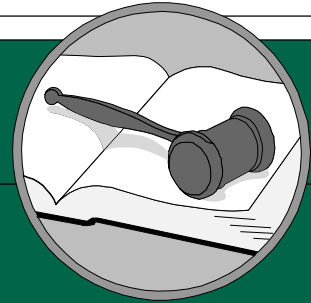


WORKING WITH THE LAW

NEWS FROM EMOND MONTGOMERY
CANADA'S LEADING PUBLISHER OF LAW-RELATED TEACHING MATERIALS



EDITOR'S NOTE

Share your views in this newsletter

Twice a year, Emond Montgomery Publications (EMP) publish a newsletter for instructors in the "Working with the Law" area. Although we don't miss an opportunity to promote some of our new titles in the field, we also want to provide educators with a broader array of perspectives and insights on the educational and professional issues that currently enliven the LAPA landscape.

I want to invite you to take part in this dialogue, drawing on your professional and classroom experience and sharing your views on teaching and learning in LAPA. If you have an article, an essay, or a think-piece that you want to share with legal studies educators across the country, send it along to us for inclusion in a future issue. We want this newsletter to be a forum for exchanging and challenging views from those who make up the educational community that EMP serves.

Mail or e-mail your draft materials or inquiries, to my attention, to:

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Jim Black
Editor, *Working With the Law*

DAVE'S UPDATE

Ordering for the fall semester

After enduring one of the longest, coldest winters in recent memory, it's hard to believe that it is already time to turn our minds to the business of ordering for the fall 2003 semester. We would like to assist you with this task and make it as painless as possible by reminding you about our tried and proven backlist titles, as well as the numerous and greatly anticipated forthcoming titles. Over the course of the summer, we will have several new titles available for review and, just as important, for classroom use in September.

Early in 2003, we released the 2nd edition of *Advanced Residential Real Estate Transactions* by Mark Walma. The new text provides updated material on computerized title search systems, expanded sections on condos and easements, and a rewritten section on developing practices in electronic registration. If you have not reviewed the 2nd edition, please let me know and a complimentary review copy will be sent promptly.

As the winter term drew to a close we published *Civil Litigation Procedure* by Laurence Olivo and Mary Ann Kelly of Seneca College. (See the article, "How does this stuff all fit together, sir?" on page 3 of this newsletter.) In an ideal world we would have released the text earlier in the year, but we wanted to ensure that the abundance of legal forms required for the text were as up to date and complete as possible. The comments we have heard about the book so far have been extremely positive. And, even better, a substantial *Instructor Guide* is now available. Please let me know if you would like to receive a copy.

Next on our agenda (and scheduled to be published this summer) is *Advanced Corporate Legal Procedures* by Eliza-

beth Gillis. (See the article, "A law clerk's career: Adding value and gaining satisfaction," on page 2 of this newsletter.) This text adds to the richness of our offerings in this field, building on the strength of our other successful corporate law text, *Fundamentals of Corporate Law and Procedure*. The new text provides an alternative approach that satisfies the needs of both pre-service students and in-service practitioners. The most current and up-to-date practices in the areas of corporate transactions are covered. Unique to this book is the chapter on corporate procedures for not-for-profit corporations.

Also to be published this summer is *Interviewing Skills for Paralegals* by Doug Cochran of Capilano College in Van-

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A LAW CLERK'S CAREER

Adding value and gaining satisfaction

by Elizabeth Gillis

I have been a law clerk for over 30 years and I still find my job stimulating and challenging. My career started in the mid-1970s when law clerks were still a relatively new idea in Ontario. In fact, I was one of the early home-grown Ontario law clerks. At that time, many of the successful law clerks were hired away from British law firms to work in Toronto. I have worked in a small firm, a medium-sized firm, and ultimately a large firm – and each size has had its advantages.

It was in the small law firm that I gained my experience as a law clerk. I worked in real estate, doing house purchases and sales. This took me to Land Registry offices outside Toronto where I sweated over metes and bounds descriptions of rural properties. Today, no doubt the firm would contract a local conveyancer to complete the title search. I also worked in corporate law and was involved in small business purchases and maintenance of company minute books. As well, I had experience in small claims court and I drafted wills and administered small estates.

When I moved into a larger firm, where I have remained, I specialized in business law procedures. The type of legal work I do today requires much attention to detail looking after the maintenance of our clients' companies. I also enjoy assisting lawyers in transaction work, including drafting the closing agenda, organizing the due diligence process, preparing the supporting documents, and attending at closing. The type of transaction varies; it may be a share or asset purchase or a financing or a tax-driven reorganization. Along with my legal duties, I am responsible for managing the Corporate Services Department and am also a member of our firm's Knowledge Management Committee.

Being a law clerk has offered me opportunities to utilize many skills. For example, I have taught at a community college; I write a column for an American magazine called *Legal Assistant Today*; I have been president of the Institute of Law Clerks of Ontario; I co-chaired the Legal Assistant Management Association's 2000 Annual Conference at the Four Seasons in Toronto; I have been a public speaker at Law Society and other seminars; and through pro bono work I have assisted in the startup of charities and other non-profit organizations. In a word, it is a career that has brought many rewards and much satisfaction. ■

Editor's note: Elizabeth Gillis's text on advanced corporate legal procedures will be published by Emond Montgomery Publications later this year.

Dave's update continued from page 1

cover. We are publishing this text with a vision to the future in paralegal instruction. The interviewing process for paralegals has already established itself as a key program component in western Canada, and we are hopeful that this will be the text that will help educators in other paralegal programs as they develop courses that focus on the skills needed to build client relationships. The book provides a wide range of real-world examples from the legal environment, and offers a program of exercises that help students master the best methods and strategies needed to draw pertinent information from clients for effective and professional representation. The book sparks and holds students' attention with a "light-hearted" approach to the subject, particularly in helping paralegals deal with the "problem interview."

In production and well under way is a greatly anticipated and much needed resource on family law. JoAnn Kurtz of Seneca College is putting the finishing touches on her manuscript for *Family Law and Procedure in Ontario*. We guarantee that this will be the most up-to-date and comprehensive college text on this important subject. Since we announced this title in our 2003 catalogue, the requests and inquiries have been coming in non-stop. The book covers all the key procedural and transactional components that paralegals will encounter with family cases. The text is supported by a full set of assessment tools that allow students to measure their progress.

For those of you who may be teaching private security and investigation, you will be pleased to know that the second edition of our classic *Canadian Private Investigator's Manual* is now available. Following a straightforward and engaging approach similar to that in the first edition, this book introduces students to the most advanced practices and processes on investigation, surveillance, and report writing. This is a winner that will certainly enhance and enliven the classroom experience.

More new titles are in the works for later this year and early next year but, due to space constraints, I will address these in the next issue of *Working with the Law*. In the meantime, please feel free to contact me or any other members of our helpful staff if you require assistance with your teaching material selections. ■

WORKING WITH THE LAW



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“How does this stuff all fit together, sir?”

The challenge of teaching civil litigation to students in law clerk programs

by Laurence Olivo

For over 20 years, my colleagues and I at Seneca College have been trying to figure out ways of teaching our law clerk students civil litigation without having them learn rules by rote, and without causing their eyes – or ours – to glaze over.

We have experimented with our litigation subject over the years, re-jigging and fine-tuning in an effort to achieve our goal – for students to be able to understand and apply the rules, to prepare documents, and to have a sense of the civil process as a dynamic system.

