

LEGAL RESEARCH 2

Notes

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?

