# Legal Research & Resources

Financial and Consumer Affairs Authority February 23, 2023

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Law Society of Saskatchewan

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### Overview

- Introduction
  - Digital Resources
  - Resource Spaces
  - Information & Research Expertise
- Good Practices for Legal Research
  - Tips & Targeted Resources
- Scenario

Report Library and Legal Resources Available to Saskatchewan Lawyers and General Legal Research Methodology in your Member Profile



### Law Society Legal Resources



Our dedicated library staff are trained to assist you in finding legal information to suit your needs.

#### EXPERTISE



We are your legal information navigators, guiding law society members, articling students and the public through our extensive online and print library collection.

#### NAVIGATION



We offer personalized service through our law libraries conveniently located in the Regina and Saskatoon courthouses.

#### CONVENIENCE



We have the best online legal resources for law society members in Canada, offering up-to-date legal information through partnerships with legal organizations.

#### INNOVATION

reference@lawsociety.sk.ca

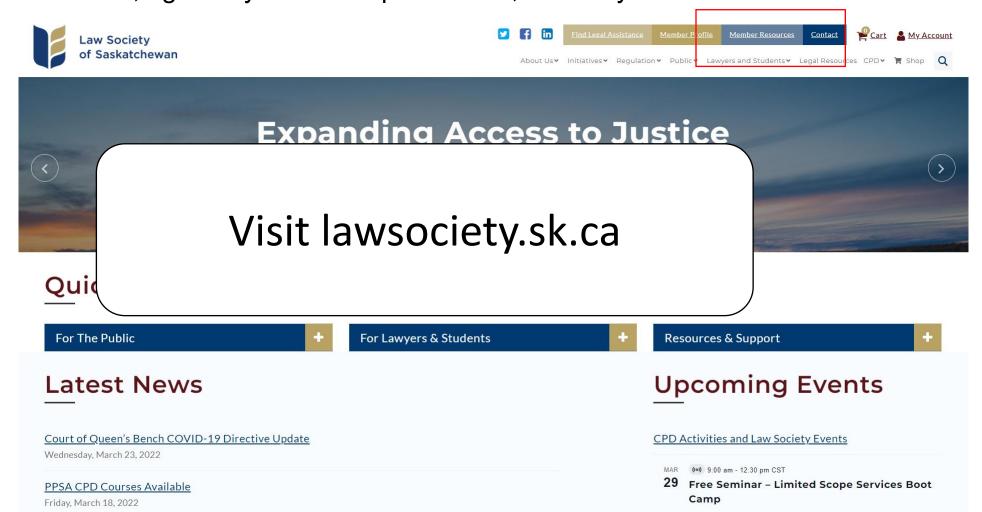
Instant Chat 1-877-989-4999 or 306-569-8020

lawsociety.sk.ca/legal-resources-library



### Digital Resources

Login to our <u>Member Resource Section</u> to access an outstanding digital collection, right on your desktop or device, from anywhere in the world:



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#### **Member Resource Section**

Username or Email Address	Sign in to access research databases and practice tools for members only.
	To update your membership profile, registration information and CPD
	credits, please go to Member Profile Login. Click member-profile-how-to for
Password	more information on recent updates.
	Password is case-sensitive. If your password has both uppercase and
	lowercase, you have to enter it in the correct case.
□ Remember Me	Members: Please use your email (as registered in your Member Profile) as
	User Name.
LOGIN	Students: Please use your email (as registered in your Member Profile) as
	User Name.
orgot Password? (If your password is not working please RESE)	If you require assistance, please call (306) 569-8242 or 1-833-733-0133.
ASSWORD)	

### Digital Resources

Login to our <u>Member Resource Section</u> to access an outstanding digital collection, right on your desktop or device, from anywhere in the world:

#### **Member Resource Section**

<u>QBRA</u>	LSS Databases	<u>Westlaw</u>	vLex Canada
<u>Irwin Law</u>	<u>Emond</u>	<u>Hein Online</u>	<u>Legal Trac</u>
<u>Divorcemate</u>	<u>rangefindr</u>	<u>Non-Legal</u>	

### Resource Spaces

Available to members in Regina and Saskatoon, offering free Wi-Fi, comfortable workspaces, print resources, and in-person expertise.

Search our <u>resource catalogue</u> or contact us to request materials. For members outside Regina or Saskatoon, texts will be mailed or couriered directly to you.

Regina King's Bench Court House Saskatoon King's Bench Court House







### Information & Research Expertise

We can quickly find whatever you are looking for. Contact us with your information and resource questions. If it takes longer than five minutes to find, ask us!



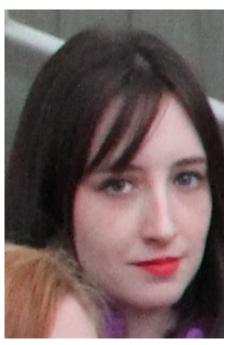
Ken Fox (Saskatoon)



Amanda Irvine (Saskatoon)



Alan Kilpatrick (Regina)



Sara Stanley (Regina)



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Instant Chat

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#### Additional FREE CPD

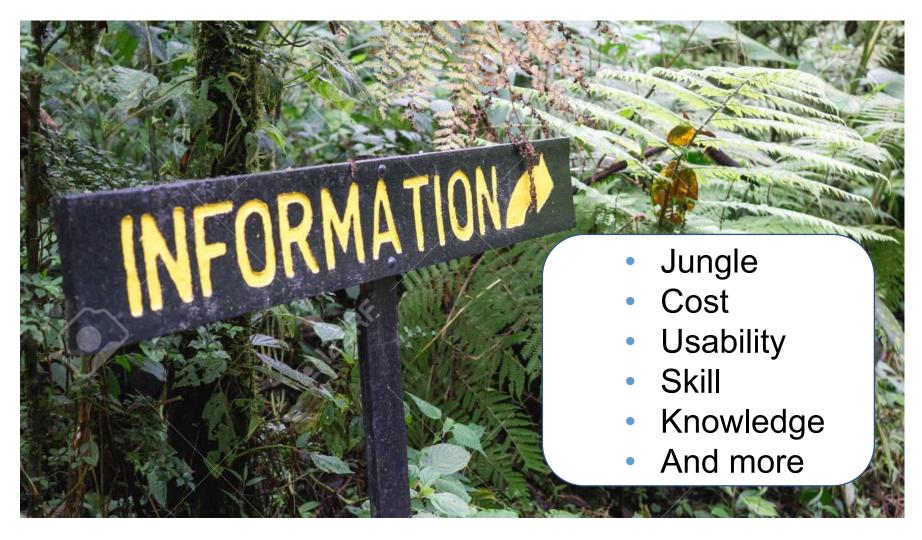
- We encourage you to watch this free recorded CPD:
  - <u>CPD 340 Discover YOUR CanLII (October 2022)</u> (October 2022)
  - CPD 320 Discovering YOUR Westlaw: Get the Most Out of this Amazing Tool! (March 2022)
  - CPD 310: Searching Saskatchewan Legislation:
     Your Key Primer (October 2021)





BAD HABITS
GOOD HABITS







Tip: Use commentary to energize your research.

