

PARALEGAL COMPASS

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WORDS OF WISDOM

"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."

"Evaluate your talents as a self-starter and entrepreneur honestly. Every legal professional I know who is really successful, especially the paralegals, is relying significantly on their ability to learn on their feet, solve problems on the go, project confidence, and attract trust."



A TORT LAW PRIMER

A tort is a civil wrong that one party commits against another. Torts are often classified along an intent spectrum which ranges from conscious intent at one end to complete lack of intent—or moral innocence—at the other. Tort law is divided into three major categories:

Intentional torts are torts where the tortfeasor—the person who commits a civil wrong—intends the conduct that gives rise to a tort. Generally, the tortfeasor only needs to intentionally commit the physical act itself, not the wrongdoing or resulting damage. For example, the tort of trespass to land occurs if you intentionally step onto your neighbour's land without consent, even if you did not intend to trespass or cause damage. You would still be committing a trespass even if you believed the property was yours. Since you intended to step onto the land in question (and did so), you have committed the tort. Intentional torts can involve harm to people (e.g., assault, battery, and false imprisonment), physical property (e.g., trespass to chattel and conversion), reputation (e.g., defamation), and economic interests (e.g., inducing breach of contract).

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A TORT LAW PRIMER

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Negligence is an unintentional tort, generally described as carelessly causing foreseeable harm to a person to whom you owe a duty of care—the legal obligation to act reasonably to avoid harming others. For instance, if you were distracted while driving and bumped into a pedestrian, you would not have committed battery, but you may have committed negligence because drivers owe a duty to pedestrians. Subcategories within negligence include occupiers' liability, which covers the duty owed by occupiers of property, and product liability, which deals with the duty that manufacturers and others owe to users of their product.

Strict liability applies in limited circumstances even though the defendant's conduct was neither negligent nor intentional. Suppose your neighbour lawfully excavates their backyard for a pool, but a heavy rainstorm sweeps their excavated soil onto your property. Even though your neighbour acted reasonably, they may be held strictly liable for the damage to your property. A related doctrine, vicarious liability, holds one party responsible for the actions of another due to their relationship: for example, where an employer is liable for an employee's actions when carried out in the normal course of business.



ONLINE RESOURCES FOR PARALEGAL STUDENTS

PARALEGAL NEWS AND GUIDANCE

emond.ca/eep

lso.ca/becoming-licensed/paralegal-licensing-process

opaonline.ca

online-paralegal-programs.com

GOVERNMENT RESOURCES

CanLII: canlii.org

e-Laws: ontario.ca/laws

PARALEGAL FACEBOOK GROUPS

facebook.com/groups/ParalegalsConnect

facebook.com/groups/ParalegalCorner

facebook.com/OPNparalegals/

LINKEDIN GROUPS

Paralegal Student Network: goo.gl/fDROOa

Canadian Paralegal Alliance Network: goo.gl/Ke6sBj

The Paralegal Group: goo.gl/yLxTYA

FREE LEGAL GLOSSARY

Compendium: A summary of material to be referred to at a hearing, designed for easy access by a judge.

Engagement letter: A letter that confirms the terms of the paralegal–client retainer, but is not signed back by the client.

Habeas Corpus: A Latin term for the accused's right to be brought before a judge.

Leave of the court: Permission of the court, usually obtained on motion by a party, to take a procedural step.

Stay of proceedings: The temporary or permanent suspension of proceedings before a court or tribunal, by order of that court or tribunal or of a higher court.

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COURTROOM DO'S AND DON'TS

Entering a courtroom for the first time can be intimidating, so it helps to be prepared prior to addressing the court.

COURTROOM DO'S:

1. **Do check the daily hearing list first to confirm that your matter is listed.** Once confirmed, check in with the prosecutor or registrar in the courtroom.
2. **Do use the correct terms when addressing the judge in each court.** In Small Claims Court, address the judge as "Your Honour." In Provincial Offences Court, you must refer to the justice of the peace as "Your Worship." Lastly, at a tribunal, refer to the adjudicator as Mister or Madam adjudicator.

3. **Do greet the judge.** When your matter is called, stand, state your name, your certification, and whom you are representing.

COURTROOM DON'TS:

1. **Don't refer to your client using their first name.** Instead, refer to them by Mr./Ms. or their status in the case, like plaintiff/defendant, landlord/tenant, homeowner/contractor, etc.
2. **Don't arrive late.** Arrive an hour early and be ready to proceed with the hearing as scheduled. If you are late, apologise to the court and offer a brief and honest explanation.
3. **Don't speak directly to the opposing counsel while your case is being heard.** Always speak through the judge, justice of the peace, or adjudicator. Doing so shows you recognize their authority in the courtroom or hearing room.

