



# Sworn Documents

By: Odette Dempsey-Caputo

SWORN DOCUMENTS | NOVEMBER 2020



## AGENDA

**WHAT** are sworn documents?  
**WHEN** should you use them?  
**WHY** should you use them?  
**WHO** should you use them for?  
**HOW** do you create them?

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# Poll:

## Who has used a sworn document before?



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# WHAT?



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# WHAT IS A SWORN DOCUMENT?

## AFFIDAVIT

- sworn document
- inside court process

## STATUTORY DECLARATION

- sworn document
- outside of court process

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## WHEN



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# Anytime you need to give evidence!

## Benefit applications:

- CPP disability, PWD, income assistance.

## Tribunals:

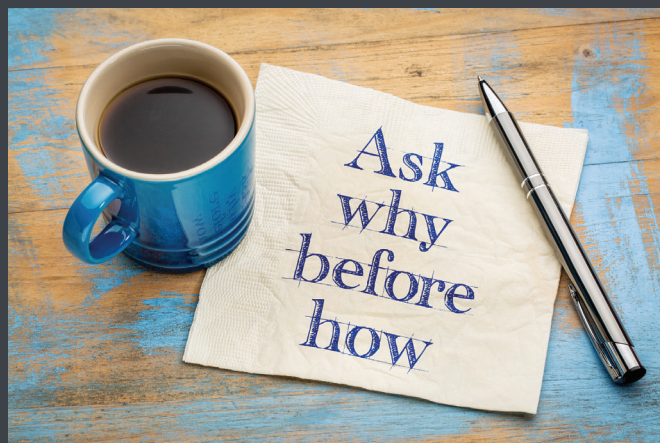
- RTB, WCB, Employment Standards.

## Other:

- HRT, ID, Medical Benefits, witnesses.

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## WHY?



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# WHY?

Efficiency

Familiarity

Clarity

Helps clients

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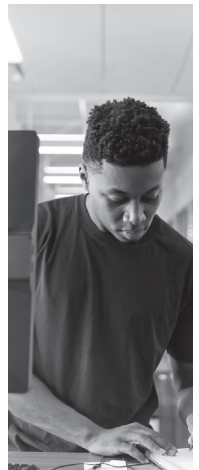
# WHO?



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# Clients

- Mental health issues
- Talk too much
- Trouble with chronology
- Brain injury
- Processing disorder
- Systemic discrimination
- Loud
- Untrusting



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## HOW?



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#### STATUTORY DECLARATION

CANADA ) In the matter of Donald Fauntleroy Duck  
PROVINCE OF ) and James Pond Insurance  
BRITISH COLUMBIA ) Insurance Claim: 7893-4432

#### TO WIT:

I, Donald Fauntleroy Duck ("Donald Duck"), sailor, of 1234 Water Street, city of Kamloops, in the Province of British Columbia MAKE OATH AND SWEAR/AFFIRM THAT:

1. I am the insured and as such have personal knowledge of the matters hereinafter deposed to, save and except where stated to be based on information and belief, and where so stated I verily believe them to be true.
2. I purchased an insurance claim from James Pond Insurance on January 16, 2018 for my vase (the "Vase")

This is the 1<sup>st</sup> affidavit Donald Fauntleroy Duck in this case and was made on November 3, 2020.  
File No: 1111-01  
Kamloops Registry

#### IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

DONALD FAUNTLEROY DUCK

CLAIMANT

AND:

HUBERT DUCK, DEUTERONOMY D. DUCK AND LOUIE DUCK

RESPONDENT

#### AFFIDAVIT

I, Donald Fauntleroy Duck ("Donald Duck"), sailor, of 1234 Water Street, city of Kamloops, in the Province of British Columbia MAKE OATH AND SWEAR/AFFIRM THAT:

1. I am the Claimant and as such have personal knowledge of the matters hereinafter deposed to, save and except where stated to be based on information and belief, and where so stated I verily believe them to be true.
2. I am the uncle of Hubert Duck ("Huey"), Deuteronomy D. Duck ("Dewey") and Louie Duck ("Louie").



