

HeadStart 2019

Finding the Law



Attendee Package

[Agenda](#)

[Presenter Biographies](#)

[HeadStart 2019 Practical Exercises - Legislation](#)

[Answer Key: HeadStart 2019 Practical Exercises - Federal Legislation](#)

[Answer Key: HeadStart 2019 Practical Exercises - Alberta Legislation](#)

[Flow Chart for Prioritizing the Law](#)

[Online Sources](#)

[Alberta Statutes](#)

[Alberta Regulations](#)

[Federal Statutes](#)

[Federal Regulations](#)

[Textbook Guides](#)

[Caselaw](#)

[Journals, Indexes, Seminar Material](#)

[Words and Phrases](#)

[Civil Procedure Guides](#)

[Legal Research Help](#)

[Tips for Articling Students](#)

[Research Strategy: Worksheet & Log](#)

[Article: Practical Legal Research](#)

Agenda

8:00am - 8:30am Registration

8:30am - 9:00am Opening Remarks hosted by Judge Dixon

9:00am - 9:30am Coffee & Continental Breakfast

9:30am - 12:00pm Comprehensive Search Strategies including secondary sources, legal databases, and case law hosted by Dolores Noga (note: this portion includes exercises and a break)

12:00pm - 1:00pm Lunch

- **12:45pm - 1:00pm** Overview of Library Resources available at Alberta Law Libraries & J.A. Weir Law Library

1:00pm - 3:00pm Legislative Research & Legislative Process hosted by Sara Tokay (note: this portion includes exercises)

3:00pm - 3:15pm Break

3:15pm - 4:00pm Practical Strategies for Legal Research from a practicing lawyer hosted by Leah Fitzgerald

4:00pm - 4:45pm A panel of recent law school grads discussing the role of legal research in their jobs, with Fraser Genuis, Michael Swanberg, and Andrea Bailer

4:45pm - 5:00pm Closing Remarks

Presenter Biographies

In order of presentation

Judge Janet Dixon

Judge Janet Dixon was appointed to the Edmonton Criminal Court, Provincial Court of Alberta, on August 29, 2011. She graduated from the University of Alberta, Faculty of Law, in 1983. During her legal career, Judge Dixon practiced in the areas of criminal litigation, civil litigation, and administrative law. In 2000, she joined the Law Society of Alberta as counsel. She was appointed Queen's Counsel in 2004. In 2005, she became Senior Counsel at the Law Society of Alberta, managing the counsel department and all disciplinary prosecutions.

Dolores Noga

Dolores Noga manages Library Services and Knowledge Management for McLennan Ross LLP. With the firm for over thirteen years, she has witnessed it grow from 54 lawyers to over 100. As Manager of Library Services and Knowledge Management, Dolores selects and purchases new content, negotiates licenses, consults with publishers, and instructs in legal research. She routinely completes a variety of research tasks, working closely with others to identify and access needed information.

In addition, Dolores contributes fees to the firm through billable research and preparation of a monthly environmental and regulatory newsletter. This allows her to continue to investigate and report on an area of intense personal interest which was developed during her seventeen years with the Environmental Law Centre. Dolores is a graduate from the University of Alberta where she obtained her Master of Library Science degree. She is an active member of the Canadian Association of Law Libraries and serves as Chair of its Scholarships and Awards Committee.

Sara Tokay

Sara Tokey is a Law Librarian with Alberta Law Libraries where she has worked since October 2017. The majority of her position is focused on assisting Alberta Government Lawyers with their legislative research. Prior to her work with Alberta Law Libraries she has held contracts with Macewan University John L. Harr Library, Bruce Peel Special Collections, and the Alberta Legislature Library.

Leah Fitzgerald

Leah Fitzgerald, Research Lawyer, has always had a keen interest in reading, research and finding the 'right answers'. Leah graduated from the University of Alberta Law School in 2001, and recently graduated from the University of Oxford with a Master's degree in International

Human Rights Law (a bucket list item for her). She returned to Brownlee in late 2018, after working for Brownlee from 2002-2006. As a Research Lawyer, Leah felt it was the best fit in terms of the different hats she has worn over the years. As well, Leah is keen on the team approach Brownlee takes to every file, and the efficiency and influence it brings to their clients. She plans to provide intensive and diligent research for Brownlee's clients when she is called to work on a file.

Leah graduated with distinction from the University of Law School in 2001. She then articulated with the Alberta Court of Appeal and Court of Queen's Bench, and then started her career with Brownlee LLP as a Research Lawyer in 2002. Between practicing with Brownlee from 2002-2006 as a Research Lawyer and returning in 2018 to the same role, Leah has had a diversified career. She was hired a Chief Compliance Officer of a North American utility company from 2007-2009. She was then promoted to Associate General Counsel & Assistant Corporate Secretary from 2009 until 2012 for another utility company, (a spin off of the first company), and then moved to a major pipeline company as Ethics and Compliance Officer for its largest business unit (10,000 employees at the time). These roles led Leah into practicing regulatory compliance, anti-corruption law, labour and employment, human rights, record retention, privacy law, and overall corporate governance. Leah hopes to be able to utilize this practical experience in governance and compliance for some of Brownlee's clients.

In addition to work, Leah has been active as a volunteer, including experience being a board member on the Canadian Society of Corporate Secretaries (now the Governance Professionals of Canada) from 2008-2013, and has been a speaker at a number of conferences on such subjects as privacy law, anti-corruption, and general corporate governance.