#### Free to use sources:

- Law Library Catalogue
- CanLII's Commentary

#### Commercial sources:

- Irwin Law/Emond Publishing ebooks
- Westlaw/Quicklaw ebooks
- Canadian Encyclopedic Digest
- Halbury's Laws of Canada



#### **Consider:**

A law library <u>libguide</u>, resource guide, or colleague

Tip: Use non-traditional sources for recent developments.





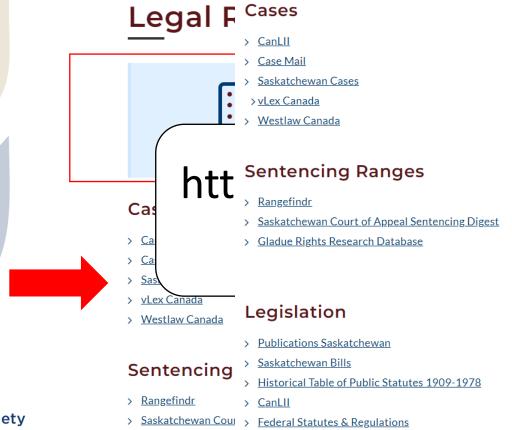
Tip: Learn to use online and offline resources in tandem.

- It can be difficult to understand how digital resources are organized without any sense of how the corresponding print resources are organized
- Using Vinyl & Spotify to Understand Legal Information





Tip: Visit the <u>Legal Resources homepage</u> if you aren't sure where to start.



> Gladue Rights Rese > HeinOnline

#### **Articles**

- > CanLII Commentary
- > HeinOnline
- > ICLL
- > Saskatchewan Law Review

#### Forms and Precedents

- > O'Brien's Internet
- > Queen's Bench Forms
- > Law Society Forms
- > Trust Account Forms

#### **Ebooks**

- > CanLII Commentary
- > Emond Ebooks
- > Irwin Law Ebooks
- > Westlaw Texts and Annotations

Tip: Four questions to ask **before** searching a legal resource tool for the first time.

- 1. What is the scope of the database?
- 2. What constitutes a record?
- 3. What is the search syntax?
- 4. How will the results be ordered?



Tip: Choose the best **primary law** resource.

Case Law

Legislation

Free to us

CanLII

Commerc

Quickla

#### **Consider:**

- Case digesting newsletter (<u>Saskatchewan CaseMail</u>)
- Quicklaw newsletters
- The Canadian Abridgment (Westlaw)

Westlaw Canada

vLex Canada

#### Federal:

- Justice Laws
- Legisinfo



Saskatchewan ssembly of an

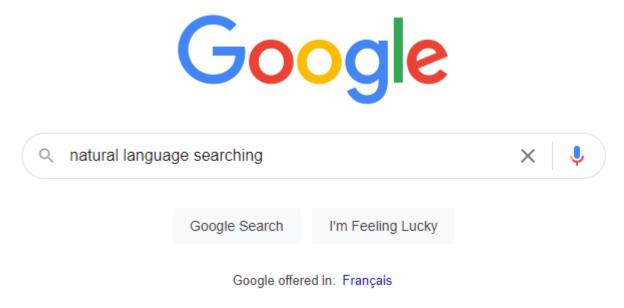
Tip: Choose the best **primary law** resource.

- Primary law coverage across Canada's free and commercial legal databases (CanLII, Quicklaw, Westlaw, etc.) is largely comparable with similar coverage being offered.
- Commercial resources far exceeds free resources in terms of the digital commentary content available.



	CanLII	Quicklaw	vLex	Westlaw
Cost	Free	Commercial	Commercial	Commercial
Who?	Public	Commercial	Commercial	Commercial
Searchability	Comparable	Comparable	Comparable	Comparable
Case Law	Comparable	Comparable	Comparable	Comparable
Legislation	Comparable	Comparable	Ontario Only	Comparable
Commentary	<ul> <li>CanLII Connects         case digests</li> <li>Growing collection         of miscellaneous         and older         commentary</li> </ul>	<ul> <li>Case law headnotes</li> </ul>	<ul> <li>Irwin Law eBooks</li> <li>Vincent</li> </ul>	<ul> <li>Articles &amp; newsletters</li> <li>Canadian Abridgment</li> <li>Canadian Encyclopedia Digest</li> <li>Case law digests</li> <li>Citing references</li> <li>Criminal Source</li> <li>Employment Source</li> <li>Estates Source</li> <li>Family Source</li> <li>ICLL</li> <li>Labour Source</li> <li>O'Brien's Forms</li> <li>Words &amp; Phrases</li> </ul>

 Tip: Boolean operators offer more precision and efficiency.





 Tip: Boolean operators offer more precision and efficiency. Common search syntax include:

AND robbery AND weapon

OR (armed OR weapon OR knife OR gun)

" " "child of marriage"

( ) (drugs OR "controlled substance")

• creat! creature, creation, create, creating, etc

/p officer /p ask

/5 officer /5 ask

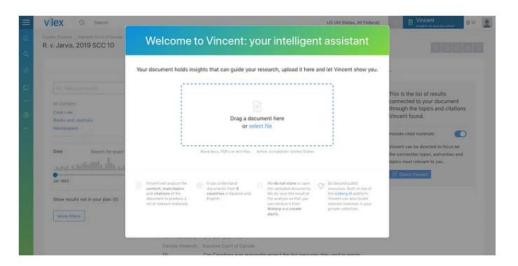


- Tip: The best legal research,
  - Is iterative
  - Is messy
  - Includes mistakes and missteps
  - Has multiple starts and stops
  - Isn't static
  - Is rarely complete after the first attempt



Tip: What about legal research AI?

Al-powered legal research added to the tool kit of every lawyer in Saskatchewan



https://blog.vlex.com/ai-powered-legal-research-added-to-the-tool-kit-of-every-lawyer-in-saskatchewan-a9b8050ddbde

**Upcoming Webinar:** 

Wednesday, April 19th, 12:00pm – 1:00pm Discover YOUR vLex 1.0 free CPD



- Final Tip: Targeted Resources for FCAA lawyers
  - Administrative
  - Business
  - Commerce
  - Consumer Protection
  - Debtor-Creditor
  - Mortgages
  - Pension
  - Securities
  - ETC.

