

# Understanding what family law and the whole damn family justice system is all about

Few lawyers, judges, child welfare protection workers or other professionals who profit of the family court industry will like this document. It isn't written for those people. It is written for the average person and its purpose is to try to plant in his/her head, at the least, a seed of skepticism about the whole legal profession and those associated with it, how it works and to let the average person see how our whole system of justice has been perverted and our laws intentionally subverted.

In tribal times there were the medicine-men. In the Middle Ages, there were the priests. Today there are the lawyers and judges and a whole host of so called "professionals" who together fuel the adversarial family court system. For every age and generation of citizens, a group of bright persons, learned in their trade and jealous of their learning, who blend technical competence with plain and fancy hocus-pocus to make themselves masters of their fellow men. For every age, a pseudo-intellectual autocracy, guarding the tricks of its trade from the uninitiated, and running, after its own pattern, the civilization of its day.

It is the lawyers and judges who run our civilization for us – our governments, our business, our private lives. Most legislators are lawyers; they make our laws. Most presidents, Prime ministers, governors, commissioners, along with their advisers and closest supporters are lawyers; they administer our laws. All the judges are lawyers; they interpret and enforce our laws. There is no separation of powers where the lawyers are concerned. There is only a concentration of all government power – in the lawyers. As the schoolboy put it, ours is "a government of lawyers, not of people.

There are several reasons for this mass submission, One is the average person's fear of the unknown – and of the police who guard the judges and the lawyers and all those who are part of the "system". The law combines the threat of both and in many cases the threat of losing access to one's children. A non-lawyer confronted by The Law is like a child faced by a pitch-dark room. Merciless judges lurk there, ready to jump out at him. ("Ignorance of the law is no defense.") Cowed and, perforce, trusting, he takes his lawyer's hand, not knowing what false step he might make unguided, nor what punishment might then lie in wait for him. He does not dare display either skepticism or disrespect when he feels that the solemn voice of the lawyer, telling him what he must or may not do, is backed by all the mighty and mysterious forces of law-and-order from the Supreme Court on down on the cop on the corner.

The whole of The Law – its concepts, its principles, its propositions – is made up of "willfully" and "maliciously," of words that cannot possibly be pinned down to a precise meaning and that are, in the last analysis, no more than words.

In today's time in family court system the phrase, "The Best Interest of Children" is used all the time, yet the judges and the judiciary, have no definition of what this term means. Of course when a person is before a judge, it at the judge's discretion to decide what is in the best interest of the child. As a matter of fact, the bulk of the law is made up of words with far less apparent relation to reality. And when a person reads the law, criminal law, business law, government law, family law, it is difficult to find a single rule that makes as much simple sense to the layperson without having to read it over several times and to scratch one's head trying to figure out what it means.

Everyone should understand the eight basic principles upon what the family law system has been designed around by those who profit off of the family court system:

- 1) To get you into the family court system.
- 2) To take money from your family and transfer it to those in the system who charge fees for services (lawyers and other professionals). In essence, the system transfers wealth from working, middle class Canadians to the elitist group of those in the legal profession who we refer to as lawyers.
- 3) To keep the machinery of the legal system working so that those employed in this sector will continue to have work (judges, court workers, court reporters, security staff at courts, etc.)
- 4) To wear you down physically and emotionally and generally direct you on a course that will hinder or delay your matter from getting to a trial.
- 5) To protect the system of lawyers and judges by hiding the gross violations of rights and freedoms that children and families are being subjected to in the family court system.
- 6) To keep the judges and lawyers unaccountable and above the law for the harm done to children and families.
- 7) To give judges the court system, the widest latitude as possible to make their own arbitrary decisions regardless of the law.
- 8) To give women, especially mothers, the upper hand in court in the most unobtrusive way as possible (Bias against fathers).