Leah is married, has a daughter who is a teacher of a Grade 2 class in Shanghai, China, and two teenage boys in Edmonton who play hockey (mostly), lacrosse, and many other sports as they attend junior high at Vimy Ridge Academy in the Sport Fit program.

Fraser Genuis

Fraser Genuis is pleased to be a part of the Recent Graduates Panel. Fraser graduated law school at the University of Alberta with Distinction in 2016, before clerking with the Alberta Court of Queen's Bench in Edmonton. He currently works as a Crown Prosecutor with the Alberta Crown Prosecution Service - a job which he finds both meaningful and rewarding. Aside from the law, Fraser enjoys recreational hockey, community musical theatre, and spending time with his wife Elisa.

Michael Swanberg

Michael Swanberg is an Associate at Reynolds Mirth Richards & Farmer LLP in Edmonton. Prior to joining RMRF Michael clerked at the Alberta Court of Queen's Bench, and was called to the

bar in October 2017. Michael carries on a general litigation practice, with an interest in municipal property assessment complaints, professional regulatory hearings, employment law, and media law and defamation. He has represented clients before the Provincial Court of Alberta, Court of Queen's Bench of Alberta and various administrative tribunals and boards in Alberta.

Andrea Bailer

Andrea graduated from the University of Alberta Faculty of Law in 2016. Before law school, she studied Arts at McGill University in Montreal. Her legal work experience includes summer employment with the Alberta Crown Prosecution Service, a stint working for an immigration sole practitioner, and teaching Legal Research and Writing. For the past three years Andrea has worked for the Department of Justice Canada, maintaining a busy cross-portfolio practice that includes work from the tax, aboriginal, and civil litigation sections. In her free time, Andrea enjoys hot yoga and volunteers as a Board Director for the YMCA of Northern Alberta.

HeadStart 2019 Practical Exercises - Legislation

ALBERTA LEGISLATION

Statutes

1. How and when did Bill 27, the *Renewable Electricity Act*, come into force? It was introduced in the fall of 2016. The lawyer requesting this information would also like documentation confirming the coming into force date.

Alberta Regulations

2. You're working on an older file that refers to the *Nuisance and General Sanitation Regulation*, Alta Reg 242/85, created under the *Public Health Act*.
 - a) Is Alta Reg 242/85 still in force?
 - b) If it has been repealed, on what date was it repealed and superseded, and what is the new regulation number?
 - c) How many times was Alta Reg 242/85 amended before being repealed?

Hansard

3. A lawyer would like to know the legislative intent of *An Act to End Predatory Lending*, SA 2016, c E-9.5. He would also like to read all of the debates on the bill prior to when it became law. Find all of the debates and the intended purpose.

If you have time, try this one:

Note: this will require the use of print materials (available at front of room)

Civil Procedure / Rules of Court

4. You've tried to serve a statement of claim to a defendant, but are unable to find him anywhere.
 - a) Is there a rule that permits the plaintiff to dispense with the service of the statement of claim?
 - b) Are there any cases dealing with the issue of dispensing with the service of documents?
 - c) Compare at least two annotated versions of the *Alberta Rules of Court*. How does their commentary on the service of documents differ?
 - d) Can one dispense with the service of documents in divorce proceedings? Find references to at least two authorities.

FEDERAL LEGISLATION

1. *Industrial Design Act*, RSC 1985
 - a) Has s 18 of the *Industrial Design Act*, RSC 1985, c I-9 been amended? If so, cite to the amending legislation, including its title.
 - b) Is the amending legislation in force? If so, when did it come into force? Please provide evidence that it is in force.
 - c) Which Ministry is responsible for the *Industrial Design Act*?
2. What is the history of amendments to the *Migratory Birds Regulations*? Cite the regulation and provide a current copy.

If you have time, try this one:

Note: this will require the use of HeinOnline (CCID required) or the Print Statutes (in Library)

3. The *Agriculture Stabilization Act*, RSC 1985, c A-8, s 11(1) deals with duration of action. Your client has an issue that dates back to July 30, 1975.
 - a) On July 30, 1975, RSC 1970 was in force. Did an equivalent section to s 11(1) exist under RSC 1970?
 - b) Locate the version of that section that would have been in force on July 30, 1975.

**** Answers at back ****

Answer Key: HeadStart 2019 Practical Exercises - Federal Legislation

FEDERAL LEGISLATION

1. Industrial Design Act, RSC 1985

- a) Has s 18 of the *Industrial Design Act*, RSC 1985, c I-9 been amended? If so, cite to the amending legislation, including its title.

Answer: Yes, s 18 was amended in SC 1993, c 44, s 169 (Statutes of Canada 1993, Chapter 44 at Section 169). It was amended by *An Act to Implement the North American Free Trade Agreement*, SC 1993, c 44.

