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Memo Sample





Welcome to the 15th Annual HeadStart Program

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	Day One – Thursday June 15 th , 2017
8:15 - 8:30	Registration - Edmonton City Hall, Heritage Room 1 Sir Winston Churchill Square
8:30 – 9:00	Welcome The Honourable Justice J.E. Côté
9:00 - 10:00	Practical Strategies for Legal Research* Olugbenga (Benga) Shoyele, LL.B (Hons), B.L, LL.M (Nig), LL.M (Alberta), PhD (Law), Legal Counsel, Court of Queen's Bench of Alberta
10:10 - 10:15	Coffee Break
10:15 – 11:15	Secondary Sources Shaunna Mireau, CSSBB Director of Knowledge Management and Process Improvement, Field Law
11:15 – 11:45	Costs Shaunna Mireau, CSSBB Director of Knowledge Management and Process Improvement, Field Law
11:45- 12:45	Lunch
12:45 - 1:45	Case Law Exercise Angela Ashton, LLB, MLIS Research Lawyer, Alberta Counsel
2:45 - 3:00	Coffee Break
3:00 – 4:00	Memo Building Robyn Mitchell, LLB Counsel, Alberta Law Reform Institute





Welcome to the 15th Annual HeadStart Program

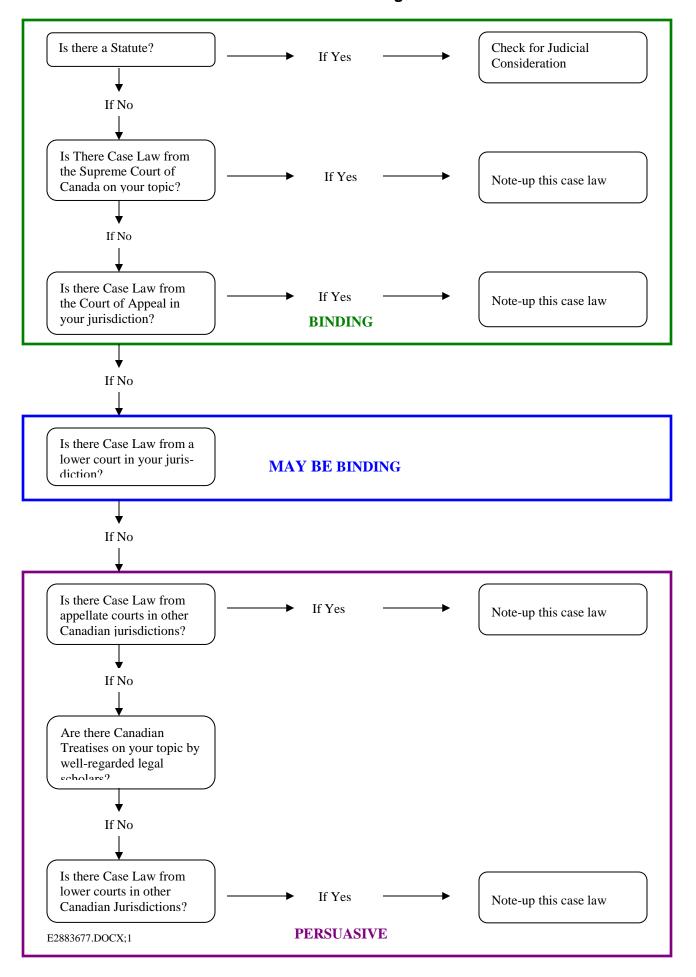
	Day Two – Friday June 16 th , 2017
8:30 Arrival	Barristers Lounge 2 nd Floor, Law Courts Building
8:30 – 10:00	Legislation Meris James, MLIS Publishing Projects Coordinator, Alberta Queen's Printer
10:00 - 10:15	Coffee Break
10:15 – 10:30	Tour of Alberta Law Library Julie Rainey, Alberta Law Libraries, MLIS Carrie Jackson, Alberta Law Libraries, MLIS
10:30 – 12:05	Legislation Exercises in the Library
12:05 – 12:15	Closing Remarks and Evaluation Forms



