

2015年8月28日我接到以下電郵：

林先生，我很喜歡你逢二，四下午解答問題，是你的忠實聽眾，因我不懂英文，有件事希望你能給予引導，我有一民事訴訟，我在XXXX學校做了三個月零五天的銷售工作，業績不佳，被炒了，然後僱主誣告我拿了客戶資料，與另一老師開學校，而事實上被炒後我一直拿失業金，為應付他誣告，我找了一個自稱會說廣東話的律師，二年來已付了九仟多元律師費，但現在連見法官的機會都沒有，且不會說廣東話，更不會看我所提供的中英文証據，又要我再付錢，我憤怒了，我決定投訴，但我不知從那兒入手。請你幫助我，我現在一個月的失業金是\$860。很希望能得到你的幫助。

我Case No是XXXXXXX,三藩市律師工會已幫我找了幾天，無律師肯接，但我現在律師不會看中文，他也無向我講清現在是怎麼樣情況，你可以幫助我嗎？

我與這位女士聯絡後，詳細詢問整件事件內容，並看過訴訟文件，認為這為女士的確是無辜的，故開始協助她在不需要律師幫助下（因她已沒有能力付律師費用）應付前僱主的誣告。

2015年8月底，我為這位女士寫了兩份自白書（Declarations），將整個事件作清楚的交代，然後我將自白書送到控方律師，要求交給原告，希望可以解決事件。這是我當時給對方律師的信：

Dear Mr. XXXXXXXX:

My name is Sau-Wing Lam, and I am the head of a non-profit Christian organization named Chinese Christian Herald Crusades. We provide all sorts of assistance to immigrants in the Chinese-American community. I am also the host of 5 weekly live radio programs in San Francisco, Los Angeles and New York to answer people's questions about personal finance. My work is completely on a no-pay basis as this is how I serve the Chinese community. As a result I receive many requests for help.

A few days ago Ms. XXXXXXXX came to me for help. As you know, she is a defendant in your client's lawsuit. She told me she was completely innocent of the charges made by your client. I have never met Ms. XXXXXXXX before and have no prior knowledge of this matter. I also do not know Mr. XXXXXXXX Chan. Based on what Ms. XXXXXXXX told me, I helped her put together the attached Declaration. Ms. XXXXXXXX's English proficiency is very low so she would not have been able to explain herself clearly in English. But I have confirmed the contents with her in Cantonese, her native language.

For your information Ms. XXXXXX has been on a very limited income the past two years and can no longer afford to hire a lawyer. The stress of this lawsuit has seriously affected her physical and mental health and she is currently under doctor's care. Henceforth she would have to represent herself in court. She will state the same facts in court as she has stated in her Declaration.

If what she stated in her Declaration is true then she is not involved in any way with Mr. XXXXXXXX Chan's business endeavor. I wonder if you could share the Declaration with your client to see if they really want to continue including her as a defendant in the lawsuit.

If what she stated in the Declaration is true then it is only just that she should be excluded from the lawsuit while your client pursues justice against Mr. XXXXX Chan.

I have made it abundantly clear to Ms. XXXXX that I am not a lawyer and I am not providing any legal advice to her. I am doing this solely out of compassion for Ms. XXXXX's predicament. Again, there is no remuneration of any sort from Mr. XXXXX.

Sau-Wing Lam

對方律師將自白書交給原告後，來了以下答覆：

Our client reviewed Ms. XXXXX declaration and believe they are false. For this reason, our client would not dismiss her from the case without consideration. If there is any meaningful offer from her, I would be glad to present it to our client.

即原告一口咬定這位女士說謊，堅持要繼續控告她。這宗官司延續了6個月，我教這位女士在不花費任何律師費的情況下，與對方周旋，讓對方消耗資源，然後等待在法庭上向法官陳明原委，以求得到公道。這6個月中一切事件我們跳過不說，結果是對方在2016年1月20日撤消對這位女士的控訴。以下是我與對方律師的最後信件來往內容，可見對方行事之無理及輕率，令這位女士在過去兩年多飽受驚嚇，身心靈都嚴重受傷。

1/19/2016

Gentlemen:

Ms. XXXXX asked me to inquire whether she will be required to endure the hardship of attending the settlement conference this Friday. As you know, she needs transportation if she is to attend the conference. As well, she needs a Cantonese interpreter.

