Legal Research Checklist

CLIENT FILE:

Step 1: Plan
- ✔ Plan
- ✔ Find Secondary Sources
- ✔ Obtain Primary Law
- ✔ Note Up
- ✔ 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 (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

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 with 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

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!

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
Westlaw Canada: LawSource Home page