

# Building a Better Adjudicator, One Word at a Time

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A newspaper is better than a magazine.

A seashore is a better place than the street.

At first it is better to run than to walk.

You may have to try several times.

It takes some skill but it's easy to learn.

Even young children can enjoy it.

Once successful, complications are minimal.

Birds seldom get too close.

Rain, however, soaks in very fast.

Too many people doing the same thing can also cause problems.

One needs lots of room.

If there are no complications, it can be very peaceful.

A rock will serve as an anchor.

If things break loose from it, however, you will not get a second chance.

## **Family history**

Jane and Murray married in 1983, when Jane was 22 and Murray was 23. Jane had completed a secretarial program at Success Business School. Murray left school after eleventh grade and went to work at an insurance office as a runner. The couple's first child was born prematurely in 1984: at age five the child was diagnosed with lifelong cognitive limitations. This child's education and upbringing required extraordinary efforts by Jane. The couple's seventh and final child was born in 1994. Jane remained at home with the children.

Murray took a few university courses but never completed a degree. He has achieved considerable success by working long hours with little time for the family. He completed industry-based training programs and earned advanced professional designations. By 2000, Murray co-owned an insurance company and by 2010, he owned his own insurance company with 9 employees.

In 2008, Jane re-entered the workforce, working at a bookstore. Jane worked part-time so she could continue to meet the needs of the couple's oldest child. Jane still had this job in 2011, when Murray ended the marriage.

## Custody

Jane and Murray married in 1983, when Jane was 22 and Murray was 23. ~~Jane had completed a secretarial program at Success Business School. Murray left school after eleventh grade and went to work at an insurance office as a runner.~~ The couple's first child was born prematurely in 1984: at age five the child was diagnosed with lifelong cognitive limitations. This child's education and upbringing required extraordinary efforts by Jane. The couple's seventh and final child was born in 1994. Jane remained at home with the children following the birth of the first child.

~~Murray took a few university courses but never completed a degree.~~ He has achieved considerable success by working long hours with little time for the family. ~~He completed industry-based training programs and earned advanced professional designations. By 2000, Murray co-owned an insurance company and by 2010, he owned his own insurance company with 9 employees.~~

In 2008, Jane re-entered the workforce, ~~working at a bookstore.~~ Jane worked part-time so she could continue to meet the needs of the couple's oldest child. Jane still had this job in 2011, ~~when Murray ended the marriage.~~

## Spousal support

Jane ~~and Murray~~ married in 1983, when Jane was 22 ~~and Murray was 23~~. Jane had completed a secretarial program at Success Business School. ~~Murray left school after eleventh grade and went to work at an insurance office as a runner.~~ The couple's first child was born prematurely in 1984: at age five the child was diagnosed with lifelong cognitive limitations. This child's education and upbringing required extraordinary efforts by Jane. The couple's seventh and final child was born in 1994. Jane remained at home with the children following the birth of the first child.

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In 2008, Jane re-entered the workforce, working at a bookstore. Jane worked part-time so she could continue to meet the needs of the couple's oldest child. Jane still had this job in 2011, ~~when Murray ended the marriage.~~

## **Jane is entitled to compensatory spousal support**

Compensatory support is awarded where it's just to compensate a spouse whose career development or earning potential has been impeded by the marriage, or who has contributed to the other spouse's education or career development.

Jane stopped working in 1984 when the couple's first child was born. At age five, the child was diagnosed with lifelong cognitive limitations. This child's education and upbringing required extraordinary efforts by Jane. The couple's seventh and final child was born in 1994. Jane remained at home with the children from 1984 until 2008 when she returned to work at a bookstore. In 2011, she continues to work part-time at the bookstore.

Murray has achieved considerable success by working long hours with little time for the family. He completed industry-based training programs and earned advanced professional designations. By 2000, Murray co-owned an insurance company and by 2010, he owned his own insurance company with 9 employees.

- 1 There were also other occasions when Ms. M and I would converse regarding L's absence from the children. From her comments, I formed the belief that, she and Mr. M were concerned for the children's welfare. I also noticed that Ms. M had a tendency to say that she had to end the conversation when she mentioned the Respondent was about to enter their home. Consequently, I also formed the belief that Ms. M did not want her daughter to hear what she was saying, namely, expressing her true feelings about her relocation away from the children. I also believe that Ms. M was and may continue to be intimidated by her daughter. I say this as the Respondent can be quite combative and demonstrates an attitude of superiority over me and others. I verily believe that her mother may have been unwilling to say what she felt about her living away, when it came to the children's needs, so as not to cause friction between them.
  
- 2 [ . . . ] The Ms also demonstrated, in word and deed, that they valued me as a father to their grandchildren.

- 1 In addition to my regular employment at Myers Marine, I do some moonlighting as a bouncer. This is cash work and I work an average of one night a weekend if I am not travelling for work and this depends on if I have Charlie.
  
