Legal Research for Alberta Legal Professionals

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A comprehensive guide to developing and refining legal research skills for legal assistants and paralegals in Alberta

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Contents

About the Cover

The cover image of *Legal Research for Alberta Legal Professionals* was chosen with care to reflect both the realities and aspirations of the paralegal profession in Alberta. It features a woman seated before a laptop, engaged in research—a scene that is both familiar and symbolic. The image captures the quiet professionalism of legal work: focused, detail-oriented, and often carried out behind the scenes. It also highlights the everyday tools of modern legal practice: technology, documentation, and reflection, elements at the heart of this textbook.

The decision to feature a woman was intentional. The paralegal profession in Canada, as in many jurisdictions, is predominantly female. The Law Society of Ontario's 2024 Annual Report notes that 68% of licensed paralegals are women, and although Alberta's paralegals remain unregulated, a similar demographic trend is likely to apply. This gender imbalance has deep historical roots, tied to the profession's evolution from legal secretarial work and the persistent undervaluing of feminized labour in law. By visually centering a woman in a position of expertise and professionalism, the cover challenges these historical narratives and affirms the intellectual and professional legitimacy of paralegal work.

The image also embodies the principles of open access and educational equity that guide this project. Open-access resources like this textbook remove barriers to learning and professional development—barriers that disproportionately affect women and underrepresented groups in the legal field. By making knowledge freely available, we take a step toward greater inclusion, diversity, and recognition within the profession.

Ultimately, the cover serves as both a representation and a reminder that legal research is not confined to lawyers alone—and that empowering paralegals and legal assistants through accessible, high-quality education strengthens the legal system as a whole.

Why This Text Matters for Legal Assistants and Paralegals

Preface

Although it is often misunderstood that lawyers comprise the entirety of the legal profession, a large component of the justice system revolves around the work of non-lawyer legal professionals such as court clerks, legal assistants, and paralegals. Spend a few minutes discussing daily tasks with any lawyer and you will hear some version of, "*I could not live without my assistant*," or "*Our paralegal is the backbone of the firm*." Legal assistants are responsible for essential clerical duties such as file management and client communication. Paralegals often conduct legal research and are involved with the trial preparation necessary for a lawyer's (and their client's!) success. Let us not also forget the important role other legal professionals hold as clerks, assistants, or some variation thereof, whose work is essential in upholding the administration of justice here in Alberta.

Legal assistants and paralegals ("legal support staff" or "non-lawyer legal professionals") perform legal tasks under the direct or indirect supervision of lawyers. These individuals do not practice law and do not provide legal advice; however, they do, in some cases, conduct a number of legal tasks that require advanced legal knowledge. Legal assistants and paralegals play an important role in the delivery of legal services in Alberta, and any deficiencies in their competence can have severe ramifications for their supervising lawyers and the clients they serve.

It is reasonable to argue, therefore, that this demographic requires a significant understanding of the fundamentals of law, which include knowledge of both substantive and procedural law. It would also be fair to say that soft skills in the form of customer service and technical skills are also required for competent non-lawyer legal professionals. However, despite the necessity of competent professionals working in these roles, legal education for this demographic remains unregulated or standardized and continues to be largely inaccessible outside of legal assistant or paralegal studies programs. The lack of standardized education, either through formal opportunities within post-secondary institutions or through informal opportunities within legal organizations, creates knowledge gaps that affect the daily operations of both private- and public-sector legal organizations and further creates workplace barriers for individuals seeking career progression.

The absence of standardization in post-secondary programs in Alberta for legal assistants and paralegals alike creates difficulties for aspiring non-lawyer legal professionals to successfully enter the workforce. It is challenging for individuals to bridge the gap in knowledge and skills received from their formal education when law firms have high expectations for their legal support staff's competence and abilities to conduct legal tasks. This is for good reason—if mistakes are made, clients could lose the right to sue, or even end up in jail (seriously)! (A conversation about the importance of legal support staff competency, avoiding misrepresentation, and the unauthorized practice of law, particularly in criminal law, is discussed in *Criminal Law and Procedure for Alberta Legal Professionals*.)

Given the need to develop competencies for individuals working in these roles, it is surprising to see a lack of well-researched and accessible materials available for legal assistants and paralegals to develop their professional competence. There are expensive textbooks that cost $80+ (like the one referenced above) and an inability to take out any legal materials on loan from the law libraries as non-lawyers—and all of this is occurring in a world where firm libraries, which were an accessible option, are becoming a thing of the past. Any free or easily accessible resource that a non-lawyer can access today is designed primarily to share general legal knowledge with the public, predominantly for self-represented individuals. However, paralegals and legal assistants find themselves in a position where they are not part of the "general public" with no legal knowledge, nor are they lawyers with extensive legal training—they fit somewhere in between the two. As a result, there are few educational opportunities (formal or informal) that apply specifically to them outside of formal paralegal or legal assistant diploma, certificate, or microcredential programs.

Most individuals who provided feedback at Legal Education Society of Alberta (LESA) workshops I have spoken at expressed a desire for more training opportunities for legal support staff, particularly in procedural law relevant to their practice area, technical legal concepts such as effective use of legal technology, and a *sprinkle* of substantive law (unlike lawyers, where their focus is almost entirely on substantive law). A paralegal working in a small real estate firm will have significantly different professional development needs compared to a floater or generalist working in a large law firm, for example. Although at a foundational level, both paralegal roles in this example are similar, developing competence to obtain a role with more responsibility requires a certain level of specialization and competence, not unlike their lawyer counterparts.

Formal professional development opportunities in academia for legal studies programs and other legal-related courses come at a high cost and focus more on the sociological context of the law, which, while important, does not reflect the needs of paralegals and legal assistants who wish to advance and undertake more complex legal tasks within a law office. As a result, most paralegals and legal assistants develop their expertise "on the job," which has both benefits and drawbacks, as their knowledge often depends primarily on the support, guidance, and resources provided by their supervising lawyer as well as through informal, cost-effective learning opportunities such as webinars offered through various organizations.

Legal assistants or paralegals typically have minimal professional development funds from their firm or legal organization, if provided at all. This is a disadvantage not only for legal support staff but also for the lawyers who wish to provide learning opportunities for their staff but cannot afford the cost for both lawyers and support staff. Although LESA has made attempts to provide seminars for legal support staff in recent years, the cost (upwards of $400 per full-day workshop) remains a barrier to accessing that information. Christine Savoy of Mattlena Paralegal spoke about this topic from the perspective of an independent paralegal on the Paralegal Perspectives Podcast in June 2024. Although an advocate of lifelong learning, Christine notes that cost is a significant factor in continuing professional development in her area of expertise.

It is fair to say that legal education, regardless of your role in the legal profession, is inherently inaccessible and expensive, but the cost impacts more legal support staff, who earn a lower income, than lawyers. The Alberta Government (2023) stated that lawyers make an average yearly salary of approximately $145,000. On the other hand, in 2023, the Alberta Association of Professional Paralegals (AAPP) conducted a salary report on current non-lawyer legal professionals in their organization. Although the reports shared with the public are minimal, with no conversation surrounding the findings, it is reasonable to assume the following from their 260 responses:

- The average legal assistant salary in the province varies widely, ranging between $25,000 and $105,000, with most assistants receiving a salary between $56,000-$75,000 per year.
- Pay is significantly higher ($85,000+) for paralegals and legal assistants who have over 20 years of experience, particularly in Edmonton and Calgary.
- Without knowing the number of participants who responded with a location outside of the main city centres, it appears, and makes logical sense, that those who work in smaller towns or cities are making a lower annual salary compared to those working in Edmonton and Calgary.

Through anecdotal conversations and surveys from practicum hosts who have hired graduates of the MacEwan University Paralegal Studies program, I can say with some confidence that the average entry-level legal assistant/paralegal hourly wage for 2024 sits between $18-$22 per hour, equating to approximately $37,400 and $42,000 annually, respectively. To put this into perspective, the *Calgary Herald* (2023) stated, based on the VCC and the Alberta Living Wage Network, that the basic wage needed to cover basic expenses in Calgary in 2023 was $23.70. Over a 20-year work period, this same demographic can expect to see an average increase in annual salary to an average upper limit of $75,000 per year (based on this limited data); however, in the beginning of their careers, their earnings may start *below the cost of basic living expenses*, using Calgary as an example.

Students in post-secondary programs are faced with a high cost of living, requiring students to acquire part-time, or in some cases, full-time, employment simply to cover cost-of-living expenses and the absurdly high cost of tuition. These social factors create even greater disadvantages to international students, and especially students from marginalized groups. New graduates of both law school and legal assistant/paralegal programs likely enter the legal industry with a significant amount of debt due to student loans to cover the cost of tuition. However, legal assistants and paralegals start their careers by making extremely low wages, with lawyers starting articles at $52,000 with an arguably unlimited earning potential (Alberta Court of Justice, n.d.). This creates a defined and infinite barrier to accessing education resources for legal support staff when they are without the support of a supervising lawyer who can afford to invest resources into their professional development.

For all reasons outlined above, this open-access textbook, *Legal Research for Alberta Legal Professionals*, hosted on the MacEwan Pressbooks platform, was created. Legal research is not a course offered in all legal assistant or paralegal programs, and it is a skill that is difficult to develop "on the job" without oversight, structured guidance, or some foundational knowledge. This resource is one step of many intended to help bridge that gap. I am hopeful that this open-access legal research textbook can be a step forward in equipping non-lawyer legal professionals with the skills they need to grow in their responsibilities and contribute meaningfully to the legal profession.

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Student Co-Creation and Industry Partnerships

Preface

Student Co-Creation

Some chapters in this textbook were authored by students as part of their final assignment in LEGL 200: *Paralegals and the Legal Environment*, while others were created by students who volunteered their time or worked as paid research assistants. From the beginning, the goal of this project has been more than simply producing a textbook—it is about giving students a meaningful platform to contribute to their profession. This process provided an authentic learning experience, where students took ownership of their work and recognized that their final product would impact the broader legal community beyond the classroom (Lubicz-Nawrocka & Bovill, 2021, p. 1746). At its core, this project is about empowerment: by embracing open access legal information and creating space for students to shape the resources they and their peers will use, we can cultivate a stronger, more knowledgeable, and more effective legal profession—particularly among paralegals and legal assistants.

As the supervising instructor, I worked closely with students, often guiding them through several iterations of their chapters until we reached a product worthy of publication. My role was to oversee the process, edit for clarity and quality, and add an element of instructional design to make the content more engaging. The primary goal, however, was always to uplift future legal professionals by giving them both a platform and a published chapter to add to a growing body of information created by legal professionals for their own demographic. For this reason, I am listed as an editor and, in some cases, a secondary author. It is important to emphasize that I am not the author of each chapter—**these students did the hard work**. The bulk of the ideas, analysis, and writing belongs to them.

> ***Note***: As a result of student co-creation, the chapters in this textbook are designed to be read primarily as standalone chapters and may not always transition seamlessly into one another. Developing the first eight chapters with students was a two-year process, which, as you can imagine, leaves some gaps in the coverage of legal research. I intend to continue collaborating with students each year to refine existing chapters and add new ones. Consider this text a living document—one that will evolve and improve over time through multiple perspectives.

Industry Partnerships

Industry-focused chapters highlighting landmark cases and key legislation in different areas of law applicable to Alberta are currently in development through collaboration with industry partners. These chapters are intended to provide practical, field-specific perspectives that will complement the student-authored content already included in this textbook.

If you are a legal professional and would like to contribute to this ongoing project, please contact Ashley at **stasiewicha2@macewan.ca** to discuss how we can collaborate.

References

Lubicz-Nawrocka, T., & Bovill, C. (2021). Do students experience transformation through co-creating curriculum in higher education? *Teaching in Higher Education*, *28*(7), 1744–1760. https://doi.org/10.1080/13562517.2021.1928060

Acknowledgments

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Student Partners

The student partners who contributed to this project played an invaluable role in its success. Some worked as volunteers, others were supported through project funding, and many of the chapter authors themselves were students who took on the challenge of creating content that would outlive the classroom. Their dedication, insight, and ability to break down complex areas of legal research into simple, practical explanations made the material more accessible for legal assistants and paralegals, ensuring that each chapter reflects the needs of those learning and working in these roles.

Long before there was a finished textbook to review, these students trusted me enough to engage with my wild and (sometimes) crazy ideas, even when the final vision was still uncertain. Their creativity, patience, and belief in the potential of this work made it possible to turn an idea into a living resource. By taking on responsibilities ranging from research and writing entire chapters to developing resources and exploring new approaches as AI reshapes the field, they have shaped a textbook that reflects the experiences and needs of aspiring legal professionals.

A special thanks to the following students, whose dedication went far beyond research tasks. These student partners spent countless hours meeting with me, even late at night over Zoom or Teams, engaging in thoughtful conversations about legal research, the role of paralegals and legal assistants, and identifying gaps in the literature and resources available. Their efforts and insights were instrumental in shaping this project.

- Sam McDowell – 2024 Research Assistant
- Ashley McDonald – 2025 Research Assistant

I am deeply and continuously grateful for each student's hard work on this project, their curiosity, and—most of all—their faith in this project before it truly existed. Their efforts ensure that future learners (both academic and industry) will have access to a resource created not just for them, but by those who once stood in their place.

Peer Reviewers

Peer review is essential to the integrity of any educational resource, and I owe immense gratitude to the reviewers who dedicated their time and expertise to this project. Their thoughtful feedback, careful critique, and constructive suggestions strengthened the clarity, accuracy, and accessibility of the text. The reviewers' contributions ensured that this resource meets the needs of its intended audience while maintaining high academic and professional standards. Thank you for your careful attention and for helping us make this resource the best it can be.

- Aimee Auclair
- Kristine Jeffels
- Samantha Jones
- Vanessa Wilson

Funding

This project would not have been possible without the generous support of MacEwan University. Their commitment to advancing open-access education in Alberta has made it possible to create a resource that is freely available to students, legal professionals, and members of the public. Funding for this project provided the time, tools, and infrastructure needed to collaborate with students and industry professionals in developing the first edition of this textbook.

As a sessional instructor, opportunities to access project funding are limited, and the risk of investing in such projects is often perceived as high by universities. For that reason, I am especially grateful to the Centre for Teaching and Learning's Teaching Impact Fund and the MacEwan Library's Open Textbook Grant, which both took a risk on me and dedicated funds and mentorship to make this project possible. Their support not only helped launch the first edition of this text but also affirmed the value of collaborative, student-driven scholarship. I am forever grateful for their investment in open education and their confidence in this work.

Introduction to the Canadian Legal System

ANNABELLE THOMAS AND EMMA BOHN

Learning Objectives

Upon successful completion of this chapter, learners will be able to do the following:

- Explain the role of the Canadian Constitution as the supreme law of Canada.
- Outline the structure and functions of the three branches of government.
- Differentiate between public law and private law.

Introduction

Legal professionals need to understand the fundamentals of the law to know where to begin their legal research to find answers for a client's legal issue or concerns (Blatt & Kurtz, 2020). The Canadian Constitution and its role in guiding the interactions between all levels and branches of government is introduced at the beginning of this chapter. The levels of courts in Alberta and Canada and their interactions with each other are then discussed. Knowing what law governs a client's problem will help legal professionals know what can be done and what choices to give the client about how to provide (Blatt & Kurtz, 2020, p. 11). At the end of the chapter, the four primary sources of law in Canada are introduced, and the categories of law are explained in detail.

Canadian Government

The Canadian Constitution

The Canadian Constitution is the supreme law of Canada. The Constitution consists of a combination of

- Principles of democracy inherited from Britain as traditions;
- The *Constitution Act*, *1867* (formerly called the *British North America Act*, *1867*); and
- The *Constitution Act*, *1982*.

Two parts of the Constitution determine the validity of laws passed by the federal and provincial governments and municipal bylaws—the division of powers and the *Charter of Rights and Freedoms* (Nastasi et al., 2019).

Division of Powers

According to Nastasi et al. (2019), the Constitution allocates law-making powers to the federal and provincial governments based on the subject matter. If one level of government passes a law that regulates an area granted to another by the Constitution, the law is considered invalid. Furthermore, laws are referenced in the *Constitution Act* as follows:

- **Section 91** of the *Constitution Act*, *1867* sets out the subjects governed by federal law, including criminal, bankruptcy law, and patent law.
- **Section 92** of the *Constitution Act*, *1867* sets out the subjects governed by provincial law, including property and civil rights, municipal laws, the administration of justice, and the court system.

For ease of reference, the expandable lists below summarizes the powers of the federal government and the provincial governments, according to the Government of Canada (2021), *The Constitutional Distribution of Legislative Powers*:

Parliament of Canada – Section 91 of the *Constitution Act*

- Public Debt and Property
- Regulation of Trade/Commerce
- Unemployment insurance
- Direct/Indirect Taxation
- Postal Service
- Census/Statistics
- Defence
- Navigation/Shipping
- Quarantine
- Sea Coast and Inland Fisheries
- Ferries (interprovincial/ international)
- Currency/Coinage
- Banking /Incorporation of Banks/Paper Money
- Weights and Measures
- Bankruptcy
- Patents and copyrights
- Indians/Indian reserves
- Citizenship
- Marriage/Divorce
- Criminal law, including Criminal Procedure
- Penitentiaries
- Works connecting provinces; beyond boundaries of one province; within a province but to the advantage of Canada/or more than one province

Provincial Legislatures – Section 92 of the *Constitution Act*

- Direct Taxation within the Province
- Management/Sale of Public Lands belonging to the Province
- Prisons
- Hospitals
- Municipalities
- Formalization of Marriage
- Property and Civil Rights
- Administration of Civil/Criminal Justice
- Education
- Incorporation of Companies
- Natural Resources
- Matters of a merely local or private nature

The Charter

The *Canadian Charter of Rights and Freedoms* was incorporated into the Constitution in 1982 and sets out a list of fundamental rights and freedoms belonging to all persons (Department of Justice Canada, 2022). The Charter is divided into seven categories: fundamental freedoms, democratic rights, mobility rights, legal rights, equality rights, official language rights, and minority language educational rights (Department of Justice Canada, 2022). Any law or government action that infringes these rights to a greater extent than can be justified in a free and democratic society is either invalid or has no effect to the extent that it infringes these rights (Nastasi et al., 2019).

Aboriginal and Treaty Rights

Aboriginal Rights: Refer to Aboriginal peoples' historical occupancy and use of the land

Treaty Rights: Rights set out in treaties entered into by the Crown and a particular group of Aboriