

LEGAL PRACTICE

CATALOGUE

2019-2020

The logo features a light teal horizontal bar with a circular shape in the center. The word "emond" is written in a dark teal serif font, with the letter "e" enclosed within the circular shape.

emond



The Emond name has been synonymous with legal learning for 40 years, and our publications form the foundation of law school, paralegal, and law clerk curriculums across Canada. Our customers have told us that our texts have served them well beyond their academic career, and have been important resources to them in their law practice. Of course, not all of our titles fall into this category, and that is why this catalogue is unique. I have hand-selected every title to ensure that only the resources well suited to practising professionals are included.

Several years ago, Emond began publishing practical, accessible, and affordable legal guides designed specifically for the busy practitioner. A selection of titles from our Criminal Law Series and Employment Law Series are included in this catalogue, as well as resources for immigration and refugee law, personal injury, accident benefits, administrative law, mediation, and debtor-creditor law. Please stay tuned for new practice publications from us in the months to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Emond". The signature is fluid and cursive, with a large, stylized "P" and "E".

Paul Emond
President
Emond Publishing

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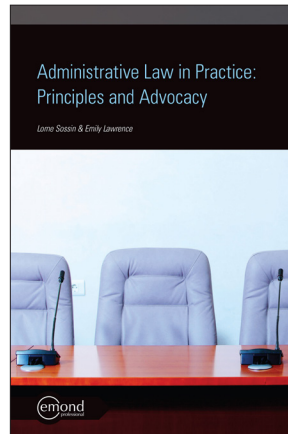
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**ADMINISTRATIVE LAW IN PRACTICE: PRINCIPLES AND ADVOCACY**

Lorne Sossin
Emily Lawrence

Administrative Law in Practice: Principles and Advocacy is a practice-oriented primer for lawyers and other legal professionals.

Authors Lorne Sossin and Emily Lawrence combine a thorough review of case law, historical development, and policy rationales with practical guidance for successfully advocating in a variety of administrative law forums. This blended approach ensures readers have a comprehensive understanding of important topics like constitutional considerations, procedural fairness, discretionary powers, standards of review, and public and private law remedies against governmental action.

Whether you are newly called, new to this area of practice, or looking for a go-to resource to incorporate into your work, this text will deepen and enrich your knowledge of administrative law.

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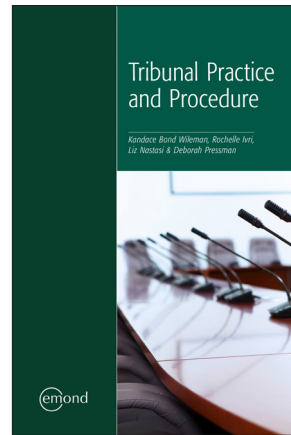
Written for lawyers, paralegals, and other legal professionals

FEATURES

- Examples of how administrative law principles influence the practice of government decision-making and tribunals
- Discussion and analysis of recent case law, including:
 - *Edmonton (City) v Edmonton East (Capilano) Shopping Centres Ltd*, 2016 SCC 47
 - *Ernst v Alberta Energy Regulator*, 2017 SCC 1
 - *Chippewas of the Thames First Nation v Enbridge Pipelines Inc*, 2017 SCC 41
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- New material integrating Indigenous rights and Aboriginal law as part of the principles of administrative law
- Practical advice on representing clients before government agencies and administrative tribunals
- Guidance on how to develop a case for judicial review
- Comprehensive discussion on pre-hearing and hearing procedures

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law clerks, and other
legal professionals*



TRIBUNAL PRACTICE AND PROCEDURE

*Kandace Bond Wileman
Rochelle Ivri
Liz Nastasi
Deborah Pressman*

Tribunal Practice and Procedure is a comprehensive, practice-oriented handbook designed to help readers navigate the world of tribunals. The history, scope, processes, remedies, and key cases of various tribunals are explored in-depth to highlight the differences between them and clarify the purpose they serve. In addition, this text offers practical advice that readers can take into their future experiences in front of a tribunal.

To demonstrate how different types of tribunals operate, this text includes scenarios that allow readers to practise and reinforce the concepts and skills they have learned. With this extremely well-rounded understanding of tribunals, readers will be prepared to effectively participate in hearings and other proceedings.

FEATURES

- Numerous sample forms
- Key cases and scenarios that cover numerous tribunals
- Guidance on initializing proceedings and the hearing process

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- Chapter 12: ADR Duties as Required by the Paralegal Rules of Conduct

**ADR FOR LEGAL PROFESSIONALS**

Jennifer Zubick
Samantha Callow

Unlike other conflict resolution texts, *ADR for Legal Professionals* recognizes and addresses the specific needs of paralegals involved in alternative dispute resolution. Following LSO guidelines, the text explores key issues such as ethics, access to justice, licensing of paralegals, and the increased role of paralegals.

With information and tips designed for paralegals, readers will become better equipped to effectively advocate on behalf of clients. They will also learn fundamental tactics and develop essential communication skills that will prepare them for mediation, negotiation, and arbitration.

This text also includes practical resources such as checklists, practice tips, and industry-specific examples to further enforce key concepts and strategies. This collection of specialized materials is a must-have for any paralegal practising conflict resolution.

Written for paralegals, law clerks, and other legal professionals

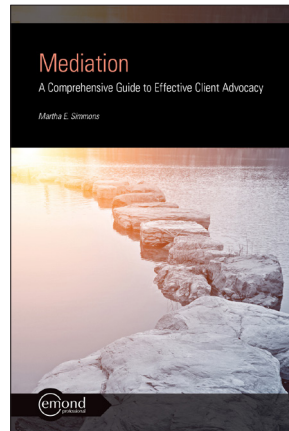
FEATURES

- Numerous practice tips
- Sample agreements, checklists, figures, and tables
- Designed to meet the needs of the LSO's paralegal competencies
- Addresses *Paralegal Rules of Conduct*
- Margin glossary of key terms

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Written for litigators and
mediators



MEDIATION: A COMPREHENSIVE GUIDE TO EFFECTIVE CLIENT ADVOCACY

Martha E. Simmons

Mediation: A Comprehensive Guide to Effective Client Advocacy is an essential reference tool that provides litigators and other legal professionals with the practical mediation strategies that will help them best serve their clients in out-of-court dispute resolutions.

This detailed resource offers step-by-step guidance in navigating the mediation process, including case and client assessment, how to choose an effective mediator, mediation preparation, ethical considerations, how to overcome barriers to settlement, and when to end mediation.

The text draws on expert knowledge and extensive experience from renowned litigators, academics, and mediators from across Canada to deliver the ultimate practical guide for mediation advocates.

“Mediation: A Comprehensive Guide to Effective Client Advocacy is a ‘must read’ for lawyers who are, or plan to be, advocates for their clients in mediation...After reading this book, lawyers will be well aware of the advantages and the risks of mediation and how to engage in the process strategically. They will know how to select a mediator, and they will appreciate the importance of adjusting their negotiation approach to the situation at hand. If an impasse occurs, they will be able to reach into their toolbox and explore ways to move beyond the hurdle.”

— Leslie H. Macleod, Co-Director, LLM in Dispute Resolution,
Osgoode Professional Development, Toronto, Ontario

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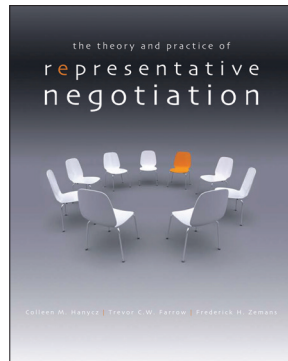
- Useful field notes, checklists, flowcharts, tables, and model documents to facilitate effective client representation
- Essential mediation tactics for legal professionals, specifically new litigators
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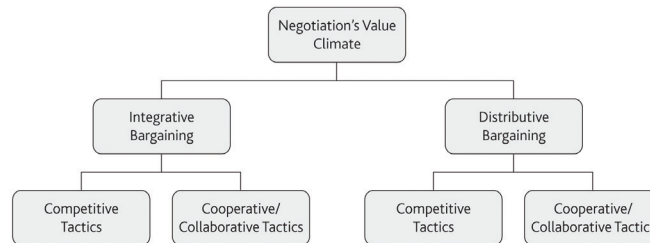
**THE THEORY AND PRACTICE OF REPRESENTATIVE NEGOTIATION**

*Colleen M. Hanyecz,
Trevor Farrow,
Frederick Zemans*

The Theory and Practice of Representative Negotiation blends the key ingredients of a theoretical framework with a practical focus. With a respected lineup of contributors and a Canadian focus, this book will be of interest to the legal community as a whole, and to anyone working in a field where strong representative skills are essential. Paying particular attention to ethics and professional responsibility, the authors allow readers to consider the inherent risks and potential gains associated with various approaches to strategic negotiations.

