

Researching Secondary Sources of Law

7

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LEARNING OUTCOMES

By the end of this chapter, you should be able to:

- Understand the relationship between primary and secondary sources of law
- Choose the appropriate print or online secondary source to locate and interpret primary law
- Structure a search of secondary sources to locate primary law using a fact and issue analysis
- Select appropriate research tools to note up or judicially consider primary law

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I. Relationship Between Primary and Secondary Source Law

As described in previous chapters, primary law includes legislation and judicial decisions. In an international context, primary law includes treaties and conventions through which governments regulate interactions among nations.

By default, legal information that is not primary law is secondary source law. One aspect of legal research competence is proficiency in the use of secondary sources of law to improve both the efficiency and comprehensiveness of primary law research.

While practising lawyers explore the legal issues presented when a client seeks legal advice, law students explore legal issues presented as legal hypotheticals. In both situations, the law that must be researched may not be immediately evident. The authors of secondary sources will have done much of the preliminary work for the researcher by analyzing the legal concepts, discovering nuances in the law, and identifying the relevant primary law.

There are two main categories of secondary sources: those that are used to locate primary law, and those that interpret its meaning or application. Some sources perform one function exclusively; others overlap.

To establish competence, a lawyer must be able to:

- use print and online sources that are appropriate to the research task, both general sources and those tailored to specific practice areas
- comparatively assess the strengths and limitations of sources, both commercially published sources and those in the public domain
- choose the source that best fits each step of the legal research process, considering both cost and time efficiencies

II. Relationship Between Online and Print Materials

Students today will be familiar with the wide variety of tools that are available for finding information online. However, when working with legal materials, it is important to understand that many legal information tools that are available online are still organized to reflect the way the publication was historically organized in the print format. Publishers have not entirely abandoned traditional means of organizing information.

Furthermore, many important online legal databases require users to pay substantial subscription fees. For sole practitioners and members of the public who do not have access to subscription services, print resources that are housed in a library may still be important as their only economical source of commentary about the law.

Finally, online databases can provide an infinite amount of legal information to explore. In contrast, text products, such as a periodicals index, have a definite starting point and ending point. When working with print, the researcher has a better sense of when the research has been completed.

Accordingly, to address these points, this chapter discusses key secondary sources by first outlining steps for using the print product, and then by outlining the steps for using the online product.

III. Generating a Topic Search Using Secondary Sources: Start with Facts, Issues, and Keywords

Consider the following situation.

TASK 7.1

Research Hypothetical Problem

Conrad Cash (“Cash”), 64 years old, was the sole owner of a lucrative business, Cash Computer Co, located in Blissville, Ontario. When Cash died on 1 May 2018, his net worth exceeded \$100 million. In 2013, Cash revised his will. Beneficiaries of the estate included: Penny, spouse, age 58, \$60 million; Farthing, daughter, age 32, \$30 million; and the Blissville District School Board, remainder, to upgrade its computer technology systems and programs.

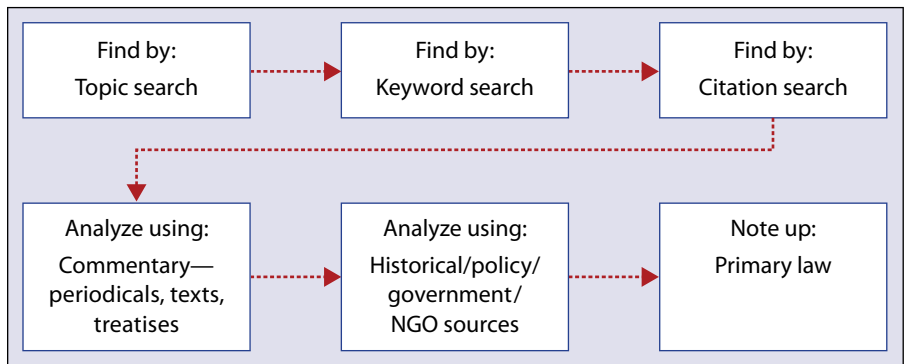
In 2017, Conrad and Penny Cash divorced after a bitter, year-long dispute. Later that year, Cash married the couple's dog walker, Yuro, 26. Unhappy with the remarriage, Farthing became estranged from her father.

In January 2018, Cash suffered a head injury in a motor vehicle accident. After his release from hospital in February 2018, Yuro told Farthing that she could not visit her father until he recovered. Farthing had no further contact with her father prior to his death.

Last month Farthing learned that her father had altered his will, leaving \$80 million to Yuro, and the remainder to the Blissville Kennel Club. Farthing suspects that Yuro may have coerced or otherwise unduly influenced her father to change his will. She has sought legal advice to determine whether she can challenge the will's validity.

This hypothetical exemplifies the type of issue typically encountered by law students, articling students, or lawyers in practice, any of whom may be unfamiliar with the area of practice governing the client's concern. Because the governing primary law is not evident at this point, the researcher who is new to this area of law can use secondary sources first to gain an understanding of the principles of law at issue, to analyze the applicable law, and to identify the relevant primary law. The whole process—finding, analyzing, and noting up—is illustrated in Figure 7.1.

FIGURE 7.1 Secondary Source Options



Before selecting secondary sources to locate primary law, undertake a fact and issue analysis (as described in Chapter 2):

1. Sort and organize the facts under relevant headings.
2. Generate a legal keyword search list.
3. Frame the issue, incorporating one or more legal and fact words.
4. Use legal keywords to define the topic; choose one or more secondary sources to locate the controlling law.

TASK 7.2

Fact, Issue, and Keyword Summary

Who Are the Key Parties or Others with Information?

- Conrad Cash, creator of the will
- Farthing, daughter, beneficiary under the first will (client)
- Yuro, spouse, beneficiary under the second will
- Blissville Kennel Club, beneficiary under the second will
- Penny, former spouse, beneficiary under the first will
- Blissville District School Board, beneficiary under the first will

What Happened?

- Cash altered his will, disentitling former beneficiaries
- Cash did not inform his daughter about the change to his will following the accident

Where and When?

- Blissville, Ontario
- 2013: previous will created
- 2017: divorce from Penny; marriage to Yuro
- 2018: MVA/head injury—January; death—May

How? Why?

- Circumstances concerning the creation of the second will—unknown
- Date of second will—unknown
- Reasons for the creation of the second will—unknown

Additional Unknown/Assumed?

- Additional beneficiaries? Prior wills? Drafter of wills? Existence of relevant legislation, case law?

Legal Keywords

- will, beneficiary, validity, undue influence

Issue

Is Cash's second will valid?

NB: As research progresses, additional legal keywords may be suggested, more issues may become apparent, and other facts requiring scrutiny may be revealed. Revise the summary as required.

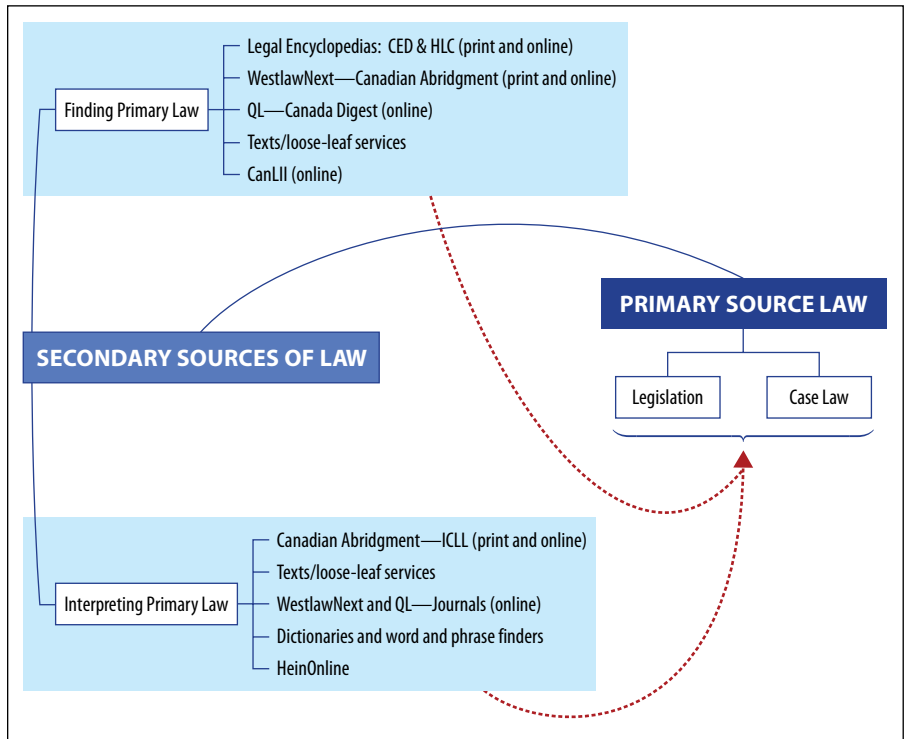
Because research tasks vary, no specific recommended research protocol can be applied uniformly to all research problems. Instead, you must consider what is already known and what remains to be discovered, and then decide which sources are most likely to provide relevant information. At this point, create a research plan; as the plan is executed, log information for further review and analysis. (See Chapter 9 to learn how to develop a research plan and log results.)

Figure 7.2 illustrates one approach to researching the fact hypothetical described in Task 7.1, using selected secondary sources to find and analyze primary law.

Although many secondary sources exist, if little is known about the issue and the governing primary law, consider a topic search using a legal encyclopedia.

In addition, take advantage of research learning opportunities provided through your law school, either through sessions offered by law or reference librarians or through training sessions provided by legal publishers.

FIGURE 7.2 Mind Map: Using Secondary Sources to Locate and Analyze Primary Law



IV. Locating Case Law by Topic: Print and Online

A. Legal Encyclopedias

1. *Canadian Encyclopedic Digest*

Available both in print and online, the *Canadian Encyclopedic Digest*¹ (CED), now in its fourth edition, is a comprehensive research tool useful for gaining a general understanding of the legal topic being researched. It references primary law (key cases and legislation) and may identify additional secondary sources that analyze primary law.

The CED organizes information by legal topic, or title. Two different but overlapping editions exist. Published in a multi-volume loose-leaf format, the CED (Western) emphasizes a Western Canadian perspective, while the CED (Ontario) provides an Ontario focus. However, legal discussion is not restricted to these two regions because both editions provide summaries of federal and provincial law from across all Canadian jurisdictions.