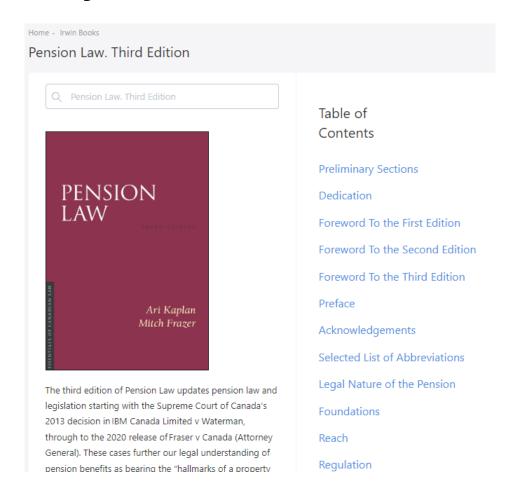




Tip: Targeted **Online Commentary** 

#### vLex: Irwin Law eBooks

- Bankruptcy & Insolvency Law ( 2015)
- Law of Partnerships & Corporations (2018)
- Mergers, acquisitions, and other changes of corporate control (2020)
- Pension Law (2021)
- Personal property security law (2022)
- Securities Law (2018)





Tip: Targeted **Online Commentary** 

### Westlaw: Canadian Encyclopedic Digest (2023)

- Administrative Law
- Debtor and Creditor
- Pensions Private
- Pensions Public
- Mortgages (Western)
- Securities
- Securities and Stock
   Exchanges

#### Administrative Law

□ I — Introduction □ I — §1-§6 🖺 II — General Principles of Administrativ 1 — The Relationship Between Administrat 2 — Statutory Delegation of Governmental III — Judicial Review and Statutory App 1 — Forum 2 — Standing 3 — Delay 4 — Grounds for Judicial Review - IV — Standards of Review 1 — General Principles 2 - Two Common Law Standards of Revie

2.1 — Statutory Standards of Review

Tip: Targeted **Online Commentary** 

CED Administrative Law Title

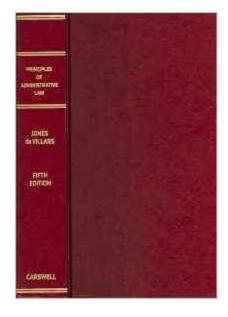
Canadian Encyclopedic Digest Administrative Law

For print citation information please click here.

#### Currency

Prepared by *David Phillip Jones*, Q.C. B.A.(Hons.) (McGill), B.C.L., M.A. (Oxon.); *Anne S. de Villars*, Q.C. B.Sc. (Southampton), LL.B. (Alberta) and *Dawn M. Knowles*, B.Admin. (Regina), LL.B. (Hons.) (Alberta), all of de Villars Jones, Barristers and Solicitors, Edmonton: *May 2012* 

Updated by the legal editorial staff at Thomson Reuters Canada: April 2022





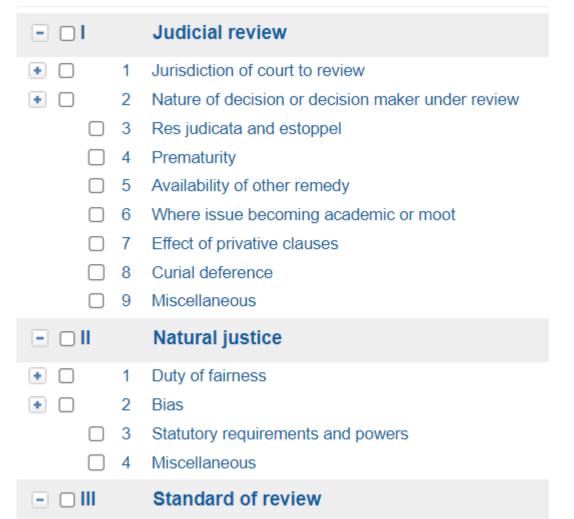
Tip: Targeted Case Law

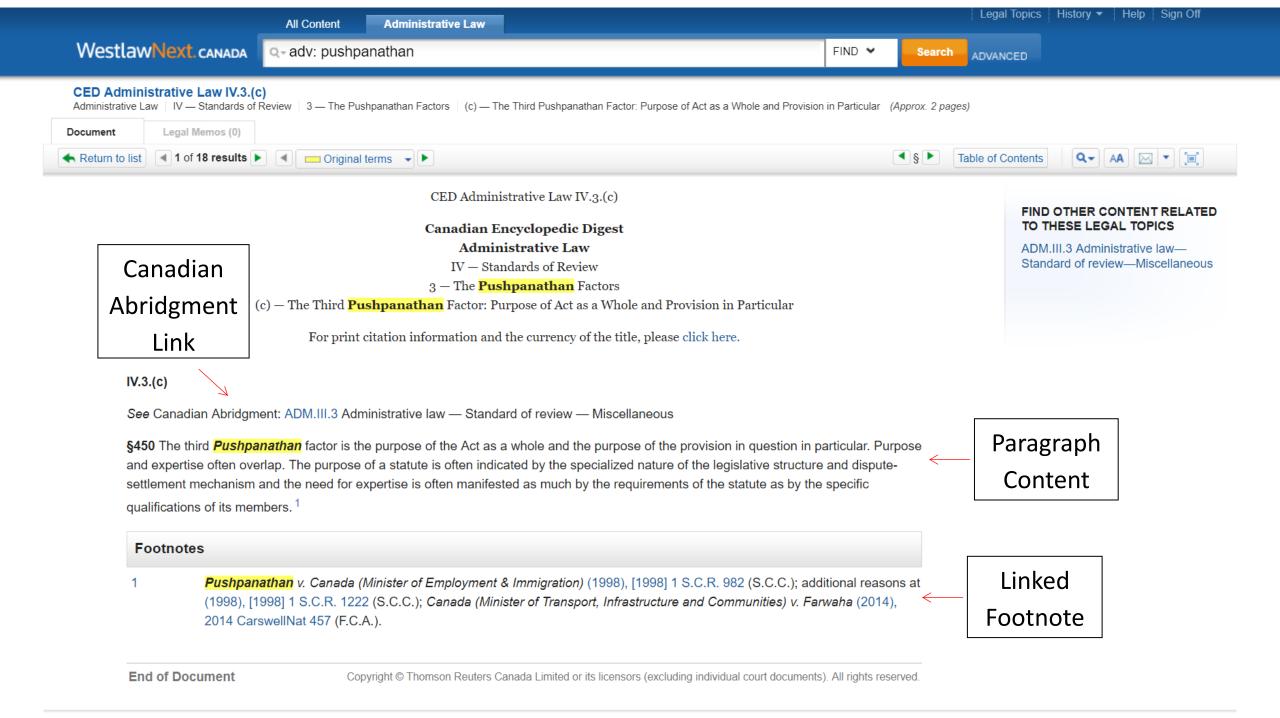
### Westlaw: Canadian Abridgment Digests (2023)

