

Ontario Justice Education Network

Justice Education for ESL Students

Civil Law



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Civil Law TEACHER'S GUIDE

This workshop is one of a series of workshops that can be used to assist with meeting Civics expectations and the Social and Cultural Competence expectations under ESL and ELD components of the Ontario Curriculum.

The purpose of this workshop is to give ESL students a general introduction to the basics of civil law and provide them with a positive first interaction with professionals from the justice sector. Other objectives are to build their public speaking skills and confidence in interacting with representatives from the justice system. The materials below can be adapted to the level and background knowledge of each group of students. In addition to varying language levels students will also have had a variety of prior experiences, both good and bad, with the justice system.

As the teacher, you are well-situated to have a good understanding of your class dynamics, learning levels, and what works best to get ideas across successfully. We encourage you to speak with the volunteer before he/she comes into your class to discuss how he/she can best interact with students and what level of language is most appropriate. You can help facilitate the workshop by assisting the volunteer to give out materials and work with the students through the various activities. The volunteer may need your assistance in keeping students' attention and will look to you for cues that he/she is speaking for too long or at a level that is too difficult for students to grasp.

Below you will find vocabulary, example scenarios, and worksheets for students. Please review these with your class prior to the session so students are able to participate and get more out of the workshop.

As this is a pilot project, we look forward to your feedback. For any questions/concerns about the workshop contact OJEN Program Manager, Julie Kon Kam King, at 416-947 5237, jking@ojen.ca

For more background on OJEN and its programs visit www.ojen.ca



Workshop Outline

Below is an outline of areas the lawyer will cover during the workshop. Before getting into the substance of the workshop, the lawyer will introduce herself/himself to the students and explain the format of the presentation.

1. Introduction

- The lawyer will ask students to give examples of when individuals may come into contact with the law in their everyday lives.
- The lawyer will map out an average student's day on the board, and mark possible encounters the student may have with the law on any given day.
- The lawyer may use photos which illustrate everyday interactions to start student discussions.

2. Learning more about Civil Law

- The lawyer will use a chart to explain the differences between civil and criminal law in simple terms.
- The lawyer will have students respond by raising their hands to the "What Kind of Law Quiz"
- The lawyer will go over the scenarios attached providing further explanation on the following issues:
 - negligence
 - trespass
 - nuisance
 - defamation
 - contracts
 - consumer issues
 - employment issues
 - family law issues

2. Getting Help

- The lawyer will describe the role of lawyers, community legal clinics, and settlement organizations in assisting youth and their families with legal issues.



Workshop Resources (Student Handouts and Teacher Keys)

Below you will find a few resources to assist you with preparing your students for the workshop including:

- Plain language descriptions and definitions of civil law terms
- Vocabulary exercises for reinforcing new terms
- Plain language scenarios the lawyer will use for discussing relevant civil law issues
- A handout outlining contact information for local legal resources for students and their families
- Teacher and student evaluation forms
- Enclosed in this package are also two videos which you may choose to play to show examples of civil law issues. These videos must be returned to OJEN.



Vocabulary – Student Handout

Your teacher will go over these new words and ideas about Civil Law

Ask your teacher if you do not understand.

What is a Civil Law case?

- Civil cases take place when a person *sues* another person or company and brings them to court to fix a problem, end a disagreement, or to get money for harm that has been caused.
- Cases that are not criminal cases are civil cases.
- A civil trial has two sides – a *plaintiff* who is suing, and a *defendant* who is being sued.
- A judge listens to both sides' arguments and then decides whether or not the courts can give a solution to the problem.
- A plaintiff must prove that his/her version of the story is the right one "*on a balance of probabilities*" to get a judgment in his/her favour.
- A judge in a civil case will sometimes make the defendant pay money to the plaintiff, or stop doing something, or make a public apology.

Key Civil Law Terms

Plaintiff – the person who sues someone else to fix a problem or end a disagreement.

Defendant – the person who is being sued.

Witness – a person who is asked to come to court to tell the truth about what they saw or know happened.

Evidence – information or objects each side in a court case uses to prove their case.

Judge – someone who has a legal background and is chosen by the government to listen to evidence in court and make decisions about who has the more believable story about what happened. Judges have to explain to the court what they have decided and write decisions after listening to all the evidence. Judges must be fair and not take sides. If there is a jury, the judge will help the jury to understand their role by giving them instructions.

“Balance of Probabilities” – when it is more believable that one version of events happened than the other.

Negligence - doing something you are responsible for without care and not properly.

Nuisance – creating a disturbance to others.

Trespassing – going onto someone’s private property without their permission.

Defamation – making false statements about someone in public, which are damaging to his/her image.