**Affiant/Declarant= Donald Duck**

Is the person who declares it



**Style of cause**

This is the caption at the top of the document.  
Different for an affidavit versus statutory declaration.



**Introduction**

name, occupation, address,  
connection to issue

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13. I did not break the Vase nor did I tell Huey, Dewey or Louie to break the Vase.

SWORN/AFFRIMED BEFORE ME  
at Kamloops, Province of British Columbia  
on \_\_\_\_\_.

\_\_\_\_\_  
A commissioner for taking affidavits and oaths  
for British Columbia.

\_\_\_\_\_  
Donald Fauntleroy Duck

- MUST be sworn/affirmed in front of the commissioner.
- The commissioner must print their name below their signature (they can use an ink stamp too).
- The commissioner must sign in front of the affiant including exhibits.

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# Exhibits

- You can attach documents that you want the person reading the sworn document to consider.
- You mention it in the sworn document and then attach it to the end of the sworn document in the order that you mentioned them.
- They are arranged in alphabetical order.

11. The Vase is in pieces and cannot be fixed.

Attached to this affidavit and marked as Exhibit "A" is a photo of the smashed vase.

12. The Vase was worth \$100,000.

Attached to this Affidavit and marked as Exhibit "B" is an appraisal of the Vase.

This is Exhibit "A" referred to in the  
1<sup>st</sup> Affidavit of Donald Fauntleroy Duck  
Sworn before me this, 3<sup>rd</sup> day of November  
2020.

A commissioner for Oaths in and for  
British Columbia



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# Backer

File No: 1111-01  
Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

DONALD FAUNTLEROY DUCK

CLAIMANT

AND:

HUBERT DUCK, DEUTERONOMY D. DUCK AND LOUIS DUCK

RESPONDENT

1<sup>st</sup> AFFIDAVIT OF DONALD FAUNTLEROY DUCK

Feather Firequacker  
Firequacker, Eggbert and Sparrow LLP  
4321 Dock Drive  
Kamloops, British Columbia V4U 1E4  
Phone: (250)111-2222  
Fax: (778)444-3333

- Style of cause
- Name of submitter
- Address
- Telephone and fax number
- What the document is





# DO



- Numbered paragraphs
- Numbered pages
- Each paragraph is one sentence where possible.
- Use exhibits
- Use headings
- Avoid and/or



- Know why you are drafting it
- Know who is signing it
- Write in first person
- Use the persons own language
- Use a persons name not she/he/xe/zie/they



- Tell a story
- Tell in chronological order
- Use language people can understand
- Respond to evidence
- Keep simple, don't repeat
- Check for spelling, logic and facts

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# DO NOT



- Over exaggerate
- Use intensifiers
- Give opinions
- Include conclusions
- Include arguments



- Repeat yourself
- Include information that is not relevant
- Use hearsay



- Attach letters from witnesses
- Use legalese or legal concepts

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# PRACTICE! PRACTICE! PRACTICE!

GRAB A PEN AND PAPER

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## WHAT IS WRONG!

- Huey was mad at Dewey and wanted to attack him. Louie told me that they had been fighting all day.



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# WHAT IS WRONG!

- Huey was mad at Dewey and wanted to attack him. Louie told me that they had been fighting all day.
  - Used conclusions: mad, wanted to attack
  - Hearsay: Louie told me
  - Not relevant: fighting all day
  - One big paragraph
  - Used they instead of Huey and Dewey



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# WHAT IS WRONG!

1. Huey is always hitting Dewey.
2. The assault on Dewey did not come with Huey's consent.
3. Huey, Dewey and Louie meant to break the Vase.
4. Huey, Dewey and Louie never liked the Vase.



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# WHAT IS WRONG!

1. Huey is always hitting Dewey.
2. The assault on Dewey did not come with Huey's consent.
3. Huey, Dewey and Louie meant to break the Vase.
4. Huey, Dewey and Louie never liked the Vase.

- used an intensifier= always
- used legalese=second paragraph, also not simple language.
- includes a conclusion=meant to, never liked the Vase.



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If you have any  
questions at all



Don't hesitate to ask.

