

# Civil Law



This workshop is one of a series of workshops that can be used to meet Civics expectations and the Socio-cultural Competence expectations under ESL and ELD components of the Ontario Curriculum.

The purpose of this workshop is to give English language learners a general introduction to the basics of the Canadian criminal justice system 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.

This package contains:

- **Simplified definitions** of relevant legal terms and concepts
- **Vocabulary exercises** for reinforcing these legal terms and concepts
- **Plain language scenarios** for discussing topical legal issues
- A handout outlining **contact information for local legal resources** for students and their families

For each OJEN *Talking Law* workshop there are 2 packages:

- *Talking Law* Workshop Guide
- *Talking Law* Workshop Resources

For any questions/concerns about the workshop contact OJEN at: [info@ojen.ca](mailto:info@ojen.ca) or (416) 947-5273.

For more background on OJEN and its programs visit [www.ojen.ca](http://www.ojen.ca).

# Civil Law Workshop Outline

*Below is a sample workshop outline. The teacher & justice sector volunteer may choose to adapt the length and number of topics covered, depending on the level and interests of the youth.*

## 1. Ice-breaker Activity & Introduction of the Justice Sector Volunteer (Lawyer)

## 2. Introduction to Civil Law

- Begin by asking students to give examples of how people may come into contact with the law in their everyday lives.
- With the class, 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. Alternatively, the justice sector volunteer may choose to use photos (or pictures from a magazine) to stimulate discussion by asking students to identify how the law might impact the scenario being displayed in the photo.

## 3. Learning more about Civil Law

- The lawyer will explain the difference between private and public law to the class and situate civil law in the context of the chart.
- The lawyer will get students to respond to the "What Kind of Law Quiz" and discuss the answers with the class.
- The lawyer will review the attached **discussion scenarios** with the class and explain the following concepts (if time permits):
  - Tort law (including: defamation, trespass, nuisance, etc.)
  - Contract law
  - Corporate law
  - Consumer law
  - Family law

## 4. Getting Help

- Describe the role of lawyers, community legal clinics, and settlement organizations in assisting youth and their families with legal issues. Give students the handout on where to go for help.

# Civil Law Terms & Concepts



## 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).

## 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.

**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.

**Liable:** 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.

# Terms & Concepts: Matching Activity Cards

TERMS	DEFINITIONS
<b>PLAINTIFF:</b>	The person who sues someone else to fix a problem or end a disagreement.
<b>DEFENDANT:</b>	The person who is being sued.
<b>JUDGE:</b>	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.
<b>DEFAMATION:</b>	Making false statements about someone in public, which are damaging to his/her image.
<b>CONTRACT:</b>	An agreement between two or more people (sometimes this involves money, an exchange of things, or a service).
<b>SEPARATION:</b>	When a married couple is living apart but have not yet filed divorce papers.
<b>CUSTODY:</b>	When a court decides which parent a child will live with.
<b>LIABLE:</b>	When someone is found by the court to be responsible for causing an event or thing to happen.

# Learning Civil Law Terms



1. During a civil trial a \_\_\_\_\_ gives evidence. In a civil trial a plaintiff and a \_\_\_\_\_ each try to prove their cases.
2. A judge will decide which side has proven its case \_\_\_\_\_.
3. When you make an agreement with someone for money this is called a contract. 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 damage that has been caused.
6. Receiving something good or an advantage from a situation is called receiving a \_\_\_\_\_.
7. \_\_\_\_\_ are the amount a court can make one side pay to the other for harm that has been caused.
8. When you fail to do 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.

*Benefit*

*Beyond a Reasonable Doubt*

*Breach of Contract*

*Consumer*

*Custody*

*Damages*

*Defamation*

*Defendant*

*Divorce*

*Liable*

*Negligence*

*Nuisance*

*Trespassing*

*Witness*

# Learning Civil Law Terms



## TEACHER'S ANSWER KEY

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 **TRESPASSING**.
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 to do 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



*Circle all of the civil law terms you recognize in the articles below.*

## Rogers ordered to pay damages for a contract breach

*The Chronicle-Journal*  
April 1, 20\*\*

TORONTO – 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.

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# Civil Law Word Search

*Highlight or circle the civil law terms 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  
LIABLE

CONSUMER  
WITNESS  
DEFAMATION  
BENEFIT  
HARM  
EVIDENCE  
DAMAGES

TRESPASS  
NUISANCE  
BALANCE OF PROBABILITIES  
DIVORCE  
CUSTODY



# Civil Law Word Search

## TEACHER'S ANSWER KEY

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



*Think about the following statements; which ones are criminal law and which are civil law?  
The workshop facilitator will discuss the answers with the class during the workshop.*

	CRIMINAL	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



*Your teacher will review the scenarios below with you; ask about any words you don't understand. The lawyer will discuss the scenarios during the workshop.*

1. 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?
2. 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?
3. 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?
4. 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?
5. 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?

6. 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?
7. 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?
8. 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?
9. 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?



## Info on Local Legal Resources

### Legal Aid Office

If you cannot afford a lawyer you can apply for a Legal Aid Certificate – which you then take to a lawyer or legal aid clinic. Please refer to the legal aid website: [www.legalaid.on.ca](http://www.legalaid.on.ca).

- **Insert local legal aid clinic info here.**

### Settlement.org ([www.settlement.org](http://www.settlement.org))

A webportal that gives information on local legal and immigration resources:

- Click on “Close to Home” in the right hand corner and then “Find Help Close to Home” and select your region
- Settlement.Org also has a page on how to apply for Canadian Citizenship:  
[http://www.settlement.org/sys/faqs\\_detail.asp?faq\\_id=4000342](http://www.settlement.org/sys/faqs_detail.asp?faq_id=4000342)

### Community Legal Education Ontario – CLEONet ([www.cleonet.ca](http://www.cleonet.ca))

A webportal that provides free access to 100s of information pamphlets and documents about the law.

(Insert info about other local NGO and settlement organizations.)



# Teacher Evaluation Form

**Teacher:**

**Class:**

**School:**

**Date:**

**Workshop subject area:** Civil Law

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 project!*



# Student Evaluation Form

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

**Class:**

**School:**

**Civil Law**

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:



## Justice Sector Volunteer Evaluation Form

Please return completed form to OJEN by:  
Email: [info@ojen.ca](mailto:info@ojen.ca) or Fax: 416-947-5248

Name:

Location of *Talking Law* workshop:

Date of *Talking Law* workshop:

### ESL *Talking Law* Workshop: Civil Law

What did you most enjoy about this workshop?

What did you find most challenging about this workshop?

Were the resources provided for this activity useful? Do you have any suggestions for additional resources we could include in this package?

Do you have any suggestions for new workshop topic? (i.e. What other legal subject areas would lend themselves well to this kind of workshop?)

Were the students able to understand the subject matter?

Was there an opportunity for the students to ask questions? Did they ask questions? What were they most interested in learning?

Can you think of any follow-up activities (especially ones which are experiential in nature) which would be useful for this class, now that they have completed the workshop?

Would you be interested in being involved in future workshops?

Any other comments/suggestions?

*Thank you for your participation in this project!*