HeadStart 2017 - List of Participants

Al-Khatib	Zachary	Alberta Court of Appeal
Angove	Bradley	Duncan Craig LLP
Beierbach	Angela	Parlee McLaws LLP
Bell	Justine	McLennan Ross LLP
Cembrowski	Adam	Alberta Court of Queen's Bench
Chalaturnyk	Lauren	Alberta Court of Queen's Bench
Chan	Cory	Dentons Canada LLP
Cowley-Salegio	David	Dentons Canada LLP
Dzioba	Brendan	Alberta Court of Queen's Bench
Field	Caitlin	Alberta Court of Appeal
Fowler	Ainslie	McLennan Ross LLP
Fuhrer	Shannon	Emery Jamieson LLP
Harley	Jason	Brownlee LLP
Hathorn	Ashley	Alberta Law Reform Institute
Holland	Taylor	Parlee McLaws LLP
Husband	Mark	City of Edmonton – Law Branch
Kinash	Kristopher	Brownlee LLP
Koperski	Carrie	Field LLP
Larson	Allie	Parlee McLaws LLP
LeClair	Brooklyn	Alberta Court of Queen's Bench
McGhan	Olivia	Field LLP
Meenai	Shaheer	Witten LLP
Mollel	Uju	Alberta Health Services
Nothof	Amy	Ogilivie LLP
Novosel	Fiona	Ogilivie LLP
Purdon	Allison	Alberta Court of Queen's Bench
Sager	Sarah	Provincial Court of Alberta
Thorne	Evie	Field LLP
Tighe	Rory	Alberta Court of Appeal
Trepannier	Cheryl	SLIS Student
Trombley	Randell	Brownlee LLP
Wagner	Doris	University of Alberta
Wang	Shi Yuan (Annie)	Provincial Court of Alberta
Wilson	Anna	John A. Weir Memorial Law Library
Wong	Richard	McLennan Ross LLP
Young	Benjamin	Dentons Canada LLP

Flow Chart For Prioritizing the Law



Legal Research Sources Checklist adapted by S. Mireau (2009), updated 2017

Texts & Looseleaf Services

Looked for Texts in:
Firm library ([]Browsed shelf [] Checked Database)
Courthouse library www.lawlibrary.ab.ca
Law faculty library http://www.library.ualberta.ca/
Texts used:
Encyclopedias
CED (Western)
Searched WNC in titles:
CED (Outpuis)
CED (Ontario) Searched WNC in titles:
Searched wine in titles.
Halsbury's Laws of Canada
Halsbury's Laws of England (4 th)
American Jurisprudence (AmJur 2d)
Corpus Juris (US)
Other
Digests
Canadian Abridgment on WNC
Searched WNC in titles:
Scarcinca with in cities.
All Canadian Digests source on LNQL
Searched LNQL with search string:
Lawyer's Weekly Digests source on LNQL
Searched LNQL with search string:

CCH Topical Looseleaf Service – Title:
Alberta Weekly Law Digests
Periodicals & CLE Materials
LESA Research Guide – Terms:
Index to Canadian Legal Literature source on LNQL or WNC Searched on with search string:
ALR Annotations (US) – ask Courthouse Librarian to search on LEXIS
Full text journals databases in LNQL, WestlawNext Canada Searched All Commentary or source: on LNQL with search string
Searched WNC Articles and Newsletters template with search string:
HeinOnline _
Other
Case Law
CanLII.org case law search Searched with search string in databases:
All Canadian Court Cases source on LNQL Searched on LNQL with search string:
Cases Search Template on WestlawNext Canada (note – includes WWR's) Searched WNC with search string:
BestCase (or DLR's in print) Searched on topics:

Words & Phrases

Terms:
Search Locations:
Canadian Legal Words & Phrases search template on LNQL Carswell's Words & Phrases (Print)
Carswell's Words & Phrases on WNC
Canadian Case Digests (Abridgment Digests on WNC)
Contracts - Interpretation
Statutes - Interpretation
Time
CED on WNC
Statutory Interpretation Texts:
Contracts Texts:
Canadian Legal Dictionary
Black's Law Dictionary (US)
West's Words & Phrases (US)
Words & Phrases Legally Defined (UK)
Stroud's Judicial Dictionary (UK)
Jowitt's Dictionary of English Law (UK)
Halsbury's (in Index under Words & Phrases)
☐ Case Reporter Indices
☐ Dictionaries
On-line Research
LevisNevia Oviaklavy (LNOL)
LexisNexis Quicklaw (LNQL) WestlawNext Canada (WNC)
BestCase (Carswell)
Lexis (US, UK, AU, European, International, some NZ & Cdn) ask Librarian
Westlaw (US, UK, European, International) ask Librarian
Internet - see Legal Research on the Internet at http://legalresearch.org/electronic/legal-
research-on-the-internet/
- sasa. s s s s. memog
Sites checked:
Terms used:

