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

☐ 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

A. Canadian Encyclopedia Digests (CED)
   (a) **Browse**
      - Find main issue; drill down to specific topic
      - Read overview paragraph(s) and ID pertinent keywords
      - From Footnotes:
         - Find case(s):
            - Read full text
            - Follow Step 3B (*Obtain Primary Law – Case Law*)
         - Find legislation: Follow Step 3C (*Obtain Primary Law – Legislation*)
      - Select 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 and 2A
      - Refine search using **Filters** in the Narrow section
      - Follow steps in 2A

B. Legal Memoranda and Points of Law – **Browse**
   - 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 and 2A
   - Refine search using **Filters** in the Narrow section
   - Verify cases and legislation referred to in Footnotes

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 is not available, request article from firm library or courthouse library

E. Legal definitions - **Search**
   - Judicial definitions: Use the **Advanced** Search template for **Words & Phrases**
   - Legislative definitions: In the **Advanced** Search template for **Statutes and Regulations**, use the **Defined Term** field

F. Find books in the Library
   - Annotations
   - Practice Guides
   - Loose-Leaf Services
   - Legal Dictionaries
Step 3: Obtain Primary Law

A. Canadian Abridgment Digests
   (a) **Browse**
   - 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
     - See **Citing References** to note up case(s) *(see Step 4)*
     - Verify Secondary Sources for articles, CED paragraphs and texts referring to the case in question
   - See **Legal Memos** for Memo Summary pages with Legal Issues on point *(if applicable)*
   - See **Court Memos** for pleadings, motions, facta/briefs *(if applicable)*
   (b) **Search**
   - Search using keywords identified in Step 1 and 3A
   - Follow steps in 3A above

B. Case Law
   - Obtain relevant cases from secondary sources *(Step 2)*
   - Find cases by name or by citation
     - See **Citing References** to note up case(s) *(Step 4)*
     - See **Legal Memos** for Memo Summary pages with Legal Issues on point *(if applicable)*
     - See **Court Memos** for pleadings, motions, facta/briefs *(if applicable)*
   - Search using keywords and applicable fields (jurisdiction, subject, date, judge, counsel, Headnote, etc.)
     - Refine search using **Filters** in the Narrow section
     - See **Citing References** to note up case(s) *(Step 4)*
     - See **Legal Memos** for Memo Summary pages Legal Issues on point *(if applicable)*
     - See **Court Memos** for pleadings, motions, facta/briefs *(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)*
     - See **Annotations** *(if applicable)*
     - See **Legal Memos** 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 **Filters** in the Narrow section
     - See **Citing References** to note up legislation *(Step 4)*
     - See **Annotations** *(if applicable)*
     - See **Legal Memos** for Memo Summary pages with Legal Issues on point *(if applicable)*
Step 4: Note Up

A. For case law
   - Verify if a case has been appealed to a higher court and how it was treated by that court (See History)
   - 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
     - Narrow the citing reference list (use Filters in the Narrow section) by keyword, jurisdiction, judicial treatment, citation frequency, date, court/level, and/or depth of treatment
     - Verify Secondary Sources 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
     - Narrow the citing reference list (using Filters in the Narrow section) by keyword, legislative subsection or clause, jurisdiction, judicial treatment, citation frequency, date, court/level and/or depth of treatment

Step 5: Repeat!

Repeat the research process to fine tune your results as you uncover additional information.
- Use History to revisit earlier results and to keep a record of the research you’ve done.
- Save your documents into Folders for future reference.
- Print, email, or download your results.
- Copy selected portions of documents using the Copy with Reference function (located in the pop-up window after highlighting text snippets)

For additional information visit the Customer Learning Centre: (www.carswell.com/learning).