- 2 I work two different bars, one I get paid \$85 per night, the other \$70 per night. I estimate that I work an average of one night a weekend, about half the year. Of this, about  $\frac{2}{3}$  of my work is at the \$85 per night job, or  $26 \text{ weeks} \times \frac{2}{3} \times \$85 = \$1,473$ , and  $\frac{1}{3}$  of my work is at the \$70 per night job, or  $26 \text{ weeks} \times \frac{1}{3} \times \$70 = \$606$ , **TOTAL of \$2,079**. These are cash jobs. I do not keep a record and am paid cash at the end of each night.



## **NARRATIVE**

Joshua Reid and Premlata Singh married on September 20, 2007 and separated five and one-half years later in January 2013. He moved out July 2013. The parties are the parents of Jackson, born on May 12, 2006. Ms. Singh has a child from a previous relationship, Vasana, born on April 10, 2001, who lived with the couple. The children were very close until November 2014. Vasana's father is Mohammad Sevgur.

Mr. Sevgur called the child welfare hotline on November 24, 2014. He said that he visits with Vasana every weekend and for the past three months, Vasana has been asking to stay with his dad. Vasana has been crying for last three weekends, saying mom calls him "stupid", an "idiot" and "how hard it is to raise two kids on her own". Vasana said his mom slapped him across face in past and still tries to slap him. Vasana experiences anxiety and stress and sees therapist in Halifax. The intake worker who answered the call told Mr. Sevgur to apply to vary existing order.

On November 28, 2014, Vasana refused to go home to his mother. Mr. Sevgur called the RCMP who interviewed Vasana who reported his mom slaps him, swears, screams, makes him feel unwanted, stupid, and like an idiot. He said he was last slapped when he was nine and that he blocks her by raising his arm. Vasana said that his mom is worse with Jackson.

## **CHRONOLOGY**

April 10, 2001	Vasan Sevgur born to Mohammad Sevgur and Premlata Singh
May 12, 2006	Jackson Reid born to Joshua Reid and Premlata Singh
September 20, 2007	Joshua Reid and Premlata Singh marry
January 2013	Joshua Reid and Premlata Singh separate
July 2013	Joshua Reid moves out of home
November 24, 2014	Mohammad Sevgur phones child welfare hotline
November 28, 2014	Vasan Sevgur refuses to return to Premlata Singh after weekend access Mohammad Sevgur calls RCMP RCMP interview Vasan Sevgur

## Legal writing

Stephen V. Armstrong and Timothy P. Terrell, *Thinking Like a Writer: A Lawyer's Guide to Effective Writing and Editing*, 3<sup>rd</sup> ed (New York: Practising Law Institute: New York, 2009)

Bryan A. Garner, “*The Deep Issue: A New Approach to Framing Legal Questions*”, *Scribes J Legal Writing* 5 (1994-95): 1-40

Bryan A. Garner, “*Good Headings Show You've Thought Out Your Arguments Well in Advance, and They Help Make Your Case*”, 101 *ABA J.* (Sept. 2015).

[http://www.abajournal.com/magazine/article/good\\_headings\\_show\\_you\\_ve\\_thought\\_out\\_your\\_arguments\\_well\\_in\\_advance](http://www.abajournal.com/magazine/article/good_headings_show_you_ve_thought_out_your_arguments_well_in_advance).

Bryan A. Garner, “*First impressions endure, even in brief writing*”, 101 *ABA J.* (May 2015).

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Really, frankly, anything from Bryan Garner. Check his website [lawprose.org](http://lawprose.org) for plenty of articles.

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Donald Hall and Sven Bikerts, *Writing Well*, 9<sup>th</sup> ed (New York: Pearson Longman, 2007)

John I. Laskin, “A view from the other side: What I would have done differently if I knew then what I know now” (May 1998) 17:2 *Advocates' Society J* 16

John I. Laskin, “Forget the Wind-up and Make the Pitch: Some Suggestions for Writing More Persuasive Factums”, online: <http://www.ontariocourts.on.ca/coa/en/ps/speeches/forget.htm>

Christine Mowat, *A Plain-Language Handbook for Legal Writers*, 2<sup>nd</sup> ed (Toronto: Carswell, 2015)

Joseph M. Williams and Joseph Bizup, *Style: Lessons in Clarity and Grace* 12<sup>th</sup> ed (Boston: Pearson, 2014)

### **General writing**

Mary Norris, *Between You and Me: Confessions of a Comma Queen*, (New York: W.H. Norton & Company, 2015)

George Orwell, “Politics and the English Language”, online:  
[http://www.orwell.ru/library/essays/politics.english/e-polit#fnm\\_3](http://www.orwell.ru/library/essays/politics.english/e-polit#fnm_3)

Steven Pinker, *The Sense of Style: The Thinking Person’s Guide to Writing in the 21<sup>st</sup> Century!* (New York: Viking, 2014)

### **General interest, related to writing and persuasion**

Mark Forsyth, *The Elements of Eloquence: Secrets of the Perfect Turn of Phrase*, (New York: Berkley Books, 2013)

Daniel Kahneman, *Thinking, Fast and Slow*, (New York: Random House, 2011)

Stephen Sondheim, *Finishing the Hat*, (New York: Knopf, 2010)

Noah J. Goldstein, Steve J. Martin, Robert B. Cialdini, *Yes!: 50 Scientifically Proven Ways to be Persuasive*, (New York: Free Press, 2008)