

LEGAL COMPASS

Volume 6 • September 2022



WORDS OF WISDOM

TIME-TESTED ADVICE FOR EXCELLING IN LAW SCHOOL

"Go to court! You might find yourself drawn to a certain practice area that you had not considered before, or your court visit might solidify your interest in a certain area. More importantly, going to court will give you a chance to learn about procedures and rules that aren't taught in the classroom. The more exposure you have to the court system, the better equipped you'll be to practice."

"Use first year to figure out how you can excel at law school. Everyone will give you tips on the 'best' way to study for exams or complete assignments. But each student has different skills and strengths. It's important to find out what study skills work best for you—not which ones work best for everyone else."



FINDING YOUR PATH

Congratulations! You are starting your journey toward becoming a lawyer. Starting in first year, you begin to build the foundation for your future as a lawyer and start to develop an idea of the areas in law that most attract you. As you enter years 2L and 3L, you have the opportunity to explore a great number of practice areas in greater depth, which will help to prepare you for your future career.

While many students have preconceived ideas of what they want to do as lawyers when entering law school, you will be introduced to a world of possibilities that you may not have considered. Your ultimate path should be organic, and what you choose to do with your law degree should be the right thing for you. Open yourself up to exploring your potential future. In first year, you will learn the foundations of Canadian law. This itself, will help you begin your journey toward your future career. You will quickly figure out what you like and do not like. You may want to be a criminal lawyer when you start law school but learn in first year that you do not like criminal law. Similarly, you may find the concepts and analytical approach to contracts enjoyable. You will learn new ways of

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3 FREE ONLINE LEGAL GLOSSARY



4 INSPIRATION FOR LEGAL PRACTITIONERS



FINDING YOUR PATH *[Continued from page 1]*

thinking and discover opportunities you did not consider or know of before applying to law school. Allow your interests to naturally guide you toward future courses in your upper years. You may find that your idea of a legal profession before law school is not what you thought it would be once you become exposed to the possibilities.

Law school should not be just about the academics of law. Yes, you want to ensure you maintain excellent grades and study hard, but you also want to discover [and take advantage of] your opportunities. In addition to classes, get involved in student and community legal clinics, engage in the student sections of various associations or organizations, and work with legal education and publication programs. By doing all (or even just some) of these things, in addition to paying attention to what you like and dislike in class, you may quickly discover that you enjoy areas of the law that you had not contemplated before. This will lead to a better experience in law school and, hopefully, a more successful and fulfilling career.



ONLINE RESOURCES FOR LAW STUDENTS

EMOND RESOURCES

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u.emond.ca/exam-prep

u.emond.ca/lawschoolresources

Law School Manual: u.emond.ca/LSmanual

Bar Exam Preparation Manual:

u.emond.ca/CBPmanual

LEGAL NEWS AND GUIDANCE

canlawforum.com

Barrister/Solicitor Licensing Process:

bit.ly/2FzF01s

canadianlawyermag.com

precedentjd.com

GOVERNMENT RESOURCES

CanLII: canlii.org/en

e-Laws: ontario.ca/laws

Justice Department: justice.gc.ca/eng

FREE LEGAL GLOSSARY

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.

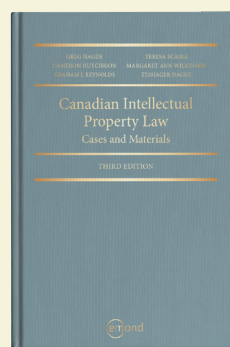
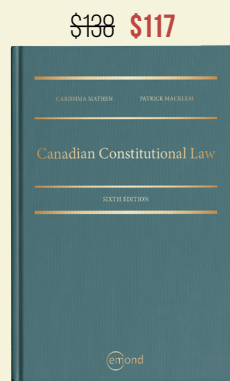
Judicial Notice: a rule of evidence that allows a decision-maker to accept certain commonly known, indisputable, and uncontentious facts without requiring that they be proven with evidence.

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.

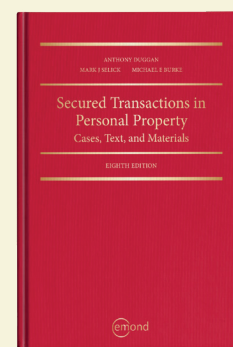
Promissory Estoppel: a rule whereby a person is prevented from denying the truth of a statement of fact made by him or her where another person has relied on that statement and acted accordingly.

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AN ADMIN LAW PRIMER

Think admin law can't be explained in 20 seconds? Well, it depends how fast you read... .

When the government needs a decision-maker in a specialized area, or an area that requires quicker and easier access for applicants, like patented medicine price regulation (specialized area) or landlord-tenant matters (need easier access), the government can pass legislation for an agency, board/tribunal, or commission (ABC) to make those decisions.

These ABCs weren't originally bound by the same principles and norms that bound the courts. But to ensure fairness and justice, they had to be bound by something. Since individual acts created ABCs, each ABC could have its own process. According to the courts, this posed a problem, since decisions made by ABCs could affect fundamental aspects of people's lives as those decisions came with less transparency and accountability than the court process.

So, courts started to intervene in these decisions, creating the judicial review process.

Judicial review isn't an appeal because the jurisdiction to hear an appeal would have to be legislated.

"I have been involved in two and a half decades of this saga, and sometimes, I must confess, the image of the tribes of Israel wandering in the desert for forty years has come to mind. Yet I am optimistic that our journey may be nearing its end."

