

Research Case Study Instruction Guide

A Research Case Study presents a scenario where a lawyer must locate appropriate legal authorities using databases available through the Law Society Website. A laptop and access to the Members Section of the website are required. Time spent on Research Case Studies can be claimed as CPD Hours but does not qualify as Ethics Hours.



Legal Research Process

The starting point and process for each research case study is dependent on the type of problem you are facing. However, a good rule of thumb is to begin with secondary sources to locate an overview or explanation of the area of law and then expand your research to primary sources of law.

Secondary sources include texts, journal articles and general encyclopedia such as the *Canadian Encyclopedic Digest (CED)* or *Halsbury's Laws of Canada*. These sources can be found in our physical library branches or online in the Members' Section of the Law Society website. Please also consult the Subject Research Guides available on the Library website for resources in a particular area of law.

Primary resources include legislation and case law. They can be located with online databases such as Westlaw Next, CanLII, or Saskatchewan Cases.

This instruction guide is designed to assist you with the completing a research case study. The Law Society Library and website also offer numerous helpful materials. If you have any questions, we are happy to assist you over the phone, via email, or in person.

Please contact us if you require assistance:

Library website: <http://lawsociety.sk.ca/library>
Phone: 306-569-8020 (Regina) or 306-933-5141 (Saskatoon)
Email: reference@lawsociety.sk.ca

Case Law Search Strategy

There are many ways to think about searching strategy. Here are two basic models that may assist you. Both strategies use the same six step search process outlined below, but they apply distinct thought processes and will yield different, although equally valid, results. You will need to decide which strategy to adopt.

Strategy One: Cast your net wide

This is the best search strategy when you have a good understanding of the legal concepts involved. The goal is to create a search that will include as many relevant documents, and as few irrelevant ones, as possible. Start with a broad search and refine as you go – either by adding and modifying terms, or by applying filters to limit your results by date, court level, jurisdiction, or subject matter. This is a trial and error process.

Strategy Two: Cast your net narrow

This strategy is useful if you begin with a set of facts but are uncertain how they relate to the law. Use as many key concepts as possible. It is not important to find *all* of the relevant cases. The goal is to find a small number of “similar fact” cases, which will help you conceptualize the problem legally and lead you to other authorities.

Steps to Searching

Step 1: Brainstorm for keywords

The usual rules apply – write down all key factual and legal concepts that arise from the scenario.

Step 2: Group the keywords into distinct concepts

Try to come up with as many synonyms as possible for each keyword. Each cluster of synonyms is a searching “concept.” IMPORTANT: continue to add concepts and synonyms as you later review your results – the case authorities you find will include terms you had not considered beforehand.

Step 3: Create search query

Create a search query using the concepts. The best searches usually apply the following formula:

- *(1a OR 1b) AND (2a OR 2b) AND (3a OR 3b)*

1 and 2 and 3 are distinct concepts. There may be only one or two concepts in a search, or as many as five or six.

1a and 1b are synonyms of concept 1. There may be any number of synonyms for a concept – but consider removing those that yield irrelevant hits, and those that do not yield any results at all.

Always check (in search tips or help) what the correct search syntax is in whatever database you are using. Remember that adding *concepts* results in less hits; adding *synonyms* results in more hits.

Step 4: Execute search and analyze results

If you are using **Strategy One**, consider the following:

- How many hits are there?
- How are the results arranged? Relevancy? By date? Or by court level or number of cites? In most search engines you can change the ordering of results
- If too few, may need (1) drop a concept, or (2) add some synonyms to existing concepts
- If too many, may need to (1) add a concept, or (2) drop some synonyms
- Look at a few hits – are they relevant?
- In the best results – are there other terms you should add to the search?
- In the least relevant results – are your keywords working correctly? Be alert for your keywords doing things you didn't mean them to do and consider ways to improve their performance including removing terms or applying truncation
- If you have a high number of good results, consider sorting by court level or number of citing references

If you are using **Strategy two**, make sure your results are ranked by relevance (not date or court level), and look at the first few. When you find a good case, make note of new terms to add to your search query. Also make note of any key legal authorities. From here, there are two possible approaches:

1. Apply **Strategy One** and try to create a search that will help you locate other case authorities
2. Go to **Step 6** - Follow chain of authorities

Step 5: Reformulate search

No researcher in the world can get optimal results on the first try. Searching is a trial and error process. A good researcher will use between five and twenty different queries before hauling in their net for the final time. At some point, you will begin to feel like you have obtained the best results from a database. This may be because you have optimized your search and know you can't do much better, or because you have positively identified the ruling authorities on your question. Now it is time to move on to **Step 6**.

Step 6: Follow chain of authorities

At any point in searching, you may abandon searching technique altogether and decide to follow a chain of authorities. This can be characterized as going from a vertical approach (dropping your net into the ocean), to a horizontal one (following a particular fish that may lead you to others of their kind). Case authorities run both forward in time and backward:

- Back authorities – read the relevant cases and identify past authorities cited, especially the ones that come up in more than one case
- Forward authorities – obtain a list of citing references for a relevant case (aka KeyCite, QuickCite, note-up). This will ensure that the authority you have found is still good law



Databases

Library Catalogue
Saskatchewan Cases
Saskatchewan Bills
Saskatchewan Regulations
Saskatchewan Court of Appeal
Sentencing Digests

Ebooks

Emond Publications

More than 50 titles available
in the Working With the
Law series and Casebook Collection.