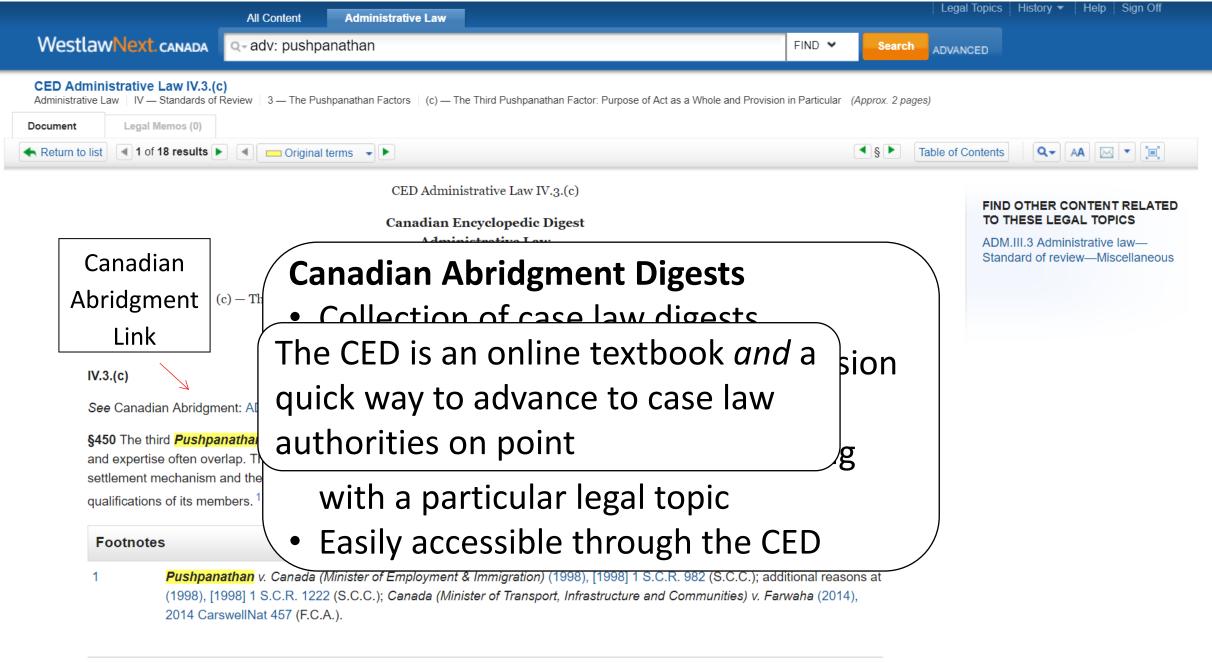
- Administrative law
- Bankruptcy and insolvency
- Business associations
- Debtors and creditors
- Financial institutions
- Pensions
- Securities

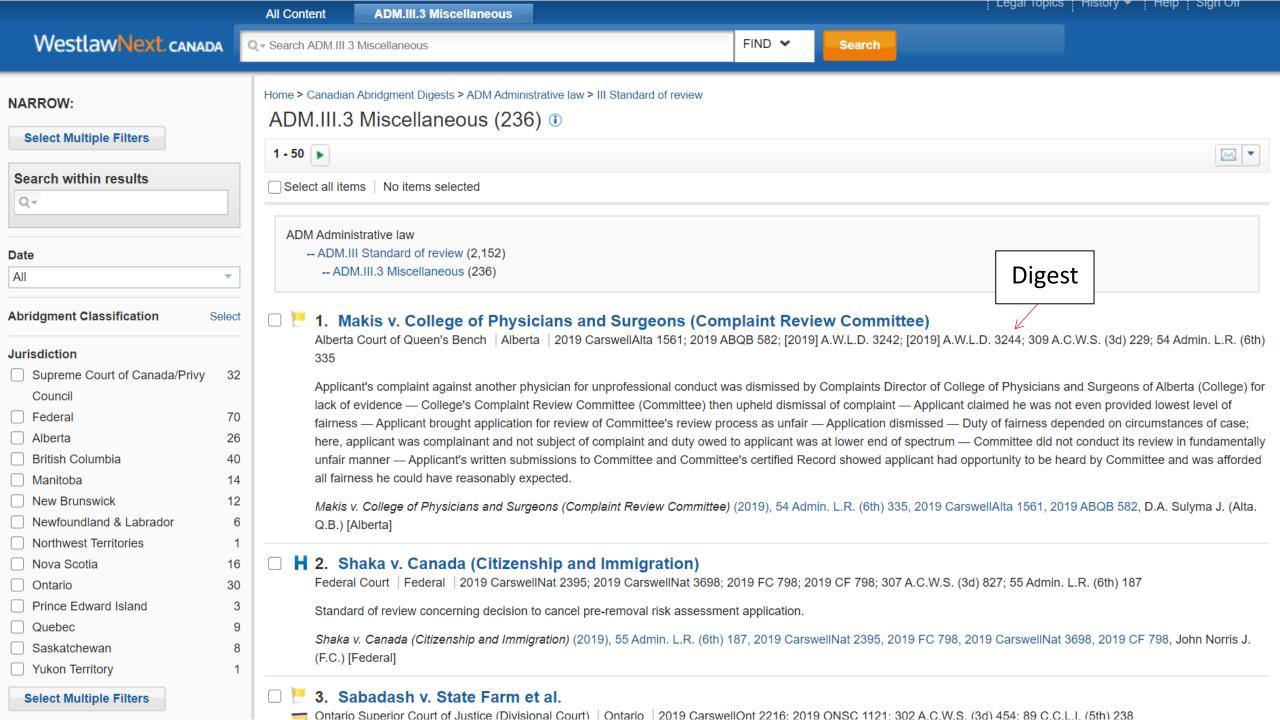


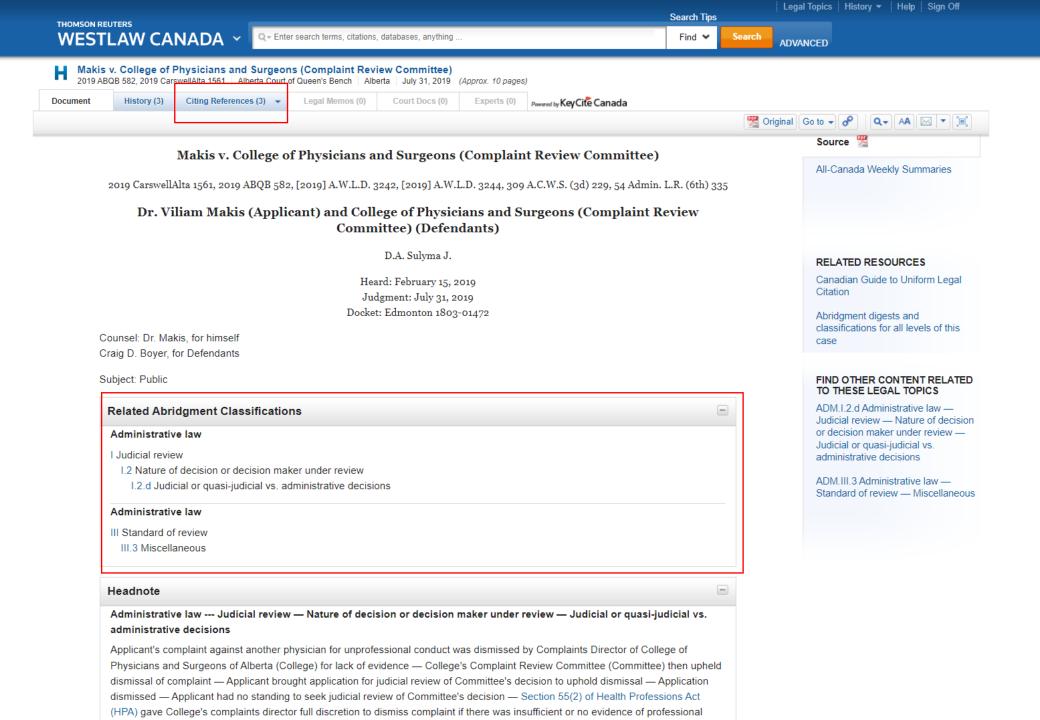
#### ADM Administrative law











#### Tip: Targeted **Print Commentary**

- Canadian Business Corporations Act Annotated (2023)
- Canadian Law of Mortgages (2018)
- <u>Digital Commerce in Canada</u> (2020)
- Duties of Securities Brokers in Canada (2021)
- Hearings before administrative tribunals (2016)
- Principles of Administrative Law (2020)
- Securities Regulation in Canada (2019)