### **How they get you into the family court system**

Getting you into the system is one of the easiest things that the system does to you. It accomplishes this in the following manner:

- Create laws that make you believe that you have to go to lawyers for all your work. Lawyers have a vested interest to take matters to court. After all, that is how they make their money.
- The lawyers first tell each of their respective clients that they have a good case should they go to court and that it won't be such a big deal. This gives both parties confidence and each thinking that they will come out ahead.
- The lawyers tell each of the clients to get control of the children and to not let the other parent get any more than 40% access time with the children in order to maximize child support payments. Of course any agreement which is not fair and equal to both sides, will ensure years and years of conflict over custody, access time and child support.
- The lawyers will give low estimates as to what your legal matters will cost. They make it seem affordable. They know that once you have paid some money for legal services, they now have you trapped!
- The judges will say things in court hearing that will provide encouragement for both parties to go to court. The judges cunningly find fault with both parties and then the lawyers use the judge's comments to tell their client that the judge was not happy with the other side. Of course, this only encourages the parties to keep up the court fight.
- The system stacks the odds heavily in favor of women. Women know that they get almost anything they want if they take their partner to court. For women there is more to gain by going to court than by working out a fair deal with their partner. The woman's lawyer will usually encourage the woman to go to court because they are more often than not, guaranteed to win in

family court. Once the woman decides to go to court, the men then have but little choice to go to court to defend themselves.

### **How they transfer wealth from working Canadians to themselves**

The system transfers wealth from you in the following ways:

- Lawyers charge outrageous rates for their services – generally \$350 per hour for an inexperienced lawyer and up with some high priced lawyers being in the \$600 to \$1000 per hour price range.
- Those lawyers with the right connections to judges and lawyers in their community get themselves appointed as judges with annual salaries and perks of in most cases in excess of \$250,000 per year. On top of that, when these judges retire, they get lucrative pensions that last their lifetimes.
- Charge administration charges at the court – You must pay money to get justice in Canada. Even when the judge screws up and makes a mistake, you have to pay lawyers and administration fees a second time. You keep paying and paying for the pursuit of justice that in most cases you just won't ever get.
- Refuse to allow parties to electronically audio record court proceeding then charge excessively high prices for court transcripts, often at three dollars per page of double spaced text.
- Require that those who wish to appeal a decision of a judge, to purchase transcripts of their court hearing which in most cases can cost hundreds or thousands of dollars. Most parties find the mounting costs beyond their financial means which puts barriers to the pursuit of justice. The system just simply makes justice unaffordable except to only the rich.
- Will put all kinds of delays and excuses to keep you from going to trial, all of which cost you more money and likely make you too broke to afford a trial.
- Lawyers will put liens on your house prior to taking your case so that they still get paid when you are financially cleaned out and have nothing left except your home. Once you cant pay the liens, the lawyers will force sale of your home and force you out on to the street.
- Lawyers have created laws which prevent lawyers from doing your case on a contingency fee basis.
- During criminal proceedings will put court Orders in place stating that you MUST communicate to the other party through a lawyer. These orders often don't even mention other third parties such as mediators or other competent persons in the community. Sometime you are stuck paying \$300 per hour just to exchange information with your former spouse about the children, etc.

Overall, the more work that they can create by making the system inefficient, the more lawyers are needed, the more judges are needed and in the end, the greater amount of wealth from hard working Canadian families is transferred to those in the elitist group of judges and lawyers who are in most cases supported by many of their fellow lawyers who are politicians who in turn make the laws to protect the monopoly of the legal system.

### **How they wear you down and generally keep you from getting to a trial**

These are some of the things that are used to wear you down so that you are unable to get to a trial:

- Put case conferences and settlement conferences (which are in reality off the record bullying sessions) in the way of your trial to delay things and pressure you into a settlement while at the same time cost you lots of money.
- Adjourn matters over and over and over.
- Call in other professionals such as children's lawyers, psychologists and social workers.
- Attempt to intimidate you into signing consent agreement prior to trial
- Make the benchmark for an appealing a judge's decision almost impossible for the average person to obtain.
- Get you to a position where you are financially exhausted and financially unable to proceed with your case further.
- Make rules and procedures so complicated and confusing as to make it almost impossible for one to proceed to trial on their own.

Even some of the highest legal authorities speak publicly about the broken family law system in Ontario.