To search a topic in the CED:

1. Use the library catalogue to locate the CED. Locate the legal topic using either the general Index or the Research Guide and Key, found in separate volumes (print). Alternatively, on WestlawNext Canada, choose Canadian Encyclopedic Digest, then choose the area of law.
2. Locate the legal topic organized under one or more specific topic titles located in the legal topic volumes (print and online).
3. Narrow the search to specific subtopics as required.

Both the Index and the Research Guide and Key explain how to access information contained in the main volumes. When little is known about a subject, use the Index. By using legal keywords, you can locate the relevant volumes and titles. The topics are cross-referenced to additional related topics, which increases the comprehensiveness of the search. The Research Guide and Key is helpful when you know more about the topic than just keywords, because it lists the titles along with pinpoint references to statutes, regulations, and rules referenced in the CED.

Once you identify the relevant title using the Index, locate that title in the main volumes and search the title content. Each title divides the general topic into subtopics identified by numbered paragraphs (§§). A brief commentary supports

1 *Canadian Encyclopedic Digest*, 4th ed (Toronto: Carswell, 2010) (loose-leaf), online: <www.westlawnextcanada.com> [perma.cc/NB7R-5ZMT] (subscription required). The publisher provides e-learning tutorials for its products; see <www.westlawnextcanada.com/training-and-support> [perma.cc/R9R7-4LJE].

the subtopics, accompanied by citation references to primary law. Supplements, placed at the beginning of each title with the same numbered paragraph system, update the law.

Titles are arranged by:

- title tab
- a grey-bordered supplement that updates the title content (if available)
- white pages (table of classification or contents)
- tables of cases, statutes, and rules and regulations (optional)
- paragraphs and
- an index to the title topic

The paragraphs within the title are organized into parts and then subdivided into numbered sections. Each part contains descriptions of different legal issues. Each section may then be further subdivided with additional information concerning cases and statutes. A “pending legislation” heading at the beginning of the update supplement reminds the researcher to check for amendments to legislation.

One must understand how to use both the print and online versions of the CED, because one or the other version may not always be accessible. However, once you have established proficiency in both online and print-based research methods, you may choose the preferred version to locate primary law.

Using the hypothetical described in Task 7.1, consider the following steps, which illustrate the process of using the CED to find primary law.

TASK 7.3

Using the CED to Find Primary Law: Print

- Select the CED (Ontario) because the facts indicate that Ontario is the relevant jurisdiction.
- Select the Index volume and find the tabbed List of Titles. Record the Wills volume and title numbers (volume 53, title 161).
- Find “wills” in the Index. Examine the headings and record relevant subheadings. Note the subheading titled “Undue Influence”. Other subheadings of interest might include “Requirements for a Valid Will” and “Suspicious Circumstances”. Record both the descriptive phrase and corresponding paragraph reference (S) because CED topics are organized by volume, title, and paragraph number, not page number. Record all potentially relevant subtopics. Later, refine the search and exclude irrelevant subtopics.

- Knowing the currency of the material selected is critical. Record the currency date located at the bottom of the page—as of the date of publication of this book, the Key and Index volumes were last updated in April 2018.
- Locate volume 53 and select title 161. Locate the table of contents. Select relevant topic headings and record the organizing classification code (IV.2.d).

IV. Requirements for a Valid Will
2. Knowledge and approval
(d) Undue Influence

- Subtopics related to the conditions under which a will can be created or revoked may also be of interest; they can be examined as the research continues. Examine cross-references to locate potential research leads.
- Note that “Undue Influence” appears at §94. Note the various subheadings under this subtopic. Investigate such phrases as “general”, “alleging”, “presumptions”, or “suspicious circumstances”. The numbers following these phrases identify the numbered paragraphs that reference this subtopic.
- Find §94 in the contents. Notice the brief description “Undue Influence”, followed by citation references and brief summaries of leading cases or references to legislation. Record the currency date for this title—April 2015.
- Locate the identified judicial decisions and legislation by citation reference; review them to discern the underlying statutory scheme and the associated legal principles that apply to a claim of undue influence when a will’s validity is being assessed.
- Examine the supplement that updates the law, if available (grey-bordered pages). It provides recent additions to legislation and case law. Note the supplement’s currency date—October 2017. Examine the supplement and locate the target paragraph (§94) reviewed earlier; record and review the updated information.
- Using the CED, you have now located references to relevant primary law, which you can review to gain an understanding of how undue influence may affect a will’s validity.

TASK 7.4**Using the CED to Find Primary Law: Online**

Sign on to the WestlawNext Canada website. The default tab is All Content. Under Commentary, select “Canadian Encyclopedic Digest”. Choose “Wills” from the list of available topics. (Although you can search the CED by keyword using the templates, at this point in the research, this approach may be less efficient unless you know enough about the topic to narrow the search sufficiently.)

The screenshot shows the WestlawNext Canada website interface. At the top, there is a search bar with the text "Q- Enter search terms, citations, databases, anything ...". Below the search bar is a "Browse" section with several tabs: "All Content", "Find and KeyCite by Name", "McGill Guide", "International", "Products", and "Product Information". The "All Content" tab is selected. Underneath, there are several categories of legal resources:

- Primary Sources**
 - Cases and Decisions
 - Statutes and Regulations
 - Rules
 - Securities Regulatory Materials and Bulletins
 - Policy Documents and Directives
- Commentary**
 - Canadian Encyclopedic Digest** (highlighted with a red box)
 - Texts and Annotations
 - Legal Memoranda
 - Articles and Newsletters
 - Collective Agreement Summaries
- Court Documents**
 - Pleadings, Motions and Facta/Briefs
 - Insolvency Court Filings

TASK 7.5

CED Online: Subtopic Search

Use the alphabetical list to locate the Wills topic. Browse the Wills topic by broad subheading. For example, the topic “Knowledge and Approval”, which appears under “Requirements for a Valid Will”, contains the subtopic “Undue Influence”.

Record the currency date. Note that the classification code IV.2.d is the same in both the print and online versions of the CED.

Home > Canadian Encyclopedic Digest
Wills | Add to Favourites
Canadian Encyclopedic Digest provides a comprehensive statement of the law of Ontario and the four western provinces - provincial, federal and common law - as derived from the case law and legislation. Browse Table of Contents below or search above.

Select all content | Collapse All | Search all content | Specify content to search

- Currency
- Tables
 - Table of Statutes
 - Table of Rules
 - Table of Regulations
- I — The Nature of a Will
 - 1 — Definition
 - 2 — Operation Dependent Upon Death
 - 3 — Testamentary Intent
 - 4 — Types of Wills
 - 5 — Agreements Regarding Wills
- II — Application of Legislation
 - II — §27-§31
- III — Power of Disposition
 - 1 — Testamentary Capacity
 - 2 — Property Subject to Disposition
 - 2.1 — Public Policy Considerations
 - 3 — Beneficial Plans
 - 4 — Powers of Appointment
 - 5 — Reservation of Power to Dispose
 - 6 — Delegation
- IV — Requirements for a Valid Will
 - 1 — General
 - 2 — Knowledge and Approval**
 - 3 — Attested Wills

Home > Canadian Encyclopedic Digest | **Wills > IV — Requirements for a Valid Will** | Add to Favourites
2 — Knowledge and Approval
Canadian Encyclopedic Digest provides a comprehensive statement of the law of Ontario and the four western provinces - provincial, federal and common law - as derived from the case law and legislation. Browse Table of Contents below or search above.

Select all content | Collapse All | Search all content | Specify content to search

- (a) — General**
 - IV.2 (a) — §85
- (b) — General Burden of Proof**
 - IV.2 (b) — §86
- (c) — Suspicious Circumstances**
 - IV.2 (c) — §87-§93
- (d) — Undue Influence**
 - (i) — General
 - (ii) — Presumptions and Burden of Proof
 - (iii) — Particular Disposition Impugned
- (e) — Fraud**
 - IV.2 (e) — §103
- (f) — Mistake**
 - IV.2 (f) — §104
- (g) — Solicitor's Duty**
 - IV.2 (g) — §105

Review the commentary associated with the subtopic chosen. There are extensive footnotes associated with this commentary. Many of the footnotes link to the full text of the case or statute.

For those cases not included in the CED online, locate the case elsewhere online or in print using its citation reference.

No additional updating is required when using the online version, unlike the print version. Also, while the Ontario and Western print versions are published in separate sets, they are integrated in one platform online.

2. *Halsbury's Laws of Canada*

*Halsbury's Laws of Canada*² is a multi-volume encyclopedic-style reference similar to the CED in national scope and purpose. It organizes legal concepts by topic and subtopic, and is available in print and online.

HLC provides summary statements of the law supported by primary law references to judicial decisions and legislation, cross-referenced to related law. Each topic provides a table of contents, index, table of cases, and table of statutes. Topic titles are published in hardcover. HLC does not use a loose-leaf format; rather, annual cumulative supplements update the law.

To search an HLC topic:

1. Locate the legal topic using the Guide and Consolidated Index (print version only).
2. Locate the legal topic in the main topic volumes; narrow the search to specific subtopics as required (print and online).
3. Update using the Cumulative Supplement if available (print version only).³

As with the CED, one must understand how to use both the print and online versions of HLC because one or the other version may not always be accessible. However, assuming that neither availability nor cost is a factor, once you have established proficiency in both online and print-based research methods, choose the preferred version to locate primary law.

2 *Halsbury's Laws of Canada* (Toronto: LexisNexis Canada, 2006) print (supplemented publication) and online: <www.lexisadvancequicklaw.ca> [perma.cc/QZ95-P9T9] (subscription required) [HLC].

3 HLC is continuously updating and reissuing volumes, incorporating information previously published in the Cumulative Supplement in the main topic volumes.

