

# LEGALCOMPASS

Volume 7 • September 2023



## WORDS OF WISDOM

### TIME-TESTED ADVICE FOR EXCELLING IN LAW SCHOOL

*"Start a project as soon as it is assigned to you, even if it is just looking up resources or writing the introductory paragraph. That small bit of progress will make it easier to delve in later on."*

*"Keep very organized notes throughout the year. Two weeks before your exams, rewrite or type up your notes. This will refresh and reinforce the information in your memory."*

*"Networking events can be overwhelming, especially for first-year students who may not know what area they are interested in yet. Setting a goal for yourself will make launching into a conversation easier and will ensure you get something out of the event. Your goal could be to learn about an area of law or a firm you don't know much about."*



## NOT AN IMPOSTOR

One day in September when I was a 1L student, I was sitting in the cafeteria eating takeout with some classmates. Out of the blue, one guy groaned and smashed his head down, face first, into his open casebook.

"What's wrong?" I asked.

"Oh, nothing," he said. "Except that I'm the dumbest person in our class."

"No, I'M the dumbest person," I replied.

"Impossible," said the woman to my left. "Because I am."

What followed was the most memorable conversation from my law school years. It turned out that each of us at that table secretly believed that our acceptance into the school was due to a lucky clerical error. As soon as midterms rolled around our incompetence would be revealed, and by winter break, we'd be packing our bags.

"But we can't ALL be unworthy," one person reasoned.

"Didn't you hear that guy this morning, in Torts?" I asked.

In our morning Torts class, the professor had called on someone at random to ask what they thought the maxim "Hard cases make bad law" meant. The student's answer was thoughtful, critical, eloquent, and extremely intimidating. After being called on at random!

Well, we decided, we losers would not go down without a fight. We formed a study

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**2** ONLINE RESOURCES FOR LAW STUDENTS



**3** FREE ONLINE LEGAL GLOSSARY



**4** WHAT'S ON THE SUPREME COURT'S DOCKET THIS FALL?

## NOT AN IMPOSTOR *[Continued from page 1]*

group, assigning one first-year subject to each person at our table. That person was expected to take impeccable notes in that class, and to create a course summary for the group.

The summaries did help, but the friendships that grew out of the study group helped more. As the semester unfolded, we reminded each other that the school had decades of experience in admissions: if we'd been offered places, it was because they believed we could handle the curriculum.

And, of course, we could. We all survived midterms, and eventually graduated. The last I heard of the guy who declared himself the dumbest person in our class was an article about him being named Diversity Chair of the mega-firm where he was a senior partner.

The truth is, 99 percent of law students experience impostor syndrome. Law school may even be the epicentre of the phenomenon. The reason? Law school tends to attract people with a knack for sounding smart. And there are even some actual smart people in law school, including, probably, you.

This clustering of people with similar strengths means exposure, on a regular basis, to people who sound alarmingly impressive.

There are two keys to handling the angst that this will make you feel. First, try what I did: be open about how lost you feel in the first term of first year. This will bring your fellow impostors out of the woodwork, so you can band together. Second, remind yourself every day that there's no inverse relationship between someone else's great ideas – or persuasive delivery – and your own. Another person's abilities have no power to diminish yours. You're not where you are by accident. You're not an impostor. You are part of a class, and you're stronger together.

Still struggling? Don't hesitate to visit your school's student assistance centre. You will be glad you did!



## ONLINE RESOURCES FOR LAW STUDENTS

### EMOND RESOURCES

[emond.ca](http://emond.ca)

[u.emond.ca/exam-prep](http://u.emond.ca/exam-prep)

[u.emond.ca/lawschoolresources](http://u.emond.ca/lawschoolresources)

Law School Manual: [u.emond.ca/LSmanual](http://u.emond.ca/LSmanual)

Bar Exam Preparation Manual:  
[u.emond.ca/BEPmanual](http://u.emond.ca/BEPmanual)

### LEGAL NEWS AND GUIDANCE

[canlawforum.com](http://canlawforum.com)

Barrister/Solicitor Licensing Process:  
[bit.ly/2FzF01s](http://bit.ly/2FzF01s)

[canadianlawyeromag.com](http://canadianlawyeromag.com)

[precedentjd.com](http://precedentjd.com)

### GOVERNMENT RESOURCES

CanLII: [canlii.org/en](http://canlii.org/en)

e-Laws: [ontario.ca/laws](http://ontario.ca/laws)