Library Search

eJournal Search

Citation Search

Browse





Sign in

Menu -



BOOK







ADVANCED SEARCH



#### Refine my results

#### Sort by Relevance ▼

#### Availability ^

Available in the Library (2)

Full Text Online (2)

#### Location ^

Regina (2)

Saskatoon (1)

#### Material Type ^

Books (4)

#### Tip: Targeted Forms & Precedents

#### **Print**

 Carswell's form and precedent collection : corporate precedents (2015)

#### Online

- Westlaw: O'Brien's Encyclopedia of Forms (2022)
  - Division I, Commercial and General
  - Division II, Corporations

#### Commercial and General, Division I

- Chapter 1. Acknowledgments
- Chapter 2. Advertising and Promotion
- Chapter 3. Affidavits, Certificates and Declarations
- 🔹 🗌 Chapter 4. Agreements
- Chapter 5. Agriculture
- Chapter 6. Apprenticeship
- Chapter 7. Arbitration and Mediation
- Chapter 8. Arrangements with Creditors
- Chapter 9. Assignments
- Chapter 10. Athletics
- Chapter 11. Auctions
- Chapter 12. Author and Publisher
- Chapter 13. Aviation
- Chapter 14. Bailiffs
- Chapter 15. Bailment
- Chapter 16. Bankruptcy and Insolvency







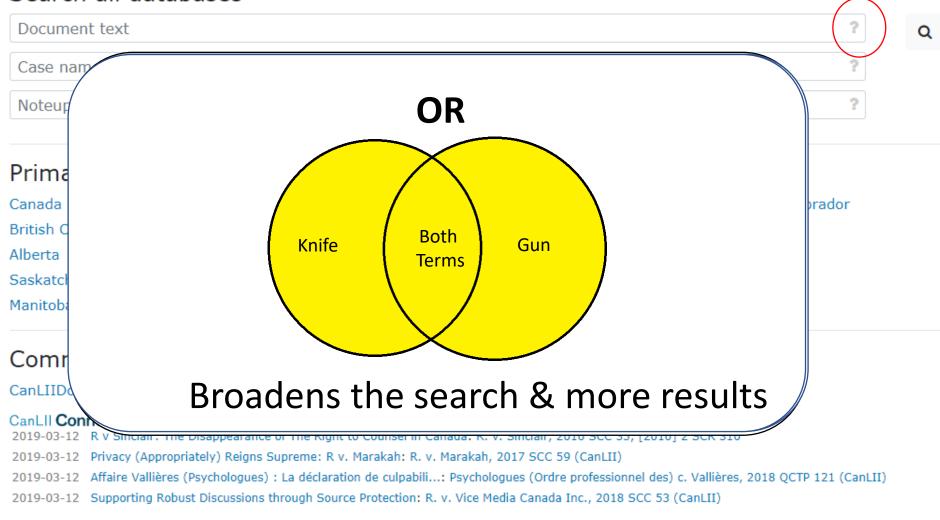


## Scenario Demonstration

- Our Scenario:
  - A will was found in the testator's files, but it had been crumpled up and ripped into three pieces. Will the will be revoked?
  - Our intention is to demonstrate good search technique and process that can be applied to any online resource or area of law.



#### Search all databases





- Keyword Search Strategy:
  - Step 1: Brainstorm for keywords
    - Step 2: Identify concepts
      - Step 3: Create search query
        - Step 4: Analyze results
          - Step 5: Reformulate search



Keyword Search Strategy:

Step 1: Brainstorm for keywords

 Will, estates, destroyed, damaged, crumpled, ripped, revocation



- Your Keyword Search Strategy:
  - Step 2: identify key concepts, grouping synonyms
    - CONCEPT 1 = wills
    - CONCEPT 2 = estates
    - CONCEPT 3 = destroy / rip / damage / tear
    - CONCEPT 4 = revocation



- Keyword Search Strategy:
  - Advanced Search Formula:
    - (1a OR 1b OR 1c) AND (2a OR 2b OR 2c) AND (3a OR 3b OR 3c)
- 1 and 2 and 3 are distinct CONCEPTS
- 1a, 1b, 1c are variants of CONCEPT 1



- Keyword Search Strategy:
  - Advanced Search Formula:
    - wills AND estates AND (destroy OR rip OR damage OR tear)





#### Search all databases

wills AND estates and (destroy OR rip OR damage OR tear)

Case name, document title, file number, author or citation

Noteup/Discussion: cited case names, legislation titles, citations or dockets

### Primary law

Canada (Federal) Ontario Newfoundland and Labrador

British Columbia Quebec Yukon

Alberta New Brunswick Northwest Territories

Saskatchewan Nova Scotia Nunavut

Manitoba Prince Edward Island

#### Commentary

Books, articles, reports and more...

#### CanLII Connects

2020-09-28 Bhasin v Hrynew: AUDIO Recording: Bhasin v. Hrynew, 2014 SCC 71 (CanLII)

2020-09-28 "Changing Johnny's School" – Part Two: A.T.W. v. K.A.W., 2020 ONSC 4894 (CanLII)

2020-09-28 COVID-19 Vaccines for Kids – Which Parent Gets to Decide?: Tarkowski v. Lemieux, 2020 ONCJ 280 (CanLII)

2020-09-28 Hang Down Your Head George Dooley: Dooley v. Dooley, 2020 NSSC 109 (CanLII)

