Response/Defence will need to be “served” (sent to the originating party) then filed at the courthouse. A fee may need to be paid to respond/file at the courthouse.
- 3) Enter “discovery” process.
- 4) Wait for trial.

# Temporary Relief /Bringing a “Motion” - 1

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- ❑ **Motion** - A “motion” or becoming the “moving party” is a process where a party can get “relief” or an Order from the Court **BEFORE** the trial is heard
- ❑ **Evidence** - Typically motions require evidence in-writing only (there usually is not oral testimony or witnesses called at motions)
- ❑ **Time** - There is typically a time limit and certain days of the week, the Court will hear motions
- ❑ **Arguments/Submissions** - There is opportunity to “speak to” the evidence at the motion (in what are referred to as arguments/submissions)
- ❑ **Affidavit Form** - Typically the “evidence” heard in a motion hearing, is in affidavit form (there may be attachments of documents to the affidavits used at the motion)

# Temporary Relief /Bringing a “Motion” - 2

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- ❑ **Affidavit** - An affidavit is a sworn document where someone will take an oath or commission the contents of a statement (this statement/affidavit generally contains ONLY what that person saw or heard as anything else might be “hearsay”)
- ❑ **Order** - Typically a judge may make an Order on the day of the motion (they may also “reserve” their judgment until a later time)
- ❑ **Motions** - At motions, parties sometimes seek Orders that may include: *looking for a person to disclose documents before trial, asking to question a witness before trial, seeking an “injunction” (for someone to do something specific before trial) or seek dismissal of the other party’s claim or response prior to trial*
- ❑ **Before the Motion** - Usually a party cannot “speak to” or address (make submissions about) information that is not filed *before* the motion (in affidavit form)

# Facts vs. Arguments - 1

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- ❑ **Facts Proven True** - A party can only “win” a case (what they seek in their original claim) if they present facts that they prove true
- ❑ **Witness** - The party has the responsibility of “arguing” or giving submissions AFTER the facts are proved (typically the facts are proved by people giving oral evidence at trial - in the witness box in front of the judge)
- ❑ **Rules or Acts** - If there is any kind of applicable rules or Acts (legislation) that applies, these should be argued AFTER the facts are submitted
- ❑ **Evidences** - Usually evidence is given from witnesses at trials (oral testimony) and IF believed, the judge may rule with the party which presents those witnesses

# Facts vs. Arguments - 2

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- ❑ **Examination** - The parties both have the opportunity to question each witness at trial (Direct Examination vs. Cross-Examination)
- ❑ **Judgment** - What will be believed (by the judge) may depend on how the witness holds up to the types of questions asked
- ❑ **Documents** - A party simply cannot submit documents to the Court and rely on those as evidence at trial
- ❑ **Scrutiny** - If a witness created a document, they will need to attest to that document, usually, for the judge to believe the document is true. This also subjects the witness and document to scrutiny from the other party when being questioned

# Facts vs. Arguments - 3

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## Sample Facts – Fictive Scenario

- 1) The defendant was having a Bible Study on XXXX
- 2) The meeting was held in her home.
- 3) One of the participants took offense at what was taught.
- 4) The study was on the Biblical versus the State Calendar.
- 5) The participant left the meeting very quickly.
- 6) About 20 minutes later, a police officer knocked at the defendant's door.
- 7) Within 15 minutes, all the participants were sent home by numerous armed police officers. Their names were noted for further interrogation.
- 8) The defendant was arrested under the International Criminal Court (ICC) and the United Nations International Covenant on Civil and Political Rights.
- 9) The charges were: advocacy of national religious hatred that constitutes incitement to discrimination, hostility or violence prohibited by the New International Sunday Law Legislation.

The Applicant (ICC Prosecutor) swore to these facts in affidavit form “on the stand” in front of the judge at trial. They were disputed by the Defendant.

## Sample Arguments/Statements/Submissions

- 1) The Biblical Calendar is a Luni-Solar Barley Harvest as evidenced by the Bible, Astronomy, Chronology and History.
- 2) The State Calendar is a Solar calendar and differs greatly from the Biblical calendar as evidenced by History.
- 3) The Defendant has investigated these subjects years before the present International Sunday Law was enacted as evidenced by material in her possession, media participation such as 3 Websites, Facebook account, over 80 videos on U-Tube and her own publications.
- 4) At such time, her freedom of speech was granted as well as her religious liberty under the Charter of Rights and Freedoms of Canada, 1982, under Fundamental Freedom Article 2 and her God-given right as a free citizen.
- 5) Henceforth, the Defendant claims the right to a fair trial in order to prove that her teaching does not advocate national religious hatred that constitutes incitement to discrimination, hostility or violence prohibited by the New International Sunday Law Legislation.
- 6) The Applicant did question and challenge the Defendant's claim. He did argue the facts presented by the Defendant but the Defendant was allowed a self-represented trial.

