



Law Society
of Ontario

Barreau
de l'Ontario

Criminal Law Essentials for Paralegals 2024

CO-CHAIRS

Shelina Lalji

Shelina Lalji Professional Corporation

Deborah Matheson

Shelina Lalji Professional Corporation

October 9, 2024



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130 Queen Street West, Toronto, ON M5H 2N6
Phone: 416-947-3315 or 1-800-668-7380 Ext. 3315
E-mail: cpd@lso.ca
www.lso.ca

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Criminal Law Essentials for Paralegals 2024

CO-CHAIRS: **Shelina Lalji**, *Shelina Lalji Professional Corporation*
Deborah Matheson, *Shelina Lalji Professional Corporation*

October 9, 2024

1:00 p.m. to 4:00 p.m.

**Total CPD Hours = 2 h Substantive + 40 m Professionalism ^P
+ 20 m EDI Professionalism ^E**

Webcast

**Law Society of Ontario
Toronto, ON**

SKU CLE24-01005

Agenda

- | | |
|------------------------------|--|
| 1:00 p.m. – 1:05 p.m. | Welcome, Opening Remarks and Introductions

<i>Shelina Lalji, Shelina Lalji Professional Corporation</i>

<i>Deborah Matheson, Shelina Lalji Professional Corporation</i> |
| 1:05 p.m. – 1:20 p.m. | Learn the Role and Scope for Paralegals

<i>Edward Disenhouse, Shelina Lalji Professional Corporation</i> |
| 1:20 p.m. – 1:40 p.m. | Recent Developments and The Impact on Paralegals

<i>Deborah Matheson, Shelina Lalji Professional Corporation</i> |

1:40 p.m. – 2:00 p.m.

What to Expect – Case Management Court

John Creelman, *Creelman Paralegal Services*

2:00 p.m. – 2:30 p.m.

**How to Prepare for Pretrial and Resolution Meetings
(10 m )**

Michael Seeley, *Shelina Lalji Professional Corporation*

2:30 p.m. – 2:40 p.m.

Break

2:40 p.m. – 2:50 p.m.

Questions and Answers

Shelina Lalji, *Shelina Lalji Professional Corporation*

Deborah Matheson, *Shelina Lalji Professional Corporation*

2:50 p.m. – 3:20 p.m.

Simulation – Client Interviewing (30 m )

Shelina Lalji, *Shelina Lalji Professional Corporation*

Elizabeth Mateus, *Shelina Lalji Professional Corporation*

Deborah Matheson, *Shelina Lalji Professional Corporation*

3:20 p.m. – 3:50 p.m.

Ethical Considerations (20 m )

Elizabeth Mateus, *Shelina Lalji Professional Corporation*

3:50 p.m. – 4:00 p.m.

Questions and Answers

Shelina Lalji, *Shelina Lalji Professional Corporation*

Deborah Matheson, *Shelina Lalji Professional Corporation*

4:00 p.m.

Program Ends

Criminal Law Essentials for Paralegals 2024

October 9, 2024

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Table of Contents

TAB 1	Understanding the Role and Scope of Paralegals in Criminal The Role of Paralegals in Criminal Law (PowerPoint)1 - 1 to 1 - 5
	<i>Edward Disenhouse, Shelina Lalji Professional Corporation</i>
TAB 2	Recent developments and the impact on paralegals Common Law Tradition (PowerPoint)2 - 1 to 2 - 7
	<i>Deborah Matheson, Shelina Lalji Professional Corporation</i>
TAB 3	What to Expect in Criminal Case Management Courts3 - 1 to 3 - 5
	Criminal Case Management Court Appearance Workflow3 - 6 to 3 - 7
	Form 18 – Designation of Counsel3 - 8 to 3 - 8
	Citations3 - 9 to 3 - 9
	<i>John Creelman, Creelman Paralegal Services</i>
TAB 4	How to Prepare for Pretrial and Resolution Meetings (PowerPoint)4 - 1 to 4 - 11
	<i>Michael Seeley, Shelina Lalji Professional Corporation</i>

**TAB 5 Ethical Considerations for Paralegals:
 Upholding Professional Standards (PowerPoint)5 - 1 to 5 - 9**

Elizabeth Mateus, *Shelina Lalji Professional Corporation*

TAB 1

Criminal Law Essentials for Paralegals 2024

Understanding the Role and Scope of Paralegals in Criminal
The Role of Paralegals in Criminal Law (PowerPoint)

Edward Disenhouse
Shelina Lalji Professional Corporation

October 9, 2024



Understanding the Role and Scope of Paralegals in Criminal Law

The Role of Paralegals in Criminal Law

- Importance of paralegals in criminal justice.
- Paralegals ensure **access to justice** by handling summary conviction matters.
- Paralegals are part of the justice system and must adhere to ethical standards.