Irwin Law e-Library

More than 100 online textbooks, including the
entire Essentials of Canadian Law series.

Journals

HeinOnline

Full text of over 700 legal periodicals from the
United States, Canada and the Commonwealth.
Includes provincial statutes, English Reports, and
all US Supreme Court decisions.

Lawyers Weekly

Published 48 times a year, Lawyers Weekly
provides lawyers with information essential to
maintaining and building a successful practice in
today's competitive business environment.

Saskatchewan Law Review

Complete issues in full text from 2013. Prior
issues available on HeinOnline.

Contact Info

The Law Society Library

Regina: (306) 569-8020
Toll-free: 1-877-989-4999

Saskatoon: (306) 933-5141
Toll-free: 1-888-989-7499

Email: reference@lawsociety.sk.ca

Web: www.lawsociety.sk.ca



Subscriptions

WestlawNext Canada—Canada's Most Advanced Legal Search Engine

LawSource—Comprehensive coverage of Canadian case law, federal and provincial legislation, Canadian law reviews and journals, KeyCite Canada case citatory, the Canadian Encyclopedic Digest (CED), and the Canadian Abridgment.

CriminalSource, FamilySource, and LabourSource—Each contain case law, commentary, annotations, and other tools specific to these practice areas.

O'Brien's Internet—The online version of the popular O'Brien's Encyclopedia of Forms, a comprehensive online source of Canadian legal forms and precedents.

rangefindr—A tool to help lawyers and judges find criminal sentencing ranges in seconds instead of hours.

Law Society Publications

Case Mail—Our semi-monthly online newsletter of recently digested Saskatchewan cases.

The Limitations Manual—Annually updated, online-only manual of all Saskatchewan statutes with limitation periods, complete with relevant case law annotations.

Queen's Bench Practice Manual—This companion to *Saskatchewan Queen's Bench Rules Annotated* synthesizes the collective knowledge of seasoned practitioners from across the province.

Saskatchewan Practice Checklists—These checklists provide useful guidance to practitioners in the areas of client identification, corporate and commercial law, criminal law, family law, litigation, real estate and wills.

Subject Resource Lists—Titles of standard texts, key journals, practice guides & forms, legal encyclopedias, sources of case law and legislation for a particular area of practice.

Legal Sourcery Blog

Check out the Library's popular blog for up-to-date legal news, useful research tips, interesting articles, book reviews, and much more!

We're a two-time winner of the Canadian Law Blog Awards (Clawbies).



<http://lsslib.wordpress.com>





Book Loans

Members of the Law Society of Saskatchewan may borrow books for two weeks. Renewals are available unless recalled.

Interlibrary Loans

- Any fees from lending library will be covered by the member.
- \$25 handling fee for complicated loans requiring the librarian to spend more than 30 minutes to locate an item.

Lost Books

- A book is considered lost after 6 months.
- Members are responsible for the replacement cost (or \$100 if out of print) plus \$50 handling fee.

Copiers

The self-service copiers in Regina and Saskatoon are activated with copy codes assigned to each law firm.

- Copies are \$0.25 per page plus GST.
- Copying by library staff is \$1.00 per page.
- All copies are bound by restrictions under the *Copyright Act*.

Video Tutorials

A series of free video tutorials created by the Law Society Library to aid members in searching CanLII and the Saskatchewan Cases database can be found on our website under *Library Services—Tutorials*.

Contact Info

The Law Society Library

Regina: (306) 569-8020
Toll-free: 1-877-989-4999

Saskatoon: (306) 933-5141
Toll-free: 1-888-989-7499

Email: reference@lawsociety.sk.ca

Web: www.lawsociety.sk.ca



Legal Research

\$120 per hour (\$30 minimum) • includes printing costs

Subject searches—could include copies of digests, precedents, legislation, articles, or excerpts from textbooks.

Quantum—wrongful dismissal, sentencing, personal injury.

Database searches—Law Society of Saskatchewan Library databases, CanLII, QuickLaw, WestlawNext, Western Decisions, HeinOnline, Canadian Human Rights Reports and Incorporated Council of Law Reporting.

Legislation Research

- Statutes, regulations, court rules, provincial and federal.
- CIF dates, point-in-time, legislative intent.

Document Delivery

**\$5 per item for first 30 pages,
\$0.25 per additional page**

Judgments, legislation, articles, forms and precedents, specifically requested by member, not as part of a subject search.

Delivered by fax, mail, pickup, or electronically where permitted.

Noting Up/ Judicial Considerations

\$5 per item

Cases, legislation, court rules.

Databases and tools consulted:
LSSL databases, CanLII, QuickLaw, WestlawNext, Canadian Case Citations, CPCs, Statutes Judicially Considered, Rules Judicially Considered.

Lunch & Learn

with the Law Society Library



- Law librarians Ken Fox and Alan Kilpatrick offer flexible in-person training sessions customized to your firm's legal research needs.
- Develop solid research strategies, identify relevant legal resources, and save time and money through efficient legal research.

The Law Society Library is here to help.

Lunch & Learn training sessions are **\$60.00 per person per hour** for **1.0 CPD credit**.
Book in advance to ensure the librarian's availability.