Online Sources

Alberta Statutes

Alberta Legislative Assembly website (Bills, Order Paper, Votes & Proceedings, Hansard) - http://www.assembly.ab.ca

Spring/Fall Sitting Package (very recent bills passed in the legislature) – QP Source

Alberta Queen's Printer (free website) - http://www.qp.alberta.ca/

QP Source (licensed database) - http://qpsource.gov.ab.ca/

Alberta Gazette Part I (proclamations of acts) http://www.qp.alberta.ca/Alberta Gazette.cfm

The Alberta Heritage Digitization Project (PDFs of historical legislation, including private acts up to 1990) - http://www.ourfutureourpast.ca/home.htm

Alberta Regulations

Alberta Gazette Part II (regulations, inc. Index) - http://www.qp.alberta.ca/Alberta_Gazette.cfm

Federal Statutes

Parliament of Canada website (new bills) -http://www.parl.gc.ca/common/bills.asp?Language=E

Canada Gazette, Part III (new acts) - http://www.gazette.gc.ca/archives/part3-archives-partie3-eng.html

Department of Justice (laws) - http://laws-lois.justice.gc.ca/eng/

Table of Public Statutes - http://laws-lois.justice.gc.ca/eng/TablePublicStatutes/index.html

Table of Private Acts - http://laws-lois.justice.gc.ca/eng/TablePrivateActs/index.html

LEGISinfo -search for material currently before Parliament -

http://www.parl.ca/LegisInfo/Home.aspx?Language=E&ParliamentSession=42

Federal Regulations

Canada Gazette Part I (proposed regulations) - http://www.gazette.gc.ca/rp-pr/p1/index-eng.html

Canada Gazette Part II (regulations) - http://www.gazette.gc.ca/archives/part2-archives-partie2-eng.html

Consolidated Index of Statutory Instruments (Index to regs.) - http://laws-lois.justice.gc.ca/eng/IndexStatutoryInstruments/

Citation of Authorities

Notice to the Profession, November 2013

Texbook Guides

Best Guide to Canadian Legal Research (list of core legal texts by topic) – http://legalresearch.org/essentials/process/commentary/texts/suggested-textbooks/

Doing Legal Research in Canada, Ted Tjaden (list of legal texts by topic and research guide) - https://www.llrx.com/2008/04/doing-legal-research-in-canada/

Essentials of Canadian Law (introductory texts by topic, available for purchase – use Filter for Series – Essentials of Canadian Law) - http://www.irwinlaw.com/titles

Caselaw

Canadian Encyclopedic Digest (C.E.D.) – WestlawNext Canada

Canadian Abridgment – WestlawNext Canada

CanLII (all Canadian case law) - http://www.canlii.org/en/index.php

WorldLII – (access to case law around the world) – www.worldlii.org

Journals, Indexes, Seminar Material

Index to Canadian Legal Literature (ICLL) – on WestlawNext Canada and LexisNexis Quicklaw

Hein Online (journals) – available by subscription or free from the Law Society Library on site http://www.heinonline.org/

Legal Education Society of Alberta (seminar materials) – https://www.lesaonline.org/

Insight Inconference (seminar materials) – available by subscription http://inconference.insightinfo.com/

Canadian Institute (seminar materials) - http://www.canadianinstitute.com/Home.htm

Words and Phrases

Words and Phrases Judicially Considered in Canadian Courts and Tribunals – WestlawNext Canada

Canadian Legal Words and Phrases (2000 to current) – LexisNexis Quicklaw Lexis Advance Quicklaw

Civil Procedure Guides

Alberta Rules of Court Annotated, by Fradsham – book comes with a free CD-ROM that includes links to the full text of decision cited in the book

Alberta Civil Procedure Handbook, by Stevenson & Coté (annual)

Civil Procedure Encyclopedia, by Stevenson & Coté (2003)

Tips for Articling Students

Articling Tips for Students-at-Law SlawTips June 2013

E-Resources in Alberta Law Libraries



Alberta Law Libraries subscribes to a selection of online legal research resources that support provincial, federal and international legal research. Some databases are available in selected library locations only.

Conditions of Use

Use of these online resources is governed by copyright law and by the terms of license agreements between Alberta Law Libraries and publishers. It is the responsibility of each user to ensure compliance with existing copyright legislation. Users may download or print and retain single copies for the purpose of legal research or private study.

