

Law Society of Ontario (LSO) Paralegal Practice Exam (Sample)

Study Guide



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Questions

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- 1. When can an officer arrest a person without a warrant?**
 - A. When the person is a suspect in an ongoing investigation**
 - B. When the officer believes the person is about to commit a minor offense**
 - C. When the officer finds someone actually committing a criminal offense**
 - D. When the officer has a signed statement from a witness**
- 2. What happens when compliance with provincial law frustrates the purpose of federal law?**
 - A. The federal law becomes null and void**
 - B. The provincial law is prioritized**
 - C. The federal law prevails, and the provincial law is ineffective to the extent of the conflict**
 - D. Both laws are considered valid**
- 3. What must a paralegal do if a client's retainer is terminated before task completion?**
 - A. Submit a report to the Law Society**
 - B. Notify the client verbally**
 - C. Notify the client in writing**
 - D. Ignore the retainer termination**
- 4. What is a motion in legal proceedings?**
 - A. A formal request made to the court for a ruling or order on a specific issue**
 - B. A statement of defense submitted by the defendant**
 - C. A type of evidence presented during a trial**
 - D. A document that initiates a lawsuit**
- 5. Which document is essential for a trust account?**
 - A. Client contact list**
 - B. Trust disbursements journal**
 - C. Litigation strategy document**
 - D. General account ledger**

- 6. What characterizes Income Replacement Benefits under SABS?**
- A. Applicable only to retirees**
 - B. Calculated based on 70% of employment income**
 - C. Available immediately after the accident**
 - D. Limited to a maximum of \$100/week**
- 7. What does a voir dire prevent in the trial process?**
- A. It prevents bias from influencing jurors**
 - B. It prevents irrelevant information from reaching the jury**
 - C. It prevents witnesses from testifying**
 - D. It prevents jurors from discussing the case**
- 8. Which of the following statements accurately describes the voir dire process?**
- A. It is a formal trial before the actual trial**
 - B. It solely involves jury selection processes**
 - C. It restricts access to certain evidence for the jury**
 - D. It allows for public discussion of sensitive evidence**
- 9. Which of the following is a complete defense to intentional interference with the person?**
- A. Negligence**
 - B. Consent**
 - C. Emotional distress**
 - D. Intentional infliction of harm**
- 10. What might cause a paralegal to be recalled before a hearing?**
- A. A lack of client complaints**
 - B. If new evidence emerges that impacts the case**
 - C. Based on personal scheduling conflicts**
 - D. If they fail to file paperwork on time**

Answers

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1. C
2. C
3. C
4. A
5. B
6. B
7. B
8. C
9. B
10. B

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Explanations

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1. When can an officer arrest a person without a warrant?

- A. When the person is a suspect in an ongoing investigation**
- B. When the officer believes the person is about to commit a minor offense**
- C. When the officer finds someone actually committing a criminal offense**
- D. When the officer has a signed statement from a witness**

An officer can arrest a person without a warrant when they find someone actually committing a criminal offense. This is a fundamental principle of law enforcement, known as a "citizen's arrest" or "felony arrest," which allows officers to act immediately to prevent further harm, protect public safety, and maintain order. The immediacy of the situation often justifies the lack of a warrant since waiting for a warrant could result in evidence destruction, escape, or further criminal activity. The requirement here is based on the officer's direct observation of a crime in progress, which provides the necessary grounds for the arrest. This ensures that law enforcement can respond swiftly to potential threats or violations, upholding the law and protecting the rights of the community as a whole. Other scenarios where officers act, like having a signed statement from a witness or suspecting someone might commit a minor offense, do not provide the same immediate justification for a warrantless arrest. The legal framework emphasizes the importance of direct evidence of a crime being committed as the appropriate threshold for such an action.

2. What happens when compliance with provincial law frustrates the purpose of federal law?

- A. The federal law becomes null and void**
- B. The provincial law is prioritized**
- C. The federal law prevails, and the provincial law is ineffective to the extent of the conflict**
- D. Both laws are considered valid**

When compliance with provincial law frustrates the purpose of federal law, the principle of federal paramountcy comes into play. This legal doctrine holds that when there is a conflict between federal and provincial laws, federal law takes precedence. Therefore, if a provincial law hinders or frustrates the objectives of a federal law, the federal law prevails, making the conflicting provisions of the provincial law ineffective to the extent of that conflict. This principle is rooted in the Constitution Act, which delineates the areas of legislative authority between the federal and provincial governments. The intent is to maintain the integrity of federal statutes, ensuring that they can operate effectively across all jurisdictions within Canada. Hence, when a provincial law is found to conflict with a federal law's goals, it cannot be enforced to the extent that it obstructs those goals. In contrast, the other choices indicate alternative scenarios that don't align with the established legal framework. Thus, the correct understanding is that federal law prevails, rendering conflicting provincial law ineffective where necessary.