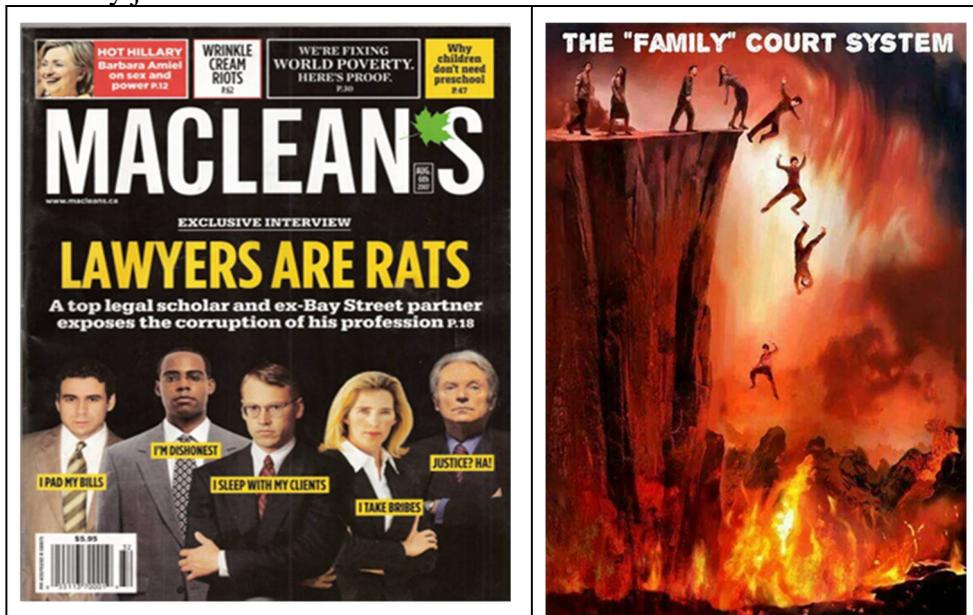
	<p><b>Former Chief Justice of Ontario, Warren Winkler, says the justice system has to get creative about the way it uses its processes so that the justice system can be better about delivering individual justice to individual people. One of the main barriers for people trying to use the justice system, Winkler says, is that it's just too complicated. Winkler believes that the family court system needs a complete overhaul.</b></p> <p><b>"I think we need to make the system simpler, cheaper and faster and it's got to work better," he says. "I'm a great believer in simplifying things down so people can understand (the rules) and get through them quicker, and if you do that the cost isn't so great."</b></p> <p>Source CTV News</p>
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### **How they protect the system of lawyers and judges and make themselves unaccountable and give themselves latitude in their decisions**

Here are some of the tricks that those in the system use to keep themselves unaccountable:

- Create all kinds of rules and procedures to confuse ordinary people and to thwart real justice.
- Use case law to make decisions and basically use another judge's past bad decision to justify a more recent decision. In other words, "two wrongs do make a right in family court."
- Put barriers in you putting evidence before the court. Make findings of fact based on no logic whatsoever which the next judge will then use against you.
- Routinely exclude support persons from case conferences and settlement conferences so that they can abuse you behind closed doors.
- Prevent citizens from recording their own court hearings so that the court has total control over what was officially stated in court.

- Get parties into what is called “case conferences” and “settlement conferences” where the public is excluded and where the judges and lawyers can bully and abuse parties out of sight of the public with no recordings being taken of the proceedings.
- Routinely exclude members of the public from courtroom so that the public will not see what the system is doing to you and your family.
- Charge excessive fees for court transcripts which make it prohibitive for most people to be able to get a record of what was said in court.
- Make it illegal to have anyone represent you in court except a lawyer. The lawyers have created their own monopoly on the law.
- Law Societies and Judicial Councils set up to look good to public but in reality these agencies help to bury complaints and protect their members.
- Have many lawyers in political office to change legislation to further protect the legal industry and its monopoly.
- Will use of the power of the law societies to prosecute ordinary Canadian Citizens for giving out “legal advice” to their fellow Canadians but do nothing to discipline their fellow lawyers who do a lousy job.



### How the system generally gives women, especially mothers, the upper hand in the family court system in a covert way

Although there are some non-custodial mothers who have been literally screwed over by the court system in the same manner as most men, when one looks at the judgments coming out of the courts, women by a far margin, still get the upper hand in family court. Here is how the system does it:

- Use the term “best interest of child” without any definition and interpret this term to the woman’s advantage.
- Claim that custody must be given to one parent if conflict is present, usually the mother. Some lawyers encourage their female clients to create conflict during court matters as an added assurance that they will get custody.

