

PART I

Getting Started

Chapter 1 Introduction to Legal Research

Chapter 2 Analyzing a Fact Situation

Introduction to Legal Research

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Learning Outcomes

After reading this chapter, you will be able to:

- Define research and state the purpose of legal research.
- List and explain the basic steps of legal research.
- Discuss the scope of paralegal practice and professional responsibilities.

Introduction



See Emond's tips for navigating your textbook on LAW+.

Legal research is essential to effective legal practice and representation of clients, enabling practitioners to navigate complex and sometimes overlapping legal systems and provide informed legal advice. This chapter introduces the foundational concepts of legal research, emphasizing its definition, purpose, and importance in supporting legal decision-making.

Key topics of the chapter include the systematic steps involved in conducting legal research, including factual analysis, formulating legal questions, researching applicable legal sources, and applying the law to case facts. The chapter also highlights the scope of paralegal practice and professional responsibilities, providing insights into the authorized activities and ethical obligations of paralegals under the Law Society of Ontario.

Definition and Purpose of Legal Research

“Research” has been formally defined as “investigation or experimentation aimed at the discovery and interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories or laws.”¹ Thus, **research**, in its general sense, is the searching for, understanding of, and interpretation of a particular topic or question.

Research often requires a systematic method. Any time you search for information, you are conducting research. Based on what information you find, you use that research to make decisions.

EXAMPLE

You search for a shrimp recipe online. If the shrimp recipe calls for certain ingredients, you will either decide to get those ingredients and follow the recipe step by step, or you will alter the recipe with the ingredients you have at hand. Hence, you either apply the recipe literally (step by step) or adapt it to what is available to you.

The same sort of application is used in legal research of your clients’ cases because facts do not always match up to the case law; however, certain principles can still be applied to the fact situation.

Legal research is the process of identifying and gathering information necessary to support legal decision-making. It involves several steps, including analyzing facts, defining the legal issue(s) or questions, researching relevant legal sources, applying the law to the facts, and communicating your findings to assist in your client’s case. You can also use legal research to extend your knowledge in a given legal field or area of practice.

¹ Merriam-Webster Dictionary, sub verbo “research,” online: <<https://www.merriam-webster.com/dictionary/research>>.

Another definition of legal research has defined it as

a process of identifying and investigating a fact or problem with a view to acquiring an insight into it or finding an apt solution to it. ... However, the finding law is not so easy. It involves a systematic search of legal materials, statutory, supplementary and judicial pronouncements. For making development in the discipline of law, one needs to go into the underlying principles or reasons of the law.²

The Purpose of Legal Research

Before discussing the basic steps of legal research, it is important to have a solid understanding of *why* research is conducted. In its most basic sense, research is undertaken to answer a question about a topic you do not have knowledge of. The topic does not necessarily always have to be a legal question.

The purpose of legal research is to find the answer or solution to your client's legal issue or questions being asked in their case. It is the legal issue or question that defines the direction or scope of the legal research that needs to be performed.

EXAMPLE

You have a client who was injured in a motor vehicle accident. You may need to conduct legal research under the *Insurance Act*³ and the *Statutory Accident Benefits Schedule*⁴ (a regulation that governs no-fault automobile insurance). But you may also be required to research the *Employment Standards Act, 2000*⁵ in the event your client was wrongfully terminated as a result of being unable to work because of their injuries. In addition, your client matter may also lead you to research and develop an understanding of the *Family Law Act*⁶ and associated regulations if your client faced a divorce or separation following their accident.

The type of law for which you require research also depends on your area of practice. For example, a paralegal practising in employment law would perform different legal research than a paralegal practising in the Small Claims Court. However, despite the complexity of any given area of law, different areas of practice may overlap with each other and the steps of legal research tend to remain the same for any area of law being researched.

Whether or not you go into a legal career, the purpose of conducting legal research is to find authority on a particular topic or question. The objectives of legal research are stated in Box 1.1.

² Chunuram Soren, "Legal Research Methodology: An Overview" (2021) 8:10 J Emerging Technologies & Innovative Research d442 at d442, online (pdf): <<https://www.jetir.org/papers/JETIR2110354.pdf>>.

³ RSO 1990, c I.8.

⁴ O Reg 34/10.

⁵ SO 2000, c 41.

⁶ RSO 1990, c F.3.