Understanding the Role and Scope of Paralegals in Criminal Law

The Scope of Paralegals in Criminal Law

- **Summary Conviction Offenses:**
 - Maximum penalty: 2 years imprisonment..
 - <https://lso.ca/about-lso/legislation-rules/permitted-criminal-code-summary-conviction-offence>
- **Hybrid Convictions**
 - Only when elected as summary conviction offenses.
- **Bill C-75's Impact**

Understanding the Role and Scope of Paralegals in Criminal Out-of-Scope Activities

- **Indictable offenses** or **hybrid offenses** elected as indictable.

Understanding the Role and Scope of Paralegals in Criminal Ethical Obligations

- **Diligence** in identifying in-scope cases.
- **Referrals**
 - Importance of proper **referrals** to lawyers for out-of-scope matters,
 - LSO referral directory
 - Referral to lawyers with criminal practice
 - ensuring clients receive adequate legal representation.
- **Diligence** in identifying out-of-scope cases early to avoid conflicts or unauthorized practice.

Understanding the Role and Scope of Paralegals in Criminal

Key Takeaways

- Paralegals handle summary conviction offenses
- **Bill C-75** increased the range of summary offenses for paralegals
- Ethical responsibility: Recognize out-of-scope matters early.



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TAB 2

Criminal Law Essentials for Paralegals 2024

Recent developments and the impact on paralegals
Common Law Tradition (PowerPoint)

Deborah Matheson
Shelina Lalji Professional Corporation

October 9, 2024



Recent developments and the impact on paralegals

Common Law Tradition

Common law is a system of law based on court decisions and precedents rather than written laws or statutes. It evolves through the rulings of judges in individual cases, which serve as guidelines for future cases with similar facts or issues. This system is used in many countries, including Canada and the United Kingdom..

The Role of Precedent

- “Stare Decisis” – Courts follow previous (and recent) decisions unless there’s a compelling reason not to.
- Importance of understanding legislation first, then using caselaw for interpretation.

What is recent?

- ongoing influence on practices and procedures.
- A case remains "recent" while it still affects legal interpretation.

Legal Developments

refers to the evolution or refinement of legal concepts, practices, or structures that impact the application of the law. It can be understood in two main ways:

- **A new or refined product or idea:** This refers to the creation of new laws, amendments to existing legislation, the introduction of new legal arguments, or the codification of practices that reflect current societal needs. For example, the introduction of new legislation related to digital privacy or artificial intelligence.
- **An event constituting a new stage in a changing situation:** This involves changes in how existing laws are interpreted or applied, often through judicial decisions, procedural changes, or the implementation of new practices. For example, new interpretations of a law based on precedent or the introduction of streamlined court procedures.
- In essence, legal development can be a new law, a judicial ruling that changes how a law is interpreted, or any procedural adjustment that affects how the legal system operates.

Sources for Identifying Legal developments

Caselaw Databases and Legislation Websites

- CanLII,
- LexisNexis
- Westlaw
- Ontario e-Laws
- Justice.gc.ca
- Criminalnotebook.ca
- Ontario Reports
- Ontario e-Laws

Collaboration with Lawyers and paralegals

- Diverse Perspectives
- Shared Knowledge:
- Practical Application
- Specialized Expertise

Mentors:

- Practical Experience
- Guidance on Complex Issues
- Up-to-date Knowledge
- Networking

Professional Associations

- Access to resources
- CPDs

Continues learning

- Webinars
- CPDs

Subscription

- Google alerts
- Legal updates

Broadening Legal Research

- Explore cases beyond immediate paralegal scope (e.g., constitutional cases):
 - **Joseph Sciascia v. Her Majesty the Queen** – Ontario Court jurisdiction.
 - **Matthew John Anthony-Cook** – Joint positions on guilty pleas.