Canadian Environmental Law Guide (Specialty Technical Publishers)

"The <u>Canadian Environmental Law Guide</u> provides information on Canada's environmental laws and regulations of the federal government and the leading industrial provinces of Alberta, British Columbia, and Ontario. The guide presents an overview of Canada's environmental law legislation in force, and then provides a detailed analysis of the legislation by topic for each of these four jurisdictions."

Access to the <u>Canadian Environmental Law Guide</u> is available to clients in any of our libraries, or remotely, if you are a registered client with Alberta Law Libraries. Sign in using your card number (barcode) & last name. Once on the STP site, click the PDF link at the right side of the title. Help in using the site is available after you have logged in, by clicking the blue "help" button on the top right of the page.

Canadian Tax Library (Wolters Kluwer CCH Canadian)

<u>Canadian Tax Library</u> offers a collection of important tax resources that can save you time. According to the publisher, the Internet version is updated frequently. A bonus feature is the "Roadmaps", tax research guides that provide a summary of relevant tax considerations for specific issues and help one find related commentary more efficiently. Content of <u>Canadian Tax Library</u> includes the following:

Income Tax Bulletins, Circulars and Technical News - Income Tax Act and Regulations - Canadian Tax Reporter Commentary - Current and Archival Dominion Tax Cases - Tax Treaties and Social Security Agreements - Canadian Master Tax Guide - Federal Income Tax Forms and Guides - Tax Window Files - Special Reports.

Access to <u>Canadian Tax Library</u> is available to clients on site in our Edmonton and Calgary LRTC locations of Alberta Law Libraries only.

Directors' Liability in Canada (Specialty Technical Publishers)

"<u>Directors' Liability in Canada</u> offers an extensive, thoroughly researched, authoritative analysis of the pertinent laws and precedents so that the risk of personal liability for directors and officers in Canada can be minimized."

Access to <u>Directors' Liability in Canada</u> is available to clients in any of our libraries, or remotely, if you are a registered client with Alberta Law Libraries. Sign in using your card number (barcode) & last name. Once on the STP site, click the PDF link at the right side of the title. Help in using the site is available after you have logged in, by clicking the blue "help" button on the top right of the page.

HeinOnline

HeinOnline provides online full-text access to over 1530 Canadian and international law reviews and legal journals, nearly 2000 legal classics titles, Selden Society publications (including English Legal History Classics), the English Reports Full Reprint, the U.S. Federal Register, U.S. Supreme Court decisions since 1754, and notable collections of U.S. international treaties, agreements, protocols and conventions HeinOnline provides page images of the documents just as they appear in the original print, in fully-searchable PDF.

Access to <u>HeinOnline</u> is available to clients in any of our libraries, and remotely for individuals who are registered clients with Alberta Law Libraries. Sign in using your card number (barcode) & last name.

ICLR Online

ICLR Online provides electronic access to all case reports published by ICLR since 1865: the Weekly Law Reports, Law Reports (official series), Business Law Reports, Industrial Cases Reports, Public and Third Sector Reports. PDFs of the cases as published in the print reporters are available in a click. Includes Citator+.

Access to <u>ICLR Online</u> is available to clients in any of our libraries, and remotely for individuals who are <u>registered clients</u> with Alberta Law Libraries. Sign in using your card number (barcode) & last name. Our license allows for 6 concurrent users. If you are denied access, please try again a few minutes later.

Irwin Law Titles (DesLibris)

The DesLibris platform provides online full-text access to over 215 <u>Irwin Law titles</u>. The <u>Essentials of Canadian Law</u> series published by Irwin Law is part of this subscription, covering the subject areas of Family, Criminal and Civil law.

Access to the <u>Irwin Law titles on DesLibris</u> (see note below) is available to clients in any of our libraries, and remotely for individuals who are <u>registered clients</u> with Alberta Law Libraries. Sign in using your card number (barcode) & last name.

NOTE: This platform is optimized for Chrome and Firefox browsers. Internet Explorer users report they must wait for each title to load in its entirety before being able to view pages of the books. Chrome and Firefox users read almost immediately.

JustCite

JustCite is a multi-source legal search engine that allows users to see how legal documents cite and relate to each other. JustCite indexes and provides links to full-text documents from a number of major online legal publishers including Justis, BAILII, Westlaw and LexisNexis (contains links to Canadian Cases).

Access to <u>JustCite</u> is available to clients in all Alberta Law Libraries locations.

Justis

Justis is a full-text online legal library of British case law, legislation and parliamentary information reaching back to 1163. This search engine was developed to provide users sufficient flexibility to conduct legal research whatever their knowledge base, or level of proficiency.