Resources: Justice Laws <http://laws-lois.justice.gc.ca/eng/> ; Statutes of Canada annual volumes (in print in library or vi a HeinOnline, requires CCID access) ; Canada Gazette [Canada Gazette Archives](#)

Step 1	<p>Use the Department of Justice's Justice Laws website to determine whether or not s 18 of the Industrial Design Act, RSC 1985, c I-9 has been amended.</p>
	<p>Justice Laws</p> <p>Type the name of the act into the search box. Select Table of Contents. Scroll to s 18. It lists one amendment: s. 18, 1993, c. 44, s. 169</p>
Step 2	<p>Determine which act is at SC 1993, c 44 by consulting the Statutes of Canada annual volumes.</p>
	<p>Justice Laws</p> <p>On the main Justice Laws website, click Annual Statutes in the left hand column. Only goes back to 2001. Will need to consult the print volume.</p> <p>Statutes of Canada 1993 volume in print or HeinOnline</p> <p>Navigate to Chapter 44. The name of the act that amended s 18 is <u><i>An Act to Implement the North American Free Trade Agreement</i>, SC 1993, c 44.</u></p> <p><i>Note:</i> The <i>Canada Gazette, Part III</i> would also provide this information. Older volumes, including 1993, are available on the Canada Gazette Archives. However, you would only be able to search 1993 generally and would then have to guess the issue. The site is also very slow. Here's the path: Choose Find an Issue > In the Title box, choose Part III (1974-1997) and enter 1993 in the Year box. The issue for 1993 SA c 44, <i>An Act to Implement the North American Free Trade Agreement</i> is found at Wednesday August 25, 1993, Vol 16, No 5a. It amends the <i>Industrial Design Act</i> at section 169.</p>

b) Is the amending legislation in force? If so, when did it come into force? Please provide evidence that it is in force.

Answer: Yes, *An Act to Implement the North American Free Trade Agreement*, SC 1993, c 44 came into force on January 1, 1994. SI/94-1, below, supports the coming into force date.

Registration
SI/94-1 12 January, 1994

**NORTH AMERICAN FREE TRADE AGREEMENT
IMPLEMENTATION ACT**

**Order Fixing January 1, 1994 as the Date of
the Coming Into Force of the Act, except
Section 177**

P.C. 1993-2183 29 December, 1993

Whereas the Governor in Council is satisfied that the Government of the United Mexican States and the Government of the United States of America have taken satisfactory steps to implement the North American Free Trade Agreement;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister for International Trade, pursuant to subsections 113(4) and 242(1) of An Act to implement the North American Free Trade Agreement, assented to on June 23, 1993, being chapter 44 of the Statutes of Canada, 1993, is pleased hereby to fix January 1, 1994 as the day on which that Act, including subsection 13(4) of the Customs Tariff as enacted by subsection 113(3), but not including section 177, shall come into force.

Resources: **Justice Laws** (Table of Public Statutes and Responsible Ministers) ; **CanLII** www.canlii.org ; **Library and Archives Canada** <http://www.collectionscanada.gc.ca/databases/canada-gazette/index-e.html> (Canada Gazette, Part II)

Step 1	<i>Use the Justice Laws website to determine when An Act to Implement the North American Free Trade Agreement, SC 1993, c 44 came into force.</i>
Option A	Justice Laws Search the title of the act in the search box, <i>North American Free Trade Agreement Implementation Act – 1993, c. 44</i> > See the coming into force (CIF) details on the last page of the act > Entry CIF, 1993, c. 44 lists the <u>coming into force date as 01.01.94 (January 1, 1994)</u> .
Option B	CanLII

	Search the title of the act in the search box, <i>North American Free Trade Agreement Implementation Act – 1993, c. 44</i> > See the coming into force (CIF) details at the bottom.
Step 2	<i>The above also directs to SI/94-1. This means Statutory Instrument, 1994, Number 1. Refer to the Canada Gazette, Part II for evidence of the coming into force date above.</i>
	<p>Library and Archives Canada</p> <p>At the archived Canada Gazette page, click Advanced Keyword Search > Enter “North American Free Trade” (with quotations) in the Keyword, enter 1 (January) and 1994 in the date fields (as the coming into force date is January 1, 1994 and the statutory instrument would likely be around that date) > Look through the results marked as Part II (as this is the part that includes statutory instruments) > Locate <u>SI/94-1 at pg 604 of the Wednesday, January 12, 1994, Volume 128, Number 1</u> – See Answer above.</p>

c) Which Ministry is responsible for the *Industrial Design Act*?

Answer: Ministry for International Trade

Refer to the **Table of Public Statutes and Responsible Ministers** on the Justice Laws site. The Ministry responsible is listed under the name of the act as the Ministry of Industry.

2. What is the history of amendments to the *Migratory Birds Regulations*? Cite the regulation and provide a current copy.

Answers: *Migratory Birds Regulations*, CRC, c 1035. Below is an excerpt of the amendment history.

s. 2, SOR/94-684, s. 11

s. 2, “Act”, SOR/99-147, s. 1

s. 2, “bait”, SOR/82-703, s. 1

...

Resources: **Canadian Guide to Uniform Legal Citation, 8th ed.** ; **Justice Laws**

<http://laws.justice.gc.ca/eng/> ; **Canada Gazette, Part II, Consolidated Index of Statutory Instruments** <http://www.gazette.gc.ca/rp-pr/p2/ci-ic-eng.html>

Step 1	Locate a current copy of the regulation along with the citation details on Justice Laws, then consult the <i>Canadian Guide to Uniform Legal Citation</i> for instructions on how to cite the regulation.
	<p>Justice Laws</p> <p>Click Consolidated Regulations at left > Start typing <i>Migratory Birds Regulations</i> and select the regulation when it auto-populates into the search bar > At the top of the regulation see the citation details: <i>Migratory Birds Regulations (C.R.C., c. 1035)</i></p> <p>Canadian Guide to Uniform Legal Citation, 8th ed (AKA the McGill Guide)</p> <p>In the Table of Contents, see Legislation > Regulations > Federal Regulations > See E-36 2.5.1 <i>Federal Regulations</i>, 2.5.1.1 <i>Revised Regulations</i>. Indicates the format for Consolidated Regulations of Canada (CRC) as <i>Migratory Birds Regulations</i>, CRC, c 1035, s 4 (1978).</p>

