

# CIVIL LITIGATION D.I.Y.

*How to value, assemble and settle lawsuits*  
*A prequel to HOW TO WINg A TRIAL*

By

Mick Hassell  
Canadian Trial Lawyer

# CIVIL LITIGATION D.I.Y. – TABLE OF CONTENTS

WHY D.I.Y.?	4
WHO THIS BOOK IS FOR	5
ABOUT THE AUTHOR	6

## **PART I: BEFORE YOU GO TO COURT**

THE VAST CLAIMS METHODOLOGY	8
HOW TO VALUE A CLAIM – THE FACTORS	9
HOW TO VALUE A CLAIM – MATHEMATICAL CALCULATION	13
HOW TO ASSEMBLE A CASE	17
HOW TO SETTLE A CASE	19
HOW TO GO TO TRIAL	24
COURT: AN OPTION OF LAST RESORT	25
CONSULTING WITH A LAWYER	27

## **PART II: STARTING THE LAWSUIT**

STEPS IN A LAWSUIT	31
HOW TO DRAFT A STATEMENT OF CLAIM	33
HOW TO DRAFT A STATEMENT OF DEFENCE	37
HOW TO DRAFT A REPLY	42
OTHER PLEADINGS	43

## **PART III: DISCOVERY**

EXCHANGING DOCUMENTS	45
YOUR EXAMINATION FOR DISCOVERY	46
EXAMINING THE OTHER SIDE	48

## **PART IV: MEDIATION**

PREPARING FOR MEDIATION	51
CONDUCTING THE MEDIATION	53
MINUTES OF SETTLEMENT	55

## **PART V: MOTIONS**

PREPARING FOR THE MOTION	59
CONDUCTING THE MOTION	62

## **PART VI: PRE-TRIAL CONFERENCES**

PREPARING FOR THE PRE-TRIAL CONFERENCE	64
CONDUCTING THE PRE-TRIAL CONFERENCE	66

## **PART VII: CONCLUSION**

CONCLUSION	68
GLOSSARY	69

## WHY D.I.Y.?

Do It Yourself (D.I.Y.) is not for everyone; there are pros and cons. Due to the high cost of civil litigation, D.I.Y. is the default option for many people.

The purpose of **CIVIL LITIGATION D.I.Y.** is to share civil litigation information to help D.I.Y. litigants increase the value of their claims (or minimise the cost of defending claims) and to settle their claims.

The pros of D.I.Y. include:

- Control of the case;
- Keeping legal costs down; and
- You already know the facts.

The cons of D.I.Y. include:

- Limited knowledge and experience can lead to serious errors that hurt your case;
- Less knowledge and experience can make the process slow and frustrating; and
- Professional legal advice may provide an objective viewpoint.

**CIVIL LITIGATION D.I.Y.** is published by Hassell Management Limited. The book is available for purchase at [www.trialcounsel.ca](http://www.trialcounsel.ca). The book is not legal advice, it is legal information. For legal advice, please consult a lawyer. This book is copyright © 2022.

I hope this book helps you enjoy greater success in Court!



Mick Hassell  
Canadian Trial Lawyer

416-944-2274  
[mhassell@trialcounsel.ca](mailto:mhassell@trialcounsel.ca)

## WHO THIS BOOK IS FOR

[CIVIL LITIGATION D.I.Y.](#) is recommended reading for anyone considering a lawsuit, involved in a lawsuit or defending a lawsuit.

More specifically, this book has the following audiences in mind:

- **Self-represented litigants** who are looking for some guidance in a lawsuit, in particular with case valuation, steps in a lawsuit and settling a lawsuit. This book is intended to be an easy read and help those without legal training advance their claims.
- **Clients** who have retained a lawyer and want to learn more about civil litigation and the steps in a lawsuit, as well as case valuation and settlement. This book will help clients think about legal strategy and process, enhancing the quality of decisions along the way.
- **Less experienced lawyers and paralegals** who are interested in learning more about civil litigation and a generalised approach to case valuation that may be instructive for current cases. This book will help speed up the learning curve and improve the odds of success.
- **Law firm staff** including law clerks and legal assistants, who want to learn more about the strategic aspects of the litigation, which can be applied to cases they are working on.

This book covers all steps in a lawsuit before trial and is a prequel to [HOW TO WINg A TRIAL](#), which is about leveraging the 6 trial fundamentals to prepare for and conduct trials.

## ABOUT THE AUTHOR

Mick Hassell helps law firms, businesses, individuals and self-represented litigants advance civil trials.

He has been lead trial counsel on a variety of trials, arbitrations and hearings on the merits.

Mick has been consulted by lawyers, entrepreneurs, individuals and self-represented litigants on hundreds of cases.



In addition to his trial practice, Mick is regularly retained for trial consulting work.

Mick can be reached at 416-944-2274 or [mhassell@trialcounsel.ca](mailto:mhassell@trialcounsel.ca) or [www.trialcounsel.ca](http://www.trialcounsel.ca).

# PART I

## BEFORE YOU GO TO COURT

Introducing the VAST Claims Methodology.

## THE VAST CLAIMS METHODOLOGY

Before going to Court, you should take a step back and consider the big picture of your claim or the claim against you.

The next few chapters will discuss the VAST Claims Methodology, which is a simple 4-step approach to claims designed to maximise the value of claims (or minimise the cost of defending claims).

The VAST Claims Methodology is:

**V**alue your claim;

**A**ssemble your case for optimal settlement or trial;

**S**ettle your claim if possible – most cases settle; and

**T**rial as a last resort.

Briefly stated, the methodology is: value, assemble, settle or trial.

The methodology begins with valuing a claim realistically, to understand the potential resolution value.

Assembling a claim is designed to increase the value of the claim by gathering, processing and presenting information/evidence as the case proceeds towards trial.

Settlement is the main goal for most litigants and the most common conclusion to a lawsuit.

Trial is a necessary last resort if the other party will not discuss settlement or is unrealistic about settlement.

## END OF PREVIEW

To purchase a copy of the book, please visit [www.trialcounsel.ca](http://www.trialcounsel.ca)