Among other things, the following approaches seemed to work:

- We turned one subject into two 14-week courses. The introductory course covered the process up to the close of pleadings but also included at its front end a panoramic overview of the civil process in the context of a concrete fact situation to which students could relate. This put an end to the question in the title of this article, “How does this stuff all fit together, sir?” The second course takes the students to the end of the trial. By that point, they have a base from which to work as they start field placement.
- We spend lots of time becoming intimate with the *Ontario Annual Practice*. We show students how to use the contents and index, and engage in lots of interactive exercises that lead them to use the rules in order to find out an answer to a question or to solve a problem. Although it is easier to simply answer a student’s question, I force myself to respond with, “Look in the book.” Students are frustrated by this at first, but gradually get into the habit of using the *Ontario Annual Practice* as their primary source for information.
- I tell students that if they want to see how a rule works, it is often a good idea to look at the relevant forms. They also understand the process better if they have to put a rule or procedure to work by drafting documents.

This can be done as an overnight assignment to take up in the next class, but I prefer in-class exercises as I find all students do the work when my beady eye is on them, and I can monitor their progress and give feedback on the spot.

- Having a fact situation that students can understand and relate to as the base for exercises and drafting is extremely useful. Using the same fact situation for the pleading, pre-trial, and trial stages of proceeding helps the student to see how the steps in a proceeding are connected and how a case actually develops and progresses. It also simplifies the creation of materials for use in exercises. For example, a list of medications in a “slip and fall” case can be used for exercises in drafting pleadings, affidavits of documents, motions, pre-trial briefs, and more.
- Students can use classroom time more effectively by practising learned skills in a setting where they can have feedback and help. To do this, the lecture component of a course must be reduced. This means that students need a text that is suited to their needs and abilities. Such a text would allow them

to read the background material in conjunction with the *Rules of Civil Procedure* at their own pace, rather than have us deliver it orally over a lectern. It also means that they have to take some responsibility for their own education, becoming active rather than passive learners. I remind students that, although their ability to take notes quietly is useful, they will be spending much of their time analyzing, interpreting, drafting, and problem solving.

This more interactive approach to what could be a dull course, and the need for a text that will provide what might otherwise be provided by lecture, led Mary Ann Kelly and I to write *Civil Litigation* the way we did. We tried to provide an explanation of how the rules work rather than paraphrasing what they could find in the *Ontario Annual Practice*. Providing a fact situation made the process less abstract for students, as did the use of completed forms and documents, and lots of examples to illustrate points.

The *Civil Litigation* instructor guide is now available. Please contact Dave Stokaluk at stokaluk@emp.on.ca to receive your complimentary copy. ■

ONTARIO ANNUAL PRACTICE 2003-2004

Big bang for the buck!

Last year, many of you expressed interest in having an electronic version of the forms for the *Ontario Annual Practice* (OAP) – and we listened! We persuaded Canada Law Book that this would be a great idea, not only for the educational market, but also for practitioners – and they agreed!

The CD-ROM provides instant electronic access to all forms found in the OAP as well as more than 3,500 cases cited in the book. The forms are in a Microsoft Word fillable format – ideal

for classroom exercises. We have achieved tremendous success with an increase in sales since including this additional resource and, as a thank you to our dedicated customers, we are once again keeping the price down to only \$45. This includes the main volume of over 2,000 pages, the book of forms, and the CD-ROM of forms.

If you have not yet received your instructor copy of *Ontario Annual Practice*, please contact us. ■

Instructor's complimentary book request form

Name	Title	
Phone ()	Fax ()	E-mail
Institution		
Address		
City	Province	Postal Code
Course taught		
Semester and year		Expected class size
Book requested (see list below)		
Author	ISBN	

Forthcoming titles

	Author	ISBN
Administrative Law and Procedure	Swaigen	1-55239-073-x
Advanced Corporate Legal Procedures	Gillis	1-55239-031-4
Debtor-Creditor Law and Procedure, 2nd Edition	Olivo	1-55239-131-0
Family Law and Procedure in Ontario	Kurtz	1-55239-081-1
Interviewing Skills for Paralegals	Cochran	1-55239-102-7
Practising Employment Law: For Better or For Worse (college edition)	Echlin, Thomlinson	1-55239-112-4
Provincial Offences, 2nd Edition	Gilbert	1-55239-097-7