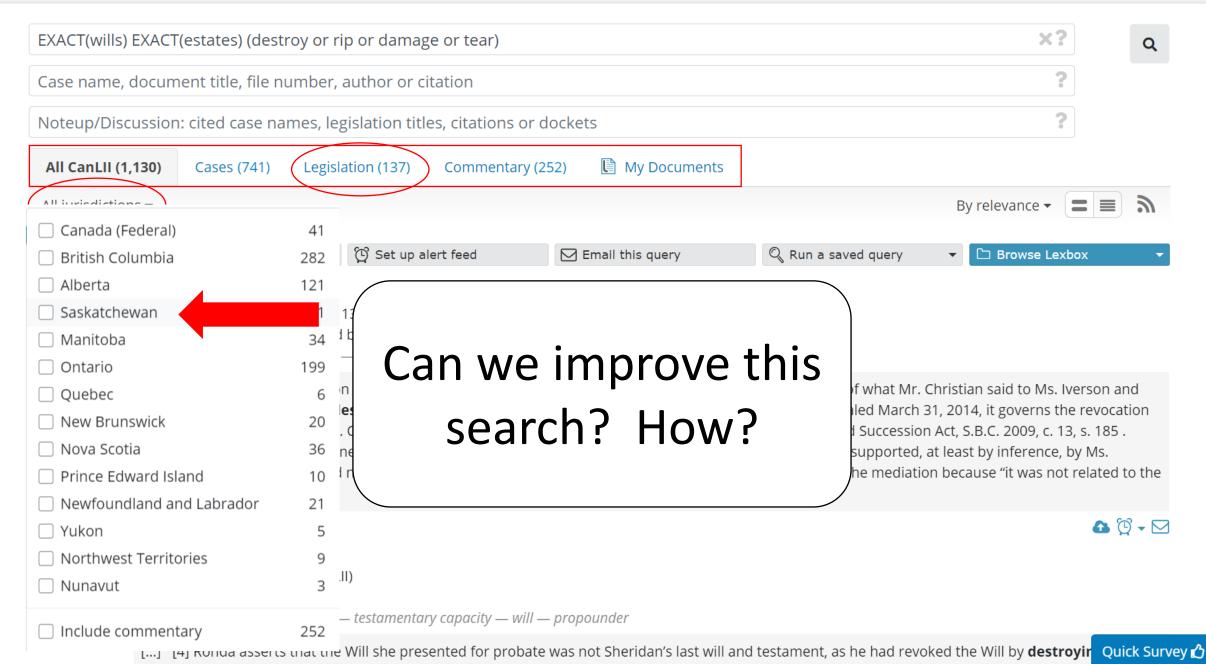




2. Albilia c. Alipoor, 2012 QCCQ 7154 (CanLII) 2012-07-05 | 20 pages | cited by 2 documents exclusive brokerage contract — legal — testifies — offer to purchase — letter

[...] iii) establish the amount of punitive damages. FACTS The sale [10] In 2007, the Defendants, who are a married couple, were both working as Quick Survey 🖒



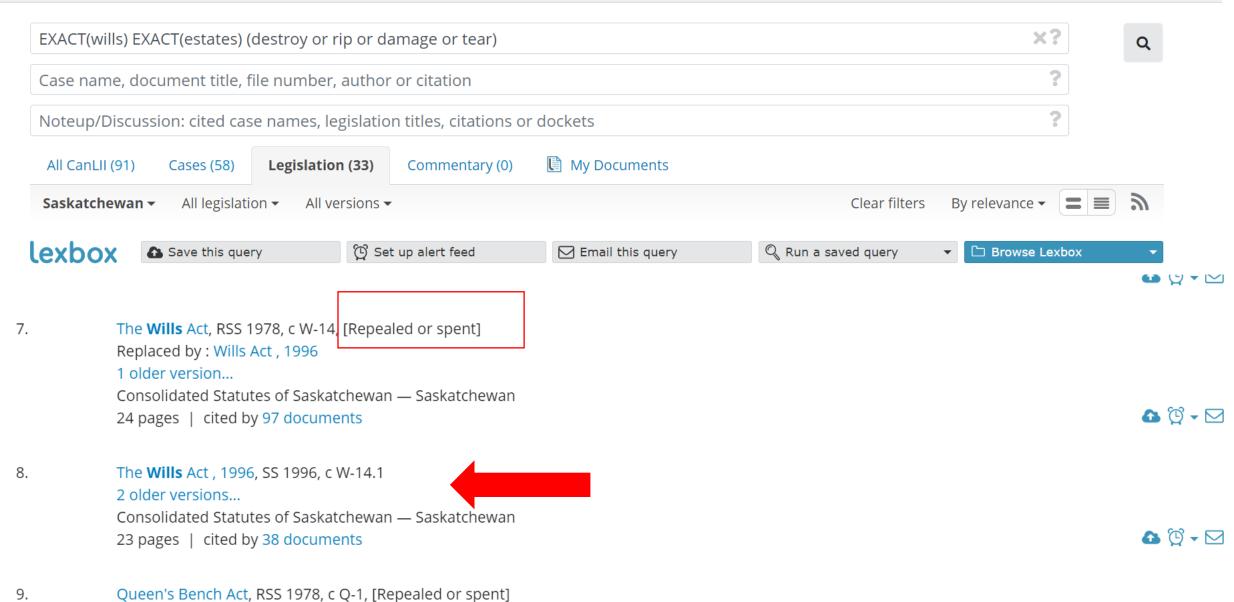




Replaced by: Queen's Bench Act, 1998

02 pages I sited by EEO desuments

Consolidated Statutes of Saskatchewan — Saskatchewan





#### Search all databases

"burning tearing or otherwise destroying"

Case name, document title, file number, author or citation

Noteup/Discussion: cited case names, legislation titles, citations or dockets

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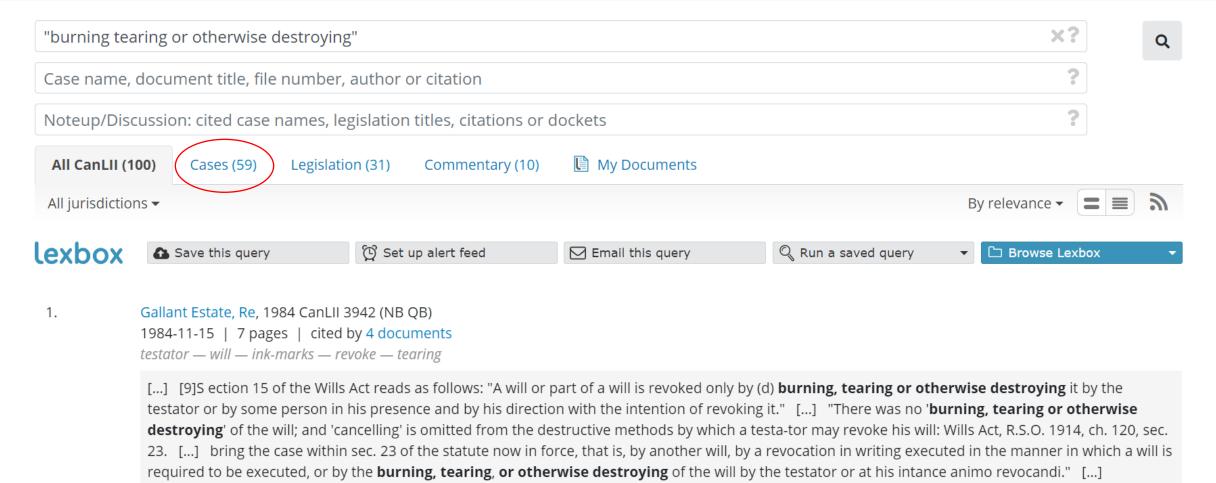
2020-09-28 "Changing Johnny's School" – Part Two: A.T.W. v. K.A.W., 2020 ONSC 4894 (CanLII)