TASK 7.6

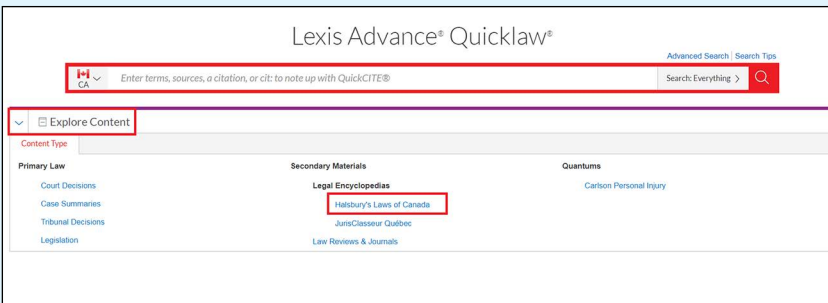
Using HLC to Locate Primary Law: Print

- Select the most recent softcover Guide and Consolidated Index of HLC. Using previously identified legal keywords, locate the Wills topic (HWE). Record relevant subtopic references (e.g. undue influence and suspicious circumstances), HWE-189–190, HWE-25, HWE-184.
- Locate the Halsbury’s Wills and Estates (HWE) volume and examine its organization. Find the Table of Cases and the Table of Statutes near the beginning of the volume. These tables identify the case law and legislation referenced in the volume. Locate and record the currency date (7 March 2016) found immediately before the Table of Cases.
- Either the Table of Contents or the Index can be used to locate relevant information. Turn to the volume Index, and using the keyword “wills” note the cross-reference to “undue influence”. Record and locate relevant paragraphs—HWE at paragraphs 189–190.
- HLC and the CED use a similar paragraph referencing system. Turn to the relevant paragraphs. The organization of information is similar to that in the CED. Brief commentary, either of a general nature or specific to a province or territory, is followed by citation references to relevant case law and legislation.
- If the cumulative supplement is available, locate the currency date, and note additional relevant information under the Wills and Estates topic.

TASK 7.7

Using HLC to Link to Primary Law: Online

- Sign in to the Lexis Advance Quicklaw website. Just below the search box, under “Explore Content”, choose Halsbury’s Laws of Canada.



- From the alphabetical list of topics, choose Halsbury's Laws of Canada – Wills and Estates (2016 Reissue) (Mackenzie).
- The Table of Contents for this section is provided. Selecting an arrow to the left of each listing will show its contents. Select the arrow next to Wills. Note that there is a subheading "Contesting a Will". Select the arrow next to it to view its contents.

▼	I. WILLS	Q*
▶	1. Nature of a Will	Q*
▶	2. Capacity to Make a Will	Q*
▶	3. Formal Requirements	Q*
▶	4. Revocation, Republication, Revival	Q*
▶	5. Interpretation	Q*
▶	6. Testamentary Gifts	Q*
▶	7. Failure of Gift	Q*
▼	8. Contesting a Will	Q*
▶	(1) Bases for Contesting a Will	Q*
▶	(2) Formal Requirements	Q*
▶	(3) Knowledge and Approval of Contents	Q*
▼	(4) Undue Influence	Q*
▶	(a) Burden of Proof	
▶	(b) What Constitutes	

- Select the subheading (a) Burden of Proof. The full text of the document is provided.

[< Previous](#) [Next >](#)

HWE-189 Burden on attackers.

Halsbury's Laws of Canada - Wills and Estates (2016 Reissue)
Ian M. Hull (Contributor)

HWE-189
[Halsbury's Laws of Canada - Wills and Estates \(2016 Reissue\) \(MacKenzie\)](#) > [I. WILLS](#) > [8. Contesting a Will](#) > [\(4\) Undue Influence](#) > [\(a\) Burden of Proof](#)

I. WILLS

8. Contesting a Will

(4) Undue Influence

(a) Burden of Proof

HWE-189 Burden on attackers. There is a distinction between knowledge and approval of the contents of the will and undue influence: a testator may be fully aware of what he or she is doing but have his or her independence of will completely overborne. ¹ Undue influence is a species of fraud, ² and the burden of proof of undue influence is on the attackers of the will to prove that the mind of the testator was overborne by the influence exerted by another person such that there was no voluntary approval of the contents of the will. ³ The burden is the civil burden of the balance of probabilities. ⁴ There is no fiduciary presumption of undue influence in the case of wills. ⁵ A person in a position to overbear a testator may exercise persuasion to obtain a will or a legacy in his or her favour, and the will stands in the absence of positive proof of undue influence by those who assert it. ⁶ Evidence offered to support undue influence may be insufficient to meet the burden of proof but may be sufficient to overcome the benefits of any helpful presumptions in favor of the executors about testamentary capacity ⁷ and result in the will being set aside for lack of capacity. ⁸ Where proven, undue influence invalidates a revocation, ⁹ and the court should declare that the persons exercising the coercion are merely trustees of the benefits they take under the will. ¹⁰

- Note that each section of an encyclopedia entry contains an alphanumeric code that corresponds to the print version, and that is used for citation purposes. The content of this encyclopedia entry is provided here. Be sure to view the footnotes: they provide citations and links to the cases and statutes from which this particular encyclopedia entry is derived. The footnotes to an encyclopedia entry are the starting point for continued research into the primary source materials.

B. The Canadian Abridgment

*The Canadian Abridgment*⁴ (“Abridgment”) is a robust multi-function research resource available both in print and online. It is not an encyclopedia because it does not provide general summaries of research topics as do both the CED and HLC. However, it includes search features to locate primary law by:

- topic/case digest
- case name/citation/judicial consideration
- legislation name/citation/legislative consideration
- legal keyword

Furthermore, the Abridgment includes research tools to aid with primary law analysis, such as a periodical index that references legal commentary as well as specific case and legislative comments. It also includes a primary law note-up feature to determine the historical judicial treatment of both cases and legislation. The publisher of the Abridgment has compiled a concise reference tool, available in print and online, that summarizes its key features and provides guidelines for its use.⁵

Competent researchers must understand how to use both the print and online versions of the Abridgment because one or the other version may not always be accessible. However, assuming that neither availability nor cost is a factor, once you have established proficiency in both online and print-based research methods, you may choose the preferred version to locate primary law.

4 *The Canadian Abridgment*, 3rd ed (Toronto: Thomson Carswell) print (supplemental publication) and online: <www.westlawnextcanada.com> [perma.cc/NB7R-5ZMT]. Users of the Abridgment can find out proposed developments to the Abridgment along with research tips at <store.thomsonreuters.ca/products/the-canadian-abridgment> [perma.cc/AHC5-4ER4].

5 *A Short Guide to the Canadian Abridgment*, online (pdf): <www.westlawnextcanada.com/dynamic/data/attacheddocs/userguides/canadian_abridgment_insidelowres.pdf> [perma.cc/8FZF-GWQQ] [*Short Guide*].

1. Finding Case Law by Topic Digest: Print

A successful topic search will reveal digests that lead to relevant judicial decisions. Digests are brief summaries, ranging from one to several paragraphs, that explain the court's decision of the legal issues. After reviewing the digests, organize the results of your research and select those decisions likely to be most relevant for further study.

A topic search to locate case digests requires the sequential review of:

- Key and Research Guide (“Guide”) and/or the General Index (“Index”)
- main volumes containing case digests
- annual and monthly case digest update supplements/Canadian Current Law

While the Guide and the Index are loose-leaf research tools, the main volumes containing the Digests are printed in hardcover volumes and softcover supplements.

TASK 7.8

Using Case Law Digests to Locate Judicial Decisions: Print

- You can use either the General Index or the Key and Research Guide to locate relevant case digests; however, the search method used for each differs.
- Begin with the Guide and Index. In the Guide, turn to the tab marked Key and find the “Subject Titles Table”. If, as in this case, the keyword selected does not lead to the correct subject title (Wills), use the Index. Note that “will” is cross-referenced to the phrase “Estates & Trusts”. Another strategy is to look for the word “wills” in the General Index, which is organized alphabetically.
- In the General Index volume locate “Wills”. Scan the subtopics; under the “Undue Influence” subtopic, record the reference to “Estates Issues, see Estates”. Under “Estates”, note the subheadings of “Will Challenges” and “Undue Influence”.
- Although using the General Index is efficient, you might find the Research Guide more effective because you are less likely to overlook relevant information.
- In the Research Guide locate the “Estates and Trusts” title in the Contents Key. Note that you must examine volumes 32 through 35 to completely review this topic. Locate the subtopic “Undue Influence”. Record the alphanumeric classification number. This number is an essential finding tool to locate relevant digests. On the basis of the facts, classification number I.7.b.iii.B may be of particular interest because this topic concerns undue influence by a family member. Record all the noteworthy classification numbers before beginning the case digest search. Note that many topics, including those under number I.7, are located in volume 33.

- Before finding the relevant digests, review the Case Law Update volume, which will likely be shelved adjacent to the General Index and Guide. Use this search tool once you have identified the relevant classification numbers. In the Update volume under “Estates”, look for classification number I.7.b.iii.B. Record any information you find, which can be used to locate digests in the supplements to the main volume.
- The digests are located in the main volumes. Select the relevant hardcover volume (EST 33) and the softcover blue supplement to volume 33. Find the case digests that correspond to classification number I.7.b.iii.B, first in the hardcover volume and then in the supplement. Note and record the currency date on the cover of each volume.
- Review the relevant digests concerning “Estates—Undue Influence” by looking at the Index volume or by scanning the volume to locate the relevant classification code.
- Note that the digests provide more detailed information about each case than do the CED and HLC. By scanning each digest, you can identify judicial decisions that warrant further examination. For example, by examining the citation reference, you can locate cases decided by a court of appeal and the Supreme Court of Canada. Depending on the cases you find, you might choose to examine cases decided by a court in the same jurisdiction, or you might select cases from various jurisdictions with similar facts.
- To update beyond the date covered by the supplement, locate the relevant softcover monthly supplements titled Canadian Current Law—Case Digests. You can examine each monthly supplement using both the same “Estates” topic and the same classification number (I.7.b.iii.B).
- However, you can shorten the search of the monthly supplements by recalling whether any relevant references were found in the Case Law Update and using that information to focus the search on the relevant monthly supplements.
- Because of the number of steps required in the case digest search, ensure that you record or log the steps as you complete them. This ensures efficiency and comprehensiveness in the event that your work is interrupted prior to completion.

2. Finding Case Law by Topic Digest: Online

TASK 7.9

Using the Abridgment to Link to Judicial Decisions: Online

- Sign on to the WestlawNext Canada website. The default tab is All Content. Under Finding Tools, choose “Canadian Abridgment Digests”. Scan the list of titles and open “Estates and Trusts”.

The screenshot shows the WestlawNext Canada website's 'Browse' page. The page has a navigation menu with tabs for 'All Content', 'Find and KeyCite by Name', 'McGill Guide', 'International', 'Products', and 'Product Information'. Below the menu, there are sections for 'Primary Sources', 'Commentary', 'Court Documents', and 'Finding Tools (not in federated search)'. The 'Finding Tools' section is highlighted with a red box, and the 'Canadian Abridgment Digests' link is also highlighted with a red box.