THE OBJECTIVES OF LEGAL RESEARCH

The following may be taken as objectives of legal research:

- to discover new facts,
- to test and verify old facts,
- to analyze the facts in [a] new theoretical framework,
- to examine the consequences of new facts or new principles of law or judicial decisions,
- to develop new legal research tools,
- to propound a new legal concept,
- to analyze law and legal institutions from the point of view of history,
- to examine the nature and scope of a new law or legal institution,
- to ascertain the merits and demerits of [an] old law or institution and give suggestion for a new law or institution in place of an old one,
- to ascertain the relationship between [the] legislature and [the] judiciary and to give suggestion as to how one can assist the other in the discharge of one's duties and responsibilities, and
- to develop the principles of interpretation for critical examination of statutes.⁷

Keeping these objectives in mind, being able to conduct legal research is essential for all practising paralegals. This text will help you develop your legal research strategy for any given client matter and will assist you in:

- understanding the purpose of legal research;
- comprehending the basic steps of legal research;
- developing a research strategy for any case or client file;
- conducting legal research using various search engines;
- understanding the use of generative AI tools in legal research and licensee use of AI under the Law Society of Ontario;
- learning citation rules according to the accepted guidelines;
- preparing and drafting case briefs using the various methods discussed (for example, Issues, Rule, Application/Analysis, Conclusion (IRAC); Facts, Issues, Rule, Analysis/Application, Conclusion (FIRAC); and Facts, Issues, Law, Analysis/Application, Conclusion (FILAC) methods);
- preparing and drafting memoranda of law and applying the results of your research to a given fact scenario; and
- preparing and drafting a factum for a **tribunal** or court setting and, once again, applying the law to the facts of a particular fact scenario.

tribunal

an administrative body that has authority in a specific area

In law, practitioners (lawyers and paralegals) must develop critical thinking skills, since law is not always straightforward. In order to be successful in any legal practice, it is important to be able to:

- spot legal issues or the questions being asked;

⁷ Soren, *supra* note 2 at d446.

- locate and find precedents, which includes analyzing a fact situation, pulling out relevant facts, and understanding the area of law and questions being asked;
 - in so doing, you will be considering both primary and secondary sources in your legal research;
- apply the law and case law to a fact situation; and
- perform legal writing through case briefs, memoranda of law, and factum writing.

There will always be a client involved whose outcome depends on the research you perform. You will learn how to hone your skills at **issue spotting**, meaning identifying the legal issues that relate to your client's fact scenario and performing related legal research. By the end of this text, you will be able to tell a story through your legal writing. Every case has a plot, a beginning, a middle, and it will hopefully have an end outcome that is in your client's best interest.

issue spotting

detecting legal questions that may arise from understanding your client's facts; recall that facts give rise to legal issues, not the other way around

DEVELOP YOUR RESEARCH SKILLS

Basic Internet Research

Your client advises that they have been working at their current position for almost two years and have not received any vacation pay. Without the aid of any legal research sites, which will be discussed in further chapters, use the Internet to learn more about how vacation pay is paid or available under the *Employment Standards Act, 2000* in Ontario.

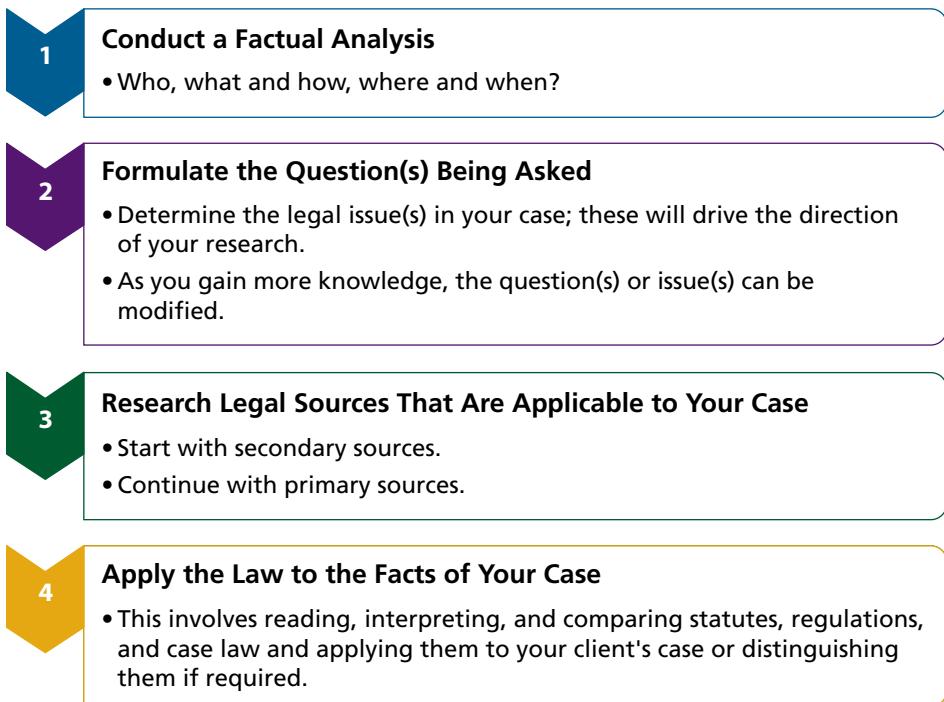
Basic Steps of Legal Research

To effectively conduct legal research, a research strategy must be developed. This is a skill you can improve with practice. The research strategy will depend on the particular case you are working on, the subject of the research, your existing knowledge base about the particular subject, and the amount of time or money that is available to spend on the research task.