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2020-09-28 Hang Down Your Head George Dooley: Dooley v. Dooley, 2020 NSSC 109 (CanLII)

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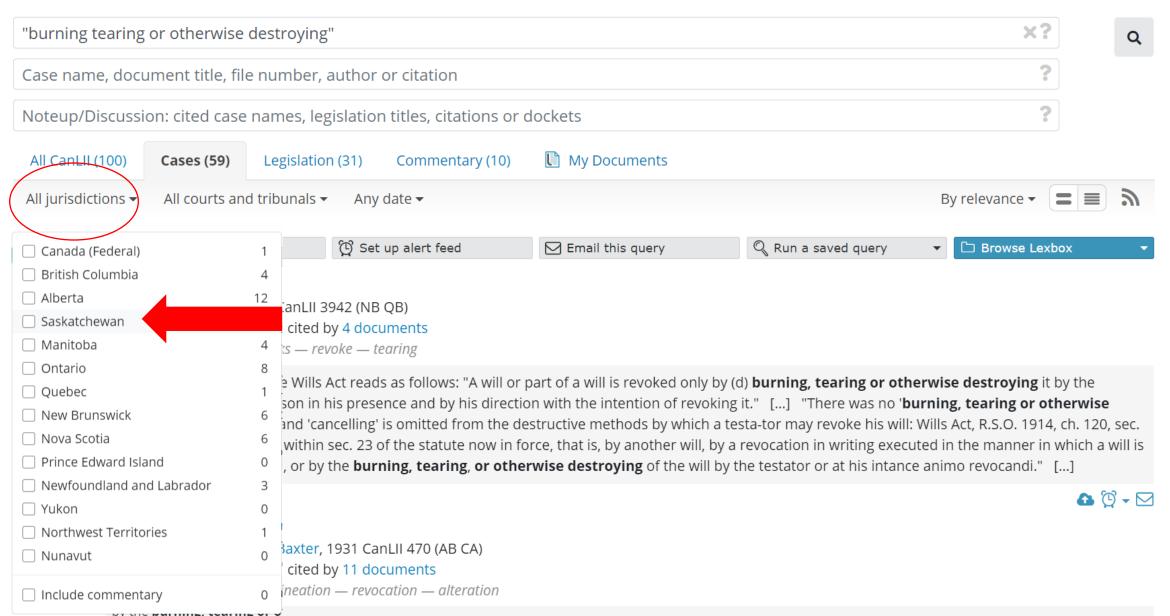


2. Royal Trust Company v. Baxter, 1931 CanLII 470 (AB CA)
1931-03-20 | 4 pages | cited by 11 documents

codicil — testator — interlineation — revocation — alteration

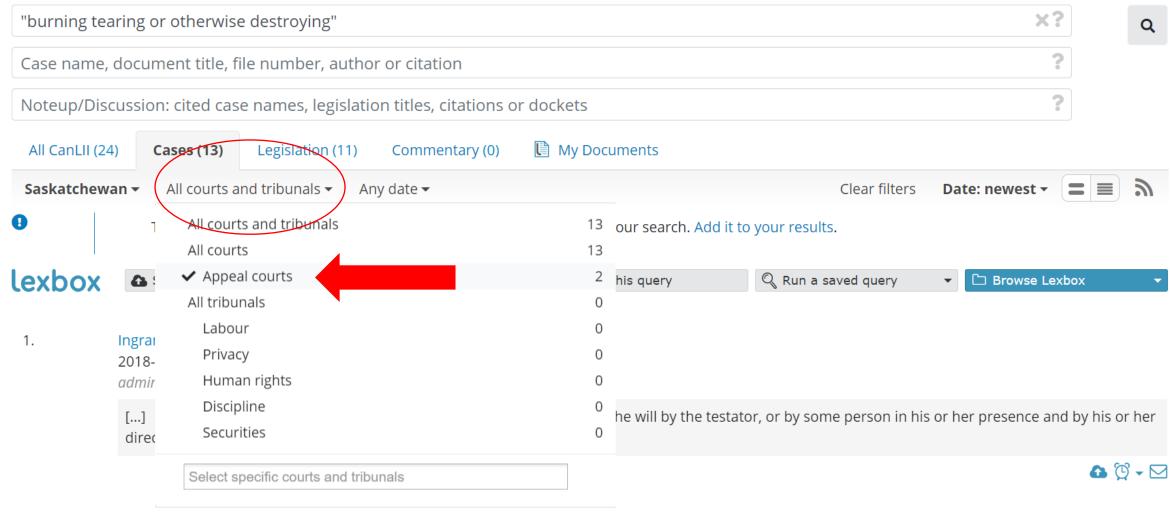
[...] or by some writing declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed or by the **burning, tearing or otherwise destroying** the same by the testator or by some person in his presence and by his direction with the integral Quick Survey (2)





[...] or by some writing declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed for by the burning, tearing or otherwise destroying the same by the testator for by some, person in his presence and by his direction with the integral Quick Survey (2)

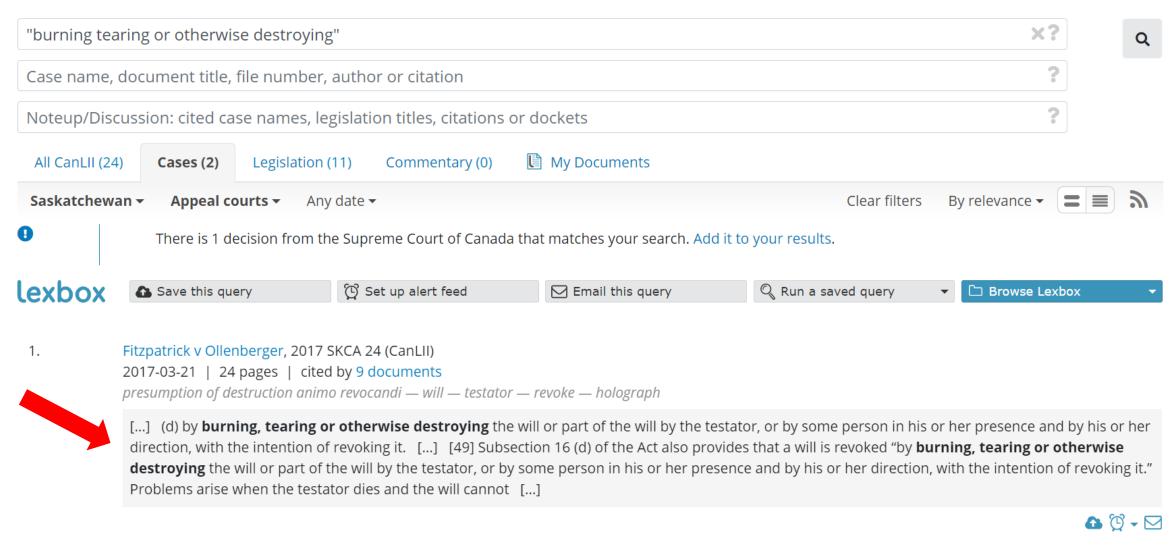




2. Fitzpatrick v Ollenberger, 2017 SKCA 24 (CanLII)
2017-03-21 | 24 pages | cited by 9 documents
presumption of destruction animo revocandi — will — testator — revoke — holograph

