

## **SENECA POLYTECHNIC**

SCHOOL OF LEGAL, PUBLIC AND OFFICE ADMINISTRATION  
JUSTICE ADMINISTRATION SERVICES DIPLOMA PROGRAMS

### **STUDENT MANUAL FOR FIELD PLACEMENT**

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#### **Objectives of Field Placement**

Field placement provides you, the Justice Administration Services (JAS/JASY) student with a practical, “hands-on” experience. This allows you to integrate the theoretical skills you have learned in the classroom with on-the-job experience. It also gives you an opportunity to develop skills and professional contacts to give you an edge in an increasingly competitive and demanding job market.

Field placement occurs primarily between the student and the placement host supervisor, which is the best way to practice for the “real world.” The quality of your field placement experience will be a result of the rapport between you and the placement supervisor.

Notwithstanding the personal nature of field placement, the School of Legal, Public and Office Administration remains supportive and involved. Your field placement is monitored for compliance with the program requirements. If you are having a problem, it is your responsibility to contact the Coordinator, as soon as possible.

### **REQUIREMENTS**

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#### **Placement is mandatory**

You must successfully complete a field placement to graduate from the Justice Administration Services (JAS/JASY) Diploma program. Seneca Polytechnic cannot waive this requirement.

#### **Host supervision:**

The host will assign an individual who can speak to the type of duties that you are performing during your placement, who can verify your attendance, and whose name and signature is being put on the Attendance Form 2 and the Employer Evaluation of Student Form 3 (which must be returned to the Field Placement Coordinator at the end of your placement.)

#### **Field placement is 20 days in length**

Placements generally take place after you have completed the academic requirements of the JAS/JASY Diploma program. Placements generally run consecutively, in a legal working environment. Over this period, it is possible for you to see a project through to completion, to understand office routines, to establish professional contacts and to gain experience and insight into the practice and procedures in courts, tribunals, government departments and other legal organizations.

In exceptional situations, you may be permitted to complete your placement on a more flexible basis, for example on a once a week basis while you are completing your academic requirement. This must be arranged and approved with the field placement coordinator in advance.

#### **Field placement hours**

You are required to attend your placement during normal business hours which will be established before you begin your placement, generally 7.5 hours a day. Lunch and breaks are not included. While you are encouraged to stay at work beyond normal business hours if required to finish a

pressing assignment, you are not expected to work overtime on a regular basis. If you do not wish to stay beyond regular business hours, you should discuss this with your host and the field placement coordinator.

Placements usually occur after you have completed all your courses, either at the end of April (to early May); or, at the end of August (to early September).

### Field placement is unpaid

You will not be paid for field placement work. There are reasons why host supervisors are not required to pay you during placement. Many host supervisors would be unable or unwilling to participate in field placement if they had to pay. Host supervisors are not eager to take on untested and inexperienced students, especially for a short period of time. In addition, the court or tribunal staff are contributing time, and therefore, money in providing work for you to do and guiding you through the work. Most host supervisors who take on field placement students do it, not because they see the students as a free source of labour, but because they are genuinely interested in contributing to our JAS/JASY programs, and because they have an eye out for potential future employees. However, the overarching purpose is to provide the student with experience that you can put on your résumé, not a job at the end of the placement period.

### Placement evaluation

You receive a grade of satisfactory (SAT) or unsatisfactory (UNSAT or F) for field placement (FPL470). The grade is based on:

1. **Attendance**—you must fulfill the attendance requirements of the placement. Failure to do so will result in a grade of unsatisfactory. You must track your attendance on the Attendance Record Form 2 that must be signed by your host supervisor.
2. **Punctuality**—you must arrive at your assigned field placement on time and work a full business day, which 7.5 hours. Persistent lateness or early departures will result in a grade of unsatisfactory.
3. **Student Evaluation of Supervisor (Form 3)**—you must complete the Student Evaluation Form and submit it on time. You must submit a brief analysis of your field placement.
4. **Supervisor Evaluation of Student (Form 4)** —the supervisor must evaluate your performance. If you receive low ratings in areas pertaining to attitude or dependability, this may result in a grade of unsatisfactory, even if the supervisor otherwise finds your placement satisfactory.
5. **Quality of Work**—you must have a demonstrated an ability to satisfactorily apply and integrate the theoretical and practical learning process from the classroom to the practical on-the-job experiences.
6. **Returning the evaluation and attendance forms**— you are responsible for returning all original forms, within two business days of completion of the placement to the field placement coordinator. **These forms must original and may not be e-mailed or sent by fax.** You are responsible for following-up with your placement supervisor to ensure that the necessary evaluation form has been completed and provided to you (or directly to the field placement coordinator) in a timely manner. The field placement coordinator cannot assume any responsibility for monitoring compliance of your behalf.

