LEGAL RESEARCH 2

HOW TO ANALYZE A FACT SITUATION

Background Notes

- A.C.W.S All Canada Weekly Summaries
- B.C.L.R British Columbia Law Reports
- C.C.C Canada Criminal Cases
- C.T.R Canada Tax Reports
- D.L.R Dominion Law Reports
- O.A.C Ontario Appeal Cases
- O.M.B.R Ontario Municipal Board Reports
- O.R Ontario Reports
- R.S.O Revised Statutes of Ontario
- S.C.R Supreme Court Reports

Identifying the Issues on a Preliminary Basis

Issue - a specific problem that must be solved in order to provide a solution to the entire fact situation

- The question being asked: direct v. indirect
- The area of law: General Area of Law v. Specific Area of Law
- Theory of the Case a strategy for winning; the case from your point of view
- Hidden Issues?: limitation periods, governing statutes or jurisdiction
- Hidden Issues?: parties in law (corporations, natural persons, spouses, mentally incompetent, agents or Crown)

Formulate the Issues

- Write down the issues you have identified, starting with the word: "Whether."
- Review textbook examples on page 58

Identify the Need for Further Information

- Is there need for further information before you finally conduct your research?
- Has a cause of action arisen?
- Any issue to do with legal status?

Notes

Charles Mwewa Intro to Law Lecture Outline

HOW TO RESEARCH A SUBJECT

Backş	 kground Notes Binding Decisions – existing decision that a judge must follow if the facts in the case and the case before the court are similar Binding Law - law that must be followed by the court Disposition – judge's order's set out at the end of the case Issues – specific problems that the judge must solve to reach a decision or specific problems that must be solved in order to provide a solution to the entire fact situation Law of Evidence – sets out the manner in which facts are proved in a trial or a proceeding <i>Obiter Dicta</i> – Latin for "Words by the Way" <i>Ratio Decidendi</i> – Latin for "Reasons for the Decision" Regulations – rules made under the authority of a Statute Style of Cause – Names of the parties to an action
•	Substantive v. Procedural Law – review <i>Stare Decisis</i> – Latin for "To stand by decided matters"
	FORMING THE RESEARCH E NOTES (From both Secondary and Primary Sources) Take information that seems relevant or interesting The source you have looked through