

PARALEGALCOMPASS

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WORDS OF WISDOM

Start by taking a deep breath. You are embarking on a challenging but rewarding year. At times, you will feel overwhelmed and wonder how you are going to get through it all—but you will. The teachers are very knowledgeable and seeking other students' input is a key part of learning. There will be times when discussions evolve into debates, but that is when you grow and develop into your future role as a paralegal. Get involved and soak it all in!

A week or so before your exams, rewrite your notes. This will refresh and reinforce the information in your memory.

Select one item from your list and focus until you complete it, even if you have to break one large item down into smaller, more achievable steps. Seeing progress will motivate you to continue being productive.



IMPROVING ACCESS TO JUSTICE THROUGH LEGAL AID

Legal Aid Ontario is a government-funded program designed to give financial support to low-income individuals who need to obtain legal representation. Legal aid improves access to justice by ensuring the right to counsel in serious legal matters, thereby enhancing the right to a fair trial.

However, there is a major flaw in this program: the legal aid criteria are highly unrealistic and neglect the middle class. For example, an individual applying for legal aid cannot exceed an annual income of \$18,795. This is equivalent to the salary of a part-time worker being paid minimum wage and working less than 40 hours a week. The population in Ontario is roughly 15 million and 50 percent are middle-class and surpass Legal Aid Ontario's maximum income threshold. This leaves half of the population struggling to fund their legal proceedings or forces them to represent themselves. In 2021, 68.9 percent of self-represented litigants had initially retained a lawyer but could not keep up with the costs. Although not envisioned to serve the middle class, the steep cost of legal services and lack of financial support has left Ontario's middle class with no alternative but to be self-represented. Paralegals in Ontario could help improve current access to justice issues by implementing one or more of the proposed solutions:

1. The Law Society of Ontario (LSO) could implement a credit toward annual law society fees depending on each licensee's number of pro bono cases. Applications would include the area of law to which the case pertains, a summary of the case,

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IMPROVING ACCESS TO JUSTICE THROUGH LEGAL AID

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and any other relevant information. By doing this, an estimate of each case's time, costs, and severity can be assessed and summarized. This method will help licensees choose which cases they wish to take on and incentivise licensees to take on more pro bono cases for individuals who cannot qualify for legal aid.

2. Introduce a low-cost guidance program to help self-represented litigants navigate our legal system more efficiently and with better odds. In this program, paralegals could offer limited services such as reviewing forms and court applications, structuring the client's argument, and overseeing the file and providing legal advice on the matter. This would reduce the complex issues caused by unqualified self-represented litigants.

3. The LSO could broaden the scope of practice for paralegals at a limited capacity. A paralegal would complete all the work on the file, bear all liability, and control legal fees. However, a lawyer would still oversee the file and sign off on all completed work. Each practitioner would be compensated for their time spent on the file, but the client would be charged at a lower rate since the paralegal would control the transaction.

4. The LSO could broaden the scope of practice for paralegals without any requirement of approval from a lawyer. Paralegals' training and background are very comprehensive. Their courses focus on multiple practice areas and teach skills like writing, advocacy, practice management, and paralegal conduct rules. In addition, paralegal students complete lengthy co-op placements before sitting the intensive and challenging P1 licensing exam. The rigorous training processes for paralegals support the argument that they are qualified enough to undertake a broader range of legal services.

Changing how we prioritize legal aid needs based on society's growing needs is extremely important. In a program essential to our judicare system, the federal and provincial governments and the legal community must constantly upgrade and make the necessary changes to ensure equal access to justice for all.

Excerpted with edits from: *Journal of Paralegal Access to Justice*, 2022 Edition, Published by Emond Publishing



ONLINE RESOURCES FOR PARALEGAL STUDENTS

PARALEGAL NEWS AND GUIDANCE

emond.ca/eeep

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

Absolute Discharge: When the accused is found guilty of an offence but is discharged without a probation order or conditions, and no conviction results.

Hearsay: Things that you have heard from another person but do not (definitely) know to be true

Ex Parte Motion: A motion made without notice to other parties.

Mens Rea Offence: An offence for which the prosecution must prove that the defendant committed the illegal act and had a guilty mind (i.e., the knowledge, intent, or willingness to commit the act).

ACCESS THE FREE GLOSSARY:

EMOND.CA/RESOURCES/GLOSSARY-OF-LEGAL-TERMS



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WHAT TO BRING TO AN INTERVIEW

Whether the interview is in person, by phone, or virtual, it is important to have the same key items with you in your portfolio or your briefcase for an in-person interview or on your desk for a phone or virtual interview.

✓ **Job Posting:** Highlight the skills and job requirements so you can easily glance at the posting to refresh your memory and refer to the job requirements.

✓ **Resume and Cover Letter:** Bring copies for each interviewer in the event they do not have them available. This simple act demonstrates your preparation skills and consideration for others. Highlight key items to refresh or jog your memory during the interview.

✓ **Portfolio:** Bring a minimum of two copies, one to leave at the end of the interview.

✓ **Notepad and Pens or Pencils:** Take notes during and after the interview. Jot down multi-part questions, the spelling of names, any questions you struggled with, feedback from interviews, and answers to your questions.