The subject of the legal research is often the most critical part in determining how to conduct the legal research. Understanding the issue(s) or question(s) being asked and why you are researching the issue(s) or question(s) will help define the scope of your legal research. It will also help determine whether you already possess existing knowledge about the particular subject. If you do, then perhaps your research may simply be updating your existing knowledge base about the topic. Conversely, if the law has changed or been amended since the last time you conducted legal research in the particular area, you may have more extensive research to conduct.

Figure 1.1 shows the basic steps to follow when conducting legal research.

FIGURE 1.1 The Basic Steps of Legal Research



Step 1: Conduct a Factual Analysis

The first step of any legal research is to create a factual outline or analysis of your client's file. When reviewing your client file or conducting research for your client file and reviewing existing case law, the same steps can be employed.

As a starting point, ask yourself questions about *who, what, where, when, and how*. Let's consider each type of question in the context of your client's file.

Who?

dispute

between two parties; for example, it could be a civil action between two private parties or a criminal action between the Crown and an accused

litigation

the process of taking legal action

You should know who is involved in the **dispute** or **litigation** that you are researching. It is important to develop a full and clear profile of each of the parties that are central to your client's case.

In determining *who* is involved in the case, you should also understand and note any existing relationships between the parties. There are many different types of relationships that are important to take note of when reviewing the facts of your case.

Once you understand who the parties are and their relationships to one another, identifying personal characteristics of each party may be relevant to your case. The relevant characteristics of the parties in the case can depend on the type of case that you are researching.

Box 1.2 lists questions and facts that should be considered when developing a full and clear profile of each of the parties who are central to your client's case.

PROFILING WHO IS INVOLVED IN THE CASE

To identify the parties involved in the case, ask:

- Who is your client?
- Is there a plaintiff and a defendant (if it is a **civil law** case), or is there the Crown and a defendant/accused (if it is a **criminal law** case)?
- Are there multiple parties on either side of the dispute or litigation?

To understand the relationship between the parties involved in the case, consider:

- If the dispute or litigation relates to family law, are the parties ex-spouses?
- If an employee is bringing a dispute against their employer for wrongful dismissal, are the parties in an employment relationship?
- If a worker is bringing a claim against a homeowner for unpaid work or renovation on a residential property, do the parties have a contractual relationship?

To understand the personal characteristics of each of the parties involved in the case, consider that:

- The age, occupation, and current employment status may be relevant in a wrongful dismissal case.
- The marital status and the number of children, their names, dates of birth, health, and education status would be relevant in a family law case.
- How many prior charges or convictions a defendant has may be relevant if you practise in the criminal law field.

civil law

a body of law based on codified statutes and principles that outlines rules on settling disputes between individuals

criminal law

a body of law that defines conduct prohibited by Parliament because it threatens or harms public safety and sets out punishments for those acts; based on the *Criminal Code*

What and How?

Once you determine who the parties are in the case and you gain a solid understanding of their characteristics and relationships, you need to ask questions about *what* happened to understand *how* the events surrounding the case gave rise to the dispute or litigation. Box 1.3 provides a list of sample questions to ask when gathering facts about what happened between the parties in the case.

DETERMINING WHAT HAPPENED BETWEEN THE PARTIES IN THE CASE

To understand what events gave rise to the case, ask questions such as:

- Did one party rear end the other in a motor vehicle accident, which resulted in injuries?
- Did one party assault another, which resulted in laying charges against that party?
- What parties were involved or present at the time of the incident that led to the dispute?

To understand what claims are being made between the parties, ask questions such as:

- Is one party seeking damages for pain and suffering, loss of income, and health benefits as a result of injuries suffered in a motor vehicle accident?
- Is one party seeking to bring charges against the other party for an assault?

- Is one party seeking compensation for a breach of contract because their deposit was lost because of a cancelled wedding during the pandemic? To understand how the claim or claims have been characterized, ask:
 - Is this a contract dispute or a claim based in negligence or wrongful dismissal?

Knowing the area of law that governs the claim will help guide your legal research. It is important to be cognizant of the fact that a claim can be based on multiple legal grounds, such as negligence and contract or contract and employment law. Often, you will be faced with claims overlapping various areas of law. Knowing what the claims being made are in any given dispute or litigation will help you to understand how the opposing party might respond to those claims.

Where and When?

To develop a complete factual outline of the case, you must also inquire where and when the incident leading to the dispute or litigation occurred.

