

LEGALCOMPASS

Volume 3 · September 2019



WORDS OF WISDOM

TIME-TESTED ADVICE FOR EXCELLING IN LAW SCHOOL

"Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it."—Learned Hand

"Ethics is knowing the difference between what you have a right to do and what is right to do."—Potter Stewart

"It is not what a lawyer tells me I may do; but what humanity, reason, and justice tell me I ought to do."—Edmund Burke

"It is not possible to be in favor of justice for some people and not be in favor of justice for all people."—Martin Luther King, Jr.



FINDING YOUR PATH

Starting in year 1L, you build the foundation for your future as a lawyer and start to develop an idea of the areas of the law that most attract you. As you progress into years 2L and 3L, you have the opportunity to explore a large number of practice areas in greater depth, all with a mind for preparing you for your future career. For those of you looking for an area of practice that provides great satisfaction, interesting situations, and constant development, consider a future in employment and labour law.

Employment plays an important part of every person's life for a variety of reasons. Not only is employment necessary to provide income in order to meet the needs of everyday life, but affects an individual's confidence and mental health. Because of the importance of employment to people's lives, employment and labour law are growing and important areas of practice. [\[Continued on page 2\]](#)



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FINDING YOUR PATH

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Today, employment and labour lawyers work in traditional law firms representing employers, employees, and unions; as in-house counsel for corporations and companies; for administrative bodies such as governmental agencies; and as consultants providing employment and human resources services for any number of different types of clients.

Practice as an employment or labour lawyer involves myriad skills in practice areas that intertwine with each other. Employment and labour law involve aspects of contract law, administrative law, human rights, litigation, and human resources. To help you get there, Emond Publishing has a variety of titles and products that will help you prepare for a successful and exciting career in employment and labour law.



ONLINE RESOURCES FOR LAW STUDENTS

EMOND RESOURCES

emond.ca

emondexamprep.ca

emond.ca/digital-casebook-collection

emond.ca/lawstudentportal

Law School Manual: emond.ca/LSmanual

Bar Exam Preparation Manual:

emond.ca/CBPmanual

LEGAL NEWS AND GUIDANCE

lawstudents.ca

LSO Paralegal Licensing Process:

bit.ly/2M6iXBz

canadianlawyermag.com

precedentjd.com

GOVERNMENT RESOURCES

CanLII: canlii.org/en

e-Laws: ontario.ca/laws

Justice Department: justice.gc.ca/eng

FREE LEGAL GLOSSARY

Accommodation: A human rights concept that refers to making changes that allow a person or group protected by the *Human Rights Code* to participate in the workplace; most often required with respect to disability, creed, and pregnancy; for example, accommodating a blind employee could involve providing a voice synthesizer on a computer.

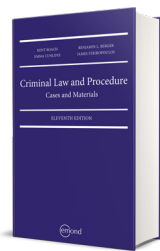
Affiant: A person who makes an affidavit.

Closing Letter: A letter from a lawyer to the client confirming that the client—lawyer relationship has concluded and that the lawyer's work is complete.

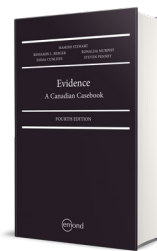
Ratio Decidendi: The governing legal principle or rule on which a judge's decision in a case is based.

Statement of Claim: A document prepared and filed by a plaintiff in a lawsuit that initiates the court action.