—former Chief Justice of the Supreme Court of Canada, Beverly McLachlan, on admin law. Read her entire speech on the subject: www.scc-csc.ca/judges-juges/spe-dis/bm-2013-05-27-eng.aspx

But the courts said, "We need some way to ensure that justice has been done," and they used their constitutional jurisdiction to find a way to do so.

And it ballooned from there. The courts intervened; legislatures responded by telling the courts that it wasn't any of their business; the courts insisted that it was.

Judicial review developed as a process for determining that the ABCs' decision-making process was fair and reasonable because, initially, that's all the courts could do without a legislated basis for intervening further.

This back-and-forth is why we have the SCC setting out the framework for the review standards in cases like *Dunsmuir* and *Vavilov* instead of legislation.

TL;DR: the standard of review is how closely the courts will scrutinize an ABC's decision on judicial review. What the standards of review entail has been rewritten multiple times because it keeps failing in practice.

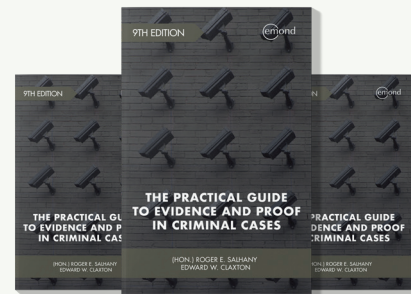
Admin law is complex; not easily summed up in 20 seconds. Fortunately, there are books for that: *Administrative Law: Principles and Advocacy*, 4th Edition, *Administrative Law in Context*, 4th Edition, and *Administrative Law: Cases, Text, and Materials*, 8th Edition.

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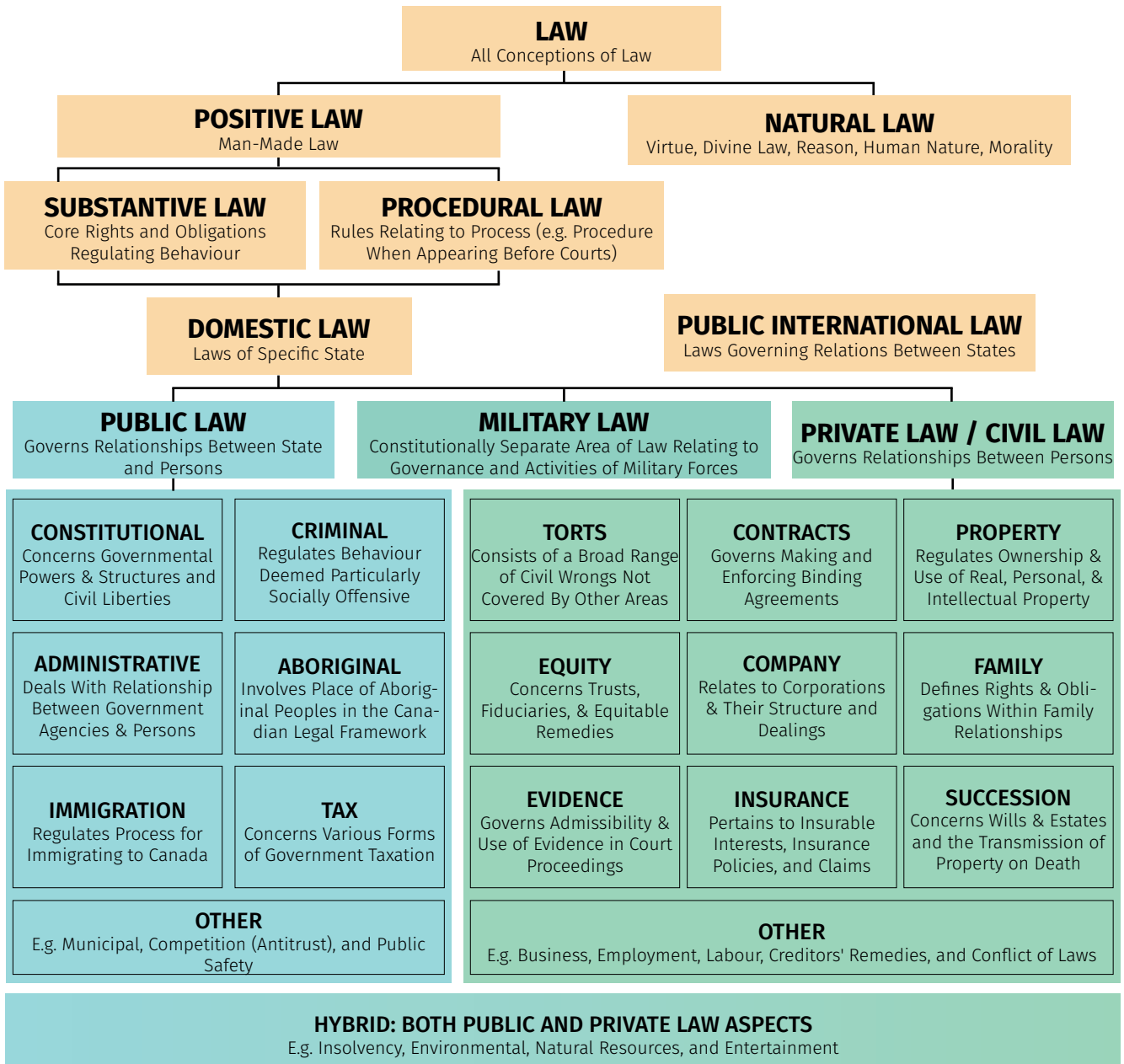
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INSPIRATION

"Success is liking yourself,
liking what you do, and
liking how you do it."
– *Maya Angelou*

"It always seems impossible
until it's done."
– *Nelson Mandela*