By determining *where* the events of the case took place, you can focus your research on the relevant **jurisdiction** and whether you, as the paralegal, can practise in that jurisdiction. Note that you may be required to conduct research in the relevant jurisdictions to determine the best outcome for your client.

jurisdiction

the authority or power of the court to determine a dispute between parties, as well as the territory over which the legal authority of a court extends

EXAMPLE

It is not uncommon for long-haul truck drivers licensed in Ontario and subject to the *Workplace Safety and Insurance Act, 1997*⁸ and workers' compensation benefits in Ontario to be involved in accidents out of province or in the United States. In these cases, you would have to determine the proper jurisdiction where a viable claim can be brought that can offer the best outcome for your potential client.

The question of *when* the event(s) in a case took place is also important for the development of a thorough factual analysis. Once you know the timing of events, you can organize them in chronological order, as multiple events usually follow a sequence. Organizing your data in chronological order is beneficial as it provides a timeline but not simply of your event sequence; you can also take it as far back as the beginning to understand your client's case.

Any chronological timeline should answer the basic questions of *who, what, where, when, and how* in addition to providing background and additional information as required to assist in evaluating a claim. In doing a chronological timeline, also note the legal or procedural history of the claim, meaning the steps in litigation that have already been taken. An example of a factual chronological timeline is shown in Table 1.1.

⁸ SO 1997, c 16, Schedule A.

TABLE 1.1 Client's Factual Chronological Timeline

Timeline Chart—Min Yee		
No.	Date	Details
1.	January 2, 1985	Min Yee is born.
2.	1990-2003	Attends elementary and middle school.
3.	2003-2007	Attends XYZ District High School. Graduates in 2007.
4.	2007-2011	Part-time job in retail clothing store as a customer service representative. By 2009, promoted to assistant manager.
5.	2007-2011	Pursues a bachelor's degree in hospitality management at ABC University while still working part-time as assistant manager.
6.	2011-2012	Internship at XYZ Hotel as a front desk associate.
7.	2012-2014	Employment at Acme Resort as an event coordinator.
8.	2014-2020	Promoted to senior event coordinator at Acme Resort.
9.	July 15, 2016	Min Yee marries Karan Singh.
10.	March 13, 2018	Amar Singh is born.
11.	February 14, 2019	Motor vehicle accident: T-bone collision at intersection while driving to medical appointment for the baby. Baby not injured.
12.	February 15, 2019	Visits family doctor—referral for physiotherapy. Claim made and receives treatment for physical injuries to neck, shoulders, and back.
13.	March 2020	The COVID-19 virus is declared a pandemic. Maternity leave over, but client on layoff because of pandemic lockdown.
14.	July 26, 2020	Return to work at Acme Resort on modified and part-time duties because of restrictions from injuries in accident.
15.	November 8, 2020	Acme Resort terminates employment.
16.	January 1, 2021	Min Yee divorces Karan Singh.
17.	January 15, 2021	Surgery on right shoulder. Claim issue against other driver.
18.	February 1, 2022	Hospital admission for suicidal ideation after accident date.
19.	March 15, 2022	Death of father. Begins drinking heavily.
20.	May 17, 2022	Admission to rehab (alcohol dependence).
21.	August 2022	Relapse. Still undergoing physiotherapy treatment. No recommendation made for psychological treatment to date.
22.	October 2022	Loses custody of Amar Singh.
23.	November 14, 2023	Examinations for discovery of both parties. Plaintiff claimed defendant ran yellow light at intersection while she was trying to turn left. Defendant claimed he had the right of way and the light was green with little to no traffic. No issues with weather.
24.	January 4, 2024	Involuntary admission to hospital, suicide attempt.
25.	Current	Awaiting pre-trial date.

Whether it applies to your client file or a case you are reading and summarizing, knowing the legal or procedural history of the claim is important as it will help you understand the current status of the litigation and recognize the next steps that must be taken in advancing the claim.

hearing

refers to an administrative tribunal hearing as opposed to a trial in court

If the claim is at the **hearing** or trial stage, you may require legal research on damages or costs if successful at the hearing or trial. However, if the claim is at the appeal stage, you might need legal research on a particular question of law (for example, whether the judge erred in a specific area of reasoning in their decision).

Finally, the chronology should note any other relevant facts that may help guide the next steps in your legal research (for more on this, see Chapter 2).

Box 1.4 lists sample questions that will help you gather relevant facts about where and when surrounding events happened in a case.

**BOX
1.4**

DETERMINING WHERE AND WHEN EVENTS HAPPENED IN THE CASE

To determine where the event(s) occurred, ask:

- Did the event occur in one jurisdiction (for example, Ontario)?
- If multiple jurisdictions are involved (for example, the event occurred in the United States; however, the majority of the treatment occurred in Ontario or the majority of witnesses are located in Ontario), what is the proper jurisdiction?