Current and new titles

	Author	ISBN
Administrative Tribunals: A Legal Handbook	Braverman	1-88804-355-4
Advanced Residential Real Estate Transactions, 2nd Edition	Walma	1-55239-100-0
The Art of Collective Bargaining, 2nd Edition	Sanderson	0-88804-069-5
British Columbia Annual Practice, 2003	Bouck, Dillon, Turriff	0836-0391
Civil Litigation	Olivo, Kelly	1-55239-077-2
Canadian Private Investigator's Manual, 2nd Edition	Hawkins, Konstan	1-55239-104-3
Collective Agreement Handbook, 2nd Edition	Saxe, McLean	0-88804-299-X
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The Condominium Act, 1998: A Practical Guide	Gardiner	0-88804-328-7
Creative Solutions: Perspectives on Canadian Employment Law	Echlin, MacKillop	0-88804-309-0
Debtor-Creditor Law and Procedure	Olivo	1-55239-038-1
Family Law in Ontario: A Practical Guide for Lawyers and Law Clerks	Cochrane	0-88804-088-1
Federal and Ontario Corporate Business Legislation	Canada Law Book	1481-1995
Federal and Ontario Insolvency Law	Canada Law Book	1195-3144
Federal Labour and Employment Legislation, 2003	Canada Law Book	1481-7136
Foundations of Criminal and Civil Law in Canada	Rock, Simon	1-55239-037-3
Fundamentals of Contract Law	Fitzgerald, Olivo	1-55239-076-4
Fundamentals of Corporate Law and Procedure	Walma, McCann-Smith	1-55239-074-8
An Introduction to Canadian Law	Sworden	1-55239-069-1
Labour Arbitrations and All That, 3rd Edition	Sanderson, Brown	0-88804-153-5
The Law Workbook: Developing Skills for Legal Research and Writing	Gordon, Elkhadem	1-55239-084-5
Legal Research: Step by Step	Kerr	1-55239-010-1
Negotiation: The Art of Mutual Gains Bargaining	Corry	0-88804-301-5
Ontario Annual Practice, 2003-2004	James, Carthy, Millar, Cowan	0318-3556
Ontario Assessment Legislation	Canada Law Book	1198-3612
Ontario Estates and Trusts Legislation	Canada Law Book	1481-3637
Ontario Family Legislation	Canada Law Book	1198-211x
Ontario Labour and Employment Legislation	Canada Law Book	1195-0196
Ontario Landlord and Tenant Legislation	Canada Law Book	1195-3136
Ontario Municipal Act	Canada Law Book	1195-0188
Ontario Planning Act	Canada Law Book	1195-017x
Ontario Real Estate Legislation	Canada Law Book	1195-3152
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A Practical Guide to Labour Arbitration Procedure, 2nd Edition	Weatherill	0-88804-271-x
Preparation of Wills and Powers of Attorney, 2nd Edition	MacGregor	0-88804-205-1
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Youth and the Law: New Approaches to Criminal Justice and Child Protection	Cotter, Goldstein, Olivo, Rock	1-55239-078-0

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Did you receive our new catalogue?

This year we mailed the Emond Montgomery 2003-2004 catalogue to all PFP/LASA instructors in our database.

If you did not receive a copy, please contact us and we will send one to you promptly. ■

Publish what you teach

Do you teach from your own home-grown material? If you think that this material may be suitable for publication, and that other instructors may benefit from it, give us a call. We are always looking for authors for our college law and law-related texts.

To discuss a specific proposal or to contribute a feature article to a future issue of this newsletter, *Working with the Law*, contact us at 416-975-3925 or 1-888-837-0815.

Thanks.

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