

The Civil Court System

The civil court system is really nothing more than an elaborate, time consuming and rather expensive dispute resolution mechanism. It is not an option of first resort. In fact, just the opposite is true. The courts are where you go if all other attempts to resolve the dispute fail.

In the Talmud it is written that a quarrel is like a stream of water. If it has once opened a way, it soon becomes a wide path. It is also written that quarreling is the weapon of the weak and that he who stops bickering first is the better man. These sayings didn't get to be old because they made no sense. Those old Jewish fellows knew darn well it was cheaper, faster and more efficient to talk problems out face to face than it is getting lawyers to fight for you. If you have a dispute and you have not tried it, you should.

If parties cannot agree, they often hire lawyers to advise them as to their legal rights and to assist them in trying to come to a settlement or compromise or other resolution of the dispute. This is where disputes start to get more expensive and it is at this stage that the wise take a very close look at the strengths and weaknesses of their positions, the realities of the situation and the economics of litigation in order to decide if it is really worth it to go through the process.

Frankly, some claims are not worth pursuing. If the likelihood of success is minimal and the cost is going to be high, why bother? Similarly, if the defendant is bankrupt or a deadbeat with no assets or there is otherwise no chance of collecting a judgment, it hardly makes sense to pay a lawyer to pursue him. That is just throwing good money after bad.

Some claims are not worth hiring a lawyer to pursue. For example, if it is worth \$10,000 or less B the jurisdiction of the Small Claims court - you can do it yourself.

Whatever the dispute – remember that it is very easy to get caught up in the heat and passion of battle. It is also human nature to tend to overlook the weaknesses of your case and the other sides arguable points. However, sooner or later (and the sooner the better), someone is going to look at your case from a totally dispassionate point of view.

Usually, the first one to independently assess the case will be your spouse. Since I'm quoting the Talmud today, I note that it says "If thy wife is small, bend down to take her counsel." She'll probably tell you to smarten up and play nice with the other kids. Whatever you do, don't listen to the guys down at the bar because "When one dog barks he soon finds other dogs to bark with him."

The next one to assess your case will probably be your lawyer. Make sure you listen very carefully to what your lawyer has to say about the likelihood of success and make sure to ask lots of questions about how much it might cost to go all the way.

If it ends up in front of a judge, he or she will want to ask some very pointed questions and if you do not have reasonable and logical answers ready, the outcome is not likely going to be what you really want. How much of the claim can be proven and how much is just wishful thinking or anger? How much are you really entitled to? Does the Defendant have an arguable point?

Like I said, the courts are places to be avoided. The only ones who really enjoy it are the young lawyers. Old lawyers know better.