



Conrad Black's problems no more significant compared to those facing fathers in Canada's divorce courts

By Grant Brown, DPhil (Oxon) LLB

January 20, 2007.

While there has been a lot of recent press surrounding the problems facing Conrad Black in court, nobody should think that the legal travails of this business mogul are anything out of the ordinary.

As a former professor of business and professional ethics, an author of peer-reviewed research in the field, and a current practitioner of family law, I can say without fear of contradiction that the common man frequently receives treatment much worse than Lord Black's from our dysfunctional family-dispute system.

There is no "presumption of innocence" for men. They are routinely evicted from their own homes by ex parte restraining orders, on the basis of false or completely uncorroborated allegations of abuse or even merely the "fear" of abuse.

They are consequently denied access to their assets, especially the equity in their homes, while paying the mortgage and credit cards for the benefit of the estranged partners and their alienated children.

They may have to spend thousands of dollars to defend themselves against criminal charges of assault, over ridiculously minor incidents in which the woman was equally a participant, if not a deliberate provocateur.

They may have to spend thousands more to have a home study done to prove

their innocence and their competence as a parent.

Rarely is a woman legally sanctioned in any way for false or exaggerated allegations of abuse, or self-serving slander of fathers.

Private lawyers in family disputes often behave no better than the public prosecutor in Lord Black's case.

They encourage clients to take uncompromising positions, to swear questionable affidavits, and to rebuff reasonable settlement offers.

They speak out of turn and tell judges irrelevant and misleading half-truths in Court, to slant the proceedings in their client's favour and put the other side off their message.

They delay, play procedural games, obstruct the other side from getting at the information they are entitled to, and run up the cost of litigation until it becomes unaffordable to continue.

They do all this with the blessing of the Courts and the Law Societies.

Lord Black can fend for himself, with the able assistance of Eddie Greenspan.

The common man is the more to be pitied.

Grant A. Brown, DPhil (Oxon), LL.B is a lawyer who practices law in Edmonton, Alberta, He may be reached by phone at (780) 433-1505