

Civil Law LAWYER'S GUIDE

The purpose of this workshop is to give ESL students a general introduction to the basics of immigration law and provide them with a positive first interaction with professionals from the justice sector.

Please use the materials below to structure your presentation. In addition to varying language levels, students will also have had a variety of prior experiences both good and bad with the justice system.

Part of your role is to help them become more familiar with the justice system in Canada and to encourage them to think about their rights and responsibilities as they participate in this system.

- Remember to *simplify your language* and *try to avoid using overly technical language* so that students can follow your presentation and do not become overwhelmed with information.
- Speak slowly and clearly and try to use examples and visuals to explain the material (students enjoy hearing first hand experiences which help to explain complex ideas).
- Ask students for their opinions and insights and leave enough time for questions.
- Keep in mind that some students may be intimidated by having a member of the justice sector visit, so try to keep the tone informal and friendly.

For any questions/concerns about the workshop contact: OJEN Program Manager, Julie Kon Kam King, at 416-947-5237, jking@ojen.ca

For more background on OJEN and its programs visit www.ojen.ca



Workshop Outline

Below is the workshop outline to be used during your presentation. You can adapt the length and number of topics covered depending on the level and interests of the students. Before getting into the substance of the workshop, take the time to introduce yourself to the students.

1. Introduction

- Begin by asking students to give examples of when individuals may come into contact with the law in their everyday lives.
- Map out an average student's day on the board, and mark possible encounters the student may have with the law on any given day.
- You can use photos to get the discussion started if needed and ask students to identify how the law might impact on the scenario being displayed in a photo.

2. Learning more about Civil Law

- Briefly explain the difference between Civil and Criminal law by using the chart enclosed.
- Get students to respond to the "What Kind of Law Quiz" by raising their hands. Discuss the answers.
- Have students divide into small groups and come up with answers to a few of the attached scenarios. Review the answers in a class discussion, providing further explanation on the following issues as time permits:
 - negligence
 - trespass
 - nuisance
 - defamation
 - contracts
 - consumer issues
 - employment issues
 - family law issues

2. Getting Help

- Describe the role of lawyers, community legal clinics, and settlement organizations in assisting youth and their families with legal issues. Give students the handout on where to go for help.



Workshop Resources

Below you will find a few resources to assist with your presentation including:

- Easy definitions of civil law terms which have been pre-taught by the teacher
- Plain language scenarios for discussing civil law issues that are relevant to immigrant youth
- An “What Kind of Law Quiz”
- A handout outlining contact information for local legal resources for students and their families

What is a Civil Law case?

- Civil cases take place when a person *sues* another person or company and brings them to court to fix a problem, end a disagreement, or to get money for harm that has been caused.
- Cases that are not criminal cases are civil cases.
- A civil trial has two sides – a *plaintiff* who is suing, and a *defendant* who is being sued.
- A judge listens to both sides’ arguments and then decides whether or not the courts can give a solution to the problem.
- A plaintiff must prove that his/her version of the story is the right one “*on a balance of probabilities*” to get a judgment in his/her favour.
- A judge in a civil case will sometimes make the defendant pay money to the plaintiff, or stop doing something, or make a public apology.

Key Civil Law Terms

Plaintiff – the person who sues someone else to fix a problem or end a disagreement.

Defendant – the person who is being sued.

Witness – a person who is asked to come to court to tell the truth about what they saw or know happened.

Evidence – information or objects each side in a court case uses to prove their case.

Judge – someone who has a legal background and is chosen by the government to listen to evidence in court and make decisions about who has

the more believable story about what happened. Judges have to explain to the court what they have decided and write decisions after listening to all the evidence. Judges must be fair and not take sides. If there is a jury, the judge will help the jury to understand their role by giving them instructions.