Browse					
All Content	Find and KeyCite by Name	McGill Guide	International	Products	Product Information
Primary Sources					
Cases and Decisions	Statutes and Regulations	Rules			
Securities Regulatory Materials and Bulletins	Policy Documents and Directives				
Commentary					
Canadian Encyclopedic Digest	Texts and Annotations	Legal Memoranda			
Articles and Newsletters	Collective Agreement Summaries				
Court Documents					
Pleadings, Motions and Facta/Briefs	Insolvency Court Filings				
Finding Tools (not in federated search)					
Canadian Abridgment Digests	Words & Phrases	Index to Canadian Legal Literature (ICLL)			
Legislative Concordances	Quantum Services	Legal Directories			
Forms and Precedents	Indices	Canadian Guide to Uniform Legal Citation (McGill Guide)			

- The classification number (1.7.b.iii.B) is the same whether searching for digests in print or online.
- Select “+” and select “1. Estates”, then “7. Will Challenges”, then “b. Undue Influence”, then “iii. Source of Influence”, then “B. Family Member”. Review the references found and link to the selected sources to review the primary law.
- Because judicial decisions are frequently added to the online databases, no additional steps are needed to update the law. However, be sure to always note the currency date of the research when using either the online or print version of the Abridgment, or any other research tool.
- As with the online versions of the CED and HLC, an additional benefit with online Abridgment searching is the increased functionality obtained through the provision of direct links to primary law. A further benefit is a cross-referencing feature that connects the CED and the Abridgment when conducting a search using either product.

C. Canada Digest: Online

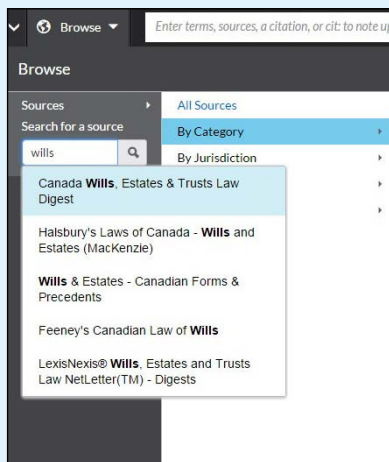
Lexis Advance Quicklaw's *Canada Digest* (CD) service is comparable to the online version of the Abridgment. Unlike the Abridgment, however, there is no companion print service. The collection is extensive, with material dating from the 1800s, and includes federal and provincial judicial decisions, as well as decisions from some administrative boards and tribunals.

The CD uses a similar classification system to the Abridgment and can be browsed in a similar manner.

TASK 7.10

Using the Canada Digest to Locate Judicial Decisions: Online

- From the Lexis Advance Quicklaw home page, choose Browse at the top of the page.
- In the Search for a Source field, enter “wills” and select Canada Wills, Estates & Trusts Law Digest from the list of recommended sources.



- Select the link provided to view this source. A table of contents is provided. Select the arrow next to a heading in order to view the associated subheadings. Under the main Wills listing, select the arrow next to “Preparation and execution”, then “Undue influence, fraud and mistake”, then “Undue influence”.

▼	Preparation and execution - WIL215	Q*
▶	** Digests under this heading	Q*
▶	Attestation - WIL220	Q*
▶	Formal validity, requirements - WIL285	Q*
▶	Proof - WIL455	Q*
▼	Undue influence, fraud and mistake - WIL515	Q*
▶	** Digests under this heading	
▼	Undue influence - WIL520	
▶	** Digests under this heading	
▶	Source of influence - WIL525	

- Review the content to locate digests of relevant cases. Link to the full text of the case on Lexis Advance Quicklaw for further review. Record the classification number, WIL520, for your records.

D. Comparative Advantages of Online and Print Topic Research

- It may be advisable for the novice researcher to start with a print text search because print indexes can be scanned more quickly than online indexes. However, online searching allows in-text word and phrase finding, while print searching requires a lengthier canvassing of indexes. Therefore, once you have established proficiency, you may prefer online searching for its convenience.
- Online searching frequently provides direct links to primary law. This saves the step of identifying primary law in another source.
- The online versions of the CED, HLC, and the Abridgment are updated more frequently than the print versions and do not require the researcher to scan supplements in order to update.
- Although law students are provided with free passwords to commercial online services while at school, they lose this benefit once they are in practice. The research cost must therefore be passed on to the client or subsumed by the lawyer. The cost of commercial online secondary sources may restrict its use once the lawyer enters practice, making the print version the only format available. Some university law libraries continue to maintain these products in print format.

FIGURE 7.3 Topic Search: Comparison of Print and Online Options

	CED and Halsbury's		Abridgment— Case Digests		Canada Digest
	Print	Online	Print	Online	Online
Cost	Free (library)	Subscription	Free (library)	Subscription	Subscription
Updating	Update using supplements	Updated	Update using supplements	Updated	Updated
Search Method	Browse	Browse/ keyword search	Browse	Browse/ keyword search	Browse/ keyword search
Information	Topic overview Source citations	Same as print, links to sources	Case digests	Case digests, links to cases	Case digests, links to cases

V. Locating Primary Law by Name or Legal Citation

Understanding how to locate primary law using official sources is an essential competency. (Follow the steps described in Chapters 3, 4, and 5 to find official sources of legislation; follow the steps described in Chapter 6 to find judicial decisions.) However, you can use secondary sources to locate primary law if you know even part of the case or statute name.

TASK 7.11

Structuring a Search Using Primary Law Keywords or Citations

Returning to the issue of the validity of Conrad Cash's will, assume that you have not yet conducted a topic search. Instead, you have been requested to research the following:

- Find *Vout*, a judicial decision about a will's validity. The jurisdiction, court level, and name of the other party are unknown. Note up *Vout*, determining both its history and its judicial treatment.
- Locate Ontario legislation about succession, which includes information about wills.

Because research costs are usually a factor, consider lower-cost options before those that require a paid subscription.

A. CanLII: Online

CanLII⁶ is a relatively recent addition to the domain of legal research resources. It began in 2000 under the auspices of the Federation of Law Societies of Canada, and provides free access to domestic primary law as well as links to foreign jurisdictions.

This resource is a sound option if a general keyword rather than a topic search is required. However, the prudent researcher should continue to undertake searches of commercial providers of legal information, particularly when searching for historical judicial decisions and secondary source commentary.

TASK 7.12

CanLII: Locating Judicial Decisions by Keyword Search

On the CanLII home page, enter “Vout” into the “Case name, legislation title, citation or docket” search field. (Note that the search is case-insensitive.) Search. Two case decisions are found, one from the Ontario Court of Appeal and one from the Supreme Court of Canada. Review the original citation reference that was located using the encyclopedia or digesting service to ensure that you are reviewing the correct case.

The screenshot shows the CanLII website interface. At the top, the CanLII logo is on the left, and 'The Canadian Legal Information Institute' is in the center. On the right, there are links for 'Français' and 'English'. Below the header is a search bar with the text 'Document text' and a question mark icon. The search term 'Vout' is entered in the search field, which also has a clear button (x) and a question mark icon. Below the search bar is a dropdown menu with the text 'Noteup: cited case names, legislation titles, citations or dockets' and a question mark icon. To the right of the dropdown is a search button with a magnifying glass icon. Below the search bar, there are filters for 'All CanLII (2)', 'Cases (2)', 'Legislation (0)', and 'Commentary (0)'. There is also a dropdown for 'All jurisdictions' and a 'By Relevance' dropdown. At the bottom right of the filters are social media icons for RSS, LinkedIn, and Twitter. The search results are listed below the filters:

1. **Vout v. Hay**, 1993 CanLII 527 (ON CA) – 1993-12-22
Court of Appeal for Ontario – Ontario
discrepancies – deceased – disproving – will – surrounding
2. **Vout v. Hay**, [1995] 2 SCR 876, 1995 CanLII 105 (SCC) – 1995-06-22
Supreme Court of Canada – Canada (Federal)
testator – undue influence – suspicious circumstances – propounder – will
cited by [266 documents](#) related commentary at [CanLII·Connects](#)

6 Canadian Legal Information Institute (CanLII), online: <www.canlii.org> [perma.cc/8VDA-4TAN].

TASK 7.13**CanLII: Locating Legislation by Keyword Search**

- From the CanLII home page, go to Ontario to narrow the search by jurisdiction. Under the heading Legislation choose “Statutes and Regulations”. In the search form, enter the keyword “succession” in the “Legislation title or citation” field. Search. The *Succession Law Reform Act* is the first result.
- CanLII’s Statutes and Regulations of Ontario search page includes a link to the Ontario e-Laws website. However, CanLII provides added value through links to cases that have judicially considered the statute, which is not available through the government website. Judicial treatment of primary law is an essential aspect of legal research that will be discussed later in this chapter.

B. The Canadian Abridgment: Consolidated Table of Cases—Print

The Canadian Abridgment: Consolidated Table of Cases provides citation information for every level of court. However, as with any print service that frequently adds new information, updating is required. There may be as many as four different multiset series of volumes to review to complete a table of cases search, including:

- Set of 22 hardcover volumes.
- Set of 22 softcover supplements, which post-date the hardcover volumes.
- Softcover volumes, quarterly supplements, which post-date the softcover volumes; these will not always be available, depending on the date of the search; however, if they are on the shelf, they will be dated from April to June, April to September, or April to December.
- Softcover monthly, *Canadian Current Law*; the table of cases can be found at the beginning of each paper monthly; it is necessary to examine only the monthly digests that postdate the quarterly supplements.

Whether or not the case can be found in the main volume, continue to update until the present date by first checking the annual supplements, then the quarterly supplements, and then the monthly supplements. This additional step ensures that you do not overlook a subsequent court proceeding.⁷

It is possible that two different cases may have the same style of cause, so use additional information to narrow the search, such as the year of the decision or jurisdiction (where the case arose and was heard).

⁷ For additional information regarding the sequence of volumes to consult, review the *Short Guide*, *supra* note 5.