Adapted from: Advocacy for Paralegals, 3rd edition by Ashlyn O'Mara and JoAnn Kurtz. Published by Emond Publishing. / Chapter 5: Courtroom Etiquette.

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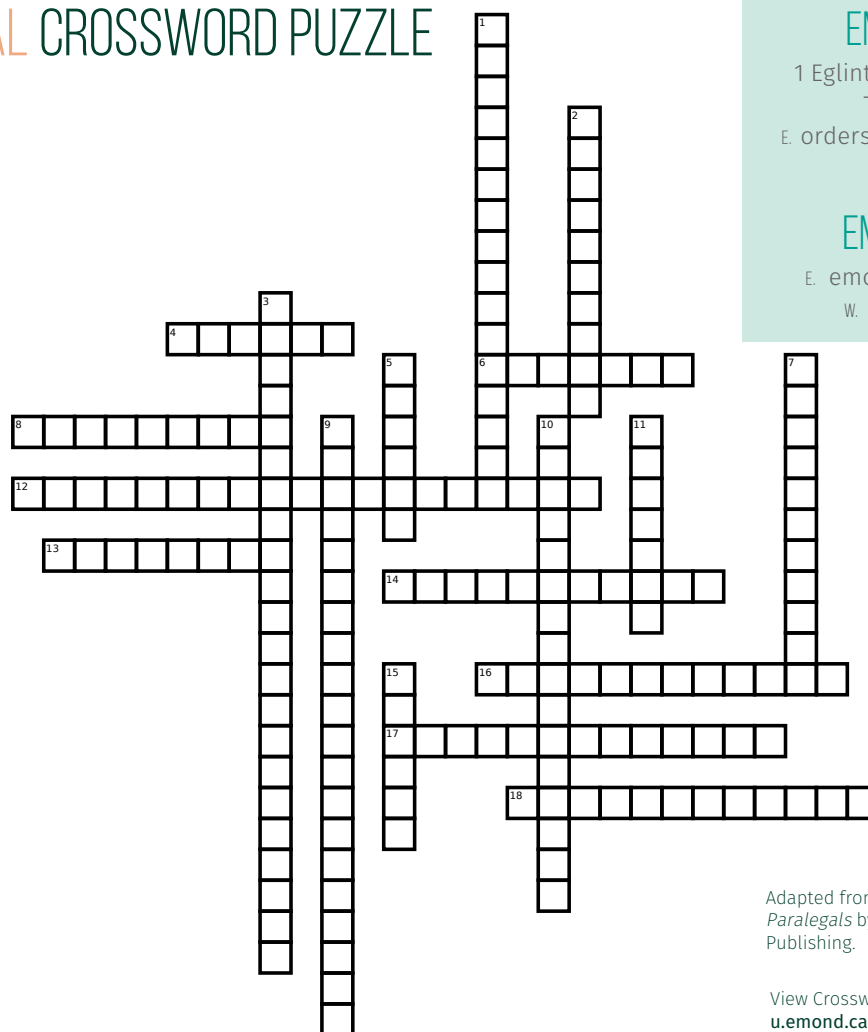
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PARALEGAL CROSSWORD PUZZLE



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Adapted from *Evidence and Litigation for Paralegals* by Marty Gobin. Published by Emond Publishing.

View Crossword Answer Key:
u.emond.ca/plcp2025

Down:

1. A statutory court whose jurisdiction is limited to the award of damages or the return of personal property, subject to a prescribed maximum value of \$50,000.
2. A type of testimony from a witness that is concerned with what the witness saw.
3. A standard of proof that is much closer to an absolute certainty than simply being more likely than not.
5. A _____ law has been declared unconstitutional, and thus of no force or effect, but still appears in statute books because Parliament has yet to repeal it.
7. The postponement of a trial or hearing date.
9. The highest court in Canada; all other Canadian courts are bound by its decisions.
10. The questions that a party asks an opposing party's witness after the examination-in-chief.
11. A document used to compel a person to attend a court or tribunal.
15. A type of offence that can be prosecuted either summarily or by way of indictment at the election of the prosecutor.

Across:

4. A method of challenging a legal decision that is created by a statute.
6. The _____ argument that a party makes to a court or tribunal as to why the facts and the law favour deciding the case in the party's favour.
8. When a party asks the court or tribunal to exclude evidence that another party is seeking to introduce.
12. Used to challenging a search warrant under section 8 of the Charter.
13. A hearing within a hearing or trial in which witnesses testify to determine the admissibility of evidence.
14. A justification for an otherwise unlawful use of force, such as where a person uses reasonable force to prevent an assault against themselves or a third party.
16. An international association of countries that are mostly former members of the British Empire.
17. The obligation of proving a legal issue.
18. The legal doctrine under which courts should follow prior decisions.