WestlawNext® CANADA
PBSC Legal Research Strategies
2015-2016 Academic Year

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Agenda

• Welcome and Introductions

• Research Checklist and Flow Chart of Research Strategies

• Review of Hypothetical Issue and application of research strategies

• Review of alternate research resources

• Wrap up and questions
# Review of Key Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Case / Decision / Judgment</td>
<td>Final determination by the court of a matter brought before it</td>
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<tr>
<td>Style of Cause</td>
<td>The names of the parties involved in a case</td>
</tr>
<tr>
<td>Case citation</td>
<td>Identifier for a case, legislation or article, based on where it has been published</td>
</tr>
<tr>
<td>Noting Up</td>
<td>Finding subsequent cases that have referred to your case, as well as determining the history</td>
</tr>
<tr>
<td>History</td>
<td>Path a case takes through the court system</td>
</tr>
<tr>
<td>Citing References</td>
<td>Documents referring to the case or legislation you’re looking at</td>
</tr>
<tr>
<td>Commentary/Secondary Sources</td>
<td>Authored works such as texts, annotations, journal articles</td>
</tr>
<tr>
<td>Legislation</td>
<td>Statues (laws), regulations (how to apply the laws), rules (processes to follow when you go to court)</td>
</tr>
</tbody>
</table>
Flow Chart of Research Strategies

STEP 1 Planning

- Understand the assignment
  - Facts
  - Legal and other issues

- Chart a plan of action
  - Write initial thoughts
  - Go from broad to specific

- Ask a Librarian for assistance
  - Finding resources
  - Formulating search strategies

- Keep track of every step

Don’t Miss Anything!
Flow Chart of Research Strategies

**STEP 2: Secondary Sources**

- **Check with Experts!**
- **Types**
  - Textbooks & Loose-leaf Services
  - Encyclopedias and Reference Materials
  - Annotations
  - Conferences
  - Journal articles
  - Law firm newsletters, authoritative legal blogs and wikis
- **Access Points**
  - Electronic indices, e.g. I.C.L.L., Hein Online, LegalTrac
  - Online databases: WestlawNext® Canada, QL/Lexis
Flow Chart of Research Strategies

Cover the bases!

STEP 4 Noting Up

Case law

Statutes and Regulations

Citors

- KeyCite (WestlawNext® Canada)
- QuickCITE (QL)
- Shepard’s (Lexis – U.S.)
- JustCite (Justis – U.K.)
Flow Chart of Research Strategies

How to be sure!

STEP 5
Additional Authorities

Secondary
- Librarians
- Government Departments
- Associations
- Google; Blogs

Primary
- Other persuasive law
- Law from other jurisdictions
You have been asked to provide a general research memo on the extent to which universities can regulate student use of social media and whether it is possible, under the Constitution, to regulate or ban “private” Facebook use altogether on university campuses.
Step 1: Plan Before You Start

- Understand the assignment
- Chart a plan of action & write-down initial thoughts
- Ask your librarian to assist with your planning
- Keep track of every step
- 10-15 minute rule: if you find nothing, check again with librarian or PBSC partner/coordinator
# Charting a Plan & Initial Thoughts

<table>
<thead>
<tr>
<th>Areas of law:</th>
<th>Charter rights, privacy, freedom of expression, online privacy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possible Search terms:</td>
<td>Social media, online privacy, cyber-bullying, Facebook, university, Charter</td>
</tr>
<tr>
<td>Legislation</td>
<td>Charter sections, Criminal Code, Post Secondary Acts</td>
</tr>
<tr>
<td>Case Law</td>
<td>Cases dealing with University Facebook groups, social media and education</td>
</tr>
<tr>
<td>Textbooks:</td>
<td><em>Hogg on Constitutional Law, Martin on Media Law</em></td>
</tr>
</tbody>
</table>
Step 2: Secondary Sources

A. Start with Textbooks and Loose-leaf Services:
   - Patrick J. Monahan, *Constitutional Law*
   - Robert Martin, *Media Law*

B. Move to Encyclopedias (search terms – broad to narrow)
   - *Canadian Encyclopedic Digest* (WLNC)
   - *Halsbury’s Laws of Canada* (QL)

C. Then move to Indexes and Journals (search terms – broad to narrow)
   - *Index to Canadian Legal Literature* on WLNC & QL
   - Articles & Newsletters (WLNC)
   - Journals & Commentary (QL)
   - Legaltrac
   - HeinOnline
Step 3: Primary Sources

Primary Sources

Case Law:
- they interpret and apply Statutes/Regulations

Statutes:
- they state the law and delegate authority to enact regulations

Regulations:
- they enact rules to enforce statutes
Boolean Terms and Connectors:

- Boolean symbols interact with words like math symbols interact with numbers.
- They’re always *between 2 words*, with a space *before and after* the symbol.
  - **And** & trade-mark & label
  - **Or** or car or vehicle
  - **In the same sentence** /s colour /s label
  - **In the same paragraph** /p support /p payment
  - **Within ‘n’ words** /n patent /10 drug
  - **Phrase** “desired words” “parking lot”
  - **Root expander** ! support! (= supported, supporting etc)
  - **Wild card** * dr*nk (= drink, drank, drunk)
  - **Singular form** Retrives singular, plural, possessive

- See the [Quick Reference Guide](#) for more info
Step 4: Updating or “Noting-Up”

Cases – we note up cases
a) to follow a case’s history
b) to verify how other cases have considered the case
   • KeyCite (WestlawNext Canada)
   • QuickCite Case Citator (QL)
   • Noteup (CanLii)

Statutes and Regulations – we note up legislation to find cases that have referenced a specific legislative provision
   • KeyCite (WestlawNext Canada)
   • QuickCite Statute Citator (QL)
   • Noteup (CanLii)
Step 5: Additional Authorities

Secondary Sources
• Librarians – check again
• Government Departments
• Associations
• Google

Primary Sources
• Laws from other jurisdictions (e.g. U.S.)
Key Takeaways: 5 Research Tips

1. It’s okay (and important) to ask questions
2. Always update and note-up
3. Remember the 10 to 15 minute rule
   If after 10 to 15 minutes you aren’t getting anywhere, return to #1, visit your Law Librarian or PBSC partner/coordinator
4. Keep track of your research:
   Take notes, use History and Folders in WLNC
5. Efficiency is essential
WestlawNext® Canada Support for PBSC

• Pro Bono Flow Chart of Research Strategies
• Technical Support/Research Support: 1-800-387-5164
• PBSC Support Materials
  http://www.westlawnextcanada.com/academic/pbsc
• WestlawNext® Canada Video Tutorials and Guides
  http://www.carswell.com/learning/
• Bonnie Preece, Academic Online Manager
  bonnie.preece@thomsonreuters.com