TASK 7.14**Canadian Abridgment: Consolidated Table of Cases—
Locating Judicial Decisions in Print**

- Locate the *Consolidated Table of Cases* to find *Vout*. Information in the volumes is alphabetized. If the date of decision is unknown, select the main volume and search under the case name. Only one case has listed *Vout* as a party.
- Essential information provided by the citation includes the date the case was reported (1995), the jurisdiction, and the court level (Supreme Court of Canada). Locate the case using the citation information.
- Because the citation indicates that the case was decided by the Supreme Court of Canada, further review of the supplements is unlikely to provide additional information, but make a habit of checking the supplements to ensure that no additional information can be found. For the *Vout* decision, a further review of annual, quarterly, and monthly supplements yields no new information.
- Note the series of numbers and letters in bold. These can be used to locate the digest that presents a summary of the case.
- A case may contain judicial consideration of multiple legal issues. Because a separate digest is created for each legal issue discussed within the same case, the case may be digested under more than one legal topic. Therefore, there may be multiple digests, with different alphanumeric reference codes for each, as explained in Task 7.8.

**C. WestlawNext Canada and Lexis Advance Quicklaw:
Keyword Searching Online**

When searching a topic, a general keyword search is not recommended because too many hits are provided, many of which will be irrelevant. However, when the keywords can be narrowed sufficiently, a keyword search for primary law can be undertaken using both WestlawNext Canada and Lexis Advance Quicklaw.

On both the WestlawNext and Lexis Advance home pages, use the search box to search by case or legislation name, by words or phrases, or by legal commentary keyword found in law reports. Both sites offer a wide variety of filters that allow you to narrow your search results.

TASK 7.15

WestlawNext Canada: Locating Judicial Decisions Using a Keyword Search—Online

- A general search using the keyword phrase “undue influence” generates 8,500 documents.
- Select “Cases and Decisions” to narrow the search.

The screenshot shows the WestlawNext Canada search interface. The search term is "undue influence". The left sidebar shows a list of sources with counts: Overview (12), PRIMARY SOURCES (Cases and Decisions: 10,000; Statutes and Regulations: 136; Rules: 22; Securities Regulatory Materials and Bulletins: 166; Policy Documents and Directives: 0), COMMENTARY (Canadian Encyclopedic Digest: 100; Legal Memoranda: 75; Texts and Annotations: 150; Articles and Newsletters: 200), COURT DOCUMENTS (Insolvency Court Filings: 42; Pleadings, Motions and Factsheets: 200), and ALL RESULTS (11,091). The main area shows an "Overview (12)" section with a "Cases and Decisions" link. Two cases are listed: **O'Neill v. O'Neill** (1953 CarswellOnt 18; 1953 O.W.N. 280) and **Colish v. Walsh** (2001 CarswellNfld 221; 2001 NFCA 41; 2001 N.J. No. 230; 107 A.C.W.S. (3d) 906; 203 Nfld. & P.E.I.R. 225; 40 E.T.R. (2d) 204; 610 A.P.R. 229). The **Colish v. Walsh** case summary is partially visible, mentioning a mother who lived in an own house with son and gave power of attorney to daughter.

- Use the filters on the left menu under Narrow. In the “Search within results” field, enter “contested will” and search. The search finds 90 cases, including *Vout*.

The screenshot shows the WestlawNext Canada search results for "undue influence" with filters applied. The left sidebar shows the same source counts as the previous screenshot. The "NARROW:" section is expanded, showing "Undo Filters", "Apply Filters", and "Cancel" buttons. The "Search within results" field contains the text "contested will" and "Undo search within". The main area shows a list of 90 results, sorted by Relevance. The first result is **1. Goodman Estate v. Geffen** (1991 CarswellAlta 91; 1991 2 S.C.R. 353; 1991 5 W.W.R. 389; 1991 1 A.W.L.D. 608; 1991 S.C.J. No. 53; 125 F.T.R. 241; 14 W.A.C. 81; 27 A.C.W.S. (3d) 930; 42 E.T.R. 97; 80 Alta. L.R. (2d) 203; 81 D.L.R. (4th) 211; J.E. 91-1059; EYB 1991-85670; 1991 CarswellAlta 557; Supreme Court of Canada Alberta June 27, 1991). The second result is **2. Vout v. Hay** (1995 S.C.J. No. 58; 125 D.L.R. (4th) 431; 183 N.R. 1; 7 E.T.R. (2d) 209; 82 O.A.C. 161; J.E. 95-1307; EYB 1995-67432; 1995 CarswellOnt 186; 1995 CarswellOnt 528; 1995 2 S.C.R. 876; Supreme Court of Canada Ontario June 22, 1995; Docket Doc. No. 24009; Subject Estates and Trusts). The third result is **3. Fennell v. Fennell** (2012 CarswellNfld 85; 2012 H.L.T.D.(G) 26; 212 A.C.W.S. (3d) 886; 319 Nfld. & P.E.I.R. 269; 992 A.P.R. 269; Newfoundland and Labrador Supreme Court (Trial Division) Newfoundland and Labrador February 23, 2012; Docket: 2009050228; Subject Estates and Trusts). The **Vout v. Hay** case summary is highlighted with a red box, showing the text: "practice to apply the rule here stated in cases of **contested wills** where the evidence of the solicitors by whom the wills...".

VI. Noting Up Primary Law: Judicial Decisions—Print and Online

The previous discussion focused on using secondary sources of law to find primary law. However, before relying on a case as part of the analysis of a legal issue, the lawyer must first determine whether the case is authoritative, sometimes referred to as “good law”. For example, a case decided in 1984 may be the leading case on a specific issue, having been referred to as authority by subsequent judges considering the same issue; on the other hand, it may have been overturned or further interpreted by a higher court, and will therefore no longer be authoritative.

Moreover, although the case may not have been appealed, and thus have no subsequent history, the legal issue may have been considered in one or more later cases. Decisions made by judges about the precedential value of a case can add or detract from the case’s authority and weight. For example, judges may either endorse the reasoning of a prior case as a correct interpretation of the law, or decide that a different interpretation should be adopted. Furthermore, the case may be distinguished by a subsequent court as not applying closely enough to the underlying facts of the case. Therefore, determining the case history⁸ and the subsequent judicial treatment of a case, also called “noting up”, is an essential component of competent legal research.

This information can be found using both print and online sources.

A. The Canadian Abridgment: Canadian Case Citations—Print

The Abridgment provides both the case history and judicial treatment of decided case law. As with the Consolidated Table of Cases series, a search involves examining both hardcover texts and softcover supplements to ensure that the case is noted up to the most current date available.⁹ The discussion that follows illustrates the noting-up process using the wills hypothetical and the *Vout* case.

⁸ See Chapter 6, Sections IV.C and IV.D for an introduction to noting up case law.

⁹ *Short Guide*, *supra* note 5.

TASK 7.16**Noting Up Judicial Decisions Using Canadian Abridgment:
Canadian Case Citations—Print**

- Locate *The Canadian Abridgment: Canadian Case Citations* hardcover volumes. Cases are arranged in alphabetical order within the volume set. Locate the case name. *Vout* is found in volume R31. Record the volume's currency date.
- Update to the softcover supplements—annual, quarterly, and monthly, if available. Record the currency dates to ensure that no gap in time occurs. The case citation information provides the necessary information to locate the case in print or online.
- Examine the information listed after the case, where available. The references identify the cases that have judicially considered the case, at each court level. The adjacent symbols indicate the judicial treatment given to the case. A symbol legend is provided at the bottom of each page for reference.
- To appreciate the importance of noting up and the value of this research tool, it is necessary to locate and brief the target case and consider its importance.

Vout v Hay: Case Brief

An 81-year-old man who was murdered left a major portion of his estate to a friend. Surviving family members challenged the will's validity. The trial judge admitted the will to probate because there was insufficient proof that the testator lacked mental capacity to create the will. The Court of Appeal set aside the decision and ordered a new trial on the grounds that the trial judge failed to properly consider the issue of suspicious circumstances.

The Supreme Court of Canada determined that suspicious circumstances may be raised by: (1) circumstances surrounding the preparation of the will; (2) circumstances tending to call into question the capacity of the testator; or (3) circumstances tending to show that the free will of the testator was overborne by acts of coercion or fraud.

In this case, the Supreme Court restored the decision at trial and held that the trial judge did not make any error of law or any palpable or overriding error with respect to facts.

...

- By using *Canadian Case Citations*, the researcher can discover the case history of *Vout*, which reached the Supreme Court of Canada, and locate cases that considered the legal test applied by the SCC in *Vout* when considering the issue of suspicious circumstances in the creation of a will.

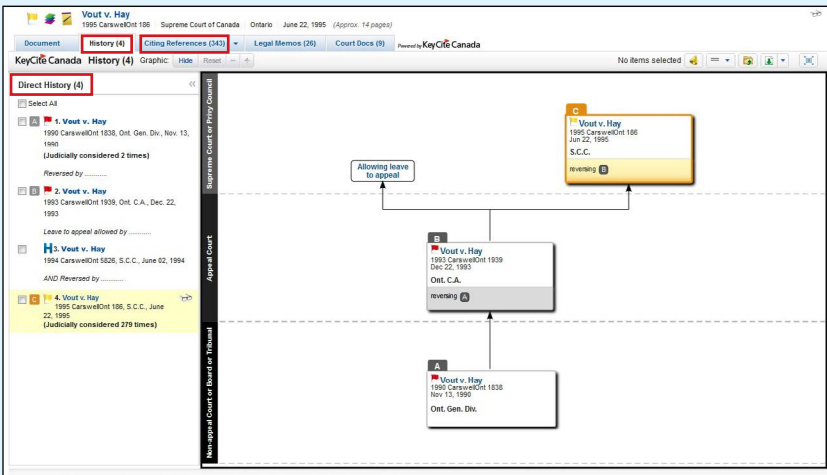
B. Noting Up Cases: WestlawNext Canada, Lexis Advance Quicklaw, and CanLII—Online

Online noting-up functions are provided by both the commercial legal information services WestlawNext Canada and Lexis Advance Quicklaw and the free service CanLII. Because these services are updated frequently, there are no supplements to consult, and direct links to cases ensure more efficient searching. The additional cost of using commercial services must be considered when deciding which service to use.

TASK 7.17

WestlawNext Canada: Noting Up Cases Using KeyCite Canada

Westlaw’s noting-up feature is called KeyCite Canada. Figure 7.4 explains Westlaw’s noting-up symbols. The case history and judicial treatment are provided. Once you have located the case you wish to note up, use the tabs at the top of the page to navigate to related content.



Under Direct History is a list of the decisions that were rendered at each level of court for this case. On the right, a graphical representation of the case is provided. Select the Citing References tab to see a list of the decisions that have since considered this case. Use the filters provided to navigate the content.