	<p>The s 4 in the example above is the pinpoint, which is not necessary in this case. The year is optional. As citations are assumed to be to the latest revision, the citation would be:</p> <p><i>Migratory Birds Regulations</i>, CRC c 1035.</p>
Step 2	<p>Find the history of amendments to the regulation using the Consolidated Index of Statutory Instruments (for the amendments dating up to December 31, 2016) and the Canada Gazette, Part II (for any amendments dating from January 1, 2017 to date).</p> <p>Justice Laws and Canada Gazette</p> <p>From the Justice Laws main page, click the Consolidated Index of Statutory Instruments in the left hand column (under Resources) to go to the index on the Canada Gazette page > Click Consolidated Index of Statutory Instruments – December 31, 2016 > At left, click the current issue under <i>Part II: Consolidated Index, Vol. 51 (2017)</i> > Under <i>Consolidated Index of Statutory Instruments (January 1, 1955 to March 31, 2017)</i>, click ARCHIVED – HTML > Under <i>II – Table of Regulations, Statutory Instruments (Other than Regulations) and Other Documents Arranged by Statute</i>, click the letter M > Navigate to the <i>Migratory Birds Regulations</i>, CRC, c 1035. <u>This lists all of the amendments to the regulation up to March 31, 2017.</u></p> <p>s. 2, SOR/94-684, s. 11 s. 2, "Act", SOR/99-147, s. 1 s. 2, "bait", SOR/82-703, s. 1 ... E.g. s. 2, SOR/94-684, s. 11 means that Section 2 of the regulation was amended by SOR number 684 of 1994 at Section 11. SOR means Statutory Orders and Regulations.</p> <p>Canada Gazette</p> <p>At left, under Part II: Official Regulations, click Vol. 151 (2017) > Open each issue after March 31, 2017 and check for any amendments from that date to present using CTRL + F + <i>Migratory</i>.</p>

3. Section 11(1) of the now repealed *Agriculture Stabilization Act*, RSC 1985, c A-8 dealt with duration of action. Your client has an issue that dates back to July 30, 1975.

a) On July 30, 1975, RSC 1970 was in force. Did an equivalent section to s 11(1) exist under RSC 1970?

Answer: Yes, the equivalent in RSC 1970 was s 9(1).

Resources: Revised Statutes of Canada volumes print in the library ; RSC 1985 Table of Concordance ; RSC 1985 History and Disposal of Acts ; HeinOnline <http://heinonline.org/> - need CCID ; [Archive.org](http://archive.org) Revised Statutes of 1970

Step 1	Find the chapter number for the RSC 1970 version of the act using the Revised Statutes of Canada volumes in print or the scanned version on HeinOnline.
---------------	---

Option A	<p>Revised Statutes of Canada 1970 volumes</p> <p>See the RSC 1970 Index volume > Locate the <i>Agriculture Stabilization Act</i> at pg 4. It refers to R.S., c. A-9, meaning the Revised Statutes of Canada at Chapter A-9.</p>
Option B	<p>HeinOnline</p> <p>Under Browse Database by Category, click Canada > Click Revised Statutes of Canada > Click Revised Statutes of Canada, 1970: Index > Scroll to the <i>Agriculture Stabilization Act</i> at pg 4. It refers to R.S., c. A-9, meaning the Revised Statutes of Canada at Chapter A-9.</p>
Option C	<p>Archive.org</p> <p>Revised Statutes of Canada 1970</p> <p>Select Revised Statutes of Canada, 1970: Index > Scroll to the <i>Agriculture Stabilization Act</i> at pg 4. It refers to R.S., c. A-9, meaning the Revised Statutes of Canada at Chapter A-9.</p>
Step 2	<p><i>Use the chapter details above to locate the RSC 1970 equivalent to RSC 1985's s 11(1). Is it the same section number?</i></p>
Option A	<p>Revised Statutes of Canada, 1985 Table of Concordance</p> <p>See RSC c A-9 at pg 3 > Locate s 11 in the second column, under RSC 1985. It lists the <u>equivalent section number in RSC 1970 as s 9</u>.</p> <p>If using HeinOnline, use the instructions at Step 1, Option B, but rather than selecting the 1970 Index, select the Revised Statutes of Canada, 1985 Table of Concordance.</p>
Option B	<p>RSC 1985 History and Disposal of Acts</p> <p>See RSC c A-9 at pg 25 > Locate s 11(1) in the Revision column. It lists the <u>equivalent section number in RSC 1970 as s 9(1)</u>.</p> <p>Also found in HeinOnline as instructed in Step 2, Option A. Also found in Publications.gc.ca http://publications.gc.ca/site/eng/477176/publication.html</p>

b) Locate the version of that section that would have been in force on July 30, 1975.

Answer: Point-in-time versions are not available for federal legislation prior to 2002. In lieu of a point-in-time, you will need to locate and compile any amendments to s 9(1) (as s 11(1) was previously numbered) that would have been in force between the previous Revised Statutes of Canada (RSC 1970) and July 30, 1975. You will then locate the RSC 1970 version and include it in the compilation for a complete picture of how the section would have read.

