

# 5 Important Things-Civil Files

## 1. Know your limitation periods!

*Important because the client's right of action could expire.*

## 2. Keep it confidential!

*Important because it is our ethical duty to maintain confidentiality.*

## 3. Communicate with your clients!

*Important because you need to know the information your client has, and because your client needs to know what's happening with their file-also an important professional duty.*

## 4. Has the client already obtained representation or started any proceedings?

*Important because this may impact the possible courses of action available to your client*

## 5. Does the client have any documents or witnesses to provide evidence of the events?

*Important because this affects the client's ability to prove their case.*

# 5 Important Questions-Employment

- 1. Has the client been terminated from their job? If so, when and how did the termination occur?**

*Important because the date of termination is usually when limitation periods start running.*

- 2. Does the client have a written employment contract, discipline letters, or any other document from the employer?**

*Important because there may be a termination clause, or evidence of alleged “just cause” for termination.*

- 3. What was the nature of the employment: how long, full-time or part-time, and what were the job duties?**

*Important because these are some of the factors which determine the client’s entitlement to severance pay.*

- 4. Are there any unpaid overtime, regular wages, or holiday time?**

*Important because this may affect the venue in which the client can make a claim.*

- 5. Is there any evidence of discrimination, harassment, or injury on the job?**

*Important because this may indicate an additional legal venue, such as human rights or workers compensation.*

# 5 Important Questions-Employment Insurance

- 1. Has the client been denied EI benefits? If so, when did the client receive the decision to deny them?**

*Important because the date this decision is received is when the 30-day deadline for reconsideration starts running.*

- 2. What was the reason the client was denied benefits by EI? Were they disentitled or disqualified? Is there any fee or overpayment?**

*Important because these may affect the avenues of appeal.*

- 3. Is there any evidence of discrimination, harassment, or injury on the job?**

*Important because these are some of the factors which determine whether the client left work voluntarily.*

- 4. Has the client already submitted a request for reconsideration? If so, did they receive a decision from Service Canada?**

*Important because the date this decision is received is when the 30-day deadline for appeal to the Social Security Tribunal starts running.*

- 5. Is there any evidence that the employer is claiming misconduct by the client? If so, are there any written complaints from the employer?**

*Important because this affect the client's argument about misconduct.*

# 5 Important Questions-Human Rights

## 1. Where did the discrimination occur?

*Important because this will help you to determine whether federal or provincial legislation applies.*

## 2. When did the discrimination occur? Was it one incident, or ongoing?

*Important because the last incident of discrimination will start a limitation period of 6 months (BC) or one year (federal) to file a claim.*

## 3. What kind of discrimination was it?

<sup>4.</sup>

*Important because only certain grounds of discrimination are covered by human rights legislation.*

## 4. Has the client already started the human rights process or any other formal or informal complaint processes to deal with this

## 5. Does the client have any documents or witnesses to provide evidence of the events?

*Important because this affects the client's ability to prove their case.*

# 5 Important Questions-Residential Tenancy

- 1. Has the client been given an eviction notice? If so, what is the date of the notice?**

*Important because deadlines for review can be as short as two days in residential tenancy matters.*

- 2. What kind of accommodation is it? Did the client share a bathroom or kitchen with the owner, or live in a coop or assisted living facility?**

*Important because only certain kinds of tenancies are covered by the Residential Tenancy Act.*

- 3. Did the client have a written lease? If so, obtain a copy.**

- 4. Did the landlord and client fill out a move-in and move-out condition inspection report?**

*Important because this may affect the client's ability to claim their damage deposit.*

- 5. Does the client have any documents from the Residential Tenancy Board?**

*Important because they may contain a decision, review deadlines, or hearing dates. There are also deadlines for submitting evidence to the Residential Tenancy Board in advance of a hearing.*

# 5 Important Questions-Small Claims

- 1. Is the client the claimant or defendant? What is the name of the other party and when did the events occur?**

*Important because this will help you do a conflict check and determine limitation dates.*

- 2. Has the client received any Small Claims court documents? What is the current stage of proceedings? Take note of any upcoming dates and what is happening on that date.**

*Important because there are timelines for evidence and appearance preparation before the Court.*

- 3. Which Registry is the matter proceeding in?**

<sup>4.</sup> *Important because different Registries have different procedures.*

- 4. Has the client had LSLAP's help with other aspects of the case?**

*Important because you may need to look up a previous file.*

- 5. Does the client have any documents or witnesses to provide evidence of the events?**

*Important because this affects the client's ability to prove their case.*

# 5 Important Questions-Wills

**1. How much is your client's estate worth, and do they own property?**

*Important because we do not handle wills over 25k or with real property attached.*

**2. Who is your client?**

*Important because you can only take instructions from your client, not family members or friends.*

**3. Can you communicate directly with the client?**

*Important because disability or language differences can interfere with communication.*

**4. Is there any evidence that your client lacks capacity?**

*Important because we may not be able to help a person where capacity is at issue.*

**5. Is there any evidence of undue influence?**

*Wills law is an area where undue influence by other parties, family members, and friends is (unfortunately) common.*