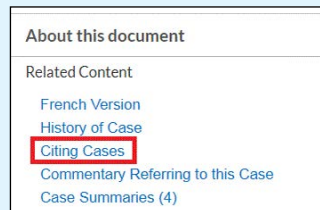
While commercial sources of information such as WestlawNext Canada and Lexis Advance Quicklaw, and free sources of information such as CanLII, provide helpful information to understand the disposition of the case at each level of court (i.e. the case history), you should ensure accuracy of this information by consulting the case itself. Sometimes, as in cases decided by the Supreme Court of Canada, the case history will be summarized in a paragraph prior to the reasons given by the court for its decision. Other courts hearing appeals may embed this information within the judicial reasoning itself.

Also note that both WestlawNext Canada and Lexis Advance Quicklaw provide lists of secondary sources that have cited a particular case using their respective noting-up functions. (On WestlawNext Canada, when viewing a case, choose the Citing References - Secondary Sources tab at the top of the page. On Lexis Advance Quicklaw, when viewing a case, choose “Commentary Referring to this Case” from the “About this document” box at the top right of the page.) Secondary sources such as journal articles can provide critical analysis of cases, and thus can be used to help interpret the law.

TASK 7.18

Lexis Advance Quicklaw: Noting Up Cases

Once a case has been opened on Lexis Advance Quicklaw, choose “Citing Cases” from the “About this document” box at the top right of the page.



A list of the cases that have cited this decision is provided. This page begins with a search field, which allows you to search within the list of citing cases. The page also provides a visual representation, which allows you to filter the citing cases by jurisdiction, year, level of court, and treatment.

▼ Citing Cases · Learn more

Search Within Citing Cases

Court Year Jurisdiction ▼ Hide graph

Category	ABCA	ABQB	ABSJrict	BCCA	BCSC	CAFC	MBCA	MBQE	NBCA	NBProtCt	NBQE	NBQBTD(1reInst)	NLCA	NLSCDT	NLSCDTGD	NSCA
Negative																
Cautionary			1		1											
Positive	1	10	1	2	5			3	2			2			1	2
Neutral	4	38	4	13	74	2	3	12	4	3	1	1	1	2	5	2

Cases (374) Sort by: Date (newest first) ▼

C **Olson v. Skarsgard Estate** 2018/8/22
 [2018] S.J. No. 325 Locus Para 32; 2018 SKCA 64 SKCA
SK
Cited

C **Peterson v. Welwood** 2018/8/15
 [2018] B.C.J. No. 2983 Locus Para 142; 2018 BCSC 1379 BCSC
BC
Followed

TASK 7.19

CanLII: Finding Judicial Treatment

CanLII's noting-up feature can be accessed at the beginning of each case.

Choose "Cited by _____" to see a list of decisions that have considered the case.

CanLII Home > Canada (Federal) > Supreme Court of Canada > 1995 CanLII 105 (SCC) Français | English

Find in document

Vout v. Hay, [1995] 2 SCR 876, 1995 CanLII 105 (SCC)

Date: 1995-06-22
 File number: 24009
 Other citations: 125 DLR (4th) 431; 183 NR 1; 82 OAC 161; 7 ETR (2d) 209; [1995] CarswellOnt 186; JE 95-1367; [1995] SCJ No 58 (QL); [1995] ACS no 58; 55 ACWS (3d) 1101
 Citation: Vout v. Hay, [1995] 2 SCR 876, 1995 CanLII 105 (SCC), <http://canlii.ca/t/1frj3>, retrieved on 2018-09-04

lexbox

Cited by 329 documents

Vout v. Hay, [1995] 2 S.C.R. 876









Sandra Florence Vout *Appellant*



v.

**Earl Hay, Carl Hay, Larry Parr
and Kenneth Parr** *Respondents*

Indexed as: Vout v. Hay

FIGURE 7.4 Comparison of Lexis Advance Quicklaw and WestlawNext Canada Noting-Up Symbols

Westlaw	Meaning	QuickCITE	Meaning
 Red flag	The case may not be good law, indicating that the decision has been reversed, or has not been followed within the same jurisdiction or by the Supreme Court of Canada.	 Negative treatment	The case has negative history (judicial review allowed, reconsideration allowed, reversed, quashed, or varied by a higher court) or negative treatments (not followed or questioned by a subsequent court).
 Yellow flag	The decision has some negative history or treatment, but has not been reversed or overruled. A yellow flag is also displayed if a treatment has been recently added, and has not yet been editorially analyzed.	 Cautionary treatment	The case has been distinguished by a subsequent court.
 Blue H	The decision has some direct history but it is not known to be negative history.	 Positive treatment	The case has positive history (affirmed, judicial review denied, or leave to appeal refused by a higher court) or positive treatments (followed or followed in a minority opinion of a subsequent court).
 Green C	The decision has no direct history, but there are treating cases or other citing references to the decision.	 Neutral history or treatment	The case has neutral treatments (mentioned, explained, cited, or cited in a dissenting opinion) or the case has history (abandoned, abated, leave to appeal granted, reconsideration denied, related proceeding, same case, or supplementary reasons by a subsequent court), but the citing court does not comment on the case. This symbol is also attached to cases that have been added to Quicklaw within the past 3 business days, but have not yet been assigned a QuickCITE treatment.

Westlaw	Meaning	QuickCITE	Meaning
		 Case Citation information	The case has no known history or treatments.
		 Legislation citation information	A legislation citator record is available.

* Descriptions of these noting-up symbols were taken from the help screens for WestlawNext Canada at <www.westlawnextcanada.com> and Lexis Advance Quicklaw at <www.lexisadvancequicklaw.ca>.

VII. Noting Up Primary Law: Legislation— Print and Online

Although noting up typically considers the judicial treatment and history of a case, there is an essential aspect of noting up that involves locating judicial decisions that consider legislation. When noting up legislation, the court's treatment of the legislation in a specific case can be determined.

A researcher may also be required to find cases that have judicially considered all versions of the legislation, even when the legislation has been subsequently repealed or amended.

These types of research tasks, which focus on discrete aspects of legislation, can be completed both in print and online, using both commercially available research products and those that are of no cost to the user.

A. The Canadian Abridgment: Canadian Statute Citations—Print

The Canadian Abridgment: Canadian Statute Citations is a comprehensive tool for locating cases that have judicially considered statutes, regulations, and rules.

TASK 7.20

Canadian Abridgment: Noting Up Legislation Using Canadian Statute Citations—Print

Locate the *Succession Law Reform Act*, RSO 1990, c S.26. Previous searches have indicated that this statute is relevant to the creation and interpretation of wills.

- Identify the title of the legislation (statute or regulation) to be examined for its judicial treatment. Determine the relevant sections to be considered. Examine its citation and determine the jurisdiction—federal or provincial.
- Locate *The Canadian Abridgment: Canadian Statute Citations*. Information is organized by jurisdiction. Judicial consideration of statutes is organized separately from regulations. Legislation within each jurisdiction is organized alphabetically.
- The system used is similar to other Abridgment products, with searches including hardcover volumes, updating to softcover supplements. If searching for legislation that has been in existence for some time, such as a revised statute, begin the search in the hardcover volume. Locate the statute by name and citation and find the specific sections to be considered.
- If they exist, previous versions of statutes are provided, facilitating searches of the judicial treatment of earlier versions of the statute.
- The judicial consideration of the statute is considered section by section, including sections that have been subsequently amended. Record the case citation information that has judicially considered the identified statute section(s).
- Note the currency date of the volume. Update with the annual and quarterly supplements. Record the case names found. Locate the case names using the accompanying citation information.
- The adjacent symbols indicate the judicial treatment of the legislation. A symbol legend is provided at the bottom of each page for reference, and is also reproduced in the *Short Guide*.
- If the statute being searched is more recent, it may be possible to begin the search with the supplement. Rely on the date of the citation to determine the period in time to begin the search.
- To note up regulations and rules, locate the relevant volumes and structure the search in a similar way.

B. Statute Citators: Print

The *Canada Statute Citator*, as well as the *Ontario Statute Citator* and the *British Columbia Statute Citator*,¹⁰ reference important judicial decisions concerning current versions of legislation.

TASK 7.21

Canada Statute Citator and Ontario Statute Citator

- Locate the *Canada Statute Citator*. Federal statutes are organized alphabetically in a series of loose-leaf volumes.
- The short title, all amendments, and coming into force dates since the last statute revision (1985) are provided. Record the currency date, found at the bottom of each page. In addition, judicial decisions of note, with a brief explanation of relevance, are provided.
- Update the main entry by using the Weekly Bulletin Service (green pages) at the beginning of volume 1 of the Citator. Examine the green pages to determine whether there are bills in progress or consequential amendments.
- Although this service provides a brief summary of important aspects of a statute, it is not intended to be a comprehensive research tool. Thus, it does not include information about legislation prior to the last revision.
- The *Ontario Statute Citator* is available for Ontario research (1990 and on). It is organized in a similar manner to that of the *Canada Statute Citator* (with updates to pink, not green, pages).

For the *Succession Law Reform Act*, a Revised Statute of Ontario, no new information was located.

C. Legislation: WestlawNext Canada, Lexis Advance Quicklaw, and CanLII—Noting Up Online

Online noting-up functions are provided by both commercial legal information services such as WestlawNext Canada and Lexis Advance Quicklaw and the free service CanLII.

10 *Canada Statute Citator* (Aurora, Ont: Canada Law Book, 2009) (loose-leaf); *Ontario Statute Citator*, RSO 1990 ed (Aurora, Ont: Canada Law Book, 2009) (loose-leaf); *British Columbia Statute Citator*, RSBC 1996 ed (Aurora, Ont: Canada Law Book, 2009) (loose-leaf). The citators consider legislation since the last revision for each jurisdiction.

TASK 7.22**Noting Up Legislation: WestlawNext Canada and Lexis Advance Quicklaw—Online**

- To note up legislation using Westlaw, locate the section of the act or regulation in question. Choose the Citing References tab at the top of the document to view a list of cases that have cited the section. Use the filters on the left menu to narrow the list of cases by jurisdiction, date of decision, level of court, or keyword. Many other filters are also available.
- To note up legislation using Quicklaw, locate the section of the act or regulation in question. In the “About this document” box to the right of the document, choose “Citing Cases”. Use the filters graph to narrow the list of cases by jurisdiction, date of decision, level of court, treatment level, or keyword.