Odette Dempsey-Caputo  
Elizabeth Fry Legal Clinic  
odette@kamloopsefry.com



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File No: 1111-01  
Kamloops Registry

*IN THE SUPREME COURT OF BRITISH COLUMBIA*

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DONALD FAUNTLEROY DUCK

CLAIMANT

AND:

HUBERT DUCK, DEUTERONOMY D. DUCK AND LOUIE DUCK

RESPONDENT

**AFFIDAVIT**

I, Donald Fauntleroy Duck ("**Donald Duck**"), sailor, of 1234 Water Street, city of Kamloops, in the Province of British Columbia MAKE OATH AND SWEAR/AFFIRM THAT:

1. I am the Claimant and as such have personal knowledge of the matters hereinafter deposed to, save and except where stated to be based on information and belief, and where so stated I verily believe them to be true.
2. I am the uncle of Hubert Duck ("**Huey**"), Deuteronomy D. Duck ("**Dewey**") and Louie Duck ("**Louie**").
3. Huey, Dewey and Louie came to my house on December 25, 2019 for a visit.
4. Huey and Dewey began to hit each other and yell at each other.
5. Louie was laughing at Huey and Dewey fighting.
6. Huey then hit Louie.
7. Louie, Huey and Dewey then began to push each other.
8. Louie, Huey and Dewey ran into a table that had a vase (the "**Vase**") on it.
9. The Vase fell off the table and broke.

10. The Vase is in pieces and cannot be fixed.

Attached to this affidavit and marked as Exhibit "A" is a photo of the smashed vase.

11. The Vase was worth \$100,000.

Attached to this Affidavit and marked as Exhibit "B" is an appraisal of the Vase.

12. The Vase was given to me by my uncle Scrooge McDuck.

13. Louie, Huey and Dewey refuse to pay for the Vase.

SWORN/AFFRIMED BEFORE ME  
at Kamloops, Province of British Columbia  
on \_\_\_\_\_.

\_\_\_\_\_  
A commissioner for taking affidavits for British Columbia

\_\_\_\_\_  
Donald Fauntleroy Duck

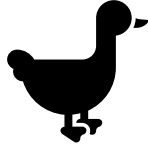
This is Exhibit "A" referred to in the  
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2020.

---

A commissioner for Oaths in and for  
British Columbia







**Cheese & Quackers Appraisers Associates, Inc.**

Made for: Donald Fauntleroy Duck  
1234 Water Street  
Kamloops, BC

On: January 15, 2018

A vase made in Celebration, Florida, United States measuring 26" tall, 16" top diameter, 30" at widest point.

In my professional opinion this vase should be covered under "Full Fine Arts Insurance" coverage at a minimum of \$100,000.

*S. Quacksa Lot*

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Sir Quacks a Lot

This is Exhibit "B" referred to in the  
1st Affidavit of Donald Fauntleroy Duck  
Sworn before me this, 3rd day of November  
2020.

---

A commissioner for Oaths in and for  
British Columbia.

## STATUTORY DECLARATION

CANADA  
PROVINCE OF  
BRITISH COLUMBIA

) In the matter of Donald Fauntleroy Duck  
) and James Pond Insurance  
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3. On December 25, 2019 Hubert Duck ("**Huey**"), Deuteronomy D. Duck ("**Dewey**") and Louie Duck broke the Vase.
4. Huey, Dewey and Louie came to my house on December 25, 2019 for a visit.
5. Huey and Dewey began to hit each other and yell at each other.
6. Louie was laughing at Huey and Dewey fighting.
7. Huey then hit Louie.
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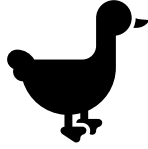
\_\_\_\_\_  
Donald Fauntleroy Duck

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Statutory Declaration of Donald Fauntleroy Duck  
Sworn before me this, 3<sup>rd</sup> day of November  
2020.

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RESPONDENT

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1<sup>ST</sup> AFFIDAVIT OF DONALD FAUNTLEROY DUCK

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Feather Firequacker  
Firequacker, Eggbert and Sparrow LLP  
4321 Dock Drive  
Kamloops, British Columbia Q4U 1E4  
Phone: (250)111-2222  
Fax: (778)444-3333