In this instance, you'll find that there were no relevant amendments. As such, the version of this section as appears in RSC 1970, below, is how the subsection would have read on July 30, 1975.

Duration of action

9. (1) Action by the Board under paragraph 10()(a), (b) or (c) in relation to an agricultural

commodity shall commence at such time in each year as is determined by the Board, and shall continue thereafter for a period of twelve months or, in the case of a designated commodity, for such other period as the Governor in Council prescribes.

Resources: **Statutes of Canada volumes** print in the library ; **HeinOnline** <http://heinonline.org/> - need
CCID

Step 1	<i>Locate a list of amendments from RSC 1970 through July 30, 1975, using the Table of Public Statutes from the Statutes of Canada volume that would have been published after the date you're interested in.</i>
Option A	<p>Statutes of Canada 1974-75-76</p> <p>See the Table of Public Statutes at the back of Volume II (orange pages) > Locate the <i>Agriculture Stabilization Act</i> at pg 2245 > See Section 9 for all amendments, as follows:</p> <p>s. 9, 1974-75-76, c. 63, s. 4</p> <p>This indicates that Section 9 was amended in the Statutes of Canada 1974-75-76 volumes at Chapter 63, Section 4.</p>
Option B	<p>HeinOnline</p> <p>Same as above, via Canada - Annual Statutes.</p>
Step 2	<i>Locate the amendment above.</i>
Option A	<p>Statutes of Canada 1974-75-76</p> <p>Locate Chapter 63 at pg 1135 > Navigate to Section 4 at pg 1337 > Read the amendment. It relates to s 9(2) of the Act, not s 9(1) on duration of action. The amendment to s 9(2) is not relevant to your client's issue.</p> <p>This indicates that there were no relevant amendments between RSC 1970 and the date in question, meaning <u>s 9(1) as it read in RSC 1970, c A-9 is how the section would have read on July 30, 1975.</u></p>
Option B	<p>HeinOnline</p> <p>Same as above, via Canada - Annual Statutes.</p>
Step 3	<i>Locate s 9(1) at RSC 1970.</i>
Option A	<p>Statutes of Canada 1970</p> <p>Navigate to Chapter A-9, Section 9(1) at pg 73 for the version of the section as it read on July 30, 1975.</p>
Option B	<p>HeinOnline</p> <p>Same as above, via Canada - Annual Statutes.</p>

Answer Key: HeadStart 2019 Practical Exercises - Alberta Legislation

ALBERTA LEGISLATION

Alberta Statutes

1. How and when did Bill 27, the *Renewable Electricity Act*, come into force? It was introduced in the fall of 2016. The lawyer requesting this information would also like documentation confirming the coming into force date.

Answer: The bill came into force upon proclamation on March 31, 2017. The proclamation is found in the Alberta Gazette, Part 1, April 15, 2017 at pg 286.

Resources: **Legislative Assembly of Alberta** www.assembly.ab.ca (Bills) ; **Queen's Printer** www.qp.alberta.ca (Alberta Gazette) ; **CanLII** <http://www.canlii.org/> (Legislation)

How a law comes into force	A bill becomes law upon receiving royal assent (the final step in the enactment process). A law then comes into force: upon royal assent (if the bill doesn't state otherwise); upon proclamation; on a date or dates specified in the bill
Step 1	<i>Locate the bill and a coming into force note at the Legislative Assembly of Alberta</i>
	Legislative Assembly of Alberta Under Bills and Amendments , select either Bills or Bill Status Reports > Select the fall 2016 session, 29th Legislature, 2nd Session (2016-2017) > Click Bill 27 Renewable Electricity Act > See the Comes Into Force note at the bottom of the bill status summary. States that the bill <u>comes into force upon proclamation</u> .
Step 2	<i>Find the proclamation date and the proclamation itself in the Alberta Gazette, Part 1. Available at the Queen's Printer or the coming into force date from CanLII</i>

<p>Option A</p>	<p>Queen's Printer</p> <p>Click Alberta Gazette at top > Under Part 1, click 2017 > Click the Alphabetical Table of Contents for 2017 > Enter CTRL + F + <i>Renewable</i> to find the act under Proclamations. Directs to pg 286 > Scroll to 2017 Page Key – Volume 113 and note the date for pg 286: April 15 > Return to the previous page > Click April 15 > Scroll to pg 286.</p> <p>Brings you to the <u>proclamation stating the coming into force date is March 31, 2017.</u></p>
<p>Option B</p>	<p>CanLII</p> <p>Enter <i>Renewable Electricity Act</i> in the search field, then click the act name > will have to know to navigate to first version, for initial coming into force date</p> <p>States that the Act <u>came into force upon proclamation on March 31, 2017.</u></p>

Alberta Regulations

2. You're working on an older file that refers to the ***Nuisance and General Sanitation Regulation, Alta Reg 242/85, created under the Public Health Act.***

- a) **Is Alta Reg 242/85 still in force?**

Answer: a) No, Alta Reg 242/85 is no longer in force.

