

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!!!



Legal Research

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

1. 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?

Legal Research



- Search the legislation named AND ITS REGULATIONS. 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?

Legal Research



SECOND:

Identify the general legal topic(s).

THIRD:

Go to the sources.

Work from general topic to specific issue.



Legal Research

- 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

Legal Research



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©)