Contract - an agreement between two or more people (sometimes this involves money, an exchange of things, or a service).

Breach of Contract- breaking a contract and not doing what was agreed to.

Consumer – someone who buys something which another is selling.

Separation – when a married couple is living apart but have not yet filed divorce papers.

Divorce – when a married couple has filed divorce papers and decided to legally end their marriage.

Custody – when a court decides which parent a child will live with.

Liabe – when someone is found by the court to be responsible for causing an event or thing to happen.

Benefit- receiving something good or an advantage from a situation.

Harm- hurting another person in some way.

Damages- the amount a court makes one side pay to the other to make up for harm caused.



Learning Legal Terms

Fill-in the blanks using the legal terms from above.

1. During a civil trial a _____ gives evidence. In a civil trial a _____ and _____ each try to prove their cases.
2. A _____ will decide which side has proven its case _____.
3. When you make an agreement with someone for money this is called a _____. When you break this agreement this is called _____.

4. Going onto someone's property which has a "private sign" hanging on the lawn is called _____.
5. When a court finds a person _____, he or she is responsible for the hurt or _____ that has been caused.
6. Receiving something good or an advantage from a situation is called receiving a _____.
7. _____ is the amount a court can make one side pay to the other for harm that has been caused.
8. When you fail do to a task or responsibility assigned to you properly this is called _____.
9. A person who buys something from someone else is called a _____.
10. Making too much noise may be called a _____.
11. Publishing false facts about someone in the newspaper is called _____.
12. When a couple decides to end their marriage this is called _____. The court will decide which parent has _____ of the children.



TEACHER'S ANSWER KEY

Learning Legal Terms / Fill in the blanks

1. During a civil trial a WITNESS gives evidence. In a civil trial a PLAINTIFF and DEFENDANT each try to prove their cases.
2. A JUDGE will decide which side has proven its case BEYOND A REASONABLE DOUBT.
3. When you make an agreement with someone for money this is called a CONTRACT. When you break this agreement this is called BREACH OF CONTRACT.
4. Going onto someone's property which has a "private sign" hanging on the lawn is called TRESSPASSING.
5. When a court finds a person LIABLE, he or she is responsible for the hurt or DAMAGE that has been caused.
6. Receiving something good or an advantage from a situation is called receiving a BENEFIT.
7. DAMAGES are the amount a court can make one side pay to the other for harm that has been caused.
8. When you fail do to a task or responsibility assigned to you properly this is called NEGLIGENCE.
9. A person who buys something from someone else is called a CONSUMER.
10. Making too much noise may be called a NUISANCE.
11. Publishing false facts about someone in the newspaper is called DEFAMATION.
12. When a couple decides to legally end their marriage this is called DIVORCE. The court will decide which parent has CUSTODY of the children.



Case Summary

STUDENT HANDOUT

Circle all of the legal terms in the article below.

Rogers ordered to pay damages for a contract breach

Rogers Wireless, was found liable and ordered to pay \$2,000 in damages to an Osgoode law professor for turning off her young son's phone because she refused to pay more than \$14,000 for long distance calls she never made.

Susan Drummond, the plaintiff, bought two phones from Rogers Wireless. She bought them so that she could be in touch with her son, when he took the subway to school for the first time in September 2005. Just before school started his cell phone was shut off.

In August 2005, Drummond returned from a research trip to find a message on her home phone from Rogers. The message asked her to call them about her cell phone use.

She called the company's office the next day, and learned that \$12,000 in calls had been made to Pakistan, Russia, the U.K., India and Libya while she was out of the country.

Rogers claimed that Drummond was responsible for paying the 12,000 because she had not reported the missing phone. It shut down her son's phone because she did not pay.

When Drummond called Rogers to ask why her son's phone wasn't working, she was told it was a hardware problem and that she had to spend \$25 to have it fixed. She paid this amount.

In small claims court the judge awarded Drummond damages because Rogers failed to produce a witness to explain why, even after Noah's phone service was restored, the family was not notified.

"I have come to the conclusion that Rogers hasn't been nice," said Madame Justice Pamela Thomson. She found that the company was in breach of contract for stopping service to the 11-year-old's phone and that the "blocking of the phone caused huge stress and harm to the family."

Ted Rogers personally intervened in the case after it drew media attention in 2005. He ordered Drummond's bill wiped clean, offered a personal apology and issued a cheque for a little more than \$5,000 to Drummond.

Drummond did not cash the cheque and instead decided to pursue her case in small claims court to make a point.



TEACHER'S ANSWER KEY

Case Summary

Circle all of the legal terms in the newspaper article below.

