

Index

CIVIL JURY

- Case complexity, § 8:5
- Deployed, § 8:3, § 8:15
 - “Oracle” model, § 8:3, § 8:12
- Issues, § 8:6
 - Confusion, § 8:8
 - Instructions, § 8:6
 - Legal training, § 8:7
 - Maher questions, § 8:9
- Particulars, § 8:10 to 8:17
 - History, § 8:11
 - Standards, § 8:13
 - Unanimity, § 8:16
 - Verdict, § 8:17
- Reasoning, § 8:2, § 8:4

CIVIL TRIAL MANAGEMENT

- Advocate responsibilities, § 10:3
 - Rondel v. Worsley, § 10:3
- Duties, § 10:2
- Enforcement powers, § 10:12 to 10:16
 - Awarding costs, § 10:16
 - Contempt power, § 10:15
 - Disqualifying counsel, § 10:14
 - Mistrial, § 10:13
- Media, § 10:5
- Self-represented litigant, § 10:4
 - Memo in jury trial, APP 10B
 - Memo in non-jury trial, APP 10A
- Strategies, § 10:6
- Tools, § 10:7 to 10:11
 - Adjournment, § 10:9
 - Argument, § 10:11
 - Conduct, § 10:8
 - Evidence, § 10:10
 - Examination of witness, § 10:10

CULTURAL COMPETENCE

- Generally, § 7:1
- Bias, § 7:1
- Culture, § 7:1
- Ethical principles, § 7:1
 - For Judges, § 7:1
- Ethnicity, § 7:1
- Race, § 7:1
- Racism, § 7:1
- Stereotyping, § 7:1

DELAY

- Hryniak v. Mauldin, § 9:2

DISCLOSURE OF PARTIAL SETTLEMENTS

- Abuse of process, § 1:29
- Aecon Buildings v. Stephenson Engineering Limited, § 1:6 to 1:11
 - Automatic stay rule, § 1:7
- Agreements
 - Always impacting litigation landscape, § 1:15
 - Mary Carter, § 1:3
 - May impact litigation landscape, § 1:16
 - Assignment agreements, § 1:17
 - Cooperation agreements, § 1:18
- Pierringer, § 1:4
 - Cooperation clause, § 1:4
 - Defendant, settling and non-settling, § 1:4
- Simple/straight settlement, § 1:14
- Standstill agreement, § 1:14
- Automatic stay rule, § 1:29

**DISCLOSURE OF PARTIAL
SETTLEMENTS—Cont'd**

- Aviaco International Leasing Inc. v.
Boeing Canada Inc., § 1:5
- Covenant not to sue, § 1:2
- Handley Estate v. DTE Industries
Limited., § 1:8
- Laudon v. Roberts, § 1:5
- Octalogy, § 1:9
- CHU de Québec-UniversitQ
Laval v. Tree of Knowledge
International Co., § 1:10 to
1:11
- Petty v. Avis, § 1:10
- Poirier v. Logan, § 1:9 to 1:10
- Sable Offshore Energy Inc. v.
Ameron International Corp.,
§ 1:11
- Tallman Truck Centre Limited v.
K.S.P. Holdings Inc., § 1:9
to 1:11
- Waxman v. Waxman, § 1:9 to
1:10
- Other litigation agreements, § 1:5

**EMPLOYMENT LAW POST
COVID-19**

- Constructive dismissal litigation,
§ 6:3
- Elsegood v. Cambridge Spring
Service (2001) Ltd., § 6:3
- Temporary layoff, § 6:3
- Failure to comply with employer's
vaccination policy, § 6:11
- Croke v. VuPoint Systems Ltd.,
§ 6:11
- Parmar v. Tribe Management Inc.,
§ 6:9
- Pham v. Qualified Metal Fabricators
Ltd., § 6:7
- Regulation 228/20: Infectious Dis-
ease Emergency Leave
("Employment Standards Act
(Ont.)"), § 6:4
- Coutinho v. Ocular Health Centre
Ltd., § 6:4

**EMPLOYMENT LAW POST
COVID-19—Cont'd**

- Regulation 228/20: Infectious Dis-
ease Emergency Leave
("Employment Standards Act
(Ont.)"), § 6:4—Cont'd
- Taylor v. Hanley Hospitality Inc.,
§ 6:5 to 6:6
- Temporary measures, § 6:2
- Vaccination policy, § 6:8 to 6:9
- National Organized Workers
Union v. Sinai Health
System, § 6:10

LAW OF LAW ENFORCEMENT

- Civil liability of police, § 5:3
- Absence of Reasonable Probably
Grounds, § 5:6
- 495793 Ontario Ltd. (Central
Auto Parts) v. Barclay,
§ 5:6
- Miazga v. Kvello Estate, § 5:6
- Painter v. Richardson, § 5:6
- R v. Carelse-Brown, § 5:6
- Smith v. Ontario (Attorney
General), § 5:6
- Thompson v. Ontario, § 5:6
- Tremblay v. Ottawa (Police
Services Board), § 5:6
- Breach of Charter rights, § 5:9
- Johnson v. British Columbia
(Attorney General), § 5:9
- Rotondo v. Ottawa Policy Ser-
vices Board, § 5:9
- Vancouver v. Ward, § 5:9
- Civil adjudication, § 5:5
- Standard of perfection, § 5:5
- Connelly v. Toronto (Police Ser-
vices Board), § 5:3
- Damages for false/wrongful
imprisonment, § 5:10
- Baltrusaitis v. Ontario
(Attorney General),
§ 5:10
- Duty of care, § 5:4