Justice Department: [justice.gc.ca/eng](http://justice.gc.ca/eng)

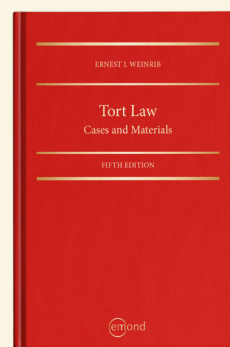
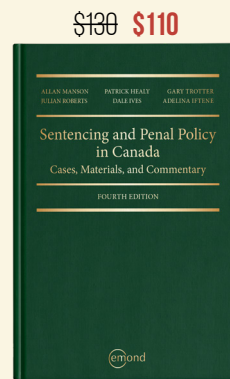
## FREE LEGAL GLOSSARY

**Discovery:** a process where parties make their witnesses available to opposing parties for the purpose of answering questions under oath about the facts alleged in their pleadings.

**Adversarial System:** a system of resolving disputes by holding a hearing in which the judge or adjudicator does not actively investigate but relies on opposing parties to present evidence and challenge each other's evidence; the adjudicator's decision is based on the evidence thus presented.

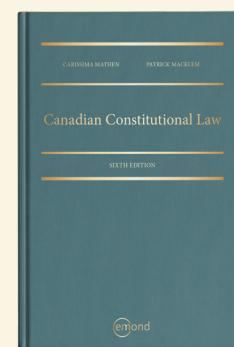
**Even-hand Principle:** principle according to which a trustee must not act in the best interests of one beneficiary to the prejudice of another beneficiary, even if that other beneficiary is unborn or unascertained.

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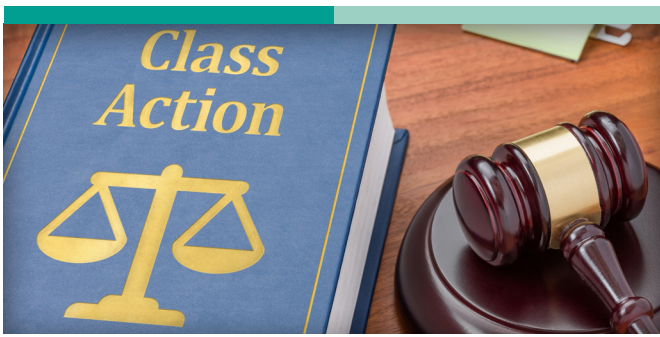
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## WHAT'S A CLASS ACTION, AND WHY ARE THEY IMPORTANT?

Even if you haven't studied them specifically, you likely have a general understanding of class actions: they're lawsuits brought by a representative plaintiff on behalf of a "class" of plaintiffs whose claims are so similar that a court deems it fair to try them all together.

Lest you believe that class actions were not a thing until mass manufacturing made it possible for one defective product to harm thousands of consumers, some legal historians trace the roots of this kind of litigation back at least 1,000 years—to, for example, uprisings by serfs and tenants against their feudal landlords. The modern common law class action, however, was born when the English courts of Law and Equity were joined in 1873, though it was called a "representative action" at the time.

In Canada, class actions are regulated at the provincial or territorial level, which means that the specific procedures for litigating them

vary across the country. A common step in the process, however, is certification: obtaining a court's approval to proceed by way of aggregate claim, instead of via individual lawsuits.

In deciding whether to certify a class action, a court will consider, among other factors, whether the plaintiffs have a valid cause of action, whether their claims raise common issues, and whether the representative is appropriate.

The court will also bear in mind that there are important advantages for both sides in combining claims in this way. From the defendants' perspective, class litigation permits an important measure of certainty about the total financial exposure that would follow a finding of liability, which is the main reason that so many class lawsuits settle before reaching trial. Class litigation also means greatly reduced legal costs for both sides—but especially for plaintiffs: instead of hiring separate counsel for each plaintiff, just one legal team will argue for all, and the costs of retaining experts will also be shared.