Recent developments and the impact on paralegals

Impacts on paralegals

Adaptation

- Changes in Scope of Practice
- Increased Competence Requirements
- Access to Justice Expansion
- Ethical and Regulatory Changes
- Adapting to Technological Changes
- Changes in Case Law
- Client Expectations
- Increased Collaboration with Lawyers
- Adapting to Regulatory Changes
- New Precedents

Recent developments and the impact on paralegals

Case Study: R. v. Jordan (2016)

Key Changes

- Ceilings for delay under Section 11(b) of the Charter.
- Onus on both the defence and the Crown to actively push cases forward.
- Use of 11(b) waivers.

Adaptation

- Proactive case management is essential
 - Paralegals must manage cases proactively, ensuring timely filing, communicating with clients and other parties, and keeping track of the progression of the case to avoid delays.
- Prepare clients for delays and necessary actions
 - Paralegals need to be clear with their clients about potential delays and how they may impact the outcome. This may involve educating clients about the reasons behind the delay and the steps being taken to mitigate it.

Recent developments and the impact on paralegals

Precedents and legal developments shape every aspect of our work as paralegals, guiding us through complex legal landscapes and helping us make informed decisions. Legal changes require us to be adaptable, always ready to adjust our practices in line with new laws, procedures, and interpretations. Staying informed is essential for delivering justice competently and confidently. As the law evolves with society, so too must we. It is our duty to not only keep pace with these changes but to anticipate them, ensuring that we continue to uphold the highest standards of justice and client service.

TAB 3

Criminal Law Essentials for Paralegals 2024

What to Expect in Criminal Case Management Courts

Criminal Case Management Court Appearance Workflow

Form 18 – Designation of Counsel

Citations

John Creelman

Creelman Paralegal Services

October 9, 2024



What to expect in Criminal Case Management Courts

John Creelman
Creelman Paralegal Services

Introduction to describe purpose and history of Criminal Case Management Courts (CCMC)

-first purpose to maintain jurisdiction over matters and second, to ensure the case moves along - Crown making its election, providing timely disclosure and Defence setting up resolution discussions with the Crown.

-history has gone from a rubber-stamping process 'so ordered' to one of inquiry and expectation to state reasons for a request of the court.

-I should note these courts have gone under many different names over the years - 'set date courts', 'speak to courts', 'remand courts' etc. Finally, they are now uniformly called 'Criminal Case Management Courts' or just Case Management courts because that's what they are expected to do.

-every Case Management Court is run differently. Not every court has a signup sheet or treats lawyers and paralegals equally. Some courts still operated as if the order of call wasn't removed from the *Barristers Act*.

Be prepared and familiarize yourself with key websites such as:

Daily Court Lists - <https://www.ontariocourtdates.ca/Default.aspx> (for court dockets and line numbers)

OCJ Court locations - <https://www.ontariocourts.ca/ocj/court-locations/> (for login information)

A word about decorum - even though you are on-line, dress as if you would for an in-person court appearance, keep muted until recognized and be organized.

What is said in CCMC becomes part of the record of a case and matters going forward. The decision of the jurist is a judicial decision and not simply an administrative function.

BE PREPARED TO BE CHALLENGED, especially in courts you attend for the first time or infrequently. Remember you are a licensed paralegal appearing as 'agent for counsel' with instructions. Be prepared to explain all of this.

If asking for an adjournment give the reason for the request. The Court and Crown will expect something being done before the return date.

Decisions made in CCMC matter

Prior the the *Jordan* decision these courts were mindful of the president set by *Askov* (any person charged with an offence has the right to be tried within a reasonable time)

The *Jordan* decision changed everything. It determined that trials must be heard no later than 18 months after charges are laid. More time is permitted for trials involving indictable matters.

11b of the Charter, the guarantee of a trial within a reasonable time, can still be waived and if a matter is lagging the Crown may request it. Agree to it only if you have counsel's instruction. Otherwise indicate you have no instructions.

Timelines are also affected by Practice Directives issued by the Court, specifically the Chief Justice of the Ontario Court of Justice. Key Practice Directives can be found at <https://www.ontariocourts.ca/ocj/notices/12-week-adjournment-first-appearance/> and <https://www.ontariocourts.ca/ocj/notices/jordan-compliant-trial-scheduling/>

Generally, the Court is looking for a 15-month resolution period with a longer remand when a matter is first addressed in CCMC. This is to enable production of Disclosure, a Resolution meeting (Crown Pre-trial) between defence and the Crown and Judicial Pre-trial(s) if necessary. JPTs are done to scope matters and sometimes hurry them along.