VIII. Using Secondary Sources to Locate Unreported Judicial Decisions

Unreported decisions are those not published in a reporter series. However, many unreported decisions can be located using commercial online services such as Lexis Advance Quicklaw or WestlawNext Canada. Depending on the research problem, locating unreported decisions may be necessary—e.g. if you can find no reported decisions on point, or if you are completing a scholarly research paper and are required to investigate all available case law about a topic.

Summaries of older, unreported civil cases from across Canada can be found in *All-Canada Weekly Summaries* (ACWS).¹¹ Cases are organized by subject. Summaries of criminal judgments from across Canada are digested in the *Weekly Criminal Bulletin* (WCB).¹² Print versions are available in most law libraries.

NB: When providing a case citation, do not cite to either the ACWS or the WCB, because these sources do not provide full texts of the decisions.

11 *All-Canada Weekly Summaries*, Third Series (Toronto: Canada Law Book, 2015).

12 Edward L Greenspan, ed, *Weekly Criminal Bulletin* (Toronto: Canada Law Book, 2015).

IX. Legal Commentary, Periodicals, Treatises, and Texts

To this point, the secondary sources discussed have been those that are used to find primary law. However, secondary sources are useful for analyzing both judicial decisions and legislation when:

- completing assigned course work in an academic setting,
- working as a research assistant for a professor engaged in legal scholarship, or
- working as a summer or articling student in a law office, or, later in practice, researching a specific topic about an area of law with which the researcher may not be familiar or up to date.

Treatises, texts, articles, case comments, and annotated legislation, written by experts in their fields, provide analysis of the legal principles and identify the relevant case law and legislation. Other sources, such as legal dictionaries and word and phrase finders, provide descriptions and definitions of words and phrases that have specific legal meanings. In addition, the use of historical documents can provide the background to the development and interpretation of the law, while documents that assess current policy initiatives or position papers can help to interpret the law. An additional advantage is that many of these secondary sources provide citation references to legislation and case law.

Secondary source research can be undertaken through searches of:

- legal topics and terms
- authors
- primary law—judicial decisions and legislation

These resources are still often available only in print, but more and more are also available online. When conducting online research, ensure that the sources selected are authoritative and reliable.

A. Finding Commentary: Print

- Legal keywords can be used to find secondary sources as well as primary sources of law. Organize keywords, either alphabetically or in an order that will generate the greatest number of relevant articles. Maintain a consistent search pattern and record the results.
- Use periodical indexes to locate secondary sources. Periodical indexes contain citations, which enable you to locate articles, case and legislative

comments, monographs, and book reviews. They differ only in the scope or jurisdiction of the journals indexed.

- Law journal articles have traditionally been published by law schools and other organizations in journal format. Many law libraries provide access to historical law journals in print. To find a law journal article requires a citation that includes the name of the author, the name of the article, and the journal title and year of publication.
- Most print indexes include a subject index (the largest index), an author index, a table of cases (with citation references), and a table of statutes.
- The search topic will dictate the starting place. If the topic is current, you may choose to start with the most recent paper part and work backward in time. If the topic has historical significance, begin at the time the topic was current and work forward in time.

Comprehensive print periodical indexes include:

- *The Canadian Abridgment: Index to Canadian Legal Literature* (ICLL)—indexes Canadian periodicals (Toronto: Carswell, 2014)
- *Current Law Index*—indexes international periodicals, including some Canadian sources (Los Altos, Cal: Information Access Corporation, 1980) (supplemental publication)

TASK 7.23

Locating Commentary, Case, and Legislative Comments: Using the Canadian Abridgment—ICLL: Print

- Returning to the problem of the validity of Conrad Cash's will, select the search terms used for the primary law search, including "wills" and "undue influence". Because this topic concerns a testator who died in Ontario, begin the search with Canadian sources.
- Locate the ICLL. The ICLL includes a set of hardcover volumes, and one softcover annual supplement. The set includes subject indexes, author indexes, tables of cases and statutes, and book reviews.
- Determine whether to undertake a search by subject, author, or case or statute name. For this problem, conduct a search by topic/subject. The information is organized alphabetically by subject matter within each volume. Select the hardcover volume(s) containing information about undue influence and wills. Update with the annual supplement.
- Review the sources found and use the citation references to locate relevant material. Interlibrary loans can be arranged if required.

- If you are unsure of the full title of the journal to be searched, the periodical index lists the full name of the periodical linked to its acronym. The *Canadian Guide to Uniform Legal Citation*¹³ provides a similar table in Appendix D.

Case and legislative comments provide analyses of cases or statutes. To find a case comment, determine the name of the case and its decision date.

- Select the relevant volume and examine the alphabetized list of cases to determine whether a case comment exists. Update with the annual supplement.
- Case comments identify the court level in the case citation provided immediately after the case name. A case comment that referenced the Court of Appeal would discuss that court's decision; a case comment that referenced the Supreme Court of Canada would discuss that court's decision.
- The process for finding case comments and legislative comments is similar. Use the same books and the same processes used to find a case comment.
- To locate legislative comments, select the relevant volume and turn to the Table of Statutes. Federal legislation is organized alphabetically using the name of the statute. Provincial legislation is organized alphabetically by province. Non-Canadian legislation may also be the subject of legislative comment and is organized by country, followed by the title of the relevant legislation.

B. Finding Commentary: Online

Many online sources now provide online access to law journals; however, not all law journals are available online. WestlawNext Canada and Lexis Advance Quicklaw provide access to relatively recent law journal content. They both provide extensive databases of commentary on Canadian law, as well as on law from other countries. Sources found in online indexes will link to the full text of the article if available. HeinOnline is the only online source that currently provides comprehensive historical law journal content for Canada and the United States. HeinOnline scans the print version of journal articles and thus provides page numbers for legal citation purposes. CanLII has also recently begun collecting commentary and articles.

13 9th ed (Toronto: Carswell, 2018) [McGill Guide].

TASK 7.24

Using Lexis Advance Quicklaw to Find Journal Articles and Case Commentary: Online

Use the words “wills” and “undue influence” as target search terms.

- On Lexis Advance Quicklaw, enter the search terms in the main search field.
- From the results list page, select “Secondary Materials” from the box on the left.



A screenshot of a search results filter menu. The menu is a light gray box with a thin black border. It contains a list of content types with their respective counts. The items are: Snapshot (no count), Cases (7,979), Legislation (60), Quantums (12), Drafting Materials (53), and Secondary Materials (256). The 'Secondary Materials' item is highlighted with a red vertical bar on the left side of the menu.

Snapshot	
Cases	7,979
Legislation	60
Quantums	12
Drafting Materials	53
Secondary Materials	256

- It is also possible to narrow the search to specific types of commentary, including legal encyclopedias, commentary, and textbooks, by selecting the appropriate choice under Content Type on the left menu.

TASK 7.25

Using WestlawNext Canada to Find Journal Articles and Case Commentary: Online

- From the WestlawNext Canada home page, under the All Content tab, under Commentary, choose “Articles and Newsletters”. A list of available Canadian law journals and newsletters is provided. Enter keywords in the search box at the top of the page to search within these sources. Westlaw also provides e-book content to subscribers. This collection is referred to as ProView.

The screenshot shows the WestlawNext Canada interface. At the top, there are navigation tabs for 'All Content' and 'Articles and Newsletters'. A search bar contains the text 'Q-wills and "undue influence"', which is highlighted with a red box. To the right of the search bar are buttons for 'SEARCH' and 'ADVANCED'. Below the search bar, the page title is 'Articles and Newsletters' with an 'Add to Favourites' option. A note indicates that specific publication coverage information can be found by navigating to specific content. The main content area is divided into three sections: 'Law Report Articles', 'Law Reviews & Journals', and 'Newsletters'. Each section contains a list of relevant publications.

Law Report Articles	Law Reviews & Journals	Newsletters
Administrative Law Reports	African Journal of Legal Studies	Cournoyer-Ouimet en bref
Alberta Law Reports	Asper Review of International Business and Trade Law	Canadian Labour Reporter
Business Law Reports	Banking and Finance Law Review	
Canadian Bankruptcy Reports	Canada-United States Law Journal	
Canadian Cases on Employment Law	Canadian Criminal Law Review	
Canadian Cases on the Law of Insurance	Canadian Family Law Quarterly	
Canadian Cases on the Law of Torts	Canadian Journal of Administrative Law and Practice	
Canadian Environmental Law Reports	Canadian Journal of Family Law	
Carswell's Practice Cases	Canadian Journal of Law and Jurisprudence	
	Canadian Journal of Law and Society	
	Canadian Journal of Law and Technology	
	Canadian Legal Education Annual Review	
	Criminal Law Quarterly	
	Education and Law Journal	
	Indigenous Law Journal	
	Intellectual Property Journal	
	Insolvency Institute of Canada Articles	
	Journal of Business Valuation	
	Journal of Environmental Law and Practice	
	Journal of International Law and International Relations	
Construction Law Reports	Journal of Parliamentary and Political Law	Mack's Criminal Law Bulletin
Criminal Reports	Journal of the Canadian College of Construction Lawyers	Mann's Technology Newsletter
Estates and Trusts Reports	McGill Journal of Law and Health	
Immigration Law Reporter	McGill Law Journal	
Motor Vehicle Reports	National Journal of Constitutional Law	
Municipal and Planning Law Reports	Osgoode Hall Law Journal	
Real Property Reports	Ottawa Law Review	
Reports of Family Law	Queen's Law Journal	
	Revue de droit de l'Université de Sherbrooke	
	Revue de la common law en français	
	Revue juridique Themis	
	Saskatchewan Law Review	
	Spousal Support Advisory Guidelines	
	University of New Brunswick Law Journal	
	University of Ottawa Law and Technology Journal	
	University of Toronto Faculty of Law Review	
	University of Toronto Law Journal	
	Windsor Review of Legal and Social Issues	
	Windsor Yearbook of Access to Justice	

TASK 7.26

Using HeinOnline to Find Journal Articles

Many libraries subscribe to HeinOnline, which is a valuable resource for historical documents. HeinOnline’s Law Journal Library, available in most large law libraries, provides full-text access to scanned content of law journals from Canada and the United States, with limited coverage of other jurisdictions. HeinOnline is the only online database that provides page numbers for law journals. Content is organized in alphabetical order by journal name for easy browsing; alternatively, the Search tab at the top left of the page provides a variety of searching options.