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Civil Words

Highlight or circle the legal words below.

p	r	t	d	f	g	w	i	t	n	e	s	s	m	s	h	s	v	b	o
l	v	i	o	l	a	t	i	o	n	o	f	r	i	g	h	t	s	a	n
a	r	m	b	n	g	t	h	b	e	n	e	f	i	t	s	o	p	l	t
i	q	s	a	y	a	v	r	s	e	c	r	o	v	i	d	h	r	a	a
n	y	x	g	i	b	s	a	g	r	h	j	s	h	j	j	u	o	n	r
t	r	h	h	t	n	e	g	l	i	g	e	n	c	e	g	h	h	c	e
i	b	n	a	a	p	r	e	p	r	e	j	u	d	i	c	e	i	e	l
f	e	q	u	n	a	l	m	d	m	r	a	h	d	h	r	h	b	o	b
f	t	y	u	i	d	e	f	a	h	w	h	j	s	h	h	j	i	f	a
t	y	h	c	a	e	r	b	l	e	v	i	d	e	n	c	e	t	p	i
d	f	g	h	i	k	g	f	h	j	k	l	t	b	d	m	j	e	r	l
s	g	n	u	i	s	a	n	c	e	i	k	f	s	r	h	j	d	o	n
t	y	s	d	c	s	g	s	g	h	y	h	d	h	j	k	k	g	b	r
o	l	d	s	s	r	a	c	i	s	m	o	l	h	j	i	k	r	a	d
n	m	e	r	i	h	m	s	i	c	t	c	a	r	t	n	o	c	b	a
o	p	l	k	d	e	f	a	m	a	t	i	o	n	j	k	d	u	i	m
h	n	d	g	d	j	d	t	g	h	j	g	b	f	s	g	h	n	l	a
g	y	k	o	f	s	h	s	a	f	y	d	o	t	s	u	c	d	i	g
s	j	u	d	g	e	d	a	r	a	s	t	s	m	e	n	t	o	t	e
s	s	t	e	r	c	o	n	s	u	m	e	r	f	r	g	y	h	i	s
s	e	t	e	r	o	h	a	r	a	s	s	m	e	n	t	s	f	e	d
e	d	i	s	c	r	t	r	e	s	p	a	s	s	s	d	e	k	s	e
b	b	r	t	s	d	f	h	f	s	e	t	h	y	u	h	i	k	e	x
i	e	q	u	a	l	y	t	l	i	t	n	a	d	n	e	f	e	d	m

Plaintiff

Negligence

Contract

Judge

Defendant

Breach

Liabile

Consumer

Witness

defamation

Benefit

Harm

Evidence

Damages

Trespass

Nuisance

Balance of probabilities

Divorce

Custody

TEACHER'S ANSWER KEY

Civil Words

p	r	t	d	f	g	w	i	t	n	e	s	s	m	s	h	s	v	b	o
l	v	i	o	l	a	t	i	o	n	o	f	r	i	g	h	t	s	a	n
a	r	m	b	n	g	t	h	b	e	n	e	f	i	t	s	o	p	l	t
i	q	s	a	y	a	v	r	s	e	c	r	o	v	i	d	h	r	a	a
n	y	x	g	i	b	s	a	g	r	h	j	s	h	j	j	u	o	n	r
t	r	h	h	t	n	e	g	l	i	g	e	n	c	e	g	h	h	c	e
i	b	n	a	a	p	r	e	p	r	e	j	u	d	i	c	e	i	e	l
f	e	q	u	n	a	l	m	d	m	r	a	h	d	h	r	h	b	o	b
f	t	y	u	i	d	e	f	a	h	w	h	j	s	h	h	j	i	f	a
t	y	h	c	a	e	r	b	l	e	v	i	d	e	n	c	e	t	p	i
d	f	g	h	i	k	g	f	h	j	k	l	t	b	d	m	j	e	r	l
s	g	n	u	i	s	a	n	c	e	i	k	f	s	r	h	j	d	o	n
t	y	s	d	c	s	g	s	g	h	y	h	d	h	j	k	k	g	b	r
o	l	d	s	s	r	a	c	i	s	m	o	l	h	j	i	k	r	a	d
n	m	e	r	i	h	m	s	i	c	t	c	a	r	t	n	o	c	b	a
o	p	l	k	d	e	f	a	m	a	t	i	o	n	j	k	d	u	i	m
h	n	d	g	d	j	d	t	g	h	j	g	b	f	s	g	h	n	l	a
g	y	k	o	f	s	h	s	a	f	y	d	o	t	s	u	c	d	i	g
s	j	u	d	g	e	d	a	r	a	s	t	s	m	e	n	t	o	t	e
s	s	t	e	r	c	o	n	s	u	m	e	r	f	r	g	y	h	i	s
s	e	t	e	r	o	h	a	r	a	s	s	m	e	n	t	s	f	e	d
e	d	i	s	c	r	t	r	e	s	p	a	s	s	s	d	e	k	s	e
b	b	r	t	s	d	f	h	f	s	e	t	h	y	u	h	i	k	e	x
i	e	q	u	a	l	y	t	l	i	t	n	a	d	n	e	f	e	d	m