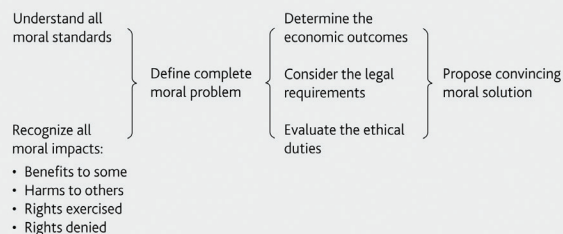
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Figure 3.1 The Value Climate of a Negotiation



Chapter 5 Representative Negotiators of Integrity 109

Figure 5.4 Analytical Process for the Resolution of Moral Problems



Source: L.T. Homer, *The Ethics of Management*, 4th ed. (New York: McGraw-Hill/Irwin, 2003).

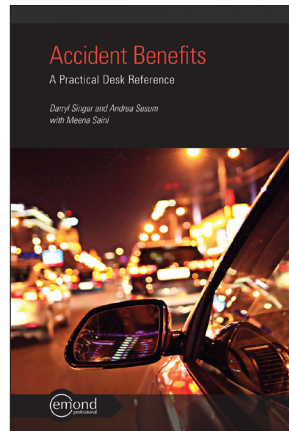
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- Additional chapter contributions from:
 - Michael Coyle
 - Paul Emond
 - Delee Fromm
 - Michelle LeBaron
 - Andrew Pirie

*Written for personal
injury lawyers*

FEATURES

- Procedural and tactical focus, including practice tips for plaintiff, defence, law clerks, paralegals, and insurance adjusters
- Analyzes the different types of compensation provided to injured parties after motor vehicle accidents:
 - Income replacement, non-earner benefits, caregiver benefits
 - Medical benefits, rehabilitation benefits, attendant care benefits, disability benefits
 - Housekeeping benefits, home maintenance benefits
 - Optional benefits, dependent care benefits, indexation benefits
 - Other expenses related to the injuries sustained in a car accident
- OCF forms and application documents
- Model letters, helpful tables, and precedents
- Rules of professional conduct for paralegals are dispersed throughout the text



ACCIDENT BENEFITS: A PRACTICAL DESK REFERENCE

*Darryl Singer
Andrea Sesum
Meena Saini*

Accident Benefits: A Practical Desk Reference is an easy-to-use reference tool designed to help lawyers, paralegals, law clerks, and insurance adjusters properly file, negotiate, and complete accident benefits claims.

This indispensable resource analyzes the many forms of compensation available to injured parties after motor vehicle accidents, and includes insightful practice tips for all parties involved in a claim. It contains OCF forms, application documents, model letters, and precedents.

The author team has drawn on their extensive knowledge and experience to create a comprehensive guide for all stakeholders in an accident benefits claim.

"I recently purchased Accident Benefits and as a newly called lawyer, I find this book fantastic. I have been looking for such a text for a long time. It's an excellent reference for lawyers."

—Kristofer B. Angle, D'Angela Fox Vanounou LLP

"As a busy practitioner in accident benefits, navigating the complexities of the SABS legislation can be daunting, especially if you have limited knowledge of the system. Accident Benefits: A Practical Desk Reference has filled a void in the legal field and has made it easier for me to find answers to specific questions, provided me with great practice tips and has helped me improve my understanding of the regulations. I would recommend that anyone who is considering representing SABS claims purchase this book to help guide them towards the best resolution for their clients."

—Crystal Krandel, Grillo Barristers Personal Injury Lawyers

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Chapter 21: Case Management

Chapter 22: Mandatory Mediation

Chapter 23: Simplified Procedure: Rule 76

Chapter 24: The Commercial List

**CIVIL LITIGATION,
3RD EDITION**Laurence M. Olivo
Mary Ann Kelly

Civil Litigation, 3rd Edition is an invaluable resource for legal professionals seeking to strengthen their working knowledge of civil court procedures. This text provides a comprehensive overview of all stages of commencing a civil proceeding, from client intake and trial preparation to appeals and settlement. It encompasses the significant changes made to the *Rules of Civil Procedure* that affect the way a civil court action is conducted, including the expanded use of pretrials, restrictions on the use of expert reports, and emphasis on conferencing and timetabling.

This edition features expanded discussion and consideration of the proportionality rule that governs proceedings generally, and discovery in particular, largely driven by the technological changes that have impacted how information is managed.

PHASE I. ISSUE IDENTIFICATION AND SCOPE OF DISCOVERY**1. Identify the issues in the litigation.**

- The parties should begin by identifying each cause of action and each defence raised in the action and the heads of damages. (The objective of the discovery plan is to assist parties in identifying and focusing on the important issues in the litigation in order to promote fair, expeditious, and efficient results.)
- It will be helpful for the parties to prepare, exchange and attempt to agree on outlines of the causes of action, defences and heads of damages in advance of the discovery plan negotiations.

2. Identify the applicable legal tests.

- For each cause of action, each defence and each head of damages, identify the specific legal test to be met or responded to (in order to articulate reasons why particular evidence may be relevant).
- Again, this is best accomplished by agreement in advance of the discovery plan negotiations.

3. Consider, for each legal issue, the type of evidence required by each party.

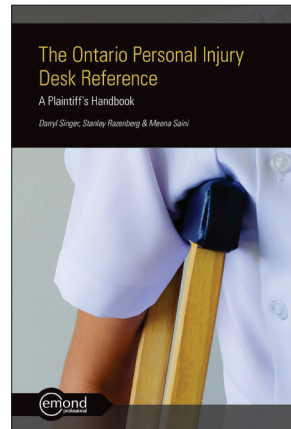
- For each cause of action, each defence and each head of damages, identify the type of evidence required to prove or defend that element of the case (e.g., testimony, documents, other evidence), as part of the analysis as to the nature and scope of potentially relevant records.

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- Updated sample litigation forms, checklists, and other precedents
- Reference to updated policy directives and other indispensable online resources
- A comprehensive overview of Rule 76: Simplified Procedure, Rule 77: Case Management, Rule 24.1: Mandatory Mediation, and proceedings on the Commercial List

Written for personal
injury lawyers



THE ONTARIO PERSONAL INJURY DESK REFERENCE: A PLAINTIFF'S HANDBOOK

*Darryl Singer
Stanley Razenberg
Meena Saini*

An essential handbook for anyone practicing in the field of personal injury and insurance law, *The Ontario Personal Injury Desk Reference* is the only book of its kind to offer a straightforward, plaintiff-focused, practice-oriented approach to these types of claims.

Chapters are subdivided into easily searchable and digestible sections, each containing important legal and procedural considerations. This information is supplemented with practical tips based on the knowledge and experience of the author team. This strategic advice will help readers apply abstract concepts to various aspects of practice, including advocacy, client management, practice management, and professional responsibility.

This guide is sure to benefit all plaintiff-side practitioners and their staff by offering practical and procedural content on a wide range of personal injury claims.

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- Foreword by The Honourable Mark L. Edwards
- Practice tips on the real-life application of the law and procedure
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- Chapter 9: Assessment Hearings, Trials, and Motions After Trial
- Chapter 10: Enforcing Small Claims Court Judgments



SMALL CLAIMS COURT: PROCEDURE AND PRACTICE, 4TH EDITION

S. Patricia Knight

Small Claims Court: Procedure and Practice, 4th Edition provides a structured, step-by-step guide to trial preparation and trial presentation in Small Claims Court.

Each chapter covers a stage of a proceeding in Small Claims Court, from initial client consultations to enforcement of judgment. All procedural descriptions closely adhere to the actual language of the Rules and make reference to the *Courts of Justice Act*, any applicable regulations, and relevant case law. Flow charts and other visual elements are also included to demonstrate different procedures, including how to obtain default judgment in liquidated and unliquidated claims.

This book will help any legal professional looking for guidance on how to read and apply the *Rules of the Small Claims Court*.

