

Importance of Professional Representation



While some people may choose self-representation over the cost of hiring a paralegal, all too often the self-represented make mistakes in the legal process that cost much more for a paralegal to unwind after the fact than if the matter was handled properly from the onset. Worse and sadly still, all too often those who self-represent 'shoot themselves in the foot' and lose what otherwise was a winning case. In many circumstances, those who self-represent in legal matters make minor errors that have major effects.

"He who represents himself has a fool for a client." ~ Abraham Lincoln

Unfortunately for many, it seems that television shows such as [The People's Court](#) or [Judge Judy](#), provide the public with the false perception that handling legal matters is relatively straightforward and easy and especially so in the Small Claims Court or Landlord Tenant Board. As above, this false perception often results in extra-costs when the self-represented person finally realizes that professional help is needed and a lawyer or paralegal must spend considerable time and effort backtracking, if backtracking is even possible.

Unfortunate Experiences

- ▶ A self-represented person was sued by a contractor for failure of payment following a renovation project. The self-represented person delivered a Defence document alleging various defects within the project and claiming 'set-off' of the cost of corrections as against the debt owing to the contractor. Unfortunately, the self-represented person was unaware that [s. 111](#) of the ***Courts of Justice Act, R.S.O. 1990, c. C.43*** requires that a Defendant's Claim be brought when seeking a set-off of a damages claim against a debt claim.
- ▶ A business relationship between 'small town folks' broke down when a seller of hay found other buyers willing to pay a much higher price. The self-represented buyer angrily tried to resolve the matter without professional legal assistance by



providing the seller with a demand letter asking only for the return of deposit monies. Unfortunately, with hay in short supply, the buyer then spent thousands of dollars on substitute feed, far more than the price of the prepaid hay. At a subsequent Small Claims Court trial, the judge deemed that the breach of contract by the seller would have normally warranted that the seller compensate the buyer for the increased costs of the substitute feed; however, the buyer was 'estopped' from seeking more than the amount described in the demand letter. The buyer was able to recoup only the \$1,700 as was described in the self-written demand letter rather than recouping the over \$10,000 spend on substitute feed.

- ▶ A self-represented Plaintiff in *Crone v. Kilmer*, [2013 CanLII 55833](#) found out the hard way that legal matters require proof rather than mere speculation. The self-represented Plaintiff failed to provide any hard evidence and thus failed to prove the case and was assessed a costs penalty.

Before self-representing, get a professional opinion and advice. If you do decide to self-represent, you may find it worthwhile to retain a professional even if simply to only act as a part-time advisor to provide some hints and tips on concerns that you might otherwise be unaware of.

"The price of expertise is less than the cost of ignorance!" ~ Scott McEachern