Access to <u>Justis</u> is available to clients in any of our libraries, and remotely for individuals who are <u>registered clients</u> with Alberta Law Libraries. Sign in using your card number (barcode) & last name. Our license allows for 3 concurrent users. If you are denied access, please try again a few minutes later.

LESA Library

The Legal Education Society of Alberta is pleased to provide "read only" access to the <u>LESA Library</u> on site in all Alberta Law Libraries locations. All users accessing the LESA Library agree to the <u>LESA Library</u> Terms of Use.

"The <u>LESA Library</u> contains educational content designed to support Alberta articling students, lawyers, and their staff. [It] contains digital content from LESA's Practice Manuals, Fundamentals publications, and seminar papers."

Currently papers are available from 2010 to present.

Are you interested in collaborating with LESA and your colleagues? Registered users can update and make changes to resource content, as well as contribute comments and ideas to discussion pages for each resource. In addition, subscribers can set customizable notifications for topics of interest. Find out more about collaboration as a registered user, or subscribe as a registered user!

Lexis Advance® Quicklaw®

The Fundamentals package of <u>Lexis Advance® Quicklaw®</u> contains a comprehensive collection of Canadian case law and legislation, along with the helpful QuickCite citator. Access to all volumes of Halsbury's Laws of Canada across all legal subject areas is included. In addition, a collection of Forms & Precedents and a number of Quantums are also available. The pre- and post-search filters make searching for relevant results more effective and efficient.

Access to Lexis Advance® Quicklaw® is available to clients in all Alberta Law Libraries public locations.

Lexis.com®

The Lexis.com® database contains over 31,000 sources of legal, news, business and public records information including legal materials from Canada, US and other international jurisdictions; Canadian full text and digest decisions; US federal and state caselaw; US Codes, statutes and bills; legal journals; and Shepard's case citator.

Access to Lexis.com® is limited to library personnel. Registered clients may request material from this database through our Ask a Law Librarian form, or by contacting Alberta Law Libraries.

O'Brien's Forms

O'Brien's Forms is a comprehensive collection of legal forms and precedents covering a broad range of legal topics. The following Divisions are available: Commercial and General, Division I; Corporations, Division II; Leases, Division IV; and Wills and Trusts, Division V.

Access to O'Brien's Forms is available to clients in any of our Alberta Law Libraries location.

QP Source Professional

QP Source Professional is a fully searchable database of the current text of Alberta's statutes, regulations and Rules of Court. It also includes Alberta Gazette (1996 to present) and Orders-in-Council (1967 to present), Tables of Public and Private Statutes, the Index of Regulations, and point-in-time statutes (2002 to present).

Access to QP Source Professional is available to clients in any Alberta Law Libraries location.

WestlawNext Canada (LawSource)

The WestlawNext® Canada (LawSource) database contains the Canadian Abridgment; Canadian Encyclopedic Digest; comprehensive coverage of Canadian caselaw including full coverage of Carswell's 23 print law reports; federal and provincial statutes and regulations; Canadian law reviews and journals; and KeyCiteCanada® case citator.

Access to WestlawNext® Canada (LawSource) is available to clients in all Alberta Law Libraries public locations.

Noting Up Cases Checklist

Use the following checklist to be consistent when noting up Canadian **cases.** It's good to use more than one source when noting up case law:

Check	Search format	Source Tip
	Search Document text Case name, legislation title, citation or docket Noteup: cited case names, legislation titles, citations or dockets	CanLII Search for party names near each other in the Noteup search box.
٥	All Content Find and KeyCite by Name Find and KeyCite a Case by Name Find and KeyCite a Statute or Regulation by Name Find and KeyCite a Rule by Name Find a CRA Publication by Document Number	WestlawNext Canada Home page – Find and KeyCite by name tab – search by name, statute, rule, etc.
	Document Fields (Boolean Terms & Connectors Only) Date All	The most recently added decisions will not have received editorial treatment yet. Search the case name using the Advanced search template under Cases and Decisions then narrow by the previous 60 days.
	de rooy v bergstrom Search: Everything Q de Rooy v. Bergstrom, [2010] B.C.J. No. 8 Related Content History of Case Citing Cases Case Summaries (4)	Advance Quicklaw Search by case name using the Home page Search box. Go to the full-text of the case. The right margin may show Related Content, e.g. History and/or Citing Cases.
	de rooy v bergstrom Search: Everything ▼ Narrow By	The most recently added decisions will not have received editorial treatment yet. Search the case name then Narrow by the previous 60 day time frame.
٥	Find a Document Find a case by name Find by citation Note up with QuickCITE Go	Quicklaw classic Enter the neutral (or other) citation in the Note up with QuickCITE box 1999 ABQB 5 22 AltaLR (4th) 178
٥	If you are looking for CITING CASES , the most recent cases ci editorial treatment yet. Find the most recent citing cases, do above by searching the keyword field and your case name we bergstrom then limit search results to the previous 60 days.	o a full-text search in any of the services