Written for paralegals, law clerks, and other legal professionals

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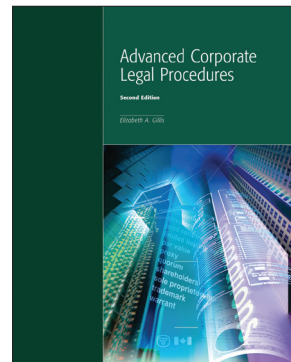
- Examples of correspondence, checklists, quantifying damages, calculation of pre- and post-judgment interest, determining a representation fee, and quantifying reasonable disbursements
- Library of precedent forms for use at every stage of an action, from pleadings to enforcement of a judgment
- Includes documents that demonstrate what documentary disclosure actually looks like
- Includes flow charts to provide the reader with a “snapshot” of the steps to be followed in certain procedures
- Reflects May 2016 changes to the rules regarding electronic filing, and November 2016 changes to Small Claims Court fees
- Incorporates the O Reg 44/14 amendments, including Rule 12.02(3), which empowers Small Claims Court judges, on their own initiative, to strike out or amend a document
- Revisions to material regarding Rule 8 (service of documents)

TABLE 2.1 Criteria for Client Identification and Verification

	CLIENT	
	Individual	Organization*
Exempt funds: ss. 22(1)(a), 22(3), 23(1)	<ul style="list-style-type: none"> • Full name • Business address and phone number, if applicable • Home address and phone number • Occupation(s)—does not have to be employment <p><i>If the client refuses to provide this information, you must inform the client that you will be in breach of By-law 7.1 if you do not obtain this information, and will be obliged to decline the retainer.</i></p>	<ul style="list-style-type: none"> • Full name • Business address and phone number • Incorporation or business identification number (and its place of issue), if applicable • General nature of the business or organization engaged in by the client (not apply financial institution, a public body, public company) • Name, position, and contact information of the person(s) authorized to provide instructions in the matter
Non-exempt funds: ss. 22(1)(b)(i), 23(2)	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Name and occupation(s) of each organization or shares of thereof • Name, address, and occupation(s) of person who owns 25% or more of organization or shares of thereof <p><i>You must make reasonable efforts to do above information. Asking your client sufficient, or you may consult the corporate minute books if they are available, or a corporate registry service.</i></p>
Note	<ul style="list-style-type: none"> • If the client (whether an individual or an organization) is acting for or representing another person, you must obtain the same identification information for that person as for you 	

	CLIENT	
	Individual	Organization*
Non-exempt funds: ss. 22(1)(b)(ii), 23(4)	<ul style="list-style-type: none"> • Verification must take place immediately after you first engage in or give instructions for the receiving, paying, or transferring of funds (s. 23(5)). 	<ul style="list-style-type: none"> • Verification must take place by not later than 60 days after you first engage in or give instructions for the receiving, paying, or transferring of funds (s. 23(6)).
Note	<ul style="list-style-type: none"> • You shall take reasonable steps to verify the identity of the client using what the licensee reasonably considers to be reliable, independent source documents (see examples below), data, or information. • You shall take reasonable steps to comply with the verification requirement as early as possible in the retainer. • If the client (whether an individual or an organization) is acting for or representing another person, you shall take the same steps to verify the identity of that person that you take to verify the identity of your client. • You shall complete and sign a verification of identity form for each individual, organization, third-party beneficiary, or principal, with photocopies of the documentation relied on attached. <p><i>Examples of independent source documents (s. 23(7)):</i></p> <p>If the client is an individual: An original government-issued identification that is valid and has not expired, and that you reasonably believe to be independent and reliable:</p> <ul style="list-style-type: none"> – driver's licence – birth certificate – passport – provincial or territorial health card (if such use is not prohibited by law) <p>If the client is a private company or society created under legislative authority:</p> <ul style="list-style-type: none"> – a certificate of corporate status, if the client is a private company or society created under legislative authority – an annual filing – a similar record confirming the organization's existence <p>If the client is a trust:</p> <ul style="list-style-type: none"> – a trust agreement – other documents establishing or amending the trust – documents identifying the trustees <p>If the client is a partnership:</p> <ul style="list-style-type: none"> – the partnership agreement 	

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ADVANCED CORPORATE LEGAL PROCEDURES, 2ND EDITION

Elizabeth Gillis

Advanced Corporate Legal Procedures, 2nd Edition provides a complete overview of the fundamental legal issues and procedures associated with the Canadian business sector. Author Elizabeth Gillis discusses the key legislation that affects different types of businesses—from larger corporations to not-for-profit organizations—as well as the legal steps involved in the formation and maintenance of a business, including registration, minute books, and share types. The text clarifies the relevant provisions of the business corporations legislation and the Ontario *Securities Transfer Act*, describes the role of related government departments, and includes a chapter on not-for-profit organizations and charities. Additionally, it offers sample forms relating to corporate legal procedures.

FEATURES

- Step-by-step guide to incorporating a range of company types, including federal non-profits
- Sample forms and checklists for inclusion in federal and provincial corporate registrations, name searches, issuance of shares, and annual returns filing dates
- Addresses the relevant provisions of provincial and federal business legislation, with substantive law underlying corporate procedures presented alongside applicable documents and forms required to complete the transaction
- Comparative table of incorporation provisions across Canada

TABLE 8.1 PROVISIONS FOR RECORD KEEPING UNDER THE CBCA AND THE OBCA

Provision	Canada	Ontario
Corporate records to be maintained	<ul style="list-style-type: none"> • Articles and all amendments • Bylaws and all amendments • Unanimous shareholder agreements • Minutes of meetings and shareholder resolutions • Copies of all notices of registered office and directors • Securities register containing the information set out in CBCA s. 50 	<ul style="list-style-type: none"> • Articles and all amendments • Bylaws and all amendments • Copy of any unanimous shareholder agreement known to the directors • Minutes of meetings and shareholder resolutions • A register of directors in which are set out the names and residence addresses while directors, including the street and number, if any, of all persons who are or have been directors of the corporation with the dates on which each became or ceased to be a director • A securities register that complies with OBCA s. 141(1)
	Records to be maintained at registered office or any other place in Canada designated by the directors (CBCA s. 20(1))	Records to be maintained at registered office or at such other place in Ontario designated by the directors (OBCA s. 140(1))
		Register of transfers in which all transfers of securities issued by the corporation in registered form and the date and other particulars of each transfer (OBCA s. 141(2))

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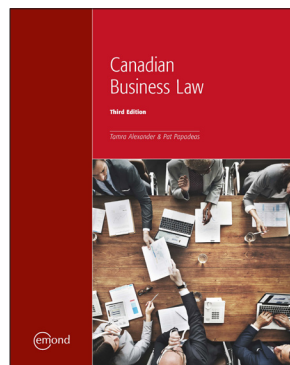
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Pat Papadeas*

Canadian Business Law, 3rd Edition provides a comprehensive overview of business law through a legal risk management perspective. Readers will gain a working knowledge of key concepts across multiple areas of law, including torts, contracts, consumer protection, employment, property, debtor-creditor, and more.

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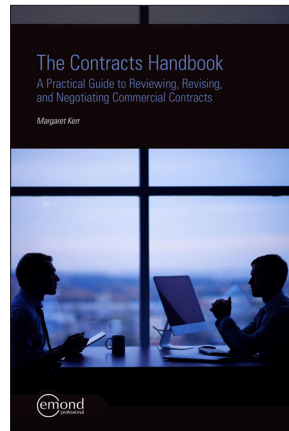
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THE CONTRACTS HANDBOOK: A PRACTICAL GUIDE TO REVIEWING, REVISING, AND NEGOTIATING COMMERCIAL CONTRACTS

Margaret Kerr

The Contracts Handbook: A Practical Guide to Reviewing, Revising, and Negotiating Commercial Contracts takes a new approach that examines contract law from a commercial perspective with a focus on helping legal professionals protect the business interests of their clients.

This text is divided into three parts. Part I follows the structure of a typical contract, with each chapter exploring a major clause. Part II deals with issues, tips, and strategies related to reviewing and revising contracts. Part III offers advice on the process of negotiating a contract. This guide is written in straightforward language, making it applicable and engaging to anyone looking to learn more about negotiating, reviewing, and revising commercial contracts.

With the help of this handbook, businesses can work more productively, knowing that they are not at risk due to poorly crafted contracts.

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- Sample documents covering amendment, assignment, novation, indemnity agreement, insurance, and release
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- Case law and statute citations for easy reference

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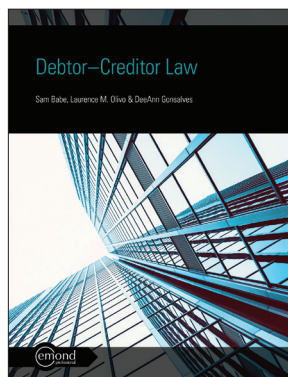
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PART IV: Supplementary Materials**DEBTOR-CREDITOR LAW**

Sam Babe
Laurence M. Olivo
DeeAnn Gonsalves

Debtor-Creditor Law provides comprehensive instruction for legal professionals navigating the debt collection process. The text offers strategic guidance at every step in both the Superior Court of Justice and the Small Claims Court, from determining the amount owing to presenting the client's claim in court.

With supporting checklists, completed forms and precedents, and true-to-life sample scenarios, this handbook leads the reader through identifying the debtor, performing background searches, determining pre- and post-judgment interest, drafting statements of claim, and following specific procedures in both the Superior Court of Justice and Small Claims Court

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Written for corporate and commercial lawyers

"Debtor-Creditor Law ... would be an invaluable resource should a new associate practise in either debtor-creditor law or in Small Claims Court. The material is very practical and the language used throughout is clear and relatable. I particularly appreciated the texts' use of a cost-benefit approach to litigation with a focus upon not just why a party may sue, but more importantly, how they can collect on a judgment. I can see why this resource has proven useful to clerks and paralegals as well as young associates."

