

Evidence and Litigation for Paralegals

Marty Gobin

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*This book is dedicated to Pierre Petit dit Gobin (1660–1737),
who crossed the Atlantic to become, among other things,
Seigneur of Yamaska and Deputy King's Attorney for Trois-Rivières.*

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Preface

I am a private practice lawyer who has had the privilege of delivering courses in the Legal Studies department at George Brown College for several years. Many of the bright minds who have taken the school's courses are now prosecutors, law enforcement officers, private practice paralegals, in-house paralegals, or individuals who subsequently attended law school and became lawyers. I consider myself fortunate to have participated in their professional development as persons who work with the law in one way or the other and who, together, contribute to a society that has, as one of its core values, a respect for the rule of law. Now, I consider myself fortunate once again to have been given an opportunity to write a book which will hopefully influence the learning of the many bright minds at other schools who will similarly go on to contribute to our country's legal system.

This book was written with a few principles in mind.

Firstly, where possible, books should be comprehensible as standalone works without needing to resort to other sources to understand them. While this book will likely be used primarily by students taking an evidence law course in an Ontario post-secondary school's paralegal licensing program, and those students are likely to have studied other legal subjects prior to that course, it is written with the goal that anyone who reads it can understand the material within. Thus, the book begins with an overview of principles universal to common law legal systems (such as *stare decisis*), the relationship between legislatures and the courts, and the role of the executive branch of government in the legal system. Glossary definitions are also included throughout the book for quick reference.

Secondly, the best textbooks are those that not only help a person pass their courses but act as a reference long after their studies are completed. To this end, I have attempted to include at least one statutory or case law reference for every claim made about the state of the law throughout this book. I have also included reference tables that I hope will be of use to the future legal practitioners reading it. It is my hope that reading this book will not only help students succeed in passing their courses but will act as a quick reference on evidence and litigation before statutory courts and tribunals once they start their careers.

Thirdly, while rote learning has a role in learning some things (multiplication tables, for example), it is not suited to the law. It is not enough to tell a reader *what* the law is—one can know that by simply reading the law itself. Explaining *why* the law is, and *how* the law affects litigants, stresses important legal principles in the minds of readers so that they may understand how to apply those principles strategically in litigation. For this reason, numerous practical applications of the law are illustrated throughout the book in the form of Case in Point boxes or other summaries of the law. Practical thought exercises—often inspired by real cases—are also included to allow students to test their understanding of these subjects. Where useful to do so, historical context is also provided to explain the development of the law over time and how it has arrived at its present state.

Thank you for reading, and I hope you will enjoy this first edition of *Evidence and Litigation for Paralegals*.

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*Marty Gobin
Oshawa, Ontario*

A Note to Instructors

For Instructors: A full package of supplemental teaching materials is available to instructors who have adopted this text for their course. These include a computerized test bank (available in multiple formats, including for various LMS platforms), PowerPoint presentations for each chapter, and an Instructor's Guide providing suggested answers to questions in the chapters.

For more information, visit the "For Instructors" tab on the book's website at <https://emond.ca/elp> or contact your Emond representative.

About the Author

Marty Gobin is a partner at Gobin & Leyenson LLP, a law firm in Oshawa, and a member of the City of Oshawa's property standards committee, an administrative tribunal established by provincial legislation, where he occasionally serves as chair. He is an instructor in the Legal Studies department at George Brown College's Centre for Continuous Learning.

Gobin's work has appeared in the *Windsor Star*, the *Winnipeg Free Press*, *Buffalo News*, the *Ottawa Citizen*, *Canadian Lawyer Magazine*, *Law360* (formerly *The Lawyer's Daily*), the *Toronto Sun*, the *Winnipeg Sun*, and the *Cape Breton Post*. He was also a 2021 Fellow of the Young Leaders of the Americas Initiative, the United States Department of State's flagship program for emerging entrepreneurs and business leaders. He is a recipient of the King Charles III Coronation Medal.

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