This sharing of legal costs allows class litigation to serve important public interests. In the Foreword to this fall's brand new third edition of *Class Actions in Canada: Cases, Notes, and Materials*, the Right Honourable Beverley McLachlin, PC, CC explains that class actions "...will increasingly be the way that Canadians access the courts to pursue civil remedies...[and] ...have become the leading edge of access to justice, and they represent an important means of ensuring public confidence in our courts." Modern class actions provide a means for redress not just in personal injury cases, but also across a wide range of subject areas including the invasion of privacy, securities regulation, environmental harm, the impacts of government action, and employment disputes. Want to know more? [There's a casebook for that!](#)

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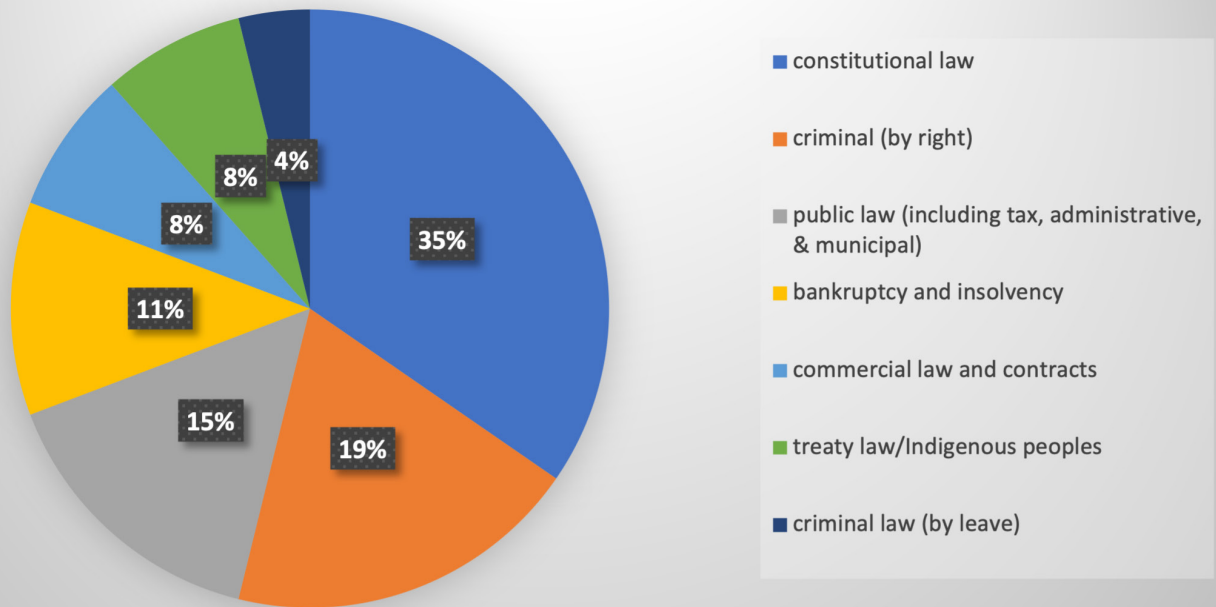
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help memorize key concepts

# WHAT'S ON THE SUPREME COURT'S DOCKET THIS FALL?

The Supreme Court of Canada is in session 3 times a year, hearing a total of 65-80 appeals per year. In the coming Fall session, the court will hear 26 appeals.

## SCC Fall 2023 docket by area of law



## WHAT ARE THE FALL 2023 CONSTITUTIONAL LAW CASES ABOUT?

There are nine constitutional law appeals coming up this fall. Five are about offences committed by members of the armed forces, and will touch on s 11(d) of the Charter, which guarantees the right to be tried by an independent and impartial tribunal.

Another case, between a school board and a teachers' federation, will deal with the right to be free from unreasonable search and seizure in the context of communications between teachers.

One appellant will ask the court to consider whether he's entitled, under s 24 of the Charter, to damages from the government as a remedy for losing his job as a result of legislation that was later declared unconstitutional.

Finally, two of the constitutional matters involve challenges by the CBC to court procedures (in one case, a sealing order; and in the other, the protection of police informants) on the basis that they constitute unacceptable limits to the "open court principle" protected by s 2(b) of the Charter.

## DID YOU KNOW?

- Most Supreme Court hearings are live-streamed: find the schedule for them at [scc-csc.ca/case-dossier/info/hear-aud-eng.aspx](https://scc-csc.ca/case-dossier/info/hear-aud-eng.aspx)
- If you missed a live stream, no worries—they're archived!
- The court prepares summaries of many decisions—see the [Cases in Brief tab](#) on the [scc-csc.ca](https://scc-csc.ca) site.
- You can generally read the factums prepared by the parties ahead of the hearings; for instance, see the [factums filed](#) for an upcoming appeal about payment of resource annuities under a treaty between the Canadian government and Indigenous nations.

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