Noting up Labour/Tribunal Decisions Checklist

Use the following checklist to be consistent when noting up Canadian tribunal decisions:

Checked	Source	Sample format
	ELECTRONIC SOURCES	
	KeyCite on LabourSource (in WestlawNext Canada)	KeyCite by either citation or name and jurisdiction (Print or save by including KeyCite treatment for complete note-up)
	CanLII	FIRST Search for party names near each other in the full text of all decisions. Use alternate abbreviated versions as well as spelled out names in separate searches; add /15 year to the end of the search syntax to reduce unwanted results as decision writers often qualify common named parties with a year of decision.: (Alberta /5 teacher! /5 association OR ATA OR a.t.a) /5 edmonton /5 catholic /5 school! Second Search by citation in the full text of decisions – you must be EXACT and search for each alternate cite that exists in the full text decisions. Leave parenthesis out unless they are square brackets [] 25 L.A.C. 4 th 41 [1999] Alta. L.R.B.R. 250 or [1999] /8 250 for unexact retrieval of the above
	Use the General Search Template on LexisNexis Quicklaw, limit your search to Cases Singular G *All Canadian + View Combined S or O Cases Leg Search within Document [+] Show	Same method as above

Note: These sources, using **all** the methods described, should give you a comprehensive check for judicial consideration.

Also note: Remember that sources have different content from tribunals, for instance decisions from the Alberta Office of Information and Privacy Commission are available on Quicklaw and CanLII but not on WestlawNext Canada

MEMORANDUM

		Date completed
То:		
From:		File no.
	Client name/Matter	

Re: Keywords describing research area

Short introduction – briefly describe who we act for and the nature of the assignment. E.g.

Our client, Big Landlord, has been asked by a prospective anchor tenant to make concession A in its standard lease. We are asked to give an opinion on the possible consequences if Big Landlord were to do so. I have specifically been asked to address ... Or

Our client, Big Landlord, has been sued by an anchor tenant in one of its commercial properties alleging fundamental breach of the lease. I have been asked to review the lease, the pleadings and the production records and discuss Big Landlord's exposure to liability. I have not been asked to discuss quantum of damages.

I. FACTS and ASSUMPTIONS

Set out the facts in **detail** and any reasonable assumptions you must make in the absence of facts. If the facts are based on notes you took while being given oral instructions, or your memory of those oral instruction, or if for any other **reason you are uncertain** about the facts, once you have completed this section send it to the assigning lawyer to give him or her a chance to make any corrections before investing more of your time in research and analysis.

II. RESEARCH RESTRICTIONS / LIMITATIONS ON OPINION

Such things as:

- your research was, of necessity, done on a rush basis;
- for economy it was understood your research would be limited in scope e.g. to case digests only;
- the facts may change when discoveries take place/undertakings given on discovery are answered;
- your research was limited to Alberta law/Canadian law and the reason why.

III. ISSUES

Identify each individual issue (1,2,3) and follow the same order in the Conclusions and Discussion sections.

IV. CONCLUSIONS and RECOMMENDATIONS

Brief **summaries** for each issue and, where appropriate, recommendations for how to proceed.

V. DISCUSSION and ANALYSIS

Detailed analysis for each issue including (usually) statement of, and authorities (statutes, cases, commentary) for, the applicable legal principles, factually similar cases, application of the law to our facts, accounting for alternate possible scenarios (i.e. If the client is found to be in breach but not fundamental breach, then A. If found to be in fundamental breach, then B).

Cite all Cases and Legislation completely. Someone may refer back to this work years from now. If outlining a quantum of damages, calculate the inflation update the award for present value (Bank of Canada website).

Use headings and subheadings to make this readable.

VI. SOURCES CONSULTED

Detailed record maintained during the course of research work showing steps taken, text books and resources used, databases searched, search strings used; it is important to record sources that do not otherwise appear in the body of the research memo since this is the only way anyone will know that you consulted that source. **Keeping a proper research log is key to being able to update the research in your memo.**