Once the “evidence” will be heard at trial, the Defendant will be able to “argue” (in a period of the trial referred to as “closing submissions”) that her teaching was Biblical yet will be challenged by many witnesses brought by the Applicant on many subjects of the Defendant's teaching. A final decision will be taken by the ICC. If found guilty the Defendant could face the death penalty.



# Hearsay

- ❑ Hearsay is typically any **out of court** statement used to prove the truth of a fact
- ❑ Hearsay on its face value, is **not usually permitted** (the best evidence usually has to be given)
- ❑ There are complex rules for when the Court will allow or not allow hearsay evidence to be given or admitted as evidence (**admissible or inadmissible**)
- ❑ Hearsay can be **written or spoken**
- ❑ It is usually good to try and remove as much hearsay as possible and present the “**best evidence**” to the Court
- ❑ For example: If a nurse wrote a report at the hospital, the report is considered hearsay *until* the nurse **testifies** at the trial that she created the report

## Hearsay

Testimony consisting of a statement made outside of the courtroom.  
Hearsay is based on rumors.

# Rules of Evidence - 1

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- ❑ The **law of evidence/rules of evidence**, encompasses the legal principles that govern the proof of facts in a legal case. These will assist the judge to fairly decide on what evidence will or will not be allowed (or what evidence is admissible or not)
- ❑ Ultimately, the **rules vary from Court to Court** (Family, Criminal, etc) although there are a lot of similarities which try to provide all parties with fairness in the trial/legal matter
- ❑ There are **two main types of evidence: direct** evidence and **circumstantial** evidence
- ❑ There are **several rules of evidence**, most of which is not codified or written in one central location. Instead, these “rules” are found in case law or common law and sometimes are hard to locate

## Rules of Evidence

- Admissible
  - Evidence must be able to be used in court
- Authentic
  - Tie the evidence positively to an incident
- Complete
  - Evidence that can cover all perspectives
- Reliable
  - There should be no doubt that proper procedures were used
- Believable
  - Understandable and believable to a jury

# Rules of Evidence - 2

Generally speaking, important rules/topics that govern “admissibility” are:

- Hearsay
- Authentication
- Relevance
- Privilege
- Witnesses
- Opinion Evidence/Expert Testimony
- Identification
- Physical evidence
- Exhibits
- Objections



Each of these subjects can be expanded on in great detail. When starting to research each subject, make sure you understand a principle before moving on to the next one.

# Preparing for Trial

- ❑ If you are preparing for a trial, this may take **weeks or months**
- ❑ Generally, **conferences** are held to help parties prepare for trial
- ❑ At these conferences, the parties may exchange *Offers to Settle the case (or specific issues)*
- ❑ Offers to Settle are sometimes used as tool **to gain an advantage on another party**
- ❑ In preparing for trial, it is good to **understand the case** thoroughly. You should understand how many **witnesses** will be called, what evidence will be expected of that witness and how long to expect that witness to be examined for
- ❑ Witnesses usually have to be **paid a fee** for appearing (each Court will have a different rate that needs to be paid for a day of that witnesses' time)
- ❑ Certain **forms or reports** will need to be served and filed a certain time in advance of trial
- ❑ All documents that are intended to be relied on at trial, **must be served** a certain amount of time in advance of trial (**only exception to this is the Defendant at a criminal trial**)



# Preparing a Witness – 1

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- ❑ If you are preparing a witness, it is good to first understand what **information** that person has
- ❑ A good witness will only speak to **what THEY heard, saw or experienced** (first hand)
- ❑ There are two main types of witnesses: **material witnesses and expert witnesses**
- ❑ **Expert witnesses** sometimes do not rely on what they heard or saw, instead they can give their opinions and may influence the judge with their expertise in a certain subject matter. Typically, an expert witness will not be allowed to give evidence about information outside their expertise
- ❑ It will be good to understand who can be **subpoenaed** to testify (**brought into Court against their will**) - usually **material witnesses** only

# Preparing a Witness – 2

- ❑ Preparation of a witness typically involves **collecting information** from a witness and not necessarily trying to influence a witness before trial
- ❑ If a witness is **MY witness**, they will be subjected to different types of questions from the opposing lawyer/party which may be uncomfortable for them - witnesses should understand how to deal with this

Any “**coaching**” to a witness before trial, should be very simple.

## Here are 3 basic tips for witnesses:

- 1) Do not answer the question put to you IF you see a party (or their lawyer) stand up in objection
- 2) Do not answer more than what is asked
- 3) Relax and think about your answer before answering





# Note Taking

**Note taking is VERY, VERY, VERY IMPORTANT!**

- 1) Not only should a litigant be taking notes **before** the trial, but **AT** the trial as well
- 2) It is difficult, but **notes of questions AND answers** (and occasionally what time something was asked/answered, during the trial) from both the self-represented litigant AND the other party (asking questions) are very, very important. Why?