Involvement of Paralegals in Criminal Case Management Court

Long before paralegals were governed the LSO, they appeared in CCMC as an agent for counsel. *The overwhelming majority of paralegal appearances in CCMC fall into this category.*

Exceptions: 810 Peace Bonds, hearings for amendments to Undertakings (rare) Summary matters and POA Pleas.

Workflow:

Lawyer asks a paralegal to appear in CCMC as their agent to either adjourn a matter, to set a date for Crown Pretrial (I prefer calling it a 'resolution meeting with the Crown'), Judicial Pretrial or actual trial. Insist on communication with counsel by email so instructions are clear and you can report back on outcome.

When any matter is called, counsel or agent must state their name and indicate who they act for followed by the request of the court. The court may require spelling of names.

The Crown or court at this point, probably indicates whether the matter is proceeding summarily or by way of indictment. While it has been deemed 'best practice' for the Crown to do this at the earliest opportunity, sometimes it does not happen. Charges fall into three categories, those inherently summary, those inherently indictable and those deemed hybrid.

Until the Crown elects on a hybrid charge, it is deemed to be indictable.

Summary conviction matters are governed by Section 802.1 of the Criminal Code subject to Provincial Regulation OC 115/2019. If the charge is indictable, a Designation under Section 650.01 (included in the materials) must be on file for the paralegal to be permitted to proceed.

While it is clear LSO By-law 7.1 does not permit paralegals to represent clients on indictable matters, a proper Designation filed by Counsel **has been deemed to extend to paralegals** acting as agents for counsel on **routine matters** - see *R. v. G.Y.L.* 2009 (included in the materials). This case is cited in Judicial version of the Criminal Code as the defining case on whether paralegals can, for limited purposes, appear on indictable matters in Case Management Courts. Another case *R.v. Golyanik* 2003 speaks to the ability of articling students to appear on behalf of counsel so long as Designation was filed.

What to expect in CCMC when addressing indictable matters...

The court and Crown will expect a Designation to have been filed. If not, two things can happen:

- the Justice of the Peace may allow you to proceed but issues a Bench Warrant with Discretion.

- the Justice of The Peace insists on the attendance of counsel or the accused otherwise a Bench Warrant will be issued.

At the stage of setting the trial for an indictable matter, the court **will not permit a paralegal to indicate mode of trial (OCJ versus SCJ)** *This can only be done by counsel or the accused.*

Wrinkles due to local practice:

-as mentioned every court is different in terms of signup and case call.

-Crown Pretrials are set in court with concurrence of the Crown. Judicial Pretrials are also set in court but with a date provided by the Court's Trial Coordinator arranged in advance. Usually this provided to counsel but sometimes it's just from a list of available dates and times provided to the CCMC.

-adjournment from a JPT usually takes place at the end of the JPT but in some jurisdictions you will be asked to set the JPT date as well as the next CCMC date.

Combination of Criminal Code and POA charges, a dilemma...

Often both Criminal Code and POA charges stemming from the same alleged occurrence will go onto a CCMC docket together. The expectation is usually that they will resolve one way or another together in an OCJ Judge's court. Resist a request to send POA charges off to a POA court unless your client wants this to happen.

Criminal Case Management Court Appearance Workflow

-The vast majority of CCMC appearances are done virtually. The Ontario Court of Justice maintains a site for connection to specific court locations - <https://www.ontariocourts.ca/ocj/court-locations/> under 'Virtual Appearance Information/Criminal Case Management Court' A link is provided to permit logging into CCMC.

-If the court location has a signup sheet it can usually be found here. Signup usually occurs no sooner than 6:00 p.m. the day before the appearance.

-Once connected, stay on mute until your matter is called. Be organized and prepared. Know your instructions and articulate them. Do your homework in advance.

-When your name is called, identify yourself and spell your name followed by name of person on the docket and line number. Personally I do not self identify as a paralegal but rather as 'agent for counsel'. This is what you are when speaking to matters on behalf of counsel.

Note: line numbers are found at <https://www.ontariocourtdates.ca/Default.aspx>

Indicate that you are appearing as agent on behalf of counsel. Name counsel and spell their name.

Typical dialogue:

"Good morning Your Worship, (your name) appearing on the James Jackson matter line 23. I appear as agent for Counsel Jones, initial J."

The sequence here is important as it allows the court clerk to locate the Information and hand it up to the Justice.

Once the Information is before the Justice and the Crown has pulled up details of the case on their system (SCOPE) make your request.

Be mindful of several things.