—Adam Nathanson,
Kronis, Rotsztein, Margles, Cappel LLP

FEATURES

- Provides strategic, step-by-step guidance for law clerks, paralegals, and legal professionals
- Conceptual framework and practical examples of debt collections and creditor rights
- New material on secured business loans and commercial insolvencies and restructuring
- Supplementary materials such as checklists, forms and precedents, and selections from the *Rules of Civil Procedure* and the *Rules of the Small Claims Court*

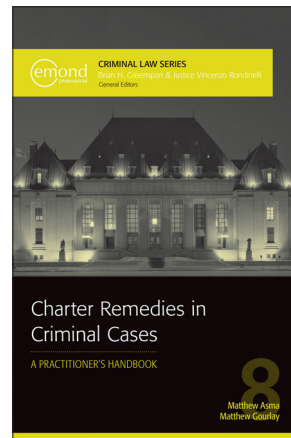
Summary of How to Use $I = P \times R \times T$

	Prejudgment Interest	Postjudgment Interest
Principal	Principal Debt Owing	Judgment Amount (principal debt plus prejudgment interest plus costs awarded) plus post-judgment enforcement costs
	Use contract rate, if applicable.	Use contract rate, if applicable.
	Quarter in which commenced.	• If not, use quarter in which judgment was made.
	Date of action including date	From the day after judgment up to and including date of next step (e.g., date of payment, date of enforcement document)

Illustration of Calculation of Garnishment of Wages

Gross wages:	\$1,000	per week
Deductions from gross:	300	income tax deductions
	10	Canada Pension
	20	Employment Insurance pension plan
	50	health insurance
	20	group life insurance
	30	
	<u>\$ 430</u>	TOTAL DEDUCTIONS
NET PAY:	\$1,000 - \$430 = \$570	
AMOUNT AVAILABLE FOR GARNISHMENT:	\$570 × 0.20 = \$114	

Written for Crown,
defence, and the judiciary



CHARTER REMEDIES IN CRIMINAL CASES: A PRACTITIONER'S HANDBOOK

General Editors
Brian H. Greenspan
Justice Vincenzo Rondinelli

Matthew Asma
Matthew Gourlay

Charter remedies are available across all types of offences in criminal law. *Charter Remedies in Criminal Cases: A Practitioner's Handbook* discusses the relevant principles and technical rules that need to be considered when seeking out or trying to resist applicable remedies. This text will also assist practitioners in deciding which remedy might be more appropriate or just.

The breaches and remedies featured in this text cover a wide range of issues including—but not limited to—police misconduct, unconstitutional legislation, sentence reduction, recouping costs from the Crown, *habeas corpus* applications, and declarations of invalidity. This text also provides detailed analysis of the criteria for exclusion of evidence under section 24(2) of the Charter, including the “obtained in a manner” criterion established in *R v Pino*. Additionally, the availability of judicial stays of proceedings is discussed at length, with close examination of the types of cases where stays are likely, and unlikely, to be granted.

This text's in-depth coverage is unparalleled, making it a must-have for lawyers and judges working within the criminal justice system.

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- Explanation of lesser-known Charter remedies including *habeas corpus*, costs against the Crown, impounding of seized property, and the residual discretion to quash a search warrant even though it passes a *Garofoli* review

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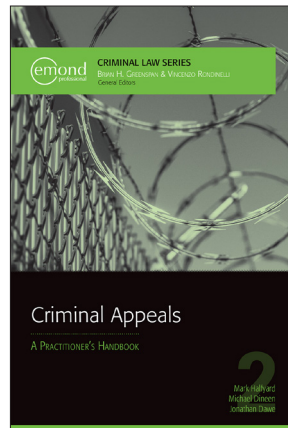
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Criminal Appeals: A Practitioner's Handbook is an essential guide to the strategic and procedural process of criminal appeals at all levels of court in Canada.

With a practical focus, this book explores the different types of criminal appeals and outlines the procedural steps involved in a criminal appeal. It delivers concrete instruction on drafting appeal factums, motions of appeal, and written and oral argument strategies, supported by samples and tactical guidance.

By combining statutory framework with practical resources and advocacy advice, the author team offers a truly comprehensive treatment of the appeals process. They guide readers through an appeal from start to finish, making this handbook an indispensable resource for anyone incorporating criminal appeals into their practice.

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"[T]his incredibly helpful handbook ... is written by very experienced and winning appellate lawyers, who share their knowledge, insights, and tips with their readers. This guide provides lawyers with everything they need to know about how to conduct an appeal. It combines the law and rules that relate to criminal appeals with excellent strategic advice about appellate advocacy. If you argue appeals, or want to, you will find Criminal Appeals: A Practitioner's Handbook to be an unparalleled resource at every stage of the appellate process and in every appellate court."

— Jill R. Presser
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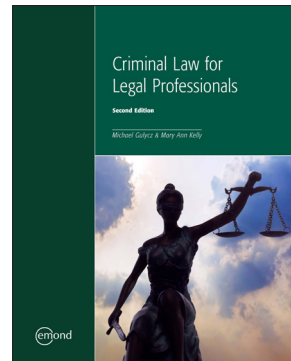
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CRIMINAL LAW FOR LEGAL PROFESSIONALS, 2ND EDITION

*Michael Gulycz
Mary Ann Kelly*

Criminal Law for Legal Professionals, 2nd Edition is a comprehensive text designed specifically for paralegals and law clerks. This edition covers not only the history and framework of criminal law in Canada, but also recent and relevant legislation surrounding topics like cannabis, prostitution, and physician-assisted suicide.

The text strives to prepare legal professionals for the workforce by providing information on scope of practice and office procedures. Additionally, real-world scenarios have been included throughout so that readers can apply what they've learned, as well as get a feel for the work that paralegals and law clerks do day-to-day.

FEATURES

- New scenarios based on real-life circumstances to get readers thinking about the material discussed in each chapter
- Added content on the paralegal scope of practice
- Designed to meet Law Society of Ontario competencies
- Key terms are highlighted and defined throughout
- Chapter 19 has been refreshed to be more applicable to paralegals
- References to recent and important case law throughout

TRIAL PROCEDURAL CHECKLIST

[This checklist should be used with the Client General Information form. (This checklist relates to summary conviction trials.)]

	N/A	Date Completed
1. In the initial interview, complete a Client General Information form.		
• Prior to trial, review the form and gather additional information required.		
2. Determine whether the offence is summary conviction, hybrid, or indictable.		
• If hybrid, is it likely that the Crown will proceed summarily?		
3. Decide whether or not to accept the case based on		
• Nature of charge		
• Conflicts of interest		
• Complexity of case and skill level required		
4. If you decide to act, obtain the client's instructions, complete a retainer with client, and ensure that a letter confirming the retainer and instructions from the client has been sent.		
5. If the client is in custody, prepare for a bail hearing (see Bail Procedural Checklist).		
6. If there is a co-accused, contact his or her representative.		
7. Open a file and diarize all dates.		
• Confirm all dates in writing with client		
• Diarize date for commencement of trial preparation one month in advance of trial		

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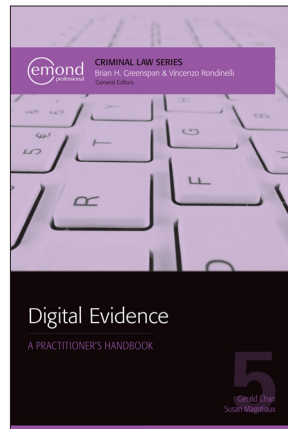
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DIGITAL EVIDENCE: A PRACTITIONER'S HANDBOOK

General Editors
Brian H. Greenspan
Justice Vincenzo Rondinelli

Gerald Chan
Susan Magotiaux

As technology advances at an exponential rate, the law and practice surrounding digital evidence is in constant flux. *Digital Evidence: A Practitioner's Handbook* serves as a clear, concise guide to digital evidence in the criminal context. Authors Gerald Chan and Susan Magotiaux summarize legal principles and provide practical suggestions for Crown and defence lawyers tackling the gathering, admitting, and presenting of this type of evidence.

This is the first comprehensive text on this facet of law. It is designed to clarify the nuances of the authentication and admissibility of digital evidence, privacy rights, the uses and limits of social media evidence, and the search and seizure of electronic devices. This text also explores the ways in which law enforcement can access digital data in the hands of third parties, including the various powers created by Bill C-13 (*Protecting Canadians from Online Crime Act*).