- ❑ During the trial you **MAY make an audio** recording but **DURING** the trial you may want to know what was said (and you **will not be able** to search effectively or efficiently through audio files to find something notable)
- ❑ **Taking notes DURING the trial**, helps ensure the litigant is present, listening effectively and filtering what is important to emphasize later (or play down later) in closing submissions
- ❑ The **judge and opposing counsel will be taking notes**. It is an impressive thing to show that you are in the moment with them

# Offers/Mediation

- ❑ An *Offer to Settle* can be a tool
- ❑ **Effective mediation** happens **AFTER** all parties have full disclosure (discovery)
- ❑ There can be **penalties** for not accepting an offer **if a party SHOULD have**
- ❑ **Mediation** can go hand-in-hand with an **offer**
- ❑ Usually a party will *expose their cards* to the other side during mediation and share their position
- ❑ Sometimes a **party's position** can be used to settle before trial
- ❑ If you can avoid going to trial (the time and expense alone), **should you?**
- ❑ Settling BEFORE trial reduces risk and time spent preparing. Figure out what that is worth to you and start there when thinking about what to settle for. Going into a mediation session or putting energy into an offer should reflect that savings of time and risk. If it does not, is it worth it to **complete mediation or make an offer?**

**This procedure can be ‘translated’ into any type of “hearing”**

- ❑ Opening Statement by Originating Party (**Applicant, Plaintiff, Crown**)
- ❑ Opening Statement by Responding Party (**Defendant, Respondent**) - *Optional at this point*
- ❑ **Originating Party “leads” their case (Calls their first witness)**
  - ❑ Originating Party asks questions to witness #1 (Direct Examination)
  - ❑ Opposing party asks questions of witness #1 (Cross-Examination)
  - ❑ Originating Party gets to ask questions of witness #1 (Reply/Re-direct/Re-examination) - These questions should only come from *new information* raised by cross-examination questions
- ❑ **Procedure #3 repeats for each witness Originating Party calls** - Once Originating Party finishes calling witnesses, their “case” is essentially finished (with exception)

# Trial Procedure - 2

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- ❑ **Responding Party** MAY make an opening statement at this time and then call their first witness (Procedure #3 will apply with appropriate modifications)
- ❑ **After Responding Party** is finished calling witnesses, their case is “closed”
- ❑ **Closing arguments:** The Originating Party will make submissions based on the evidence about WHY the judge should Order with them. The Responding Party will then make closing arguments. The Originating Party will get a chance to RESPOND to closing arguments of the Responding Party (only on new information raised)
- ❑ **Judge** will then make the ruling

# Orders

- ❑ **The judge, jury or “trier of fact”** will first decide on the facts (whether they believe some, all or none of the facts) presented by each party
- ❑ **The judge will then rule** on what laws will apply to the judgment and if to Order what a party has asked of the Court
- ❑ **The judge will then decide** on legal costs
- ❑ **The legal system** is built as an “adversarial system” - there will essentially be a *winner* and *loser*
- ❑ **The *winner*** will be entitled to some or all of their legal costs being paid by the *losing party*
- ❑ **Any *Offers to Settle*** will then be accounted for in the judge’s ruling on Costs
- ❑ **The judge may make their Order/Decision/Ruling** in writing (and even “reserve” their decision for a period of time) or give it orally



# Appeals – 1

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- ❑ Almost ANY time a judge makes a decision (on a motion or at trial) whether relatively insignificant or not, a **party MAY appeal a decision**
- ❑ **Any error in law** by a judge MAY be grounds for an appeal
- ❑ Whether the **error is significant** enough to change the original judge's ruling is another question
- ❑ **Errors of fact** are harder to appeal on because the original judge is in a better position to gauge the facts of the case (and credibility of the witnesses)
- ❑ **The transcripts of the original hearing** will most certainly be necessary for an appeal
- ❑ **Appeal judges** will review transcripts to decide on whether the original judge made an error
- ❑ **Appeal judges** will review transcripts to decide on whether an appeal will be successful
- ❑ For most self-represented litigants, the **expense of transcripts** (sometimes more than \$4/page) may prohibit an appeal from going forward



# Appeals – 2

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**There are typically three possible outcomes for an appeal:**

- 1) Dismissal of the appeal
- 2) Substitute an Order that “should have been made”
- 3) Order a new trial

**Appeals are VERY costly** and deal with very stringent timelines and procedural requirements. For this reason, appeals should be avoided at all costs unless absolutely necessary.

# Legal Tests – Case Law

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- ❑ In any legal situation, there may be a “**legal test**” already set out in case law
- ❑ Legal tests are usually created **by appeal courts**
- ❑ At all material times, a **litigant** should be asking themselves if there is a legal test for this particular situation
- ❑ Even better, a litigant should be able **to foresee issues** that *may* arise during the trial and print out and have present in court, the applicable legal tests/case law that supports the litigant’s position on any particular issue
- ❑ For this reason, **research and preparation** are one of the best tools a litigant can have in their ‘tool box’

**Note:** This Self-Represented Guideline is for any Common Law Jurisdiction: North America, UK and elsewhere.

# Representing Yourself in Court

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*“Whether it be right in the sight of God to hearken unto you more than unto God, judge ye. For we cannot but speak the things which we have seen and heard.” Acts 4:19*