- Judges receive training from a feminist perspective without the public knowing the content of the training they receive behind the scenes.
- Many additional services exist such as those provided by women's shelters which provide additional services, provide services, including legal services to woman at no cost, while the same services are generally not available to men.
- Domestic violence committees which regulate police policies relating to criminal charges are highly controlled by feminist forces in many communities, most often women's shelter advocates.
- Use every little thing that you may have done wrong in the past and every fault you have against you while they ignore the mother's faults and wrongdoings.

## **The lawyer monopoly**

The lawyers and their law societies have created laws that dictate that only a lawyer can represent you in court. Those in the legal industry claim that they have to do this in order to protect the public by ensuring that only someone with the proper legal training is allowed to help people in court and represent them.

Yet, in reality, there are countless lawyer who can't even argue their way out of a wet paper bag let alone competently represent someone in court. Many of these incompetent lawyers do not even know the law that well – some are losers and flunkies. The truth of the situation is that there are many non-lawyers who can do a better job in court than many so called lawyers yet these knowledgeable people are not allowed to help you with our court matters or represent you in the court. Why? It's not because these knowledgeable persons can't do a good job but simply because they are not lawyers and the lawyers do not want these people trampling on their exclusive domain of practicing law.

Lousy lawyers have caused good families to go into bankruptcy because of their lousy, incompetent service. Unfortunately, the judges and the lawyers have the power of the courts and the police behind them so they hold the power to force the citizens to follow the rules and procedures of a game that they have crafted for their own benefit. So while you may be forced to play their game, the best you can hope for is to improve your chances of winning even when you are forced to play with lawyer made rules. That's why it is called **“The Lawyer Monopoly”**

## **Family law is more about “their” procedures and rules – not about law**

Most family law lawyers know little of the Constitution or International laws. Family law has become nothing but a system made up of rules and procedures made by lawyers and judges for their own benefit. Perjury is rampant in family court and the lawyers and the judges know it. They just don't care because it keeps them in work and makes them money. Family law is more about big business – not justice.

## **“Case Law” is the system's way of passing the buck to screw the people no matter how good your case is.**

Judges and lawyers often refer to what is called “Case Law” which simply is the past decisions of judges made in other cases. In reality, there is no such thing as “case law” because case law is not real law at all. People assume wrongly from this term it that a Judge can make "Law" in the courtroom by ruling in a particular way in one case. The historic and “correct” term of judges relying on the precious decisions of other judges is “Jurisprudence”, which is always subordinate to Statutory Law. A Judge may have to pick which Statute to rule by if Statutes conflict, but judges can't just make up

Law as they go along. When they do, they are in what is called “Breach of Trust” of their duty as a judge.

A number of lawyers have revealed that the term “Case Law”, which isn't law at all, has been used because of the ease with which legal databases can be searched these days. These searches have, in practice, become more authoritative in Courts and as a result lawyers and judges have coined the phrase "Case Law" with no foundation other than their own self-aggrandizement.

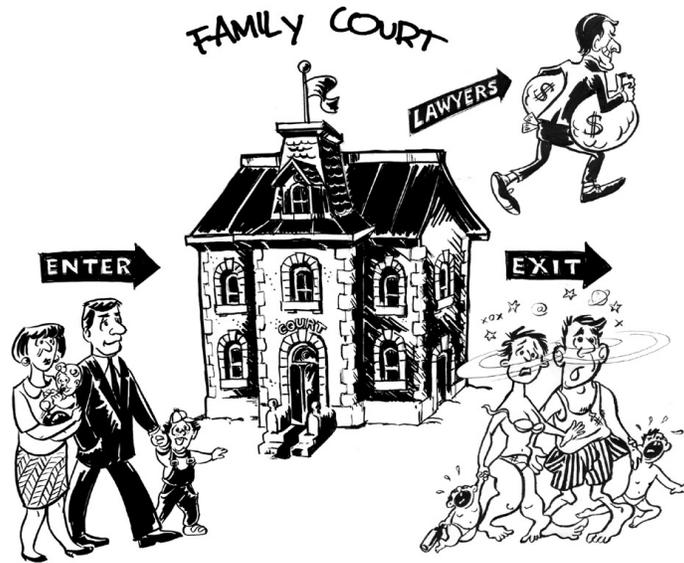
Case Law in pure Latin terms can be referred to as “*stare decisis*” which means “*to stand by decided cases; to uphold precedents, to maintain former adjudications.*”