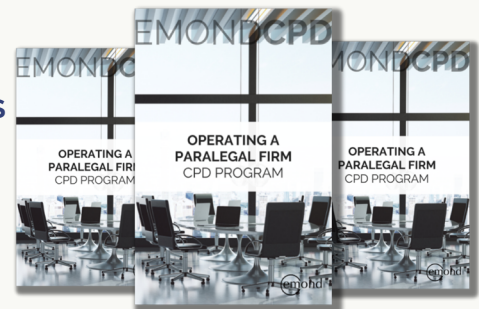
✓ **End-Of-Interview Questions:** Do research on the company and prepare a list of questions. Speaking to something you've researched demonstrates interest in the position. Be sure to check off any that have been addressed during the interview.

Adapted from *The Legal Professional Career Guide*, Published by Emond Publishing

NOW AVAILABLE

OPERATING A PARALEGAL FIRM—CPD ACCREDITED VIDEO SERIES

This three-module CPD series on opening, marketing, and maintaining a paralegal business is now available for online video rental. Drawing on her 20 years of experience in the paralegal profession, Olga Leyenson offers practical guidance on what it takes to run your own practice, from creating a sound financial plan and effective marketing strategies to setting fees and attracting new clients.



EMOND EXAM PREP



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LSO LICENSING EXAM PREPARATION

REVIEW COURSES, PRACTICE EXAMS, AND ADVICE: U.EMOND.CA/EXAM-PREP

To prepare for the LSO Licensing Exam, you must study approximately 1,000 pages of material and answer challenging and substantive ethical questions. With Emond Exam Prep's [practice exams](#), [flashcards](#), and [preparation courses](#), you can learn strategies, tips, and exam requirements that will help you succeed.

120-question practice exams
with performance analytics
and detailed explanations

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courses** with substantive lectures
on paralegal competencies

Digital flashcards
that cover all subject areas to help
memorize key concepts

QUICK REFERENCE: CRIMINAL VS CIVIL LITIGATION PROCESSES

CRIMINAL

Process commenced by an information.

Full disclosure of the Crown's evidence against the accused person to the defence.

Selection of mode of trial. (For most serious offences, the accused can choose trial by judge alone or trial by judge and jury.)

Crown presents evidence first, usually by having its witnesses testify. The Crown's questioning of its witnesses is known as direct examination or examination-in-chief. The defence then has an opportunity to "cross-examine" the witnesses.

Evidentiary issues that arise before or during the trial are dealt with in pre-trial motions or in *voir dire*.

The Crown continues to present all of its evidence then closes its case.

If the defence believes that the Crown has not met its burden of proof (proof beyond a reasonable doubt), the defence may ask the judge for a directed verdict of acquittal. If the application is successful, the accused will be formally acquitted of the charges.

If there is no motion or such a motion is unsuccessful, the defence counsel then calls its first witness and so on until the defence has presented all of its evidence.

Once the Crown and the defence have presented their evidence, the Crown may call reply or rebuttal evidence.

Both the Crown and the defence now have a chance to argue their case or to state to the trier of fact why it should "find" in their favour. At this stage, counsel argue that the evidence supports their desired outcome. This stage of the proceedings is called submissions.

The trier of fact then considers the evidence and submissions and renders a verdict—guilty or not guilty. If the accused is found not guilty, the judge discharges the accused, who is then free to go on with their life. If the accused is found guilty, the judge initiates the sentencing process.

CIVIL

Process commenced by a specified court document, often a writ or statement of claim.

Each side has full opportunity to discover the evidence that the other side has at its disposal.

Selection of mode of trial. (In the superior civil court in the provinces, either party usually can choose trial by judge or trial by judge and jury.)

Plaintiff presents evidence first, usually by having its witnesses testify. The plaintiff's questioning of its witnesses is known as direct examination or as examination-in-chief. The defence then has an opportunity to "cross-examine" the witnesses.

Evidentiary issues that arise before the trial are dealt with in pre-trial motions, but evidentiary issues that arise during the trial are dealt with as they arise.

The plaintiff continues to present all of its evidence then closes its case.

If the defence believes that the plaintiff has not met its burden of proof (proof on the balance of probabilities), the defence may bring a motion for non-suit, arguing that there is nothing to answer or defend against. If the motion is successful, the case will be dismissed.

If there is no motion or such a motion is unsuccessful, the defence calls its first witness and so on until it has presented all of its evidence.

Once the plaintiff and the defendant have presented their evidence, the plaintiff may call reply or rebuttal evidence.

Both the plaintiff and the defendant now have a chance to argue their case to the trier of fact, showing why it should "find" in their favour. At this stage, counsel argue that the evidence supports their desired outcome. This stage of the proceedings is called submissions.

The trier of fact then considers the evidence and submissions and makes a determination of liability—that is, has the defendant caused a wrong to the plaintiff that has resulted in their suffering damages? If the defendant is found liable, the trier of fact awards compensation to the plaintiff in a set amount of dollars.

Adapted from: *The Rules of Evidence*, 3rd Edition, Published by Emond Publishing

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