

Charles Mwewa Intro to Law Lecture Outlines

ADVOCACY

Notes

THE LITIGATION PROCESS & ADVOCACY

Key Terms:

- Facts
- Evidence
- Trial/Hearing
- Civil v. Criminal Disputes
- Plaintiff/Crown v. Defendant/Defence
- Claimant/Applicant/Respondent

Substantive Law:

- Legal rights and obligations
- Categories: Contract law, tort law, family law, real estate law, criminal law
- Cause of action v. defences

Procedural Law

- Stipulates the way in which a dispute first comes to a court or tribunal
- It deals with what occurs before the actual trial or hearing

Legal Case

- Facts – the story
- Evidence – facts that prove the case
- Substantive Law/Cause of Action: Could be in contract law, etc.
- Procedural Law: Level of Court or nature of tribunal

The Law of Evidence

- Deals with how the facts are to be proved
- Establishes rules and exceptions to rule
- How material and relevant facts are entered as exhibits into evidence before a trier of fact (jury) or a trier of law (jury or judge)

Key to Successful Advocacy

- Preparation
- Organization
- Good Court/tribunal performance