***"Balance of Probabilities"** – when it is more believable that one version of events happened than the other.*

***Negligence** - doing something you are responsible for without care and not properly.*

***Nuisance** – creating a disturbance to others.*

***Trespassing** – going onto someone's private property without their permission.*

***Defamation** – making false statements about someone in public, which are damaging to his/her image.*

***Contract** - an agreement between two or more people (sometimes this involves money, an exchange of things, or a service).*

***Breach of Contract**- breaking a contract and not doing what was agreed to.*

***Consumer** – someone who buys something which another is selling.*

***Separation** – when a married couple is living apart but have not yet filed divorce papers.*

***Divorce** – when a married couple has filed divorce papers and decided to legally end their marriage.*

***Custody** – when a court decides which parent a child will live with.*

***Liable** – when someone is found by the court to be responsible for causing an event or thing to happen.*

***Benefit**- receiving something good or an advantage from a situation.*

***Harm**- hurting another person in some way.*

***Damages**- the amount a court makes one side pay to the other to make up for harm caused.*

What Kind of Law Quiz

Criminal or Civil?

- A man runs a red light in his car
- A woman breaks into a house and steals a stereo
- Two parents separate and each wants to have the children live with them
- A woman's landlord won't fix the leaky roof in her apartment and her clothes all get wet and ruined
- A man hits his wife
- Two girls smoke drugs in the school yard
- A man buys a chocolate bar and breaks a tooth on a piece of plastic when he bites into it
- Two women jump a fence and explore a vacant lot
- A man hired a carpenter to build a wall and paid him in advance to buy materials but the carpenter never showed up and didn't do any work
- A woman was injured in a supermarket when the cans on the top two shelves fell on her



Discussion Scenarios

Argen and three friends were out on a Friday night, skateboarding around. They explored a deserted parking lot with an old warehouse attached. While they are walking inside the warehouse a few of the floorboards collapsed and some things fell from the ceiling. What could happen?

Ari has just started a new job. When she agreed to accept the job she signed a contract which said that she would work 20 hours a week and be paid \$12 an hour. In her first week she worked 40 hours and she did not get paid for the extra hours of work. What could happen?

Toby bought a plane ticket on Aerozoom Airlines. He travelled to Vancouver. The airline went under when he was in Vancouver and he was stranded there and had to buy a new ticket on Air Canada. What could happen?

Ben was a new and upcoming singer. A daily paper published an article that claimed he had punched a photographer in the face outside of a bar. The paper also claimed that he had stolen his latest song from another artist. Both of these statements were not true. What could happen?

On her way into a hospital Carly slipped on a wet floor and sprained her wrist. There were no signs telling her that the floor was wet. She had to take three weeks off of work because she works as a waitress. What could happen?

Aisha was painting on a new ladder she had bought a few days before. The bottom of the ladder snapped and she tumbled to the ground breaking her ankle. What could happen?

Bob hired a student to mow his lawn while he was on vacation. He paid in advance for the three weeks he would be away. When he got home his lawn had not been mowed at all. What could happen?

Eric and Liz were married for three years and they have a one-year-old daughter. Liz works as an accountant. Eric works as a bank teller. They both want custody of their child and they both want to keep the house. What could happen?

Tim runs an automotive shop part time out of his garage. Amara has a private psychology practice in her home. The noise from Tim's auto shop makes it difficult for her to run her home office because it is so loud. What could happen?



Where can you go for help?

LOCAL LEGAL CLINICS

Insert community specific resources

SETTLEMENT ORGANIZATIONS

Insert community specific resources

ONLINE RESOURCES

Settlement.org

Select *Legal Services*

<http://www.settlement.org/site/LS/lawyers.asp>

Cleonet

www.cleonet.ca

Ontario Ministry of Labour

Protecting Your Future – Information for Young Workers

www.labour.gov.on.ca/english/site/youngworkers.html



Lawyer Evaluation Form

Lawyer:

School:

Date:

Workshop subject area:

What did you most enjoy about this workshop?

What did you find most challenging about this workshop?

Were the resources provided for this workshop useful?

Do you have any suggestions for activities to be included in upcoming workshops?

Were the students able to understand the subject matter?

Was the workshop too short or too long?

Was there an opportunity for the students to ask questions and participate?

Did students participate and ask questions?

What areas of the law were students most interested in?

Would you be interested in being involved in other workshops?

What areas of the law would you be interested in presenting on?

Would you be interested in working with OJEN to develop more resources?

Any other comments/suggestions?

Thank you again for your participation in this pilot project. OJEN hopes to expand this project in the upcoming months to more schools across Ontario.