

# Legal Research Checklist

CLIENT FILE:

- Step 1: ✓ Plan
- Step 2: ✓ Find Secondary Sources
- Step 3: ✓ Obtain Primary Law
- Step 4: ✓ Note Up
- Step 5: ✓ Repeat *(the steps again as new information is discovered)*

## Step 1: Plan

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- ☐ Identify the legal question *(Confirm you know what you are searching for)*

- ☐ Identify Key Issues *(What areas of law will be searched?)*

- ☐ Determine keywords *(What keywords pertain to the issue(s)?)*

- ☐ Structure queries *(using Boolean operators)*

## Step 2: Find Secondary Sources

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### A. Canadian Encyclopedia Digests (CED)

#### (a) *Browse (using the Table of Contents)*

- ☐ Find main issue; drill down to specific topic
- ☐ Read overview paragraph(s) and ID pertinent keywords
- ☐ From Footnotes (FN):
  - ☐ Find case(s):
    - ☐ Read full text
    - ☐ Follow Step 3B (*Obtain Primary Law – Case Law*) below
  - ☐ Find legislation: Follow Step 3C (*Obtain Primary Law – Legislation*) below
- ☐ Click the **Abridgment Digests Classification** link located above the paragraphs to retrieve digests: get the case summaries on point for the specific issue

#### (b) *Search*

- ☐ Search using keywords identified in Step 1 (*Plan*) and 2A (*above*)
  - ☐ Refine search using *Locate in Result*
- ☐ Follow steps in 2A (*above*)

### B. Legal Memoranda and Points of Law – *Browse (using the Table of Contents)*

- ☐ Find main issue; drill down to specific topic
- ☐ Link to Legal Memoranda summary page for desired legal issue
  - ☐ Retrieve cases and legislation on point for Legal Issue

### C. Law Report Articles and Journals - *Search*

- ☐ Search using keywords identified in Step 1 (*Plan*) and 2A (*above*)
  - ☐ Refine search using *Locate in Result*
- ☐ Verify cases and legislation referred to in Footnotes (FN)

### D. Index to Canadian Legal Literature – *Search or Browse*

- ☐ Search using keywords, subject headings and applicable legislation
- ☐ Browse the Table of Subject Headings and cross references; useful for discovering indexed terms to employ in searching
- ☐ If link to full text article not available, request article from firm library or courthouse library

### E. Legal definitions - *Search*

- ☐ Judicial definitions: Use *Words & Phrases Judicially Defined* search template
- ☐ Legislative definitions: In the *Legislation* search template, use the *Defined Term* field

### F. Find books in the Library

- ☐ Annotations
- ☐ Practice Guides
- ☐ Loose-Leaf Services
- ☐ Legal Dictionaries

## Step 3: Obtain Primary Law

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### A. Canadian Abridgment Digests

#### (a) *Browse (using the Table of Contents)*

- ☐ Find main issue; drill down to specific topic
- ☐ Read digest summaries dealing with specific point of law and identify pertinent keywords
  - ☐ Link to and read full text of cases
    - ☐ On *Related Info* tab:
      - ☐ See **Citing References** to note up case(s) (*see Step 4 Note Up*)
        - ☐ Verify Secondary Sources for articles, CED paragraphs and texts referring to the case in question
      - ☐ See **Authorities** for related cases
      - ☐ See **Abridgment Digests** for additional cases on point
      - ☐ See **Legal Memoranda** for Memo Summary pages with Legal Issues on point (*if applicable*)

#### (b) *Search*

- ☐ Search using keywords identified in Step 1 (*Plan*) and 3A above.
- ☐ Follow steps in 3A above