Resources: **Queen's Printer** www.qp.alberta.ca (Alberta Gazette) ; **CanLII** www.canlii.org

<p>Step 1</p>	<p><i>Determine whether or not Alta Reg 242/85 is still in force and, if it isn't, confirm which regulation repealed and superseded it.</i></p>
<p>Option A</p>	<p>Queen's Printer</p> <p>Click Alberta Gazette at the top of the page > Click Part 2 and select 1995-2016 range (as the new regulation is dated in 2003 and may include the repeal date for the old regulation) ></p>

	Click 2003 > Click Index of Regulations then CTRL + F + <i>Nuisance</i> . Confirms <u>Alta Reg 242/85 was repealed and superseded by Alta Reg 243/2003 by the same name</u>
Option B	<p>CanLII</p> <p>Search Nuisance and General Sanitation Regulation in the search box. Ensure you select the correct regulation: Alta Reg 242/1985. Right at the top the repealed date and the replacement regulation is listed.</p>

b) If it has been repealed, on what date was it repealed and superseded, and what is the new regulation number?

Answers: b) It was repealed by Alta Reg 243/2003. As the Alberta Gazette does not indicate when Alta Reg 242/85 was repealed and superseded, the date would be the filing date of the new regulation, July 22, 2003.

Resources: **Queen's Printer** www.qp.alberta.ca (Alberta Gazette) ; **CanLII** www.canlii.org

Step 2	<i>Locate the date when Alta Reg 242/85 was repealed and superseded by Alta Reg 243/2003. This is found in the Alberta Gazette Part 2.</i>
Option A	<p>Queen's Printer</p> <p>Follow the same path as Step 1, Option A to get to the Index of Regulations for 2003, then CTRL + F + <i>Nuisance</i>. Confirms the repeal but does not list the date. Must instead look at each issue individually, again using CTRL + F + <i>Nuisance</i>, to check for a note on the repeal.</p> <p><i>Tip:</i> Check the first regulation number listed in the last issue of the year, December 31. It is Alta Reg 347/2003. Use this to estimate roughly where Alta Reg 243/2003 would be (probably mid-year or later, suggesting you may save time by starting mid-year and working your way to the end).</p> <p>Alta Reg 243/2003 is located in the August 15, 2003 issue. It does not state the repeal or supersede date. As such this <u>date is assumed to be the Filed date, July 22, 2003</u></p>
Option B	CanLII

	Answered in above step.
--	-------------------------

b) How many times was Alta Reg 242/85 amended before being repealed?

Answer: Alta Reg 242/85 was amended once, at 251/2001.

Resources: **Queen's Printer** www.qp.alberta.ca (Alberta Gazette)

Note: CanLII does not have the 2001 regulation, therefore this is an excellent example of why you need to know other methods

Step 3	<i>Locate the number of amendments to Alta Reg 242/85. You'll need to find the entry for Alta Reg 242/85 in the Index of Regulations for the last year that the regulation was in force. The index is found in Part 2 of the Alberta Gazette. You know from above that the repeal occurred on July 22, 2003, which suggests any amendments would be listed in 2002, and possibly 2003.</i>
	Queen's Printer Follow the same path as Step 1, Option A to get to the Index of Regulations for 2003 > CTRL + F + 242/85 > Finds entry for new regulation, Alta Reg 243/2003, which refers only to the repeal > Return to the year list and click 2002 > Click Index of Regulations > CTRL + F + 242/85 > Finds entry for the old regulation, Alta Reg 242/85. Entry lists the amendments as follows: <u>one amendment at 251/2001</u>

Hansard

- 3. A lawyer would like to know the legislative intent of *An Act to End Predatory Lending*, SA 2016, c E-9.5. He would also like to read all of the debates on the bill prior to when it became law. Find all of the debates and the intended purpose.**

Answer:

The bill's intended purpose is as follows:

This bill will reduce the high cost of borrowing for payday loans and help ensure that alternative financial assistance and short-term credit options are available to all Albertans. It will also strengthen consumer protection for borrowers of payday loans by introducing mandatory instalment repayment plans, requiring payday lenders to provide financial literacy information to borrowers, and imposing stricter controls on the activities of payday lenders. Through this legislation our government is

building pathways out of poverty by helping Albertans who find themselves in difficult financial circumstances to escape the cycle of debt caused by short-term, high-cost credit.

The debates are found in the following pages of the Hansard:

Bill 15 — An Act to End Predatory Lending (McLean)

First Reading — 901 (*May 12, 2016 aft., passed*)

Second Reading — 1062-67 (*May 19, 2016 aft., passed*)

Committee of the Whole — 1153-57 (*May 25, 2016 aft., passed*)

Third Reading — 1172 (*May 25, 2016 eve., passed*)

Royal Assent — (*May 27, 2016 outside of House sitting*) [Comes into force on various dates; SA 2016 cE-9.5]

Resource: **Legislative Assembly of Alberta** www.assembly.ab.ca (Bills & Hansard)

Step 1	<p>Find all of the debates on the bill. These are found at the Legislative Assembly of Alberta.</p> <p>Click Bills and Amendments > Select the sessions that fall during 2016 and locate the bill. Will locate Bill 15 in the 29th Legislature, 2nd Session (2016-2017) > Lists all debates (1st, 2nd, 3rd readings & Committee of the Whole) – see Answer above.</p> <p><i>Tip: Select HTML in order to link directly to the related Hansard debates.</i></p>
Step 2	<p>Find the legislative intent of the bill. This is described at the beginning of the first reading of the bill in the May 12, 2016 issue at pg 901 – see Answer above.</p>

Civil Procedure / Rules of Court

4. You've tried to serve a statement of claim to a defendant, but are unable to find him anywhere.

Resources for A to D: Fradsham's Alberta Rules of Court Annotated ; Stevenson & Côté's Civil Procedure Encyclopedia ; Stevenson & Côté's Alberta Civil Procedure Handbook

- a) Is there a rule that permits the plaintiff to dispense with the service of the statement of claim?