First, the Crown and Justice of the Peace have a complete record of the number of appearances and reasons given in court for adjournments. This is reflected in SCOPE, the Information itself augmented by the Justice's endorsement sheet attached to the Information.

Second, the appearance affords the opportunity for the Crown and Defence to put various things on the record. These include but are not limited to comments about case progression, state of disclosure and anticipated next steps. All this becomes crucial in the event of delay arguments in the future.

Third, even though a trial coordinator may have provided Counsel or their agent with dates and times for a Judicial Pretrial or actual trial, this information still needs to be placed on the record in CCMC.

Form 18
DESIGNATION OF COUNSEL

(Criminal Code, section 650.01)

ONTARIO
SUPERIOR COURT OF JUSTICE

.....
Court File No. (if known)

.....
Region

BETWEEN:

HIS MAJESTY THE KING

- and -

(specify name of accused)

I, _____, appoint _____

as my counsel of record, to represent me in the Superior Court of Justice in my absence as indicated below, on the following charge(s):

I designate my counsel (or counsel acting on their behalf) to appear for all court proceedings where my attendance is not required by law or by the direction of a judge of the Superior Court of Justice;

or

I designate my counsel (or counsel acting on their behalf) to appear at court proceedings on my behalf on the following date(s):

or

I designate my counsel (or counsel acting on their behalf) to appear for all court proceedings up to and including the completion of the judicial pre-trial conference and the setting of a trial date with or without counsel.

I understand that if counsel attending at the pre-trial conference does not represent me at my trial and I represent myself at trial or another counsel represents me at trial, the positions taken at the pre-trial conference by the lawyer named in this Designation are the positions that will apply at the trial, **unless** I or my new counsel provide timely written notice to the Court and arrange for a further pre-trial conference.

I undertake to remain in communication with counsel named in this Designation and to appear before the Court on any date requested by the Court, and I agree that notice of such date to counsel named in this Designation is notice to me of that date.

My current address, telephone number and email address are:

I undertake to advise counsel named in this Designation if I change either my address or telephone number.

DATED at _____, Ontario, on this _____ day of _____, 20 _____.

Signature of Accused

I, _____, a barrister and solicitor, hereby accept the appointment of _____ as their counsel of record, to fully represent their interests

interests, in their absence, in relation to charges of

DATED at _____, Ontario, on this _____ day of _____, 20 _____.

Signature of Counsel

Address

Telephone

Email address

Citations

R. v. G.Y.L., 2009 CanLII 38516 (ON SC)

[2009 CanLII 38516 \(ON SC\) | R. v. G.Y.L. | CanLII](#)

R. v. Golyanik, 2003 CanLII 64228 (ON SC)

[2003 CanLII 64228 \(ON SC\) | R. v. Golyanik | CanLII](#)



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TAB 4

Criminal Law Essentials for Paralegals 2024

How to Prepare for Pretrial and Resolution Meetings
(PowerPoint)

