

	<p><b>Take Notice:</b> Information supplied based on my opinion reading - The Constitution, Conventions, law, Case Law, Rules, Regulations and Standards in the Republic of Ireland only. This sheet is drafted by a lay litigant and might not be correct.</p> <p><b>This is not legal advice, but the opinion of the author(s). Please consult your legal advisor</b></p>
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## ***Litigation Conundrum- HELP***

Original Nov 2018  
Andries van Tonder  
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Dear Oupa,

I have been in and out of the court the past 11 years and there is no progress. My divorce is in the Circuit Court, my access in the District Court, Barring order in the District Court, Appeal in the Circuit Court....

I have to pay two legal teams ....

I had to sell my house to finance legal fees, report writers and therapists ..€ 43,958 to date ....

I approached the High Court ....

Dear Parent,

### **You are trapped in a conundrum**

The lack of education of the legal teams, report writers, (including psychologists and psychotherapists), social workers, law enforcement and some judges is the main cause of the situation.

Due to financial hardship you are now litigant in person, meaning that the situation will deteriorate if you make a mistake.



### **Mistakes made**

- You agreed to the appointment of a report writer that is not certified as a PAP (Parental Alienation Professional) and it is a known fact that a report writer that is not PAP, will get it wrong, as it happened in your case.
- Due to the lack of understanding of the problem, social workers, who are also not PAP, got it wrong.
- Law enforcement is, in my personal opinion, absolutely non educated regarding offences committed during family law proceedings and the result of 918JR has not filtered through to them.
- Known case law is either ignored or not understood or accepted by many District and Circuit court judges.

- The outcome of a matter is determined by the litigant or professional presenting it.
- Few solicitors are willing to spend time with their client to get to understand the issue and what is presented in court is usually some twisted understanding of a 10 minute interview on the day of the hearing.

### **My suggestion in your case**

This suggestion is based on my personal experience in dealing with matters in the Superior Courts.

- Approach the Superior Court with a Plenary Summons or Special Summons or Judicial review.
- In case of a Special Summons you will have to persuade the court to take control of all the matters. The following can be used as example reasons:
  - I believe that the District- and Circuit Court judges do not have time to listen and read submissions by some litigants
  - The Superior Court judges have much more experience regarding parental alienation and is willing to take notice of jurisprudence from other jurisdictions
  - You overlooked the fact that several human rights breaches are involved in your case. Although the lower courts are authorised to address it, the experience lies with the Superior Courts. (Note the relevant case law regarding the ECHR, UNCAT, UNCRC and more).
  - I believe that a declaration by a Superior Court will enforce more respect on those involved
  - Where a matter evolved into a conundrum, the combination of cases can only be resolved if heard together

### **Preparation for the Superior Court**

I had a look at your paperwork, submissions, attendances and the different reports. To fully understand it will need at least a month of reading and studying. You will have to prepare a submission to the court that is easy to understand and brief to read.

I strongly suggest that you engage a PAP - law enforcement to assist you if needed and sort the information in the following format: (see a simple example at [Example explanatory summary](#))

NB - You summarise the point in a short - less than 15 word summary, and if the reader need more information he/she can refer to another section. See example hereunder:

#### **Example timeline of events:**

14/01/2008	Mary destroyed Mary (jr) gifts	See P. 48 to 52 Offence – see P. 92 (1)
02/11/2009	Sandy refused access – state she is scared.	See P. 187 to 195

Comments and suggestions to andy at aps dot ie