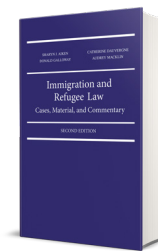
VISIT EMOND.CA/RESOURCES/GLOSSARY-OF-LEGAL-TERMS



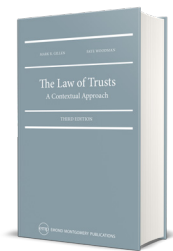
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A CRIMINAL LAW PRIMER

As part of 1L, students are introduced to criminal law as part of their foundation courses. When taking this course, we quickly start to appreciate the importance of our everyday actions. Even something as simple as using your cell phone can be a lesson in aspects of criminal law. Who we call, what we text, and what sites we visit could all be reviewed during an investigation by police. But police need to be aware of the protections offered by section 8 of the Charter against unreasonable search and seizure. In order to constitute a valid waiver of constitutional rights, allowing evidence from a cell phone to be admissible in court, the following conditions must be met:

1. **There was express or implied consent.**
2. **The consenter had the authority to give that particular consent.**
3. **The consent was voluntary.**
4. **The consenter was aware of the nature of the police conduct being consented to.**
5. **The consenter was aware of his or her right to refuse consent.**
6. **The consenter was aware of the consequences of such a waiver.**

Unless it can be shown that all the conditions have been carefully met, any evidence obtained from the search of a device on consent is in jeopardy of being excluded.

SOURCE: DIGITAL EVIDENCE: A PRACTITIONER'S HANDBOOK



TIPS TO MAXIMIZE YOUR POTENTIAL

1. **Keep a good reference library.**
2. **Develop your skills.**
3. **Maintain and grow your network.**

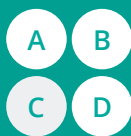
BLOG SITES FOR YOUR PRACTICE

- **Under the Limit: Developments in Canadian Limitations Jurisprudence: limitations.ca**
- **Employment & Human Rights Law in Canada: bit.ly/2YEALPI**

ONTARIO BAR EXAM PREPARATION

REVIEW COURSES, PRACTICE EXAMS, AND ADVICE: EMONDEXAMPREP.CA

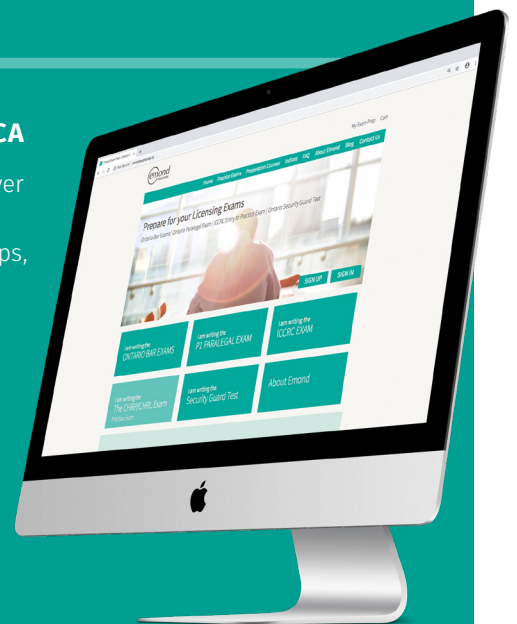
To prepare for the LSO barrister and solicitor licensing exams, you must study over 1,600 pages of material and answer substantive multiple-choice questions. With Emond Exam Prep and the *Exam Preparation Manual*, you will learn strategies, tips, and exam requirements that will help you succeed.



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DON'T LITIGATE; MEDIATE!

When many of us decide to go to law school, we picture ourselves in a courtroom seeking justice for our client. However, litigation is expensive, time-consuming, and unpredictable. An effective way of resolving disputes is to employ alternative dispute resolution (ADR). One effective form of ADR is mediation, which will engage the skills and knowledge that you gain during your journey through law school and practice. To those looking forward to careers as litigators, consider taking courses in negotiation and ADR, which will help you build important skills that will make you a more effective advocate.

WHAT IS THE DIFFERENCE?

Mediation		Litigation
You decide	Who decides?	A judge decides
Private process	What kind of process is it?	Public process
Yes	Is it confidential?	No
Non-adversarial	What is the approach taken?	Adversarial
Cost: \$	What is the cost?	Cost: \$\$\$
Win/Win	What is the result?	Win/Lose

SOURCE: MEDIATE.COM

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INSPIRATION



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"I found happiness in my own back yard, but my neighbor claims it's on his side of the property line."