To determine when the event(s) occurred, ask:

- Was it a single event, a rear end motor vehicle accident, or are you dealing with multiple events, perhaps multiple accidents?
- Was it one single criminal assault or a series of assaults over a period of time?

To determine the legal or procedural history of the claim, ask:

- Are the parties proceeding to a **discovery**, a hearing, or a trial?
- Are the parties at the appeal or sentencing phase of the claim?

discovery
an examination of each party in a litigation; normally conducted by the representative of the opposing party under oath

Once you have organized your client's chronological timeline, you should also be aware of the different versions of the events giving rise to the dispute or litigation. A dispute arises because parties have different versions of how an incident or incidents occurred. So, you should review any documents from the opposing party to understand their version and sequence of events and cross-check with your client's version. Keep track of which facts are being reported by the various parties involved in the dispute or litigation.

Step 2: Formulate the Question(s) Being Asked

Once you have conducted a factual analysis of your client's case, the next step is to have enough information to understand and formulate the legal issue. Put simply, the legal issue is the question(s) being asked that will drive your legal research. Know that there may be more than one legal issue or question. Even if you start with just one legal question or issue, sub-questions or sub-issues may arise as they will flow from the general question being asked.

EXAMPLE

You begin your search on the appropriate amount of pain and suffering damages for a chronic pain case arising from injuries suffered in a motor vehicle accident. Sub-questions/issues arise that require you to research anxiety and depression cases that are linked to chronic pain cases. You then need to research statutory threshold cases related to chronic pain in motor vehicle accident cases. Further, multiple accidents are involved, which requires research in the area of indivisible injuries and multiple accidents (note: “indivisible injuries” refers to injuries that cannot be identified individually between multiple accidents).

Formulating the legal question(s) or issue(s) depends on the facts of your case. That is why you must complete the factual analysis before undertaking your research. The facts are what shape and drive the direction of your legal research journey. As you frame and reframe your facts and gain more knowledge about your client’s case and the area of law, you can modify the question(s) or issue(s) as needed.

EXAMPLE

Min Yee was involved in a T-bone motor vehicle collision on February 14, 2019. In March 2020, the COVID-19 pandemic hit but she returned to work on modified and part-time duties. Her employment was terminated, and she ended up divorcing her husband. Some time later in October 2022, she lost custody of their child.

Min Yee’s case requires you to deal not only with her motor vehicle accident but also with custody and access issues, which were occurring simultaneously. Understanding Min Yee’s fact situation can assist you in not only researching the *Insurance Act* and the *Statutory Accident Benefits Schedule* for her personal injuries arising from the motor vehicle accident but also the *Family Law Act* and associated regulations.

Step 3: Research Legal Sources That Are Applicable to Your Case

Once you have determined the legal question(s) or issue(s), the next step is to research legal sources that are applicable to your case.

Secondary Sources

A logical starting point for your research is usually with **secondary sources**—for example, legal encyclopedias and digests, textbooks, journal articles, and law firm blogs or other legal blogs. These sources can provide an overview into the topic you are researching and lead you to primary sources of law. Secondary sources are helpful if you do not know which **statute** or **regulation** might relate to your client’s issue. See Chapter 3 for a thorough discussion of secondary sources.

secondary sources

authorities that are not primary in nature but that help guide you in your research; for example, textbooks, journal articles, legal Internet blogs, and legal encyclopedias

statute

a law passed by the legislative branch of a government

regulation

a rule made under the authority of an enabling statute

Primary Sources

primary sources

authorities such as statutes, regulations, and case law that

can all be cited as primary authorities in legal research

legislative authority

the power of a government to enact statutes, which are broad laws that set the framework for governance, and regulations, which are detailed rules that implement and enforce those statutes

jurisprudence

the theoretical study of law; also refers to the body of previous court decisions (case law or precedents)

EXAMPLE

If you practise personal injury for motor vehicle accident claims, you can first look at the *Insurance Act* and find the relevant sections dealing with Accident Benefits. It will lead you to the current regulation under the *Insurance Act* called the *Statutory Accident Benefits Schedule*, where you can more thoroughly search for the rules that apply to accident benefit claims.

common law

a case law system based on judicial decisions and precedent, under the rule of *stare decisis*—like cases are followed alike

FYI

Canada's system of law is based on **common law**, which involves following past cases if the facts are sufficiently similar. Note that Quebec is the only province in Canada that does not follow the common law system but instead follows the *Civil Code of Quebec*.⁹

Primary sources are presented in Parts III and IV of this book; statutes and regulations are discussed more fully in Chapters 4, 5, and 6; and case law is discussed extensively in Chapters 7, 8, and 9. You will learn how these primary sources of law can apply to any given fact situation you may encounter as a paralegal in practice.