After the deposition it becomes abundantly clear that she has absolutely nothing to do with Chan and did absolutely nothing to harm your client. As her deposition pointed out, after she was terminated she met with Chan twice at his place of business, both times after she received court papers and needed Chan to explain to her what those documents say. Both times Chan gave her scant attention. She had never met or spoke with Chan ever since. There is not one bit of evidence of any wrongdoing on her part. What she declared previously and what she said under oath were consistent. Your lawsuit has caused her great mental and physical harm. If this continues it is not only cruel and unusual punishment on an innocent lady, but down right malicious and immoral.

As lawyers of your clients you have the duty to advise your client that their actions against Ms. XXXX is completely groundless and meritless. It is my hope that you can convince your client to release her from the lawsuit before 1/22 so she does not need to attend the Settlement conference. Besides, she has nothing to settle with – she has been unemployed since XXXXX, and she has exhausted her resources on legal fees before going in Pro Per.

Sau-Wing

1/20/2016

Dear all:

Ms. XXXXX called me from court just now to tell me that your client had told her that the case against her will be dismissed. She is happy to know that.

Please ensure the case is dismissed with prejudice as I think that is the right thing to do. In my view it should never have been filed against her. One meeting with her so she could clarify things would have spared her the agony and legal fees over the past two years. One should never sue others without checking things out and giving the other party the opportunity to explain.

Sau-Wing

1/20/2016

在原告不得不撤銷控訴後，對方律師依然尋找理由去否認這宗控訴是無理取鬧：

We are not so sure your friend is telling you all the truth and our client is lying. From my experience, one can tell all the lies just to get oneself or himself off the hook in a lawsuit. Quitting her job from my client and appearing at Mr. Chan's business at virtually the same time is hard to explain, unless she is his partner/employee. However, I would save the argument for another day.

以下是我給對方律師的回覆：

Well, human heart is certainly deceitful above all things so anything is possible. I am not saying your client is lying. But I do not think they have inquired enough before they included Ms. XXXXX as a defendant along with Chan. If the only “proof” is that she was seen at his business, and the conclusion is that she must be in business with him, then something is very wrong. To go into business together requires much more than just being at someone’s place of business. It involves discussions, planning (pre-meditation, in your legal terms) etc. There was no evidence that they ever even discussed doing anything together. Then there are facts and circumstances which must be considered – there is absolutely no proof that she and Chan met after the two brief encounters when she went there solely to ask him to explain the legal documents to her.

Remember I put down her story in two declarations and your client flatly refused to accept (you reported that they said she was “lying”)? That was September last year. I proposed a meeting between she and your client so perhaps things can be clarified. It would have saved her 4-1/2 months of agony.

I do not know Ms. XXXXX so she is not really a friend of mine. The first time I met her was on 1/14/2016 when she was deposed. She wrote to me last year when she was at the end of her rope, and she was broke, unemployed and depressed because of what this lawsuit had done to her. I went through the inquiry process with everyone who comes to me for help. I asked her many tough questions, and asked for proofs before believing in her story. Only an inquiry process like that can distinguish facts from lies.

Oh, one more fact. She did NOT quit her job from your client. She was abruptly fired for cause on a Sunday evening. Then she was sued. She was on unemployment after her firing. I doubt your client would have consented to her unemployment claim if she had really quit.

Sau-Wing

以下是這位被誣告的女士昨晚給我的電郵：

林生：感謝您半年來的相助，使我從2013年九日一日至今天二年零五個多月日子的惶惶不可終日之中解脫，此刻我內心興奮的感恩的心情，自己一個人在消化，而這一刻最感謝的是上帝創造了機會，通過 am1400的生財有道節目讓我找到您，且得到您誠懇的扶助，冥冥之中我的人生遇到您的相助，是上帝贈予我的，而我也知道我應該用自己的能力回饋上帝，所以，希望有機會我可以用自己天賦的溝通能力回饋於您！