By addressing both current and emerging challenges related to digital evidence, this book will equip criminal practitioners with the knowledge and understanding required to effectively handle and utilize digital evidence.

View a sample chapter online at emond.ca/de.

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"This book is an invaluable guide to assist litigators ... It covers major substantive topics in digital evidence, from the search of digital devices to accessing digital data. It delves into procedural issues that arise for practitioners, such as rules of disclosure applicable to digital data and rules of admissibility for digital evidence, and usefully explores some practical issues for the presentation of digital evidence in the courtroom. The book will be a useful reference guide for specialists in the field as well as any litigator in a case where digital evidence is being tendered."

— The Honourable
Thomas A. Cromwell

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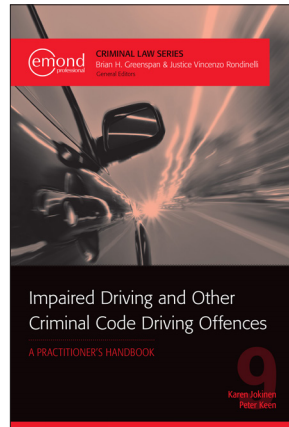
- Checklists detailing various considerations for counsel when presenting or submitting evidence in a digital format
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IMPAIRED DRIVING AND OTHER CRIMINAL CODE DRIVING OFFENCES: A PRACTITIONER'S HANDBOOK

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Justice Vincenzo Rondinelli

Karen Jokinen
Peter Keen

In 2018, Parliament repealed and replaced all driving provisions of the *Criminal Code*, in part as a response to the enactment of the *Cannabis Act*. *Impaired Driving and Other Criminal Code Driving Offences: A Practitioner's Handbook* is a comprehensive and balanced guide to this new legislation, designed to assist Crown and defence lawyers, as well as members of the judiciary. It explores all aspects of this area of law, including the different types of offences, the investigation process, provincial procedural differences, trial strategies and issues, sentencing, and ethics.

Much more than a compendium of legislation and case law, this text analyzes the new provisions and relevant cases in context, replete with vital analysis, strategy, and tactical advice. Authors Karen Jokinen and Peter Keen have reviewed and presented these new legislative changes, and they leverage their knowledge and experience to provide a truly practical treatment of the legal issues and constitutional difficulties that surround driving offences.

This is the only text of its kind in Canada, making it a must-have resource for those whose practice encompasses this significant area of criminal law.

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- Outlines and explains new legislation
- Details differences between impaired driving, drinking and driving, and drugged driving
- Provides detailed information about fines and sentencing, including corollary consequences
- Explores the strengths and weaknesses of arguments often presented by Crown and defence

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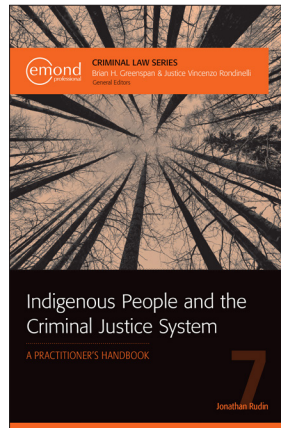
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INDIGENOUS PEOPLE AND THE CRIMINAL JUSTICE SYSTEM: A PRACTITIONER'S HANDBOOK

General Editors
Brian H. Greenspan
Justice Vincenzo Rondinelli
Jonathan Rudin

Indigenous peoples are the most over-represented population in Canada's criminal justice system. As a group, they have been placed at a serious disadvantage in society due to a number of socio-economic factors that stem from the generational effects of colonization, including displacement and the residential school system.

Their experiences within the Canadian justice system are interwoven with many social, economic, and political issues such as drug and alcohol abuse, poverty, unemployment, and the loss of cultural identity. This handbook strives to help defence counsel, prosecutors, and judges understand the broader issues facing Indigenous communities in order to properly and fairly handle their cases.

Indigenous People and the Criminal Justice System: A Practitioner's Handbook provides concrete information for criminal law practitioners, and explores the major inquiries and cases, Gladue Courts and reports, sentencing circles, and a host of emerging issues. It includes best practices guides at the end of each chapter, and is an essential guide to understanding the issues that Indigenous peoples (both offenders and victims) face in the criminal justice system.

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FEATURES

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Coming Soon

Drug-related offences are one of the single largest areas of activity within criminal law. *Prosecuting and Defending Drug Cases: A Practitioner's Handbook* is a practical guide to the different types of drug offences, including possession, trafficking, importing, exporting, and production offences, as well as conspiracy and criminal organization offences in the context of drug distribution offences. These cases are addressed from both a prosecution and defence perspective, and provincial differences in practice or procedure are noted in each chapter.

The text also provides in-depth exploration of issues surrounding bail, disclosure, the Charter, and sentencing, alongside practice-oriented coverage of the *Cannabis Act* and *Garofoli* applications. This thorough and extensive text is sure to benefit any practitioner who works on cases involving drug-related offences.

FEATURES

- Insights from expert contributors
- An introduction to the *Cannabis Act*
- A guide to navigating *Garofoli* applications, including the Step 6 procedure

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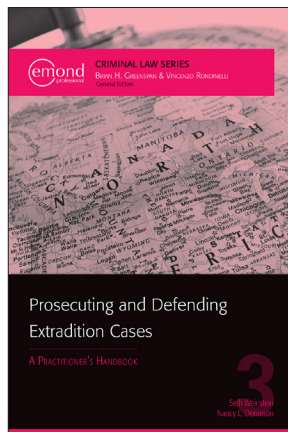
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The extradition process involves many checks and balances to uphold international obligations and protect the rights of the person sought. Because these cases are a unique form of international cooperation that deals with the liberty of an individual, it is of paramount importance that practitioners are knowledgeable on all aspects of the process.

Prosecuting and Defending Extradition Cases: A Practitioner's Handbook is a clear, concise guide to the procedural, tactical, and strategic elements of extradition cases, featuring perspectives from both defence and Crown counsel. Relevant case law and legislation has been compiled and analyzed to facilitate a thorough understanding of the principles of extradition, requisite legislation, treaty obligations, and protocols.

Unlike other texts on the subject, this guide is practice-oriented. Sample documents, flow charts, and checklists are included to prepare readers for the practices and procedures involved in extradition proceedings.

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Written for Crown, defence, and the judiciary

"The authors have created an incredibly practical guide. The book includes useful documentary precedents, references, and leading extradition jurisprudence across Canada and is organized to follow the multiple-step process of an extradition proceeding. These features make it incredibly useful to those who litigate and preside over extradition cases. That the book is presented from both the Crown and defence perspective only underscores its value. It is a balanced, clearly executed, and thorough guide that will undoubtedly become the 'go to' resource for anyone who deals with extradition in Canada."

— Richard Kramer,
 Department of Justice,
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- Foreword by John Norris

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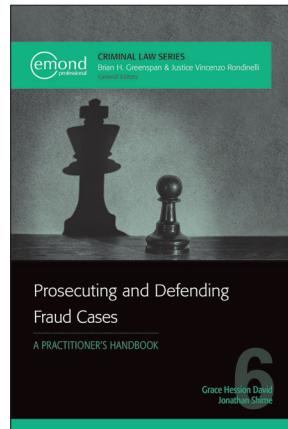
Written for Crown, defence, and the judiciary

"Here is a text—easy to read, well organized, and thoughtful, which provides much-needed guidance to Crown and defence counsel on the nuances surrounding fraud and related cases. It addresses the full range of issues associated with these difficult cases, from pre-charge strategies to sentencing alternatives. It is able to do so through the authorship of two highly skilled and experienced criminal litigators—one, a member of the defence bar; the other, a seasoned fraud prosecutor (a category of prosecutors itself in short supply)."

— Mark Sandler, LLB

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- Foreword by Mark Sandler
- Sentencing tables related to important case law from across Canada
- Detailed review of the use of compelled statements that originated from regulatory proceedings
- Concise explanation of the material elements of fraud
- Several charts to assist readers in situating their particular case in its proper context



PROSECUTING AND DEFENDING FRAUD CASES: A PRACTITIONER'S HANDBOOK

General Editors
Brian H. Greenspan
Justice Vincenzo Rondinelli

Grace Hession David
Jonathan Shime

Criminal fraud costs Canadians tens of billions of dollars per year. High profile cases—like those concerning Bernie Madoff, Enron, and Conrad Black—highlight how fraudulent activity can impact individuals, businesses, and society as a whole. Despite this growing problem, there are very few legal texts dedicated to effectively approaching and litigating these challenging cases. *Prosecuting and Defending Fraud Cases: A Practitioner's Handbook* addresses this need by providing an in-depth understanding of the key principles, doctrines, and statutes surrounding these cases.