Michael Seeley

Shelina Lalji Professional Corporation

October 9, 2024



How to Prepare for Pretrial and Resolution Meetings

Objective

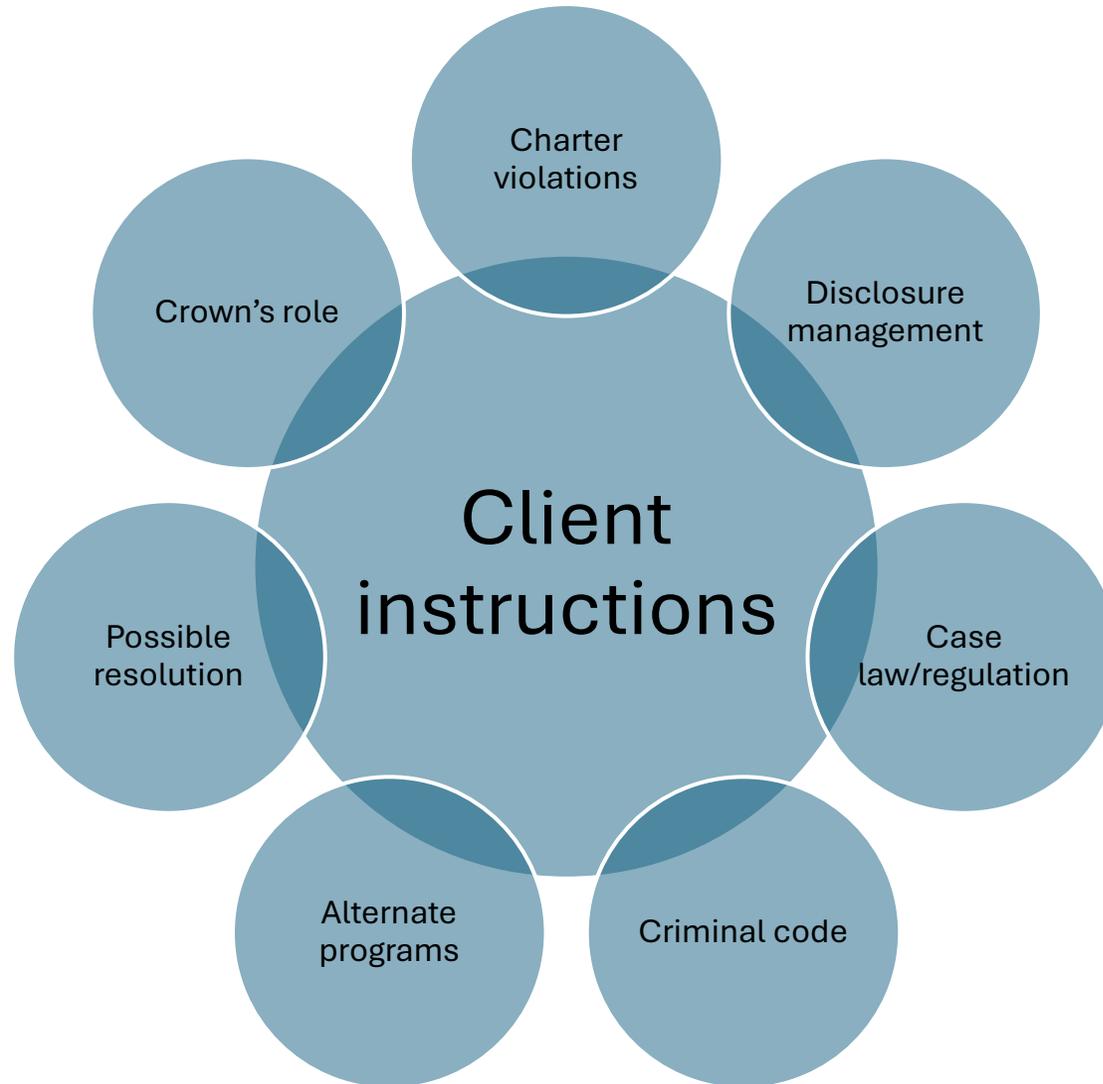
- Importance of effective pretrial and resolution meeting preparation

Learning Objectives

- Steps for disclosure management
- Navigating Pretrial Conferences and Resolution meetings
- Understanding crown's role

How to Prepare for Pretrial and Resolution Meetings

Harnessing Knowledge to Drive Success in Pretrial and Resolution Meetings



How to Prepare for Pretrial and Resolution Meetings

Steps for disclosure management

Importance of timely disclosure

- Ensures fair trial
- Avoid delays
- Client strategy
- Meets legal requirements

Documenting Disclosure Requests

- Create a Paper Trail
- Court Record
- Follow-Up Communications
- Clarity and Specificity

Handling disclosure delay

- Polite but firm follow ups
- Record delays
- Escalation
- Adjournment (pretrial or trial)
- Communicate with client

Documenting Disclosure Requests

- Create a Paper Trail
- Court Record
- Follow-Up Communications
- Clarity and Specificity

How to Prepare for Pretrial and Resolution Meetings

Harnessing Knowledge to Drive Success in Pretrial and Resolution Meetings

The charter

Identifying Charter Violations and Timelines for Filing:

- Early identification of Charter violations is critical for ensuring that clients' rights are protected throughout the legal process. It provides a foundation for defense strategies and applications for remedies

Importance of Early Identification:

- Identifying potential Charter violations early on allows legal teams to gather relevant evidence, prepare strong arguments, and meet filing deadlines, which can be crucial in seeking a dismissal or reduction of charges.

Timeline for Filing an Application:

- It is essential to be aware of and adhere to the specific deadlines for filing Charter applications, as missing these deadlines could limit the ability to raise certain arguments or obtain remedies.

Ontario's 6-Month Timeline & Jordan Rule (18 Months):

How to Prepare for Pretrial and Resolution Meetings

Harnessing Knowledge to Drive Success in Pretrial and Resolution Meetings

Know Your Criminal Code Offences:

- Understanding the Criminal Code provides a strong foundation for effectively navigating legal cases. Being well-versed in the specific offenses in the Criminal Code allows for better analysis of the case, including possible defenses and applicable penalties.