### B. Case Law

- ☐ Obtain relevant cases from secondary sources (Step 2)
  - ☐ Find cases by name or by citation
    - ☐ On *Related Info* tab:
      - ☐ See **Citing References** to note up case(s) (*Step 4 Note Up*)
      - ☐ See **Authorities** for related cases
      - ☐ See **Abridgment Digests** to get additional cases on point
      - ☐ See **Legal Memoranda** for Memo Summary pages with Legal Issues on point (*if applicable*)
- ☐ Search using keywords and applicable fields (jurisdiction, subject, timeframe, judge, counsel, Headnote, etc.)
  - ☐ Refine search using *Locate in Result*
  - ☐ On *Related Info* tab:
    - ☐ See **Citing References** to note up case(s) (*Step 4 Note Up*)
    - ☐ See **Authorities** for related cases
    - ☐ See **Abridgment Digests** to get additional cases on point
    - ☐ See **Legal Memoranda** for Memo Summary pages Legal Issues on point (*if applicable*)

### C. Legislation

- ☐ Obtain relevant legislation from secondary sources (Step 2)
- ☐ Find legislation by name or citation
  - ☐ See **Citing References** to note up legislation (*Step 4 Note Up*)
  - ☐ See **Annotations** (*if applicable*)
  - ☐ See **Legal Memoranda** for Memo Summary pages with Legal Issues on point (*if applicable*)
- ☐ Search using keywords, and applicable fields (short title, jurisdiction, defined term)
  - ☐ Refine search using *Locate in Result*
  - ☐ On *Related Info* tab:
    - ☐ See **Citing References** to note up legislation (*Step 4 Note Up*)
    - ☐ See **Annotations** (*if applicable*)
    - ☐ See **Legal Memoranda** for Memo Summary pages with Legal Issues on point (*if applicable*)

## Step 4: Note Up

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### A. For case law:

- ☐ Verify if a case has been appealed to a higher court and how it was treated by that court (See **Full History** and **Direct History (Graphical View)**)
- ☐ Determine the judicial treatment of the case (See **Citing References**)
- ☐ Use **Citing References** to:
  - ☐ See how often the cases considering your case have been judicially considered
  - ☐ Filter the citing reference list (click the **Limit KeyCite Display** button) by keyword, jurisdiction, judicial treatment, citation frequency, date and/or document type
- ☐ Verify Secondary Sources on Citing Reference list for articles, CED paragraphs and texts referring to the case in question

### B. For legislation:

- ☐ Verify how the courts have treated or considered a particular statute, regulation or rule (See **Citing References**)
- ☐ Use **Citing References** to:
  - ☐ See how often the cases considering the statutory provision have been judicially considered
  - ☐ Filter the citing reference list (click the **Limit KeyCite Display** button) by keyword, legislative subsection or clause, jurisdiction, judicial treatment, citation frequency, date and/or document type

## Step 5: Repeat!

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Repeat the research process to fine tune your results as you uncover additional information.

- ☐ Use the *Research Trail* to revisit earlier results.
- ☐ Print, email, or download your results.
- ☐ Copy selected portions of documents using the *Copy with Ref* function in the **Tools** menu (*bottom right corner of document view*)
- ☐ Use the *Research Trail* to keep a record of the research you have done; add notes using the **Add Note** link

For additional information:

Westlaw Canada Reference materials: <http://www.westlawcanada.com/user-guides>

Web tutorials: <http://www.westlawcanada.com/online-learning-centre>

The screenshot shows the Westlaw Canada LawSource homepage. The navigation bar at the top includes links for FIND & PRINT, KEYCITE CANADA, DIRECTORY, SITE MAP, COURT DOCS, CONTACT US, HELP, and SIGN OUT. Below the navigation bar, there are tabs for LawSource, Litigator, FamilySource, SecuritiesSource, InsolvencySource, TPSource, Estates&TrustsSource, CriminalSource, Solicitor's Core (ON), and Westlaw. The main content area is divided into several sections: Latest Developments, Custom Search Templates, and a search interface. The search interface includes fields for Name, Jurisdiction, Case, Title, Section, and Citation, along with a 'Go' button. The footer includes the CARSWELL logo and the THOMSON REUTERS logo.

Callout boxes on the left side of the page point to the following features:

- Search Abridgment Digests & CED
- Browse CED & Abridgment Digests
- Legal Memos & Points of Law
- Find/Note up Cases & Legislation

Callout boxes on the right side of the page point to the following features:

- Search Case Law
- Law Report Articles/Journals & Index to Cdn Legal Literature
- Words & Phrases & Legislative Definitions

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