### Type of work on field placement

Many kinds of organizations offer placements; consequently, there is a wide range in the nature of the experiences that you will have, and, it follows, in the quality of the experiences. Quality, however, is to a large extent subjective. What is good for one student may not be challenging enough for another.

Sometimes (although rarely), the combination of student and host supervisor may not be harmonious. If the supervisor is a problem, the field placement coordinator needs to know immediately.

In assessing the quality of placement, keep certain things in mind. All placements are inherently limited. A common complaint is that work assigned is not responsible enough or is too menial. You must earn the trust of your host supervisor and co-workers before you can expect to be given responsibility. This can take some time, and of course is more likely to occur if you demonstrate a mature, responsible and self-directed attitude toward the work assigned.

While quality of work can be an issue, you will generally not be allowed to change your placement once it has started.

### Protocol for field placement students faced with ethical problems

If confronted with a request by a host supervisor to do something that you believe is unethical:

- Always clarify your instructions to avoid the possibility that you have misunderstood the request.
- If the request does not come from your direct host supervisor, you may wish to ask another host supervisor for guidance. However, you do not want to appear to “go over someone’s head,” so use tact and discretion.

If the situation permits, contact the field placement coordinator or, if not available, the Program Coordinator, or the Chair of the School of Legal, Public and Office Administration.

If the action is unethical, you should refuse to carry out the instructions. If necessary, the field placement coordinator will advise the host supervisor on your behalf.

If the situation does not let you contact the field placement coordinator, or you are unable to contact the field placement coordinator, you must determine for yourself whether the requested action is ethical. If certain that the requested action is unethical or you are in serious doubt about the ethics of the action, discuss your concerns with the host supervisor, if possible, and, if necessary, decline to follow the instructions.

You will not be penalized for any loss of the placement because of your decision to decline an unethical request.

### What is and is not ethical:

Be sure to identify what is and is not ethical. For example, you should not resign because the host supervisor asks you to tell a client he is out when he is in, but simply does not want to take that client’s call. However, you are expected to be aware of the restrictions and obligations placed upon you and the work you undertake on placement, and to use your best judgment in facing ethical issues.

## **THE BUSINESS OF COURTS, TRIBUNALS, AND GOVERNMENT LEGAL DEPARTMENTS**

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In order to succeed in field placement and out in the real world, you must understand how courts, tribunals, and government administrators, law and paralegal firms work. This module outlines the typical requirements placed on students working in the legal services field

### The business of the courts

For those who work at the Federal Courts, Ontario Courts, or municipal courts, and government departments the business of law is quite different. Public administrators, must be neutral and have no interest in who wins or loses a case. Courts are only concerned with providing a fair, impartial forum for resolving the legal disputes of the people before it. The court's clients are all parties, whether the Crown and accused in criminal matters or plaintiffs and defendants in civil actions. When you work in a court or tribunal, the public views you as a representative of the justice system.

### Kinds of work

Students placed in public service such as the courts may find themselves working “at the counter,” assisting behind the counter, or acting as court and client representative. Work at the counter is the public face of court administration. Students working the counter may process court forms—documents such as statements of claim, statements of defence, and motion records—collecting fees, stamping documents, and opening and maintaining court files.

Work behind the counter includes answering telephone calls, signing and entering orders, and scheduling interpreters or motions, case conferences, pre-trials and trials. After a motion or trial is scheduled, the court office has to transfer relevant documents from the file and get them to the judicial official (judge, justice of the peace, court master, if in Toronto or Ottawa, or prothonotary, if in the Federal Court) for the hearing, then transfer them back to the court file after the hearing.

Court and client representatives/court clerks assist judges, justices of the peace and masters in the courtroom. They handle such things as keeping track of exhibits and passing exhibits between advocates and witnesses and the judicial officer.

Law and paralegal firms, on the other hand, represent their clients' interests—in fact, they have an obligation to represent their clients' interests to the best of their ability, within the ethical boundaries established by the Law Society of Ontario.

### Impartiality

Impartiality is an essential aspect of the court's function. Those working in the courts and tribunals must perform their duties without taking sides. While you can, if time permits, give information to members of the public, you cannot advise them on procedures they should take or are available to them, or what the contents of their documents should be.

The difference between information and advice is sometimes hard to distinguish. Purely administrative questions—for example, a lawyer asking when the next available motion date is—can and should be answered if you have that information. As a public institution, details surrounding routine court functions are not supposed to be secret. For example, if a self-represented defendant asks when her statement of defence is due, you could, if time permits, direct the defendant to the wording in the statement of claim. You may be within bounds to show the defendant a blank defence. It would be improper, however, to suggest that many defendants file their defences later than 20 days after service, usually without penalty. Suggesting the wording of a defence would be completely improper.