Step 4: Apply the Law to the Facts of Your Case

Once you have completed your legal research, you must be able to apply the law to the facts of your case. This involves reading, interpreting, and comparing statutes, regulations, and case law, and then applying the legislation and principles from case law to your client's case.

As you work through the chapters of this book, you will develop and hone your legal research skills to application and analysis of the law. Chapter 2 will introduce a hypothetical fact scenario that subsequent chapters will continue to build upon through statutory legal research exercises and review of applicable cases to the hypothetical fact scenario.

⁹ CQLR c CCQ-1991.

You will learn to communicate your findings in different formats used regularly in legal practice. Chapters 7, 10, 11, and 12 provide guidance on legal writing in forms such as a case brief, a memorandum of law, and a factum. After working through all the chapters in the textbook, you will bring together all of your legal research and analysis by creating a memorandum of law and factum.

Quite often, the written product of your research forms the basis of your oral advocacy, whether in court or before a tribunal. It is usually your written product that helps judges and adjudicators decide on your client's case prior to any oral argument. The oral argument, therefore, is simply an exercise to answer any outstanding questions the judge or adjudicator may have to help clarify your written argument or submissions.

Scope of Paralegal Practice and Professional Responsibilities

Although paralegals are professionally educated and insured and are licensed by the Law Society of Ontario, their scope of practice is limited to certain tasks and roles within the legal system. Box 1.5 shows sections 6(2) and 6(2.2) of the Law Society of Ontario's By-Law 4,¹⁰ which includes a list of authorized activities for a paralegal providing services under a P1 license:

**BOX
1.5**

PARALEGAL ACTIVITIES AUTHORIZED UNDER SECTIONS 6(2) AND 6(2.2) OF THE LAW SOCIETY OF ONTARIO'S BY-LAW 4

Activities authorized

(2) Subject to any terms, conditions, limitations or restrictions imposed on the class of licence or on the licensee and subject to any order made under the Act, a licensee who holds a Class P1 licence is authorized to do any of the following:

1. Give a party advice on his, her or its legal interests, rights or responsibilities with respect to a proceeding or the subject matter of a proceeding.
2. Represent a party before,
 - i. in the case of a proceeding in the Small Claims Court, before the Small Claims Court,
 - ii. in the case of a proceeding under the *Provincial Offences Act*, before the Ontario Court of Justice,
 - iii. in the case of a proceeding under the *Criminal Code*, before a summary conviction court,
 - iv. in the case of a proceeding before a tribunal established under an Act of the Legislature of Ontario or under an Act of Parliament, before the tribunal, and
 - v. in the case of a proceeding before a person dealing with a claim or a matter related to a claim, before the person.

¹⁰ Law Society of Ontario, By-Law 4 (amendments current to 5 November 2025), online: <<https://lso.ca/about-lso/legislation-rules/by-laws/by-law-4>>.

3. Anything mentioned in subsection 1(7) of the Act, provided the activity is required by the rules of procedure governing a proceeding.
4. Select, draft, complete or revise, or assist in the selection, drafting, completion or revision of, a document for use in a proceeding.
5. Negotiate a party's legal interests, rights or responsibilities with respect to a proceeding or the subject matter of a proceeding.
6. Select, draft, complete or revise, or assist in the selection, drafting, completion or revision of, a document that affects a party's legal interests, rights or responsibilities with respect to a proceeding or the subject matter of a proceeding.

Additional family legal services authorized

(2.2) Subject to any terms, conditions, limitations or restrictions imposed on the class of licence or on the licensee and subject to any order made under the Act, a licensee who holds a Class P1 licence who meets all of the requirements in Part II.1 is authorised to do any of the following:

1. Represent a party in respect of the following cases and matters:
 - i. A divorce case that is uncontested or started by a joint application, if the only claim is for divorce and the parties ordinarily reside in Canada.
 - ii. The filing of a domestic contract under subsection 35(1) of the *Family Law Act*, if the parties to the contract ordinarily reside in Canada.
 - iii. The completion or filing of an application under subsection 7(3) (application to court for change of name) of the *Change of Name Act*.
 - iv. A motion under rule 15 of the *Family Law Rules* if,
 - A. the motion is in relation only to a child support obligation for a child under the age of majority,
 - B. the only order being sought is for an amount determined in accordance with the applicable table in the child support guidelines, and not an order under,
 - a. section 5 of the child support guidelines (spouse in place of a parent),
 - b. section 6 of the child support guidelines (medical and dental insurance),
 - c. section 7 of the child support guidelines (special or extraordinary expenses),
 - d. section 8 of the child support guidelines (split parenting time),
 - e. section 9 of the child support guidelines (shared parenting time), or
 - f. section 10 of the child support guidelines (undue hardship),
 - C. the parties to the motion ordinarily reside in Canada, and
 - D. the payor is not self-employed and, with respect to the payor's income,
 - a. the payor's annual income is not more than \$150,000,
 - b. none of the income is earned outside of Canada,
 - c. none of the circumstances listed in subsection 19(1) of the child support guidelines, nor any other circumstance that would warrant the imputation of income, applies with respect to the income,