[...] (d) by **burning, tearing or otherwise destroying** the will or part of the will by the testator, or by some person in his or her presence and by his or her direction, with the intention of revoking it. [...] [49] Subsection 16 (d) of the Act also provides that a will is revoked "by **burning, tearing or otherwise destroying** the will or part of the will by the testator, or by some person in his or her presence and by his or her direction, with the intention of re-







Santiago v Trottier, 2016 SKCA 113 (CanLII)
2016-08-31 | 20 pages | cited by 2 documents
solicitor-client costs — testator — will — revoked — marriage

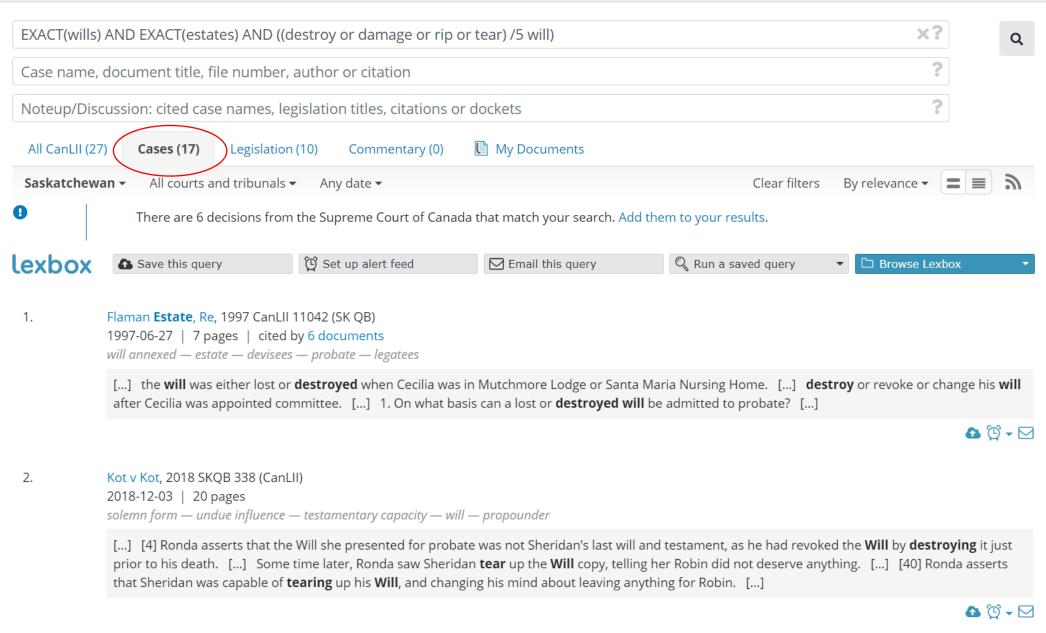


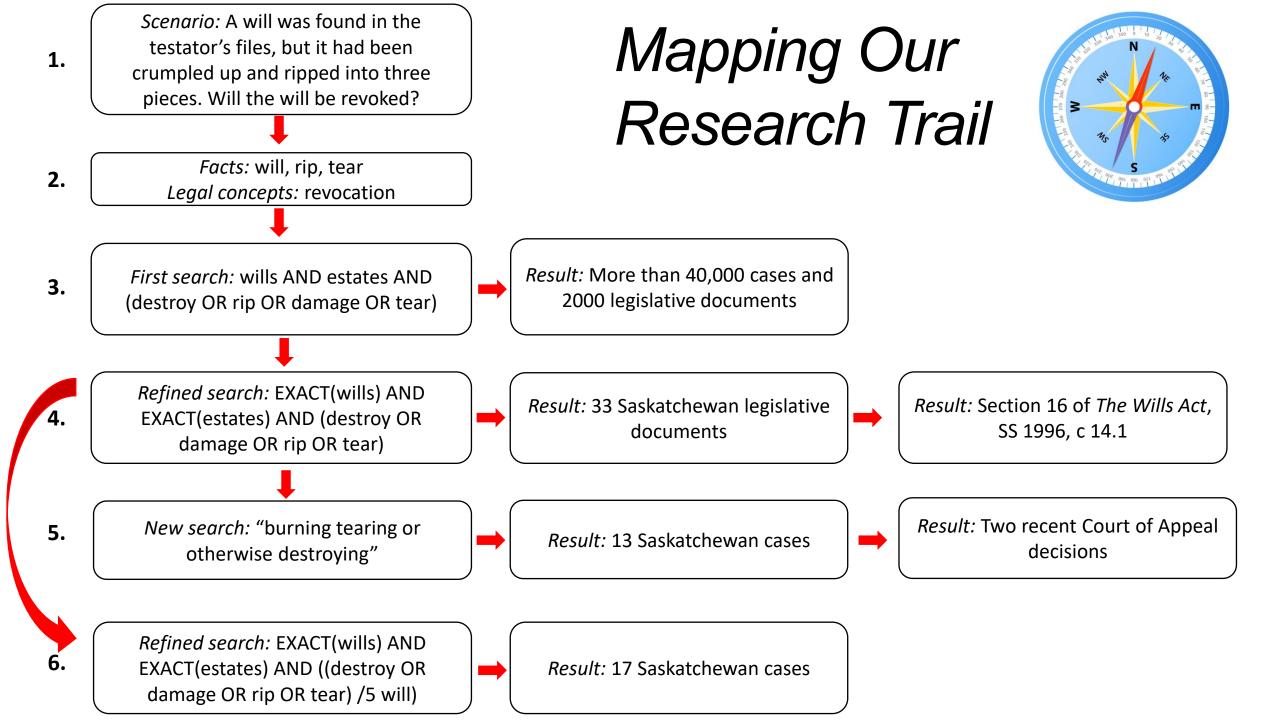
2018-04-02 | 9 pages | cited by 2 documents



[...] \_\_\_\_\_\_ IN THE MATTER OF THE ADMINISTRATION OF **ESTATES** ACT AND [...] Similarly, in Re Ott, 1972 CanLII 694 (ON SC), [1972] 2 O.R. 5 (Surr. Ct.), where the issue was whether the testator by **tearing** it up intended to rev Quick Survey (1)







# Law Society Legal Resources

Report Library and
Legal Resources
Available to
Saskatchewan Lawyers
and General Legal
Research Methodology
in your Member Profile



Our dedicated library staff are trained to assist you in finding legal information to suit your needs.

### EXPERTISE



We are your legal information navigators, guiding law society members, articling students and the public through our extensive online and print library collection.

### NAVIGATION



We offer personalized service through our law libraries conveniently located in the Regina and Saskatoon courthouses.





We have the best online legal resources for law society members in Canada, offering up-to-date legal information through partnerships with legal organizations.

### INNOVATION

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