Be aware, though, that in busy courts, such as Newmarket, Brampton and Toronto, there will be little time to answer general questions at the counter. Time spent merely giving information to members of the public may appear to others in the court office as giving advice. Before jeopardizing the impartiality of the court, take your cues from the registrar and deputy registrars, your supervisor.

### Confidentiality

Although the previous section stressed impartiality over confidentiality, you should also know that courts can impose restrictions on publication. High-profile criminal cases may be subject to a publication ban. Sensitive cases can be renamed so that only initials are used and the identity of the parties is hidden: H.(G.) v. H.(G.), for example. Cases in Youth Court are always sealed to protect the privacy of the accused, and information should never be disclosed.

### JUSTICE SYSTEM HOSTS

Here are brief descriptions of the various courts that offer placement to Seneca students.

#### Municipal Court

Part of the Court of Ontario, several regions have their own “municipal courts,” (also nicknamed “POA Court,” for Provincial Offences Act Court) to handle the high volume of parking-ticket and related cases.

#### Court of Ontario

One of the busiest court systems in North America, the Ontario Court of Justice and Superior Court of Justice together handle nearly all criminal, civil and family matters in Ontario (the Federal Court taking a small percentage of each out of the Ontario court system), and all small claims and provincial offences cases. The Court of Appeal for Ontario is the highest level of court in Ontario and hears appeals from the Superior Court of Justice and the Ontario Court of Justice.

#### The Federal Courts

The federal courts are made up of the Federal Court, the Federal court of Appeal, the Tax Court, and Court martial Court. Public Servants working for the federal courts will be working in Courts Administration Services. Various federal statutes give the Federal Court jurisdiction. Among the most important fields of law covered by the Federal Court are copyright, inter-provincial disputes, federal-provincial disputes, taxation, and judicial review of immigration, competition, and telecommunications matters, as well as parole hearings, among many others.

#### Ministries and governmental departments

The legal departments of governmental offices and ministries usually deal only with one area of law, and ultimately have only one client: the government itself. This may present challenges, though, because of the different faces of government. For example, if working in the Department of Justice with the federal government, your work might provide legal services to the Department of Finance or Department of Defence. Staff support the work in a government department through legal research, deal with public inquiries for information or documentation or manage documents or information systems. If working in the Ministry of the Attorney General with the provincial government, your work might include in court support or administrative such as scheduling services.

#### What do lawyers and paralegals in private practice do?

Lawyers and paralegals generally serve private interests. Lawyers often draft wills, incorporate companies, assist in the purchase of houses, conduct litigation, etc. Paralegals often advise clients in Small Claims Court matters, Provincial Offences Court and in matters before administrative tribunals. Why do they do what they do? In part, because they are dedicated professionals. But as in any other business, lawyers and paralegals do what they do to make money.

Law is a business. Think of different types of businesses and compare them to the business of law. There are service industries, of which law is one. There are also retail businesses, in which

merchandise is bought and sold. Companies acquire and sell inventory. In law there is no stock or inventory of things, but law is a sales business. Lawyers and paralegals sell expertise, and their inventory is time. Like any service industry, image and keeping clients happy are very important. The image of the firm will depend on the type of firm and the type of clients.

### Lawyers

Lawyers may be general practitioners or may specialize in one area of law. They may be partners or associates. Associate lawyers are paid a salary. Partners share in the profits of the firm after all expenses are deducted. Formulas for calculating partners' shares in those profits may be very complicated and are usually governed by a partnership agreement.

### Paralegals

Regulated by the Law Society of Ontario, paralegals are professionals with legal training and experience. Paralegals are non-lawyers who offer specific legal services directly to the public, without the supervision of a lawyer. Paralegals are, however, limited in the areas in which they can work. Paralegals currently can only appear in court where legislation states that an agent may appear. Such courts include Small Claims Court, Provincial Offences Court, and in summary conviction proceedings of criminal court. Paralegals also appear in many administrative tribunals such as the Landlord and Tenant Board and the Ontario Human Rights Tribunal. Paralegals often work as sole practitioners, in small firms but they also work in large firms or for various courts, tribunals, or government departments.

### Legal support staff

This term describes trained staff who work with lawyers in serving clients, i.e., legal secretaries, legal assistants, law clerks and paralegals. These people usually have some specialized legal training. They often have direct contact with clients.

## CONFLICT RESOLUTION

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You may encounter personality problems during placement. Problems are best tackled sooner rather than later. Problems do not go away; they just get bigger. First attempt to resolve the problem on your own. If that is not possible or is unsuccessful, contact the field placement coordinator for assistance.

Below are examples of problems encountered by past students, together with suggestions on how to resolve the problems. Remember, no one student experienced all of the following problems, and most students experience no problems at all.