Technically, the law is supposed to be applied the same to all people which is why one lawyer will use a previous case to argue why the judge should rule the same as the other case. The problem with case law is that there are so many cases where rulings contradict one another that lawyers can find case law on the books to reinforce almost any argument they want in court. In some cases, “case law” cases has become so perverted and so far from the intent of constitutional rights and freedoms, that case law has become nothing more than a way that lawyers and judges can deliver injustice in the court and say that they were following “Case Law” which gives the perception of legitimacy to their illegal decision. Case law has become nothing more than a way that judges and lawyers can use to pass the buck. For those who want to more about how case law subverts justice, read the article “How Stare Decisis subverts the law” by Jon Roland found the appendix of this document. Although it is written with American supporting references, the underlying principles of Stare Decisis remain the same for Canada.

**If there is anything that you can be absolutely sure of in family court it is that .....**

**There is no justice in Canada’s family courts!  
So if you can, do everything you possibly can to avoid  
going to court before it’s too late!**

**To beat the system and to do your part to help  
make it more accountable to the people, the first  
thing you need to understand is what the whole  
broken family court system is all about!**



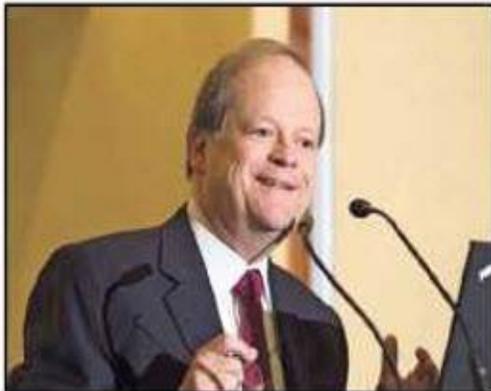
**Don't let this happen to YOU!**

**Learn how to beat the system by FIGHTING BACK!**



Black box protests brought a lot of attention when they were first introduced by the Fathers for Justice Group in Canada. This type of protest was an attention getter on major intersections where there was lots of traffic. The protest focused on the injustice in family court and how Canadians are “stripped” of their children and their money by lawyers and judges. The photo shown here was taken in front of the Brampton, Ontario courthouse.

# Does anyone still think that the Family Court system is really working?



Supreme Court Justice Mr. Thomas Cromwell told the Canadian Bar Association in Vancouver that broad-based action is needed to address Canada's 'serious and pressing problem with access to justice.

Estranged spouses and their children are seriously damaged by the adversarial system and that judges, lawyers and law schools must embrace a culture of mediation and settlement.



"the family courts system, desperately needs a complete overhaul" says former Chief Justice Warren Winkler



## COURTS

### Report to Supreme Court chief justice calls for family law overhaul

**KIRK MAKIN** - JUSTICE REPORTER

The Globe and Mail

An unreleased report commissioned by the country's top judge is urging a radical overhaul of Canada's family law system.

The report to Chief Justice Beverley McLachlin, scheduled for release next month, calls for restructuring the family law system from the ground up, with a focus on streamlining the court process and ending a fixation on combat.

So many families are being adversely affected by the horrors of family court system that groups and individuals have protested in front of courts, legislature buildings and courthouses in many major cities across Canada.



**Family court protesters spreading the message “Don’t laugh – You could be Next” Tragically, too many people think that divorce and separation will not affect them until it is too late.**



**14-year-old Clayton Giles on a hunger strike outside a Canadian Family Court House in Alberta, Ontario. Canada’s family court system tried to force him to live with his abusive mother despite his wishes to be with his loving and capable father. Clayton never gave in to the unreasonable demands of the court and defied the corrupt family court system until he won his right to stay with his dad who he knew was the better and more capable parent.**