Browse View

The screenshot shows the HeinOnline Law Journal Library interface. At the top, there are navigation tabs: Resources, Search, Citation Navigator, Catalog Search, and MyHein. Below this is a search bar with a dropdown menu set to 'Title' and a 'Search' button. To the left of the search bar is a sidebar with 'Search' and 'About Searching' sections. The main content area displays a list of journals under the heading 'Law Journal Library'. The list includes:

- AALL Spectrum** Vols. 1-1784 (1996-2013) MARC Record
- ABA Journal** Full Text: Vols. 1-97 (1915-2011) Title Varies: Vols. 1-69 (1915-1983) as American Bar Association Journal Indexed: Vols. 1-99 #1-2 (1915-2013) MARC Record
- ABA Journal of Labor and Employment Law** Full Text: Vols. 1-26 (1965-2011) Title Varies: Vols. 1-24 (1965-2009) as Labor Lawyer Indexed: Vols. 1-27 (1965-2011) MARC Record
- ABA Juvenile & Child Welfare Law Reporter** See: Child Law Practice Vols. 1-26 (1962-2010) Title Varies: Vols. 1-4 (1962-1964) as National Juvenile Law Reporter; Vols. 5-14 (1966-1996) as ABA Juvenile & Child Welfare Law Reporter MARC Record
- ABA Section of Antitrust Law** See: Antitrust Law Journal Vols. 1-76 (1952-2010) Title Varies: Vols. 1-31 (1952-1966) as ABA Section of Antitrust Law

Advanced Search View

HEINONLINE

Resources Search Citation Navigator Catalog Search MyHein

Libraries >> Law Journal Library >>

Search

Field Search
Advanced Search
Search Index to Periodical Articles
Related to Law
Search History
Search Tips

About Searching

Searching in HeinOnline - Help Guide (PDF)
View Advanced Search Syntax (PDF)
How to search the Index to Periodical Articles Related to Law Database (PDF)
How to Search by Subject, State or Country (PDF)

Search Law Journal Library

Text AND
Article Title AND
Author/Creator
Subject:
All Subjects
Accounting
Administrative Law
Admiralty
Advocacy
Help with this feature

OR

Select Titles:
Citation | Journal Title
All Titles
A.B.A. Antitrust Section
A.B.A. J.
A.B.A. J. Lab. & Emp. L.
A.B.A. Recent Dev. Pub. Util. Comm. & Transp. Indus.
A.B.A. Sec. Admin. L. Ann. Rep. Comm.
A.B.A. Sec. Admin. L. Ann. Rep. Div. & Comm.
A.B.A. Sec. Corp. Banking & Bus. L. Proc.
A.B.A. Sec. Crim. L. Proc.
A.B.A. Sec. Crim. L. Program & Comm. Rep.

Date: (YYYY) To: (YYYY) Sort by: Relevance

Search

Section Types To Search: All Sections

- Articles
- Legislation
- Contents
- Comments
- Cases
- Editorials

TASK 7.27

Using CanLII to Find Commentary

CanLII is not yet a rich source of commentary; however, it appears to be committed to improving this aspect of its legal source material. Full-text searching is available as illustrated below.

The screenshot shows the CanLII website interface. At the top left is the CanLII logo. To its right is the breadcrumb "Home > Commentary" and language options "Français | English". On the left side, there is a "Databases" menu listing various Canadian provinces and territories, along with "CanLII Connects", "Commentary", and "Other Countries". The main content area is titled "Commentary" and features three search input fields: "Document text", "Document title", and "Noteup: cited case names, legislation titles, citations or dockets". A search button with a magnifying glass icon is to the right of the third field. Below the search fields is a "Works" section listing three items: "eText on Wrongful Dismissal and Employment Law (1st edition), Lancaster House, 2015-03-30", "The Canadian Charter of Rights Decisions Digest, Justice Canada, 2005-04-01", and "The Sedona Canada Principles, The Sedona Conference® Working Group 7 (WG7), 2013-03-10". Each item has a "Table of Contents" link. At the bottom of the "Works" section is a link to "The Supreme Court of Canada on S. 24(2) of the Charter, CanLII, 2015-01-01" with a "Table of Contents" link. Below the "Works" section is a heading "Case summaries and commentaries" with a "CanLII Connects" link.

C. Using Legal Dictionaries and Words and Phrases Judicially Considered

At times, researchers may be required to search, not by case or statute name or by legal topic, but by a legally defined term or phrase. For example, a topic search for the law that considers *parens patriae* jurisdiction would not yield results. In addition, a keyword search in an online database would find many sources that used the term, but not necessarily a targeted list of the authoritative sources that provide a precise definition.

Legal dictionaries (and other legal reference texts) are a valuable source of information for this type of search because they contain defined legal concepts and maxims. For example:

- *Black's Law Dictionary*¹⁴ contains definitions from both English and American primary law.
- Canadian legal dictionaries are available both in print—e.g. *The Dictionary of Canadian Law*¹⁵—and online—e.g. Duhaime.¹⁶
- *Words & Phrases Judicially Defined in Canadian Courts and Tribunals*¹⁷ is another volume in the *Canadian Abridgment* system. The hardcover series provides alphabetized legal words and phrases. The word or phrase is linked to relevant primary law source(s) explaining its meaning. Updates are provided in softcover supplemental volumes.
- *Words and Phrases Legally Defined*¹⁸ contains information from other jurisdictions as well as Canada.
- *Canadian Legal Words and Phrases* is available on Quicklaw and provides direct links to cases.

14 Bryan A Garner, *Black's Law Dictionary*, 10th ed (St Paul, Minn: Thomson Reuters, 2014). Available in print in most law libraries, and online via WestlawNext Canada.

15 Daphne Dukelow, *The Dictionary of Canadian Law*, 4th ed (Toronto: Thomson Carswell, 2011).

16 *Duhaime's Legal Dictionary*, online: <www.duhaime.org> [perma.cc/XPG9-JARS].

17 Rae Blackburn and Cheryl Finch, eds, *Words & Phrases Judicially Defined in Canadian Courts and Tribunals* (Scarborough, Ont: Carswell, 1993).

18 John B Saunders, ed, *Words and Phrases Legally Defined*, 5th ed (London: Butterworths, 2018).

D. Online Research

Online research is continuously evolving. Content producers include law professors, lawyers, judges, government agencies and law students contributing reports, law journal articles, books, and blog posts. Historically, content was distributed primarily by the government, academic law journals, and commercial publishers, who continue to transition content from print formats to digital formats. The digital environment has provided endless opportunities and challenges.

One challenge that continues to be problematic is how to refer users to online content in citations. Two approaches have evolved to help address this challenge. First, Digital Object Identifiers (DOI)¹⁹ are now being employed by many commercial academic journal platforms. In the past, journal citations provided the volume, issue number, year, and start page for individual journal articles. However, with the proliferation of online journals, these citation elements may no longer exist or have relevance. Accordingly, this standardized, unique identifier is now being applied to each article by some journal platforms. Law journal platforms have not begun to adopt this standard, but the trend may evolve for legal content in the future. The 9th edition of the McGill Guide, at page E-15, is encouraging adoption of this standard.

Second, archived, or permanent, URLs are also being encouraged by the 9th edition of the McGill Guide at page E-14. As a result of platform and server migrations and upgrades, URLs referred to in books, journal articles, and court decisions can frequently become “broken links”. The purpose of a citation in legal work is to ensure that users can permanently locate resources that were referred to; accordingly, broken URLs are unacceptable in legal citation. To remedy this widespread problem, the Harvard Law School Library created Perma.cc. This site allows authors and organizations to permanently save website content and to provide durable URLs in citations. The McGill Guide recommends that, in any citation that includes a URL, in addition to providing the original URL the author should provide a permanent/archived URL as well. We employ dozens of examples of Perma.cc archived URLs in our own citations throughout this book.

In addition, at the top of any article HeinOnline’s Law Journal Library, users will see a link icon that provides a permanent link to the article as well.

19 For full details, visit: International DOI Foundation, “The Digital Object Identifier System”, online: <www.doi.org> [perma.cc/Y5ZC-X5BT].

Below are some additional online sources that are useful for law-related research. Become familiar with the sites listed below. Add to the list as you identify additional sources.

- Library and Archives Canada at www.collectionscanada.gc.ca/index-e.html is a rich source of historical information.
- Government agencies provide many of their policy documents online.
- Informit AGIS Plus Text and Gale Cengage Learning LegalTrac are two additional sources of law journal articles. Check with your law library to determine whether you have access to these websites.
- ProQuest Social Science Journals and Scholars Portal are two helpful resources for finding academic articles from various disciplines. These can be particularly useful when researching public policy. They are subscription-based; check with your law library to determine whether you have access.
- ProQuest Canadian Newsstand is another subscription-based resource that can be used to locate news articles from various newspapers. The databases are continuously updated to add both recent and historical articles.

Before researching online, pay particular attention to the source of the information to determine the validity and reliability of the information. Be prepared to verify the validity and reliability of any secondary source used.

E. Researching Primary Case Law and Secondary Source Law

You may find it helpful to create a comprehensive personalized resource for research planning, such as the one shown in Figure 7.5. This table can be modified to include call numbers to print sources and URLs to websites of frequently used sources.

FIGURE 7.5 Sample Comprehensive Personalized Resource for Research Planning

Publication—Encyclopedia	Call Number	Online (if applicable)
CED—Index		WestlawNext Canada
CED—Research Guide		
Halsbury’s Laws of Canada		Lexis Advance Quicklaw
Other		
Publication—Finding Sources and Analyzing	Call Number	Online (if applicable)
Canadian Abridgment—Key and Research Guide		
Canadian Abridgment—Index		
Abridgment—Canadian Current Law—Case Digests		WestlawNext Canada
Abridgment—Consolidated Table of Cases		
Abridgment—Canadian Case Citations		
Canadian Abridgment—Index to Canadian Legal Literature		WestlawNext Canada
Current Law Index		
Treatises and monographs		WestlawNext Canada Lexis Advance Quicklaw
Annotated legislation		
Other		
Publication—Words and Phrases Defined	Call Number	Online (if applicable)
Canadian Abridgment—Words & Phrases Judicially Defined in Canadian Courts and Tribunals		WestlawNext Canada
Canadian Legal Words and Phrases		Lexis Advance Quicklaw