**Problem Example** —The tasks are too simple or you are not being given enough responsibility.

**Solution**—Be patient. It takes time before a host supervisor trusts a student enough to give anything involving any real responsibility. If the situation persists, you may suggest other jobs you may do. This should be phrased in terms of additional ways the student may be of help, not as what you do or do not want to do.

**Problem Example** —A client is rude.

**Solution**—It is not your place to admonish a client. Handle difficult clients diplomatically. Be polite. If at a loss, excuse yourself and call someone else to deal with the client.

**Problem Example** —You are required to work long hours or are given no time to eat lunch.

**Solution**—Wait to see if the situation is an unusual one due to some sort of emergency or if it is a regular, ongoing situation. If the latter, gently speak to the host supervisor. His or her guidelines advise that students are not expected to work overtime. If you cannot resolve the matter, inform the field placement coordinator.

**Problem Example** —You are made to feel that you are imposing when asking the host supervisor questions.

**Solution**—Maybe you are imposing. Check other, non-human sources for help before approaching a host supervisor, time permitting. Check the Rules of Civil Procedure, look up statutes, find a textbook, check the library, or ask a secretary, clerk or assistant. If you must ask the host supervisor, make a list of questions and ask them all at once—this way you are not running into the host supervisor’s office each time a question arises. At the beginning of placement, ask if you can set aside a specific time of day to review work or ask questions.

**Problem Example** —You are not given adequate instructions or enough guidance.

**Solution**—Try the same approach outlined in the last situation.

**Problem Example** —There is never enough work to do.

**Solution**—Suggest jobs that can be done (files that need organizing, transcripts to be reviewed, etc.). Perhaps someone in the office is involved in a motion, trial, examination or closing, which you could simply observe. Take the initiative and not just sit there and wait for wonderful work to fall into his or her lap.

**Problem Example** —The office is heavy with office politics, and people are trying to involve you.

**Solution**—Stay clear of office politics at all costs! Some workers in large firms or institutions take delight in the misery of others; some are unhappy and want you to join in their misery. Decline the invitation. If asked to comment on some piece of gossip or asked to join in making fun of some member of the office, say nothing, say you don’t really know, or make neutral responses. Don’t get a reputation as a rumourmonger. If you do, you can inadvertently alienate people with decision-making power—over your evaluation, reference letter, or in consideration of a job offer.

## **PROFESSIONAL IN Demeanour AND ATTITUDE**

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If professional in demeanour and attitude, you will head off many problems, and it is more likely that you will be treated with respect and given responsible tasks to perform.

### **Dress and appearance**

Dress conservatively. Adjust the choice of dress if the employer’s standards are different. Take your cue on appropriate dress from the most conservative person with whom you work. Your appearance is a reflection on the court, tribunal, or department and on the School of Legal, Public and Office Administration. If necessary, the student should invest in one good quality work outfit and wear it every day. It can be used later for job interviews.

### Be respectful

In each placement, start by addressing your host supervisor as Mr., Ms., or Ms. Always address a judge as Your Honour, Your Worship, sir or ma'am. If you sense a greater degree of informality, ask how the host supervisor wishes to be addressed. Don't presume to call the host supervisor by his or her first name, unless asked by the host supervisor to do so.

Even if on a first-name basis with your host supervisor, do not confuse informality with lack of respect. Always follow the host supervisor's social lead. You should not assume that you are the host supervisor's friend. It is important to remember that the host supervisor is always in a host supervisory position.

As well, avoid addressing your host supervisor informally in front other members of the profession or clients. Some clients expect and want a formal relationship with their lawyer or paralegal. Informality in front of clients and outside professionals can undermine the basis for the relationship.

### Be reliable

If you attend regularly and are always punctual, you increase the chances of being given a greater degree of responsibility. Remember that failure to attend regularly and to arrive punctually will result in an unsatisfactory rating, a failed field placement, the loss of a potential reference or even an employment opportunity, as well as damage to the reputation of Seneca Polytechnic.

### Attitude

Be enthusiastic. Be a team player. In discussions with office managers the term team player comes up repeatedly. Never consider any job beneath you. Expect to pay your dues. Try to drum up work and take responsibility for the quality of the field placement experience.

### Pay attention to . . .

**Instructions**—If they are given orally rather than by memo, take careful notes. No one has no patience for questions about things already covered, especially if you do not take notes. Clarify instructions as they are given.

**Details**—Law is a business of small details. Pay attention to small points. It is better to work slower and be correct, producing a lower volume of work without errors, than to be fast and inaccurate.

### Questions

If relevant to the practice of your placement, bring your own rules, precedents, etc. As stated earlier, best practice is to try to answer questions on your own, so bringing in resources that will help complete a task with a minimum of questions will make you look competent and prepared—and save time!

## CONTACT

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### FIELD PLACEMENT COORDINATOR

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