This practical guide provides a step-by-step examination of how to handle allegations of fraud and related offences. It comprehensively reviews the latest legislation and case law so that readers can familiarize themselves with the process and contextualize their own cases. Additionally, chapters in this text provide essential information on common issues surrounding documentary evidence and the admissibility of documents, breach of trust crimes, and Ponzi schemes. This information is paired with charts and checklists to assist practitioners with incorporating this knowledge into their practice.

By compiling comprehensive analysis and practical resources into one complete, concise volume, this text can act as the go-to resource for any Crown attorney, defence counsel, or judge who deals with fraud and parallel proceedings.

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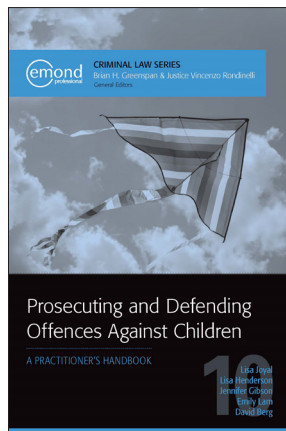
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 Chapter 10: Trial Considerations
 Chapter 11: Sentencing



PROSECUTING AND DEFENDING OFFENCES AGAINST CHILDREN: A PRACTITIONER'S HANDBOOK

General Editors
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Lisa Joyal
 Jennifer Gibson
 Lisa Henderson
 Emily Lam
 David Berg

Children have a unique status when participating in the criminal justice system. In order to clarify the issues and challenges that arise in these specific circumstances, *Prosecuting and Defending Offences Against Children: A Practitioner's Handbook* breaks down the numerous factors and considerations that legal professionals should be aware of when working on cases where children have been victims of crime.

The author team—composed of Crown, defence, and judiciary—thoroughly examines multiple facets of child abuse, including neglect, sexual abuse, Internet exploitation, physical abuse, and homicide. Additionally, the text takes great care to consider how children interact with the criminal justice system differently than adults through its exploration of child witness preparation, the special features of children's evidence, testimonial aids, and sentencing.

This practical and procedural guidance is invaluable to anyone seeking a comprehensive understanding of how criminal law applies to cases involving the abuse of children.

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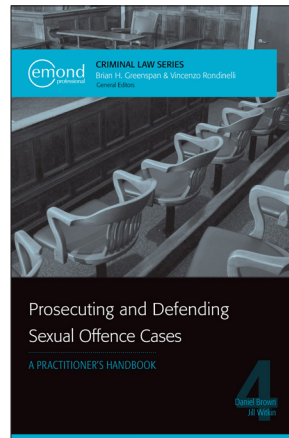
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- Ample coverage of new legislation, specifically the *Canadian Victims Bill of Rights*, by counsel for complainants Dawne Way
- Expert contributions by criminal defence lawyer Adam Weisberg related to initial considerations and defence perspective
- Unique insight into Section 276 by Assistant Crown Attorney Meaghan Cunningham
- Key commentary, from both Crown and defence, on advocacy and trial strategy
- Practical checklists, tables, and sample consent forms



PROSECUTING AND DEFENDING SEXUAL OFFENCE CASES: A PRACTITIONER'S HANDBOOK

General Editors
Brian H. Greenspan
Justice Vincenzo Rondonelli

Daniel Brown
Jill Witkin

Due to their nature, sexual offence cases can pose a variety of complex and unique challenges. *Prosecuting and Defending Sexual Offence Cases: A Practitioner's Handbook* is designed to help practitioners overcome various obstacles by focusing on the procedural, evidentiary, and strategic elements specific to these types of cases.

Analysis of case law and relevant *Criminal Code* provisions are integrated to effectively guide readers through the flow of a sexual offence case. The text addresses key issues encountered at different stages of the process, including those regarding bail, publication bans, and sentencing. It also delves deeply into evidentiary issues such as establishing consent, discussion of the complainant's sexual history, the admission of third party records, and the taking of children's evidence. This is the first text on sexual assault cases to deal with the rights of victims and their representation, which is done in part by exploring the new *Canadian Victims Bill of Rights*.

Authored by criminal defence lawyer Daniel Brown and Crown prosecutor Jill Witkin, the text provides practice information valuable to current and aspiring Crowns, defence lawyers, and judges. Ample coverage of both evidence and policy makes this text an essential resource on all facets of litigating sexual offence cases. View a sample chapter at emond.ca/pdso.

"The authors have collected in one book the most current and essential law necessary to the profession in prosecuting and defending sexual offence cases. It should be mandatory reading for anyone doing their first such case and an invaluable reference for experienced litigators and judges."

—Marie Henein, LLB, LLM

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- Chapter 11: Section 276—Evidence of Other Sexual History
- Chapter 12: Production of Third Party Records
- Chapter 13: Consent
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- Chapter 15: Representing the Victim in a Sexual Offence Proceeding

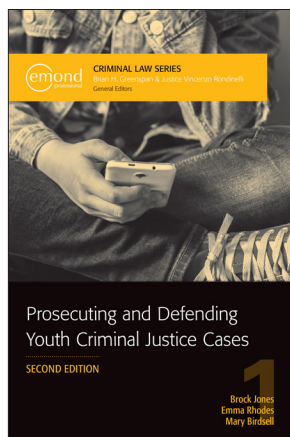
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- Chapter 13: Repercussions in the Education System
- Chapter 14: Youth Involved in the Child Welfare and Criminal Justice Systems

**PROSECUTING AND DEFENDING YOUTH CRIMINAL JUSTICE CASES, 2ND EDITION**

General Editors
Brian H. Greenspan
Justice Vincenzo Rondinelli

Brock Jones
Emma Rhodes
Mary Birdsell

There are many procedural and ethical considerations that practitioners need to be aware of when working on a criminal case involving youth, especially when the young persons involved are from vulnerable populations that require special care. The second edition of *Prosecuting and Defending Youth Criminal Justice Cases* provides practical commentary and analysis alongside updated policy, case law, and legislation in order to guide readers through a youth criminal justice case from beginning to end.

New to this edition is coverage of the *Cannabis Act* and how it impacts young persons, as well as a review of the amendments in Bill C-75 that could impact youth justice cases. In addition, chapters on bail, youth records and privacy, and youth trials have been updated to include information on the treatment of youth in the welfare system, court remedies surrounding privacy violations, and the admissibility of digital evidence. This text also features discussion of the landmark decision of *R v Jarvis*, a decision in which author Brock Jones was cited.

Apart from this new content, readers can rely on the text's valuable checklists, charts, precedents, and advice to assist them through procedures and issues surrounding interviewing clients, arrest and bail matters, trials, and sentencing.

Overall, this text is an incredibly comprehensive and balanced resource that is sure to enhance the practice of lawyers, judges, and other legal professionals who interact with the youth criminal justice system.

*Written for Crown,
defence, and the judiciary*

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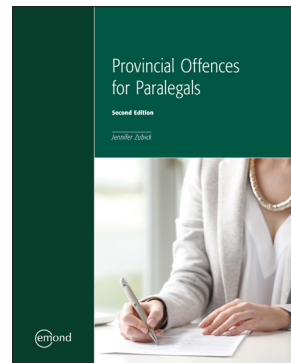
- A companion blog by Brock Jones: Youth Criminal Justice
- Foreword by The Honourable Wayne Gorman, Provincial Court of Newfoundland and Labrador
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PROVINCIAL OFFENCES FOR PARALEGALS, 2ND EDITION

Jennifer Zubick

Provincial Offences for Paralegals, 2nd Edition is a clear and concise resource on the litigation of regulatory offences, designed for professionals who represent clients before the Ontario Courts of Justice. Its comprehensive coverage includes straightforward explanations of the *Provincial Offences Act*, numerous common law concepts, and other related areas of law such as evidence, advocacy, and *voir dire*. These explanations are coupled with practice tips, forms, review questions, and scenarios to provide an all-inclusive, practical guide to these types of offences.

This text provides insight into the choices available to legal professionals at each stage of the process, including discussions of how to enter pleas; how to file motions, applications, and appeals; and techniques for interviewing and questioning witnesses. It also offers an overview of offences and defences under other key provincial legislation, including:

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- *Liquor Licence Act*
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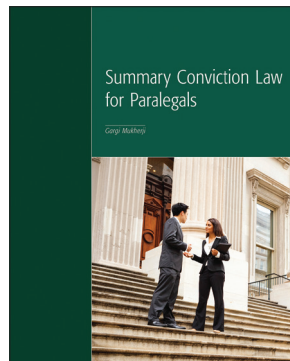
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SUMMARY CONVICTION LAW FOR PARALEGALS

Gargi Mukherji

Summary Conviction Law for Paralegals is a one-stop resource that balances the theoretical and practical application of criminal law from a paralegal perspective. It includes relevant references to the LSO's *Paralegal Rules of Conduct*, the *Criminal Code*, the *Criminal Rules of the Ontario Court of Justice*, and the Charter.