Know Possible Resolutions Based on Facts of the Case:

- Analyzing the facts in relation to previous case law and similar scenarios helps to anticipate likely resolutions, whether through negotiation, plea deals, or court outcomes.

Familiarity with Additional Orders:

- Understanding additional orders, such as probation or driving prohibitions, allows for the exploration of these options as part of a resolution, potentially offering alternatives to harsher penalties like jail time.
- Recognizing the conditions and implications of probation or driving prohibitions ensures that clients are fully informed and prepared for any additional legal restrictions.

How to Prepare for Pretrial and Resolution Meetings

Harnessing Knowledge to Drive Success in Pretrial and Resolution Meetings

Caselaw/Regulations

- **Legal Precedent:** Case law provides binding legal precedents that can influence negotiations, supporting your position with previously decided cases that are favourable to your client.
- **Regulatory Framework:** Understanding relevant regulations helps ensure compliance with legal standards and provides a framework for what is permissible in settlement negotiations
- **Strengthen Arguments:** Case law and regulations can be cited to strengthen arguments, demonstrating how the facts of your case align with favourable rulings or statutory provisions.
- **Clarification of Legal Rights:** Helps clarify the legal rights of the client, ensuring that their position is well-protected during negotiations.
- **Identification of Weaknesses:** Allows for the identification of weaknesses in the opposing party's case by pointing out where they diverge from established case law or regulatory guidelines.
- **Limitations on Penalties:** Case law may establish limits on sentencing or penalties, which can be used to negotiate more favourable outcomes.
- **Negotiating Power:** Having a deep understanding of relevant case law and regulations gives you leverage in negotiations by showing that your position is legally sound.
- **Predicting Outcomes:** By referencing relevant case law, parties can predict likely outcomes at trial, often leading to more realistic and pragmatic settlement negotiations.
- **Consistency with Past Rulings:** Ensures consistency with past rulings, which is crucial when arguing for a fair and just outcome in line with established legal principles.

How to Prepare for Pretrial and Resolution Meetings

Harnessing Knowledge to Drive Success in Pretrial and Resolution Meetings

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Familiarity with Alternate programs

Exploring alternative programs can provide clients with non-traditional pathways for resolving their cases, often focusing on rehabilitation and accountability rather than punishment.

Alternative programs can offer meaningful and restorative options for clients, often resulting in less severe legal consequences while promoting personal responsibility and rehabilitation

- **Direct Accountability Program**
- **Partner Assault Response**
- **Indigenous Justice Circles**

How to Prepare for Pretrial and Resolution Meetings

Harnessing Knowledge to Drive Success in Pretrial and Resolution Meetings

The Client

Client Instructions:

- Clear client instructions are crucial to ensure they fully understand the case strategy, options, and potential outcomes. This helps in managing their expectations and gaining informed consent for legal actions.

Meeting in Advance:

- Holding a meeting in advance allows for thorough discussions of case details, ensuring both the client and legal representative are on the same page regarding the case's approach and next steps.

Ensuring Client Readiness:

- Preparing the client in advance for any meetings or court appearances ensures they are confident, informed, and aware of their role in the legal process. This includes understanding potential questions they may face, the importance of their demeanor, and the facts they need to present.

How to Prepare for Pretrial and Resolution Meetings

Understanding the Crown's role and responsibilities

Crown's Duty

- The Crown has an overarching duty to ensure that justice is served, not simply to secure a conviction. This means presenting evidence in a fair and balanced manner, whether it supports the case for conviction or reveals potential weaknesses in the prosecution's case. The Crown must ensure that the accused receives a fair trial, operating as a representative of justice rather than as an adversary

Full and Exculpatory Evidence Disclosure

- One of the most critical duties of the Crown is the obligation to disclose all relevant evidence to the defence, including any exculpatory evidence that might suggest the accused is not guilty. Failure to provide full disclosure can result in a miscarriage of justice.

Ethical and Justice-Based Approach

- During resolution discussions, the Crown must weigh multiple factors, including the strength of the evidence, the public interest, the circumstances of the accused, and any mitigating or aggravating factors.

Crown as a Participant, Not Adversary:

- In the legal process, particularly in resolution discussions, the Crown's role is not to act as an adversary but as a participant in the pursuit of justice. The Crown must work collaboratively with the defence and the court to ensure that the outcome is fair and just. This perspective encourages productive resolution discussions, where the focus is on finding a just solution rather than on winning or losing the case.

