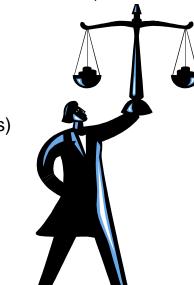
Areas of Legal Practice

- Wills & Estate Planning/Trust law
- Intellectual Property law copyrights, trademarks, domain names, etc.
- Real Estate law
- Construction law
- Insurance law
- Aboriginal law
- Commercial law (financing/lending law mortgages, car loans, etc.)
- Contract law
- Energy law
- Competition law
- E-Commerce law
- Bankruptcy and insolvency law
- Securities law (trading of stock and investment advisors)
- Employment law
- Tax law
- Privacy law
- Municipal law
- Landlord-Tenant law
- Franchise law
-and more!!!







FIRST:

Identify the legal issue to be investigated.

- a) Easy legal question (20%)
 - Where the source for investigation is dictated in the question itself.
- b) Tough legal question (80%)
 - Where you have no idea where to start investigating.



Easy Legal Questions

- What type of personal information is protected under the Federal Personal Information Protection and Electronic Documents Act?
- 2. Has the Court clarified what is meant by a "personal retail deposit account" which is prescribed under s. 448.1 of the *Bank Act*?
- 3. How has Justice Brown handled Summary Judgment motions?
- 4. What is the maximum amount that you can be fined for going 30 km/h over the speed limit?



- Search the legislation named <u>AND ITS</u> <u>REGULATIONS</u>. Make sure the provisions are IN FORCE.
- 'Note-up' the legislation or the case (i.e. find out what other judges have said about this aspect of the law).
- Find out the specific subsequent history of the case (was it appealed or overturned?)



Tough Legal Questions

- What are the exceptions to the legal hearsay rule?
- When are police required to read you your rights?
- What is the state of law in Ontario on unjust enrichment?
- What are successful defences to a charge of civil conspiracy (i.e. non-criminal)?
- If you are in a car accident when you are in Mexico on vacation
 - □ will Canadian law apply?
 - □ should you start the lawsuit in Mexico or in Canada?
 - is your insurance company still liable to cover your Mexican medical bills?





SECOND:

Identify the general legal topic(s).

THIRD:

Go to the sources.

Work from general topic to specific issue.



- Brainstorm key search words
 - Related words/word association, synonyms, etc.
- Identify search parameters
 - ☐ Geography, dates, level of court, legislation/case law, type of law.
- Search for articles/bulletins or search your best guess at applicable legislation.
- Search CANLII website. You are looking for most recent and highest Court in the relevant jurisdiction (Province, Territory or Federal level).
- Search secondary sources as appropriate.
 - 'Purpose' or 'policy' of legislation questions may require reading of Hansards
 - □ Legal dictionaries and encyclopaedias may be helpful for direction





FOURTH & FINAL:

Compare and synthesize the case law and legislation, if applicable.

Recognize similarities and differences in fact patterns to distinguish or apply court decisions.

If nothing on point, get creative.

□ Law by analogy or policy



Example: Can a Company Destroy its BOD Meeting Minutes?

- Legal Issue
 - Destruction of corporate records.
- General Legal Topics
 - Corporate law, Bank law, Evidence law.
- Go to the Sources
 - Search for journal articles:
 - □ Canada Business Corporations Act
 - □ Bank Act
 - □ Ontario Evidence Act, Canada Evidence Act
 - □ Income Tax Act!





Example: Can a Company Destroy its BOD Meeting Minutes?

- Search Identified Legislation
 - Found relevant sections
- 'Note-Up' Relevant Sections of Legislation
 - Found no instructive case law
- Search CANLII case law Generally
 - Found no instructive case law
- Review Words & Phrases (Carswell®)
- Review Canadian Encyclopedic Digest (Thomson Reuters Canada Limited©)