3. What must a paralegal do if a client's retainer is terminated before task completion?

- A. Submit a report to the Law Society**
- B. Notify the client verbally**
- C. Notify the client in writing**
- D. Ignore the retainer termination**

When a client's retainer is terminated before the completion of tasks, it is crucial for a paralegal to notify the client in writing. This written notification serves several important purposes. First, it provides a clear and formal record of the termination, protecting both the paralegal and the client in case of any future disputes regarding the services rendered or obligations owed. Second, written communication ensures that the client fully understands that their representation is ending and clarifies any final steps they may need to take moving forward, such as seeking new legal representation or retrieving their documents. Other forms of notification, such as verbal communication, may not provide the same level of clarity or documentation. Merely ignoring the termination undermines the professional responsibilities and ethical obligations that a paralegal has towards their client. Additionally, submitting a report to the Law Society is not typically required solely for the termination of a retainer, as this is more relevant in situations involving conduct that may breach legal or ethical standards. Therefore, informing the client in writing is the most responsible and effective course of action in this scenario.

4. What is a motion in legal proceedings?

- A. A formal request made to the court for a ruling or order on a specific issue**
- B. A statement of defense submitted by the defendant**
- C. A type of evidence presented during a trial**
- D. A document that initiates a lawsuit**

A motion in legal proceedings is indeed a formal request made to the court for a ruling or order on a specific issue. This process allows parties to seek decisions on legal questions or procedural matters that arise during the course of litigation. A motion can be filed for various reasons, such as requesting a change in venue, seeking to dismiss a case, or asking for summary judgment. It is an essential tool for attorneys and paralegals to address specific legal questions or procedural issues without going through a full trial. Understanding the role of a motion is crucial for navigating the legal system effectively, as it helps to expedite the legal process by allowing certain matters to be resolved quickly and efficiently. The other options pertain to different aspects of legal proceedings, such as defenses, types of evidence, or the initiation of a lawsuit, which do not capture the essence of what a motion entails.

5. Which document is essential for a trust account?

- A. Client contact list
- B. Trust disbursements journal**
- C. Litigation strategy document
- D. General account ledger

A trust disbursements journal is essential for managing a trust account as it specifically records all transactions related to funds held in trust for clients. This document is critical for maintaining clear and accurate financial records, ensuring compliance with regulatory requirements, and providing a transparent accounting of how client funds are managed. Running trust accounts involves specific fiduciary responsibilities, meaning that paralegals or those managing such accounts must track all deposits and disbursements meticulously. The trust disbursements journal serves as a reliable record that not only aids in the proper handling of funds but also protects both the paralegal and clients in the event of audits or disputes. In contrast, while a client contact list might be useful for managing client relationships, it does not provide the necessary financial oversight. A litigation strategy document is more focused on case-related tactics and strategies rather than financial transactions. The general account ledger, while important for tracking an organization's overall financial activity, does not specifically address the handling of client funds in trust and lacks the detail required for compliance purposes.

6. What characterizes Income Replacement Benefits under SABS?

- A. Applicable only to retirees
- B. Calculated based on 70% of employment income**
- C. Available immediately after the accident
- D. Limited to a maximum of \$100/week

Income Replacement Benefits (IRBs) under the Statutory Accident Benefits Schedule (SABS) are indeed characterized by being calculated based on 70% of an individual's gross employment income prior to the accident, subject to a maximum cap. This structure is designed to provide financial support to individuals who are unable to work due to injuries sustained in a motor vehicle accident. The determination of the benefit amount involves taking into account the individual's pre-accident wages and deriving the benefit as a percentage of that income, recognizing the economic impact of their inability to work. This 70% calculation is significant as it aims to provide a substantial level of support while ensuring that claimants are not receiving more in benefits than they would have earned if they were working. Understanding this characterization helps clarify the intent behind income replacement benefits, which is to assist injured parties in maintaining a level of financial stability post-accident while they recover and navigate the impacts on their employment.