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3. Crown may conduct re-examination of first witness on new issues raised during cross-examination by defence only
4. Crown calls second and subsequent witnesses; the same procedure occurs with each witness
5. Close of Crown's case
6. After calling all of its witnesses, if Crown has not established a *prima facie* case, the defence may bring a motion for directed verdict of acquittal
7. If Crown has established a *prima facie* case, defence must decide whether to call evidence (by calling the accused or other witnesses)
8. Start of defence's case—defence conducts direct examination of defence's first witness
9. Crown cross-examines defence's first witness
10. Defence may conduct re-examination of first witness (only on new issues raised during cross-examination by Crown)
11. Defence calls second and subsequent witnesses and same procedure occurs with each witness
12. After calling all of its witnesses, defence rests
13. Crown may call reply or **rebuttal** evidence, which is limited to circumstances in which the defence has raised a new matter or defence that the Crown could not reasonably have anticipated (for example, alibi evidence)
14. Closing submissions by defence, based on the evidence called at trial and inferences that may be drawn
15. Closing submissions by Crown, based on the evidence called at trial and inferences that may be drawn
16. **Verdict** delivered by trial judge
17. If defendant found guilty, sentencing may proceed at this time, or matter may be adjourned for sentencing to take place at a later date

Written for paralegals, law clerks, and other legal professionals

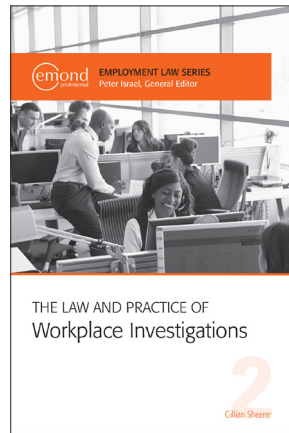
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THE LAW AND PRACTICE OF WORKPLACE INVESTIGATIONS

*General Editor
Peter Israel*

Gillian Shearer

Workplace investigations have taken on new significance in Canadian employment law. Human rights and Occupational Health and Safety legislation have mandated prompt and effective workplace investigations. Failure to meet these requirements exposes employers to significant damages, both financial and reputational.

The Law and Practice of Workplace Investigations analyzes the various aspects of an investigation, including employer duties, consequences of errors, rules of conduct, techniques, and the rights of the accused. It also explores common issues surrounding privilege, negligent investigation, and recovery of costs.

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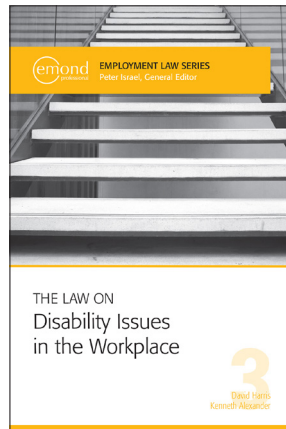
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THE LAW ON DISABILITY ISSUES IN THE WORKPLACE

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Complex challenges can arise when handling disability issues in the workplace. Using this guide, lawyers and HR professionals will be able to explore and tackle those challenges. *The Law on Disability Issues in the Workplace* offers a practical and concise approach that considers all aspects of disability claims, shaped by the experiences and knowledge of experts in the field of employment law.

This text is divided into two parts. Part 1 describes advancing and defending claims for a disability benefit. This includes topics such as evidentiary issues, onus of proof, and the insurer's duty of good faith. Part 2 details the common law and human rights concerns at play with a disability issue. This includes available remedies for successful disability claims, employee privacy matters, and the application of privileges to disability actions.

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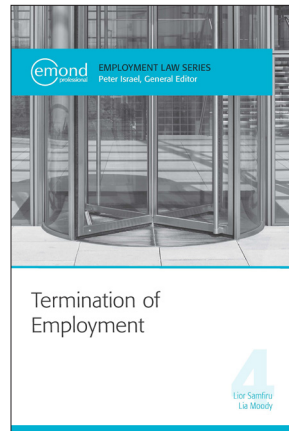
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TERMINATION OF EMPLOYMENT

General Editor
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Lior Samfiru
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Wrongful dismissal is one of the most litigated and challenging aspects of employment law. *Termination of Employment* is a concise and practical primer for the various procedures and issues surrounding termination, making it an ideal resource for any professional who isn't familiar with the minutiae of employment law.

Different facets of the law are explained in an accessible manner so that anyone who finds themselves wanting (or needing) to participate in severance negotiations or engage in litigation with respect to employment law matters can do so comfortably. Readers will not only have a clearer understanding of the law but will also be better prepared for a variety of issues that can arise throughout the process, including those related to workplace harassment, human rights claims, and financial liability.

Whether you are a human resources professional trying to protect a company's best interest or a lawyer representing a plaintiff in a wrongful dismissal claim, this comprehensive text will provide the template and tools you need to effectively navigate various employment law situations.

"By focusing individually on the distinct rights and interests of the complainant, the accused, the witness(es), the employer, and the investigator, Gillian brings clarity and practical advice to all aspects of the process."

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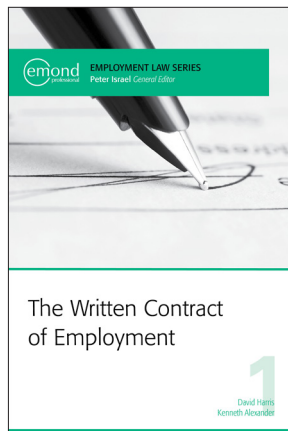
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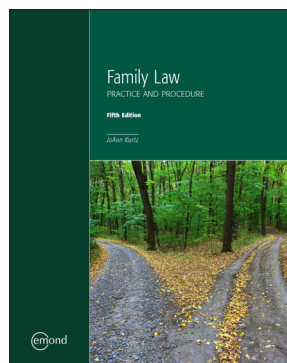
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 - *Family Responsibility and Support Arrears Enforcement Act*
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Impact of Ownership on NFP Calculations

When spouses acquire property during the marriage, title may be put into the name of one or both spouses for a variety of reasons, such as tax considerations, business considerations, or convenience. For example, income-producing property may be put into the name of the spouse with the lower taxable income so that the income from the property will be taxed at a lower tax bracket. Real estate may be put in the name of one spouse because the other spouse is starting a new business, and the spouses don't want to risk losing the property if the business should fail.

Spouses generally do not intend their property to be treated differently on a marriage breakdown because of these decisions. However, the following example shows that the way in which title is held can have a major impact on NFP calculations.

Peter and Wendy were married. At the time of the marriage, Peter had cash and Wendy had nothing. At the time of their separation, their matrimonial home worth \$150,000.

(1) If the home is in Peter's name only:

Peter's NFP
Value of property at separation
Less value of property at marriage

Peter's NFP is \$50,000
Wendy's NFP is 0
Peter has to pay Wendy an equalization payment of \$50,000.

Peter ends up with the following assets:

The house
Less a loan to cover the NFP payment

Wendy ends up with \$25,000

(2) If the home is in Wendy's name only:

Peter's NFP
Value of property at separation
Less value of property at marriage

Figure 10.1 Steps in a Case

Step	Rule	Description
1.	Rule 8	Application
2.	Rule 10	Answer
3.	Rule 8.1	Mandatory Information Program
4.	Rule 39(5)	First court date for fast track cases
5.	Rule 17(4)	Case conference
6.	Rule 17(5)	Settlement conference
7.	Rule 17(6)	Trial management conference
8.	Rule 23	Trial

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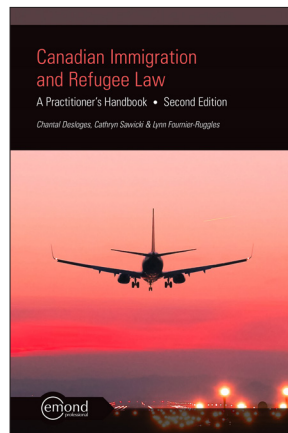
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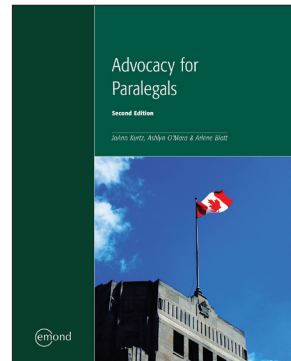
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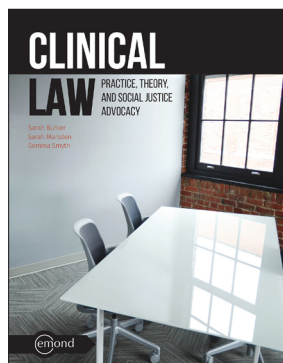
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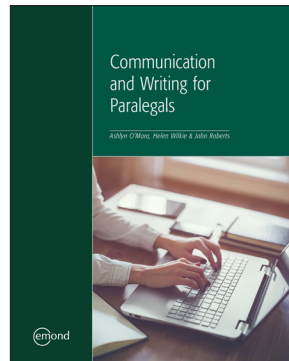
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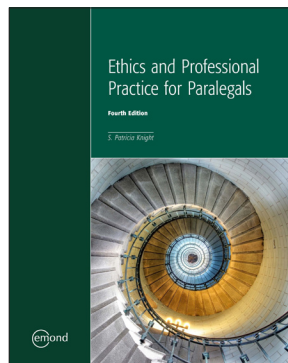
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BOX 4.11 What Is “Confidential Information” for Purposes of Rule 3.05?