- d. the income can be determined wholly from a T4 Statement of Remuneration Paid form issued by the Canada Revenue Agency and completed by an employer and from the sources of income set out under the heading "Total income" (line 15000) in a T1 General form issued by the Canada Revenue Agency, and
- e. no expert evidence is to be presented respecting the income.
- v. The enforcement of an order or of a domestic contract filed under subsection 35(1) of the *Family Law Act*, if,
 - A. the enforcement is in relation to a support obligation set out in the order or domestic contract or any costs that were ordered in respect of the support obligation, and
 - B. no likelihood has arisen, at the applicable stage of enforcement, that the enforcement will result in an order for a person's imprisonment.
- 2. Give a party advice on their legal interests, rights or responsibilities with respect to the cases and matters mentioned in paragraph 1.
- 3. Select, draft, complete or revise a document for use in a case or matter mentioned in paragraph 1.
- 4. Anything mentioned in subsection 1(7) of the Act, provided that the activity is required by the rules of procedure governing a case or matter mentioned in paragraph 1.
- 5. Negotiate a party's legal interests, rights or responsibilities with respect to a case or matter or the subject matter of a case or matter mentioned in paragraph 1.
- 6. Select, draft, complete or revise a document that affects a party's legal interests, rights or responsibilities with respect to a case or matter or the subject matter of a case or matter mentioned in paragraph 1.

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For claims involving accident benefits, the Law Society of Ontario's By-Law 7.1¹¹ does also allow a licensed paralegal to participate in ancillary issues in relation to individuals who appear to have a catastrophic impairment.

As a practising paralegal, you should review and be aware of the rules of conduct that apply to your legal practice. In Ontario, paralegals are governed by the *Paralegal Rules of Conduct*.¹² These rules deal with professionalism, duty to clients, advocacy, fees and retainers, duty to the administration of justice, duty to licensees and others, practice management, and responsibility to the Law Society.

Although the full rules will not be included here, a few of the more noteworthy rules of professional responsibility are important for you to keep in mind as you start your legal career (see Table 1.2).

¹¹ Law Society of Ontario, By-Law 7.1 (amendments current to 1 January 2025), s 5.1, online: <<https://lso.ca/about-lso/legislation-rules/by-laws/by-law-7-1>>.

¹² Law Society of Ontario, *Paralegal Rules of Conduct* (1 October 2014; amendments current to 24 February 2022), online: <<https://www.lso.ca/about-lso/legislation-rules/paralegal-rules-of-conduct>>.

TABLE 1.2 Paralegal Professional Responsibilities Under the Paralegal Rules of Conduct*

2.01 INTEGRITY AND CIVILITY Integrity 2.01 (1) A paralegal has a duty to provide legal services and discharge all responsibilities to clients, tribunals, the public and other members of the legal professions honourably and with integrity. (2) A paralegal has a duty to uphold the standards and reputation of the paralegal profession and to assist in the advancement of its goals, organizations and institutions.
3.01 COMPETENCE Required Standard 3.01 (1) A paralegal shall perform any services undertaken on a client's behalf to the standard of a competent paralegal. (2) A paralegal is required to recognize a task for which the paralegal lacks competence and the disservice that would be done to the client by undertaking that task. A paralegal shall not undertake a matter without being competent to handle it or being able to become competent without undue delay or expense to the client. (3) If a paralegal discovers that he or she lacks the competence to complete the task for which he or she has been retained, the paralegal shall: (a) decline to act; (b) obtain the client's consent to retain, consult or collaborate with another licensee who is competent and licensed to perform that task; or (c) obtain the client's consent for the paralegal to become competent without undue delay, risk or expense to the client.
4.01 THE PARALEGAL AS ADVOCATE Duty to Clients, Tribunals and Others 4.01 (1) When acting as an advocate, the paralegal shall represent the client resolutely and honourably within the limits of the law while, at the same time, treating the tribunal and other licensees with candour, fairness, courtesy and respect. (2) This rule applies to appearances and proceedings before all tribunals in which the paralegal may appear.
6.01 ENCOURAGING RESPECT FOR THE ADMINISTRATION OF JUSTICE General Duty 6.01 (1) A paralegal shall encourage public respect for, and try to improve, the administration of justice. (2) A paralegal shall take care not to weaken or destroy public confidence in legal institutions or authorities by making irresponsible allegations or comments particularly when commenting on judges or members of a tribunal.
7.01 COURTESY AND GOOD FAITH Courtesy and Good Faith (1) A paralegal shall avoid sharp practice and shall not take advantage of or act without fair warning on slips, irregularities or mistakes on the part of other licensees not going to the merits or involving the sacrifice of a client's rights. (2) A paralegal shall agree to reasonable requests concerning trial dates, adjournments, waiver of procedural formalities and similar matters that do not prejudice the rights of the client. (3) A paralegal shall not, in the course of providing legal services, communicate, in writing or otherwise, with a client, another licensee, or any other person in a manner that is abusive, offensive, or otherwise inconsistent with the proper tone of a professional communication from a paralegal. (4) A paralegal shall not engage in ill-considered or uninformed criticism of the competence, conduct, advice or charges of other licensees, but should be prepared, when requested, to represent a client in a complaint involving another licensee. (5) A paralegal shall answer, with reasonable promptness, all professional letters and communications from other licensees that require an answer, and a paralegal shall be punctual in fulfilling all commitments. (6) A paralegal shall not use any device to record a conversation between the paralegal and a client or another licensee, even if lawful, without first informing the other person of the intention to do so. (7) A paralegal who receives a document relating to the representation of the paralegal's client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender.