Answer: Rule 11.29 Dispensing with Service

See Fradsham's *Alberta Rules of Court Annotated* > Index > "Dispensing with Service" Rule 11.29

See also Stevenson & Côté's *Alberta Civil Procedure Handbook* > Index > "Service, dispensing with" 2.32(3), 11.29 (the latter is the relevant Rule)

See also Stevenson & Côté's *Civil Procedure Encyclopedia* > Index (Volume 5) > "Service, dispensing with" 24.M > Chapter 24, Section M (Volume 1). To pinpoint the relevant page, see the Detailed Table of Contents for this chapter at the beginning of Volume 1 > Pg xlv directs to pg 24-65.

Note: The latest *Civil Procedure Encyclopedia* was published in 2003, whereas the new Alberta Rules of Court were enacted in 2010. Use the Table of Concordance in Fradsham's *Alberta Rules of Court Annotated* to match up the new rule (Rule 11.29 in Fradsham's) with the old one (Rule 23 in the CPE).

b) Are there any cases dealing with the issue of dispensing with the service of documents?

Answer: Yes, the sections listed above for all three texts list cases on this topic.

Note: Be sure to check both the commentary *and* the footnotes for references to case law.

c) Compare at least two annotated versions of the *Alberta Rules of Court*. How does their commentary on the service of documents differ?

Answer: They cite to different cases, and Stevenson & Côté's *Civil Procedure Encyclopedia* is greater in scope than Fradsham's and Stevenson & Côté's *Alberta Civil Procedure Handbook*.

You'll note that both Fradsham's and Stevenson & Côté's *CPE* refer to *L. (D.C.) v L. (S.M.)* (1990), 108 AR 334 and *Lindgren v Lindgren* (1979), 10 RFL (2d) 284, while Stevenson & Côté's *Handbook* does not. Additional cases only appear in individual texts.

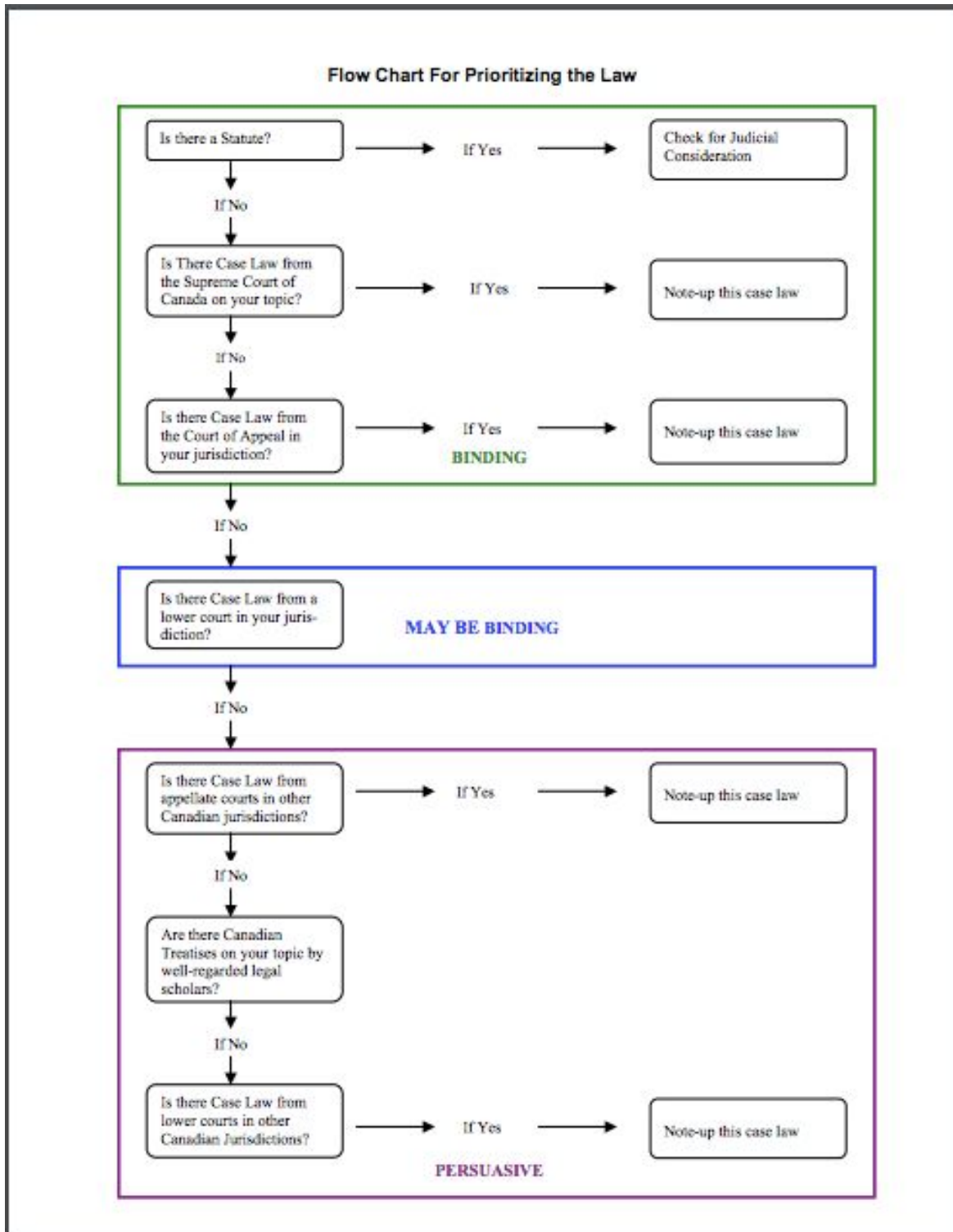
Fradsham's *Alberta Rules of Court Annotated* and Stevenson & Côté's *Alberta Civil Procedure Handbook* cover only the Alberta Rules of Court, whereas Stevenson & Côté's *Civil Procedure Encyclopedia* has a greater scope, covering all common law procedural rules in Canada and England, as well as Supreme Court of Canada decisions from Quebec and a "few decisions of the Quebec Court" (*CPE* Preface, p vii).