The duty of confidentiality requires a paralegal to hold in strict confidence all information concerning the business and affairs of the client acquired in the course of the professional relationship, without regard to the nature or source of the information or the fact that others may share the knowledge.

Rules 3.4-17 to 3.4-26 of the *Rules of Professional Conduct* deal with transfers between firms by lawyers. They are the equivalent of Rule 3.05 of the *Paralegal Rules of Conduct*.

For purposes of transfers between law firms by lawyers, the definition in Rule 3.4-17 restricts “confidential information” to information obtained from a client that is not generally known to the public.

The commentary to Rule 3.4-17 states that the duties imposed by the rule concerning confidential information should be distinguished from the general ethical duty to hold in strict confidence all information concerning the business and affairs of the client acquired in the course of the professional relationship.

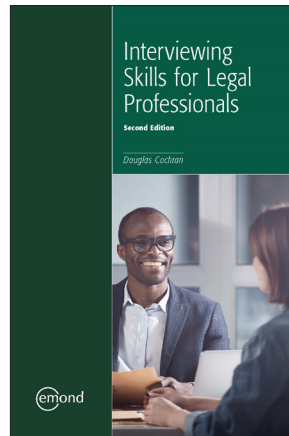
Rule 3.05 of the Paralegal Rules distinguishes between “confidential information”—that is, client information that, if disclosed to a paralegal in the new paralegal firm, might prejudice the client (Rule 3.05(2))—and “relevant information”—that is, client information that, if disclosed, would not prejudice the client (Rule 3.05(4)). An example of relevant information might be the client’s name, if it has already been disclosed on public documents such as pleadings.

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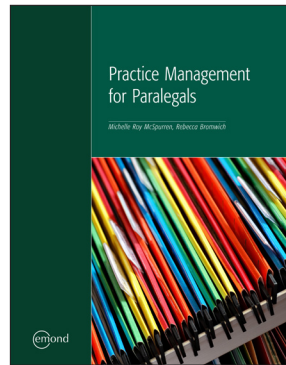
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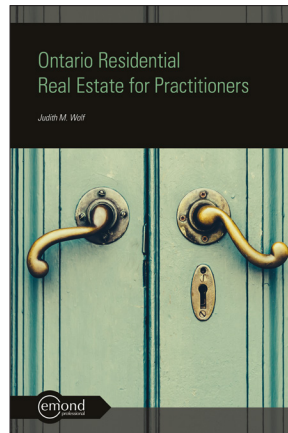
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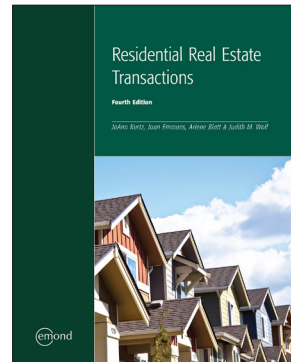
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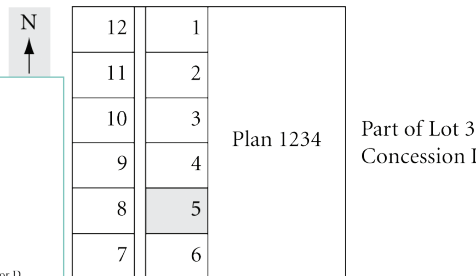
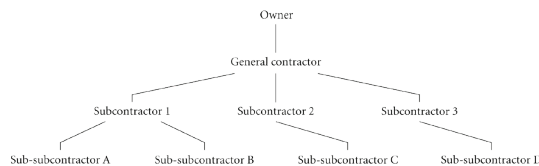


FIGURE 7.1 The Construction Pyramid



construction pyramid
illustration of the
contractual relationships
between parties in a
typical large construction
project

It is possible to think of the relationships between these parties as resembling a pyramid, referred to as the **construction pyramid**, with the owner at the top followed by the general contractor and different levels of subcontractors. The construction pyramid is illustrated in figure 7.1.

Each contractor shown in the figure has a contractual relationship (privity of contract) only with the person directly above or below him or her in the construction pyramid. The general contractor is the only one who has privity of contract with the owner.

Each contractor must also look to the person directly above for payment. For example, sub-subcontractor A is paid by subcontractor 1; subcontractor 1 is paid by the general contractor; and the general contractor is paid by the owner.

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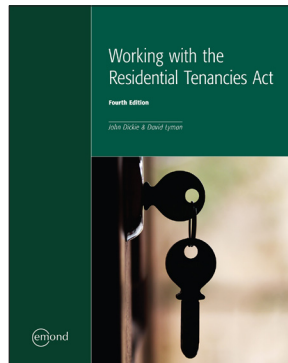
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 Chapter 19: Rent Reductions and Rebates
 Chapter 20: Offences Under the RTA
 Chapter 21: Conclusion

**WORKING WITH THE RESIDENTIAL TENANCIES ACT, 4TH EDITION**

John Dickie
David Lyman

Working with the Residential Tenancies Act, 4th Edition discusses the practicalities of representing residential landlords and tenants at the Ontario Landlord and Tenant Board. By having this concrete understanding of the rights, procedures, documents, and remedies that surround this area of law, readers will be prepared for any tribunal application proceeding under the *Residential Tenancies Act*.

This text strikes a balance between thoroughness and ease of use by examining the legal relationship between landlords and tenants, and the legislation that governs rental housing in plain language. Legal issues are contextualized using real-life scenarios that legal professionals are likely to encounter at some point in their careers.

The fourth edition includes up-to-date forms and case law, new chapters, more robust coverage of abatements and the general rules around it, and more detailed procedural information, making it an incredibly valuable resource for anyone working with residential tenancies.

Written for paralegals, law clerks, and other legal professionals

FEATURES

- Exploration of procedures under the RTA and proceedings before the Landlord and Tenant Board
- Extensive sample forms, including notices of termination, affidavits, and requisition agreements
- Charts demonstrating grounds for applications for termination and notice periods
- Discussion of rent increases by application and agreement, as well as rent reductions and rebates
- New chapter on non-profit housing co-operatives (which now fall under the jurisdiction of the LTB)
- New section dealing with the new rights tenants have to terminate tenancies in the cases of domestic abuse or sexual violence

Table 20.1 Prohibited Conduct Subject to Administrative Fines

Prohibited conduct	RTA section that prohibits the conduct	RTA section that allows tenant's application	RTA section of related offence
Withholding reasonable supply of vital service, care service, or food	s. 21	s. 29(1)	
Interfering with reasonable enjoyment of rental unit or residential complex	s. 22	s. 29(1)	
Harassing, obstructing, coercing, threatening, or interfering with tenant	s. 23	s. 29(1)	
Altering locking system on door of unit or complex without giving replacement keys	ss. 24, 35(1)	s. 29(1)	
Illegally entering rental unit	s. 25	s. 29(1)	
Giving notice for personal use in bad faith (s. 48)	s. 37	s. 57(1)(a)	
Purchaser's giving notice for personal use in bad faith (s. 49)	s. 37	s. 57(1)(b)	
Giving notice for demolition, conversion, or repair in bad faith and not carrying through (s. 50)	s. 37	s. 57(1)(c)	s. 233(k)

Table 9.1 Grounds for Early Termination

Description	RTA section
Non-payment of rent	s. 59
Misrepresenting income in public housing	s. 60
Committing an illegal act or carrying on an illegal business	s. 61
Causing undue damage	s. 62
Causing wilful damage	s. 63
Interfering with the reasonable enjoyment of the complex by the landlord or other tenants	s. 64
Impairing the safety of any person	s. 66
Permitting overcrowding contrary to health, safety, or housing standards required by law	s. 67

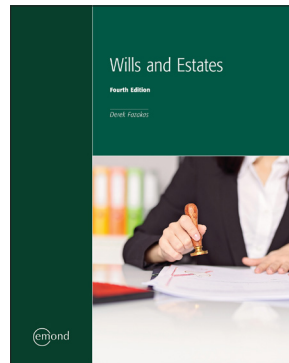
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Derek Fazakas

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Part III discusses the types of conflicts and litigation that may arise during the administration of an estate, including challenging the validity of a will or the actions of an estate trustee.

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