Plaintiff

Negligence

Contract

Judge

Defendant

Breach

Liable

Consumer

Witness

Defamation

Benefit

Harm

Evidence

Damages

Trespass

Nuisance

Balance of probabilities

Divorce

Custody

What Kind of Law Quiz

Criminal or Civil?

- A man runs a red light in his car
- A woman breaks into a house and steals a stereo
- Two parents separate and each wants to have the children live with them
- A woman's landlord won't fix the leaky roof in her apartment and her clothes all get wet and ruined
- A man hits his wife
- Two girls smoke drugs in the school yard
- A man buys a chocolate bar and breaks a tooth on a piece of plastic when he bites into it
- Two women jump a fence and explore a vacant lot
- A man hired a carpenter to build a wall and paid him in advance to buy materials but the carpenter never showed up and didn't do any work
- A woman was injured in a supermarket when the cans on the top two shelves fell on her



Discussion Scenarios Student Handout

Your teacher will review the scenarios below with you. Ask about any words you don't understand.

Argen and three friends were out on a Friday night, skateboarding around. They explored a deserted parking lot with an old warehouse attached. While they are walking inside the warehouse a few of the floorboards collapsed and some things fell from the ceiling. What could happen?

Ari has just started a new job. When she agreed to accept the job she signed a contract which said that she would work 20 hours a week and be paid \$12 an hour. In her first week she worked 40 hours and she did not get paid for the extra hours of work. What could happen?

Toby bought a plane ticket on Aerozoom Airlines. He travelled to Vancouver. The airline went under when he was in Vancouver and he was stranded there and had to buy a new ticket on Air Canada. What could happen?

Ben was a new and upcoming singer. A daily paper published an article that claimed he had punched a photographer in the face outside of a bar. The paper also claimed that he had stolen his latest song from another artist. Both of these statements were not true. What could happen?

On her way into a hospital Carly slipped on a wet floor and sprained her wrist. There were no signs telling her that the floor was wet. She had to take three weeks off of work because she works as a waitress. What could happen?

Aisha was painting on a new ladder she had bought a few days before. The bottom of the ladder snapped and she tumbled to the ground breaking her ankle. What could happen?

Bob hired a student to mow his lawn while he was on vacation. He paid in advance for the three weeks he would be away. When he got home his lawn had not been mowed at all. What could happen?

Eric and Liz were married for three years and they have a one-year-old daughter. Liz works as an accountant. Eric works as a bank teller. They both want custody of their child and they both want to keep the house. What could happen?

Tim runs an automotive shop part time out of his garage. Amara has a private psychology practice in her home. The noise from Tim's auto shop makes it difficult for her to run her home office because it is so loud. What could happen?

Where can you go for help?

LOCAL LEGAL CLINICS

Insert community specific resources

SETTLEMENT ORGANIZATIONS

Insert community specific resources

ONLINE RESOURCES

Settlement.org

Select *Legal Services*

<http://www.settlement.org/site/LS/lawyers.asp>

Cleonet

www.cleonet.ca

Ontario Ministry of Labour

Protecting Your future – Information for Young Workers

www.labour.gov.on.ca/english/site/youngworkers.html

Teacher Evaluation Form

Teacher:

Class:

School:

Date:

Workshop subject area:

What did you find most useful about this workshop?

Did you find the level was appropriate for your students?

Was the subject matter of interest to your students?

Was the workshop too short or too long?

Was there enough interaction between the lawyer and the students?

Did students have enough time to ask questions?

Did you like the exercises? Are there some that should be taken out or improved?

Do you have any suggestions for new exercises to be included in upcoming workshops?

Would you be interested in having more speakers come to your class?

What other subject areas would be of interest to your students?

Would you be interested in working with OJEN to develop more resources?

Any other suggestions?

Thank you again for your participation in this pilot project. Based on experiences with your class we hope to expand this project to schools in other parts of Ontario.

Student Evaluation Form

Please fill out the form and give it to your teacher.

Class:

School:

What I most liked about this workshop was:

What I did not like about this workshop was:

What I wish I could have asked the lawyer but didn't:

What would be good for next time is:

I would be interested in learning more about: