

Legal Research Essentials: Finding Cases on Point

Handout: The Course in a Nutshell

Keywords



Finding the right keywords can help make your research faster & more efficient.

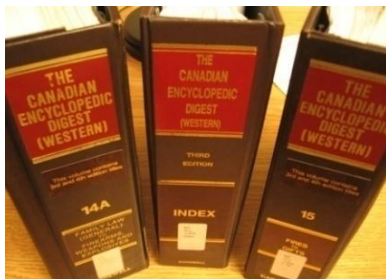


Think about the Person, Action, Place, and Object involved in a legal problem, and determine which are relevant.



Translate your keywords into legal language by thinking about the problem in terms of the cause of action involved, defence raised, or the relief sought.

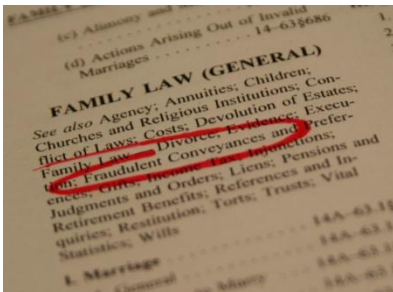
The CED



The CED (and other traditional digest sources) summarizes both the case law and the statutory law, in addition to providing a narrative commentary. If the CED doesn't have what you need, try textbooks, practice manuals, or journal articles—the goal is to find narrative commentary on the law with shortcuts to leading cases and statutes.



Look for your legal terms and keywords in the main index volume, but bear in mind you may need to reevaluate, so be prepared to check a few places.



Check the "See also" list under each main heading in the index.

Using CanLII



Spend a few moments (click "Tips") learning the unique features of the database. For example, putting legal terms such as "colour of right" in quotation marks ensures that you'll retrieve that phrase specifically, and not just any case that happens to include those three very common words.



Don't hesitate to revise your keywords as you learn more about existing cases or other terms judges have used when writing about that specific area of law.

Using CLE Online



CLE Online is a subscription product. If you don't have it in your office, it's available on public-access computers in BC Courthouse Libraries.



BC is the only jurisdiction included in CLE. It has practice manuals, most CLE seminar papers, and a case digest by subject.



It includes an index-style access route, which lets you navigate through a series of headings that become more specific as you drill down. There is also a fulltext keywords search.



Remember that not all indexers use the same keywords, so words that bring up a subject in one database may not work as well in another.

Noting Up in CanLII

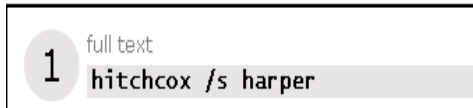


Noting up is checking the judicial history of a case. That is, its reversal or affirmation on appeal. Learning a case's judicial treatment—how it has been followed by subsequent courts—is also part of the noting up process.

K.E.S. v. C.G., 2004 BCSC 330 (CanLII) – 2004-03-11
 Supreme Court of British Columbia – British Columbia
 trailer – land – property – value – joint
 cited by 3 cases

CanLII’s “cited by” noting up feature is fairly new and therefore does not have quite the same depth of coverage provided by some of the commercial databases. It provides judicial treatment, but a full text search using the party names should be done to find any judicial history.

Search all CanLII Databases



Often placing a **/s** (with a space on each side) between the party names is more thorough than CanLII’s noteup feature. The **/s** finds cases where the party names are in the same sentence. This is more specific than searching for decisions that contain both names anywhere.

Noting up in LawSource



LawSource is a subscription product. If you don’t have it in your office, it’s available on public-access computers in BC Courthouse Libraries.

 Citing references available

Full History

Direct History (Graphical View) 

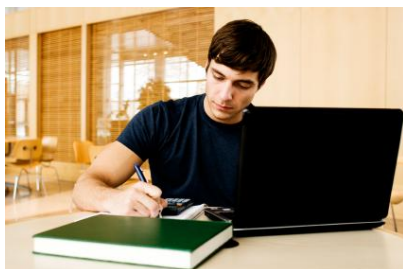
Citing References

Monitor With KeyCite Alert

KeyCite.Canada

LawSource has a KeyCite function with more features than CanLII. These include:

- a. Status flags (and other icons) that caution you about potential negative treatment.
- b. Clicking the Related Info tab helps locate the full history and judicial treatment.
- c. Clicking the Citing References link will display all Keycite references for the case you are viewing, including positive, negative, and neutral judicial considerations



Remember to check the cases you find, to make sure that the judicial treatment actually relates to the issue you’re researching.