**WINNING A LAWSUIT**

[Litigation: *A machine which you go into as a pig and come out of as a sausage.*](http://www.brainyquote.com/quotes/quotes/a/ambrosebie118461.html?src=t_litigation) ([Ambrose Bierce](http://www.brainyquote.com/quotes/authors/a/ambrose_bierce.html))

"*An incompetent lawyer can delay a trial for months or years. A competent lawyer can delay one even longer."* (Evelle Younger, Former California District Attorney, Prosecuting Charles Manson and Sirhan Bishara Sirhan)

*Of course people are getting smarter nowadays; they are letting lawyers instead of their conscience be their guides*." - [Will Rogers](http://quotations.about.com/od/stillmorefamouspeople/a/WillRogers1.htm), American Cowboy and Humorist

*ELEMENT 1*: FACTS: Who, what, when, where, why - the WIN will depend on HOW we apply all the elements based on **all** the Facts you can summon based on the truth and accuracy. When you lie, the lawsuit will die.

*ELEMENT 2*: STATUTE: Do the Facts fit a particular statute; or, do the facts show that a particular statute was breached, violated, disobeyed, broken; or, is the other side trying to shoehorn the facts into a statute?

*ELEMENT 3*: CONSTITUTION: Is the Statute constitutional? Is the Statute unfair, unjust and unconscionable? At this stage, you can determine your success in winning. But be cautious of federal common law.

*ELEMENT 4*: DECIDED CASES (common law, *stare decisis*, case law). Do Decided Cases in the past apply to the Facts, the Statute, and the Constitution in your case?

*ELEMENT 5*: JURISPRUDENCE: PRINCIPLES, MAXIMS & DOCTRINES OF LAW: Do these references apply to your case? Can you trump Decide Cases with higher law?

*ELEMENT 6*: RESTATMENT OF THE LAW (American Law Institute): The **American Law Institute** (**ALI**) was established in 1923 to promote the clarification and simplification of [United States](https://en.wikipedia.org/wiki/United_States) [common law](https://en.wikipedia.org/wiki/Common_law) and its adaptation to changing social needs. Legal scholars, retired judges and lawyers analyze previous decisions, and write persuasive articles whether they were right or wrong in the context of the prevailing economic, social and political climate.

*ELEMENT 7*: IS EQUITY OR LAW BEING ESTABLISHED ACCORDING TO GOD’S LAW AND NATURAL JUSTICE: All law emanates from ethics and morals. The latter ‘s

fountainhead is the Scriptures. The yardstick should not be “what is politically correct.”

*ELEMENT 8*: DO MORALS, ETHICS AND GOOD CONDUCT DETERMINE WHAT’S BEST FOR MANKIND, OR WRITTEN LAWS BY POLITICIANS: You the client decides.

*ELEMENT 9*: WHAT DO YOU, THE CLIENT, WANT OUT OF THIS LAWSUIT: Your answer will determine the outcome of your case.