- d) Can one dispense with the service of documents in divorce proceedings? Find references to at least two authorities.

Answer: Yes, under special circumstances. E.g. *MacGillivray v MacGillivray* (Sask) [1950] 1 WWR 188 and *Bonetti v Bonetti* (BC 1953) 10 WWR(ns) 278.

See instructions in a), above. For Stevenson & Côté's *Encyclopedia*, again at pg 24-65, see note 10.

Flow Chart for Prioritizing the Law



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.gc.ca/LegisInfo/Home.aspx?Language=E&Mode=1&ParliamentSession=41-1>

Current Canadian Legislation, Bora Laskin Law Library (links to finding legislation on the Internet) - <http://library.law.utoronto.ca/how-to/current-canadian-legislation>

Older Canadian Legislation, Bora Laskin Law Library (links to finding legislation on the Internet) - <http://library.law.utoronto.ca/older-canadian-legislation>

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/>

Textbook 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) -
<http://www.llrx.com/features/ca.htm>

Essentials of Canadian Law (introductory texts by topic, available for purchase) -
<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>

Maritime Law Books website (access to case law by topic number) - <http://www.mlb.nb.ca/>

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

Journals, Indexes, Seminar Material

Cardiff Index to Legal Abbreviations - <http://www.legalabbrevs.cardiff.ac.uk/about>

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/index.asp?>

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

Maritime Law Book website – www.mlb.nb.ca

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

Legal Research Help

Maritime Law Book – Search Hints and Tips, Advanced Help (by subscription)

Quicklaw Cheat Sheets

- Basic Searching
- Cost-Effective Search Tips
- Digests and Definitions
- Legal Topics Feature
- Noting up the Law
- Searching Legislation
- Terms and Connectors

Tips for Articling Students

Articling Tips for Students-at-Law SlawTips June 2013

Research Strategy: Worksheet & Log

Questions to Consider

Restate your research question			
Plan Your Research Strategy			
Legal Issues			
Related Legislation			
Relate Cases			
Jurisdiction(s)			
Currency (most recent/point in time)			
Search Terms			
Keep a list of search terms being used, add additional terms you come across throughout your research.			
Research Resource Assessment			
Secondary Sources			
Start with secondary sources. This will provide you with an overview of the law and in identifying keywords to direct your research. Make note of related cases, legislation, and legal issues that seem useful above.			
Resource	Date Searched / Current to	Citation	Notes
<ol style="list-style-type: none"> 1. Canadian Encyclopedic Digest (Print & Westlaw) 2. Halsbury's Canada (Quicklaw) 3. Words & Phrases / Legal Dictionaries (Print, Westlaw & Quicklaw) 4. Texts, Looseleafs (Library Catalogue, Westlaw & Quicklaw) 5. Journals / Periodicals / Conference & CLE Materials <ol style="list-style-type: none"> a. Law Report Articles (Westlaw) b. Index to Canadian Legal Literature (Westlaw) c. Full Text Articles (Westlaw, Quicklaw, Hein, Library Catalogue) 6. Law Reform Commission Reports 			

7. Websites (Lexology, Mondaq, Fee Fie Foe Firm, Legalresearchandwriting.ca)			
Primary Sources			
After secondary sources, use primary sources – case law and legislation – to verify, update, and follow-up on leads from secondary sources.			
Legislation			
Resource	Date Searched / Current to	Citation	Notes
1. Statutes & Regulations <ul style="list-style-type: none"> a. Canada (Print, Westlaw, Quicklaw, Hein, CanLII) b. Alberta (Print, Westlaw, Quicklaw, Hein, CanLII, Queens Printer) c. Other Jurisdictions (Print, Hein, Quicklaw, LibGuide) 			
Case Law			
Resource	Date Searched / Current to	Citation	Notes
1. Westlaw 2. Quicklaw 3. CanLII			

Artice: Practical Legal Research

- J.E. Côté
- D.J. MacGregor

DOI: <https://doi.org/10.29173/alr17>

ABSTRACT

Keeping current with changes in the law is fundamental for law students, lawyers, and judges. Effective skills in legal research are necessary to accomplish this goal. Unfortunately, most guidance on legal research tends towards either overly laborious

techniques or the use of shortcuts. This article addresses this issue by providing a practical, realistic, balanced, reliable, and flexible approach to the research that is critical in the legal profession.