How to Prepare for Pretrial and Resolution Meetings

Knowledge is power

You've officially earned your legal cape – time to fly into those resolution and pre-trial meetings like a superhero!“

Importance of preparation

- Knowledge and confidence
- Readiness to explore resolutions and narrow down trial issues, it is simple
- Client trust
- Professionalism earns respect in the courtroom

How to Prepare for Pretrial and Resolution Meetings

“You can plant the seed, but they’ve got to water the garden.”

- Observe real-world pretrials or resolution meetings
- Research a recent case, prepare a summary



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TAB 5

Criminal Law Essentials for Paralegals 2024

Ethical Considerations for Paralegals:
Upholding Professional Standards (PowerPoint)

Elizabeth Mateus

Shelina Lalji Professional Corporation

October 9, 2024



Ethical Considerations for Paralegals: Upholding Professional Standards

Key Objectives :

- Ethical duties and best practices
- Importance of ethics for paralegals
- Maintaining the integrity of the legal profession
- Building public trust in paralegal services

Ethical Considerations for Paralegals: Upholding Professional Standards

By the end of this session, participants will understand key ethical duties, including:

- Confidentiality
- Conflict of Interest
- Competence
- Diligence
- Informed Consent
- Professional Client Relationships

Ethical Considerations for Paralegals: Upholding Professional Standards

Confidentiality

Ethical duty

- Duty to keep client information private
- Distinguishing confidentiality from privilege

Best Practices:

- Secure file sharing
- Avoid discussing cases in public
- Use secure storage methods

Exceptions:

- Permissible disclosure in legal obligations (imminent harm)

Ethical Considerations for Paralegals: Upholding Professional Standards

Conflict of interest

Definition:

A paralegal's loyalty or judgement becomes compromised when it's split between multiple clients or when their own personal interests conflict with those of a client.

Types:

- Joint Retainer
- Conflicts involving personal interest vs. client interest

Managing Conflicts:

- Identifying potential conflicts early
- Ensuring loyalty to clients

Conflict after the fact:

- What now?

Ethical Considerations for Paralegals: Upholding Professional Standards Competence

Competence:

In a professional setting encompasses a well-rounded approach that combines knowledge, ethical principles, and practical abilities

Ongoing education and training

- Reading caselaw
- Observing proceedings
- CPDs

Learn LSO the rules and regulations

Staying within the scope

Handling cases relevant to your expertise or getting a mentor

Ethical Considerations for Paralegals: Upholding Professional Standards

Diligence

Diligence:

Careful and consistent effort to perform legal duties thoroughly, accurately, and in a timely manner to protect a client's interests.

Examples of Diligence:

- Timely disclosure requests
- Scheduling Crown Pre-Trials
- Filings

Ethical Considerations for Paralegals: Upholding Professional Standards

Informed Consent

Definition:

a client's voluntary agreement to a proposed course of action after being fully informed of the relevant facts, risks, and consequences by their legal professional

- **Obtaining Consent:**

- Facts
- Risks
- Consequences
- Plain language

- **Written Consent:**

- Why?

Ethical Considerations for Paralegals: Upholding Professional Standards Client Relationships

Professional Boundaries:

Professional boundaries in a legal setting are the ethical limits that ensure a paralegal-client relationship remains objective, respectful, professional and focused solely on the client's legal interests.

Importance of setting boundaries with clients

- Maintains Professionalism
- Prevents Conflicts of Interest
- Protects Objectivity
- Ensures Ethical Compliance
- Manages Client Expectations
- Promotes Work-Life Balance

Transparency

- clear, open communication where all relevant information is shared with the client, ensuring they fully understand the legal process, potential outcomes, and any associated risks.

Effective Communication:

- Regular updates on case progress
- Agreed upon in retainer

Ethical Considerations for Paralegals: Upholding Professional Standards

To maintain the integrity of the legal profession, it is essential for paralegals to uphold the highest standards of ethics, professionalism, and accountability. By adhering to strict codes of conduct, paralegals help ensure that their actions reflect positively on the legal community as a whole. Building public trust in paralegal services requires transparency, consistent communication, and a commitment to delivering competent, high-quality legal assistance. When paralegals demonstrate reliability and professionalism, it reinforces confidence in the broader legal system, fostering trust and credibility among clients and the public.