8.01 GENERAL OBLIGATIONS

Professional Responsibility

8.01 (1) A paralegal shall, in accordance with the by-laws, assume complete professional responsibility for all business entrusted to him or her.

9.01 RESPONSIBILITY TO THE LAW SOCIETY

Communications from the Law Society

9.01 (1) A paralegal shall reply promptly and completely to any communication from the Law Society and shall provide a complete response to any request from the Law Society.

* Note: These are excerpts; for the complete rules, visit Law Society of Ontario, *Paralegal Rules of Conduct* (1 October 2014; amendments current to 24 February 2022), online: <<https://www.lso.ca/about-lso/legislation-rules/paralegal-rules-of-conduct/complete-paralegal-rules-of-conduct>>.

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A good point of reference is also the *Paralegal Professional Conduct Guidelines*,¹³ which were created by the Law Society of Ontario to assist in the interpretation and application of the *Paralegal Rules of Conduct*. During your paralegal education, you will have the opportunity to learn from other excellent resources in your course on ethics and professional responsibility.¹⁴

¹³ Law Society of Ontario, *Paralegal Professional Conduct Guidelines* (1 October 2014; amendments current to 24 February 2022), online: <<https://lso.ca/about-lso/legislation-rules/paralegal-professional-conduct-guidelines>>.

¹⁴ For more information on ethics and professional responsibility, see Jessica Hendriks & S Patricia Knight, *Ethics and Professional Practice for Paralegals*, 6th ed (Toronto: Emond, 2025).

SUMMARY

Legal research is defined as the process of identifying and gathering information necessary to support legal decision-making. The purpose of legal research is to answer legal questions and provide solutions tailored to a client's case.

Effective legal research follows a systematic approach. The basic steps include conducting a factual analysis, formulating legal questions (issues), researching applicable legal sources, and applying the law to the facts of the case. These steps ensure thorough and accurate research that addresses the specific needs of a client matter.

Paralegals operate within a defined scope of practice,

which includes specific authorized activities and professional responsibilities. Their work is governed by the *Paralegal Rules of Conduct* and *Paralegal Professional Conduct Guidelines*, which emphasize professionalism, duty to clients, advocacy, and adherence to ethical standards.

Competent legal research is critical for paralegals to understand the law, keep up with evolving legal principles, and achieve favourable outcomes for clients. By developing research strategies, utilizing primary and secondary sources, and applying findings effectively, paralegals can contribute meaningfully to the legal process.

KEY TERMS

civil law, 9
common law, 14
criminal law, 9
discovery, 12
dispute, 8
hearing, 12

issue spotting, 7
jurisdiction, 10
jurisprudence, 14
legal research, 4
legislative authority, 14
litigation, 8

primary sources, 14
regulation, 13
research, 4
secondary sources, 13
statute, 13
tribunal, 6

REVIEW QUESTIONS

Short Answer

1. Why do we conduct legal research?
2. What are the basic steps of legal research?
3. Why is determining where the events giving rise to the claim or dispute took place important in your factual analysis?
4. What is the difference between primary and secondary sources? Provide an example of each.
5. Briefly list the scope of paralegal practice in Ontario and how professional responsibilities may affect the scope of paralegal practice with reference to specific rules.

Apply Your Knowledge

1. In your own words, describe why paralegals should be competent legal researchers.
2. Using the Min Yee scenario timeline described in this chapter, identify the *who, what, where, when, and how* in her case. Add any additional facts you found relevant from her timeline.
3. Using the Min Yee scenario, what further information would you require in order to conduct/complete your legal research?



Test yourself on this chapter with
more questions on LAW+.