7. What does a voir dire prevent in the trial process?

- A. It prevents bias from influencing jurors**
- B. It prevents irrelevant information from reaching the jury**
- C. It prevents witnesses from testifying**
- D. It prevents jurors from discussing the case**

In the trial process, a voir dire serves as a critical procedure where the admissibility of evidence is determined before it reaches the jury. This process specifically prevents irrelevant or prejudicial information from being presented to the jury, ensuring that their decision-making is based solely on material that is pertinent to the case at hand. During a voir dire, a judge evaluates whether certain evidence meets legal thresholds, such as relevance and reliability, before it can influence the jury's perception of the case. This safeguards the fairness of the trial by keeping extraneous information, which could lead to biased or unfair judgments, away from the jurors. By maintaining the integrity of the trial and eliminating distractions, voir dire helps to preserve the legal standards expected in judicial proceedings.

8. Which of the following statements accurately describes the voir dire process?

- A. It is a formal trial before the actual trial**
- B. It solely involves jury selection processes**
- C. It restricts access to certain evidence for the jury**
- D. It allows for public discussion of sensitive evidence**

The voir dire process is a critical pre-trial procedure that focuses on assessing the admissibility of evidence, typically involving matters that may be sensitive or prejudicial. By describing the process as one that "restricts access to certain evidence for the jury," this statement encapsulates the essential function of voir dire, which is to determine whether specific evidence can be presented to the jury based on its relevance, reliability, or potential to cause prejudice. This process may take place outside the presence of the jury to ensure that juror impartiality is not compromised by exposure to evidence that may be inadmissible. During a voir dire, the judge evaluates the circumstances under which evidence was obtained, or the qualifications of expert witnesses, without the jury's knowledge. If certain evidence is deemed inadmissible, the jury will be kept unaware of this information, effectively restricting their access to it during the trial. This ensures that the jury's decision is based only on appropriate, legally admissible evidence, thus preserving the integrity of the trial process. The other options do not accurately reflect the nature of the voir dire process: it is not a formal trial or merely a selection process for jurors, and it typically involves closed discussions rather than public discussions of sensitive evidence. Understanding this

9. Which of the following is a complete defense to intentional interference with the person?

- A. Negligence**
- B. Consent**
- C. Emotional distress**
- D. Intentional infliction of harm**

Consent serves as a complete defense to the tort of intentional interference with the person. When an individual gives their consent to another person to engage in certain conduct, they relinquish their right to claim that they have been wronged by that conduct, even if it may typically be deemed harmful or offensive. For instance, in a medical context, a patient who consents to a procedure cannot later argue that the procedure constituted intentional interference if no other negligent actions occurred. In this scenario, if the person involved voluntarily agrees to participate or allows someone to act in a certain way towards them, they cannot assert a claim for intentional interference regarding that specific action. This principle is fundamental in tort law, emphasizing the role of individual autonomy and the significance placed on informed consent. Other options like negligence, emotional distress, and intentional infliction of harm do not serve as complete defenses in this context. Negligence involves a lack of care leading to unintentional harm, while emotional distress focuses on the psychological impact rather than direct interference. Intentional infliction of harm is itself a tort, meaning that it cannot be used as a defense against claims of interference; rather, it represents an actionable claim. Hence, consent is the only option that fully absolves someone from liability in

10. What might cause a paralegal to be recalled before a hearing?

- A. A lack of client complaints**
- B. If new evidence emerges that impacts the case**
- C. Based on personal scheduling conflicts**
- D. If they fail to file paperwork on time**

A paralegal may be recalled before a hearing when new evidence emerges that impacts the case. The introduction of new evidence can significantly influence the direction and outcome of a case, warranting the paralegal's presence to provide insights, reassess strategies, or present relevant information to the court. This situation requires the paralegal to be fully prepared to address any implications of the new evidence, which may include revisiting their client's position, presenting counterarguments, or even negotiating settlements on a different basis. Other factors may not necessarily justify a recall. For instance, a lack of client complaints does not indicate any procedural misconduct or a need for immediate attention at a hearing. Personal scheduling conflicts may affect a paralegal's availability but do not typically necessitate a recall unless they hinder the court's proceedings. Lastly, failing to file paperwork on time might lead to consequences such as sanctions or adjournments but does not automatically result in a recall strictly for the hearing itself. Such scenarios generally focus on administrative issues rather than the substantive developments in a case, which is why new evidence is the most compelling reason for a paralegal's recall.