**LAW OF LAW ENFORCEMENT
—Cont'd**

- Civil liability of police, § 5:3
 - Cont'd
 - Hill v. Hamilton-Wentworth Regional Police Service Board, § 5:4
 - Jurisdiction, § 5:3
 - Norris v. Gatien, § 5:3
 - Odhavji Estate v. Woodhouse, § 5:3
 - Party to proceedings, § 5:3
 - Standard of care, § 5:6
 - Standing, § 5:3
 - Tort of malicious prosecution, § 5:7
 - Miazga v. Kvello Estate, § 5:7
 - Nelles v. Ontario, § 5:7
 - Pate v. Galway-Cavendish, § 5:7
 - Tort of negligent investigation, § 5:7, § 5:8
 - Meady v. Greyhound Canada Transportation Corp., § 5:8
 - Wellington v. Ontario, § 5:3
- Crown attorneys, § 5:11
- Police operations, legal framework for, § 5:2

LAW OF STANDING

- Generally, § 4:1
- British Columbia (Attorney General) v. Council of Canadians with Disabilities, § 4:2
- Climate change litigation, § 4:5
 - Ecology Action Centre v. Nova Scotia (Environment and Climate Change), § 4:5
- Mathur v. Ontario, § 4:5
- Court openness, § 4:8
 - Canadian Broadcasting Corporation v. Manitoba, § 4:8
- Downtown Eastside framework, § 4:2, § 4:5
- General test, § 4:2

LAW OF STANDING—Cont'd

- Patients, § 4:3
 - Kilian v. College of Physicians and Surgeons of Ontario, § 4:3
 - Kustka v. College of Physicians and Surgeons of Ontario, § 4:3
- Private interest standing, § 4:7
 - Carroll v. Toronto-Dominion Bank, § 4:7
- Self-represented litigants, § 4:6
 - Selkirk et al. v. Trillium Gift of Life Network, § 4:6
- Tribunal standing, § 4:9
 - Ontario (Energy Board) v. Ontario Power Generation Inc., § 4:9
 - Saskatchewan Labour Relations Board v. SCH Maintenance Services Ltd., § 4:9
- Watchdog groups, § 4:4
 - Democracy Watch v. Ontario Integrity Commissioner, § 4:4

**PRE-TRIAL AND TRIAL
MANAGEMENT**

- Pre-trial, § 9:3 to 9:8
 - Case management, § 9:4
 - Jury notices, § 9:5
 - Motions culture, § 9:4
 - Pre-trial conference, § 9:10
 - Summary judgement, § 9:6 to 9:7
 - Summary trial, § 9:8
- Procedural issues, § 9:2
- Substantive issues, § 9:2
- Trial, § 9:9 to 9:12
 - Non-continuous trials, § 9:11
 - Powers, § 9:12
 - Interventions, § 9:12
 - Self-represented litigants, § 9:12

**PROPORTIONALITY IN
PLEADINGS**

- Babstock, § 2:1, § 2:5
- Class procedure, § 2:4
- Hryniak, § 2:2
- Intrusion upon seclusion trilogy,
§ 2:5
- Novel claims, § 2:3
 - Knight v. Imperial Tobacco Can-
ada Ltd., § 2:3
- Waiver of tort, § 2:1, § 2:3
 - Pro-Sys Consultants Ltd. v.
Microsoft Corp, § 2:3

**RELATIONSHIP BETWEEN
PARTIES**

- Cross-claims, § 1:23
- Evidence of cooperation, § 1:24
- Intentional non-disclosure, § 1:25
- Nature of allegations, § 1:21
- Settling parties, § 1:20
- Switching positions, § 1:22
- Terms of agreement, § 1:26
 - Specific Terms, § 1:27
 - Continues participation, § 1:28
 - Extent of cooperation, § 1:27

SETTLEMENTS

- Collusive strategy, § 1:3
- Proportionate share liability, § 1:4
- Recovering costs, § 1:3

TRUST CLAIMS

- Intention of transferor, § 3:3
- Joint contribution, § 3:3
- Preliminary considerations, § 3:3
 - Clean hands, § 3:3
 - Limitation period, § 3:3
 - Whether parties are married,
§ 3:3
- Resulting trust claims, § 3:3
- Transfer of property, § 3:3

UNJUST ENRICHMENT

- Claims, § 3:2
 - Considerations, § 3:2
 - How to prove a claim, § 3:2
 - Juristic reason, § 3:2
 - Limitations, § 3:2
 - Monetary award, § 3:2
 - Joint family venture, § 3:2
 - Value received basis, § 3:2
 - Proprietary award, § 3:2
- Remedies, § 3:2