

## **Why do you need the Court?**

### Reasoning with the Unreasonable

Probably my most common comment I make to frustrated clients is that they should stop trying to "reason with the unreasonable". Many people are stubborn, myopic, delusional in self-righteousness, lacking humility, and/or unable to respect other perspectives (on occasion, if not constantly). This blindness to others' view is not always ill-intentioned. We've all heard the proverb that the "road to hell is paved with good intentions", but the key is that the other person is so sure in their own righteous or good motivation that they disrespect and walk all over the others involved.

I've heard it said that "the Reasonable find a way to work within the constraints of the world, compromising or bending themselves to make things fit/work, but the Unreasonable expect the world to bend to them or their will". This was stated by some motivational speaker indicating that "it is good (or leads to success) to be unreasonable", but in the real world, small town, word gets around, and information highway of the internet, the smart learn to find out who is unreasonable and avoid business, affiliation, relationships and contact with such persons.

When folks fail to recognize a person's unreasonable nature and find themselves tangled up in a business, balance due, contract, estate or parenting/marriage with such a person, the ugly side of a personality really comes out and the parties entrench until lawyers must be brought in to break the log-jam.

### What do you do: Court - The Ultimate (worldly) Authority

In the lawless Wild West, disputes were settled with guns blazing at the OK Corral. Kids might use "paper, rock, scissors", thumb wrestling or "not it" to decide a conflict. In our grown up and civilized world, however, someone must have the recognized authority to resolve disagreements.

The typical lawsuit is based upon parties with differing perspectives submitting their facts and legal argument to a Court. It therefore is the job of the Court to provide a uniform application of Law and to decide what version of the facts is the reality to apply the law upon. Many times the "finder of fact" is a judge, but may also be a jury. The "finder of fact" hears the admissible evidence and testimony of the parties and determines what exactly happened.

Litigation can be very expensive, however. For this reason, a contract might not be enforced unless it provides the victim or non-breaching party with penalties against the other party, like interest or attorneys fees for collection. We'll focus more on why lawyers are so expensive in our next newsletter.

(THE PRECEEDING INFORMATION SHOULD NOT BE CONSIDERED LEGAL ADVICE. These letters are written solely to be informative as to general realities, facts and concepts of law for the reader and to encourage discussion with legal counsel. A legal relationship cannot be formed without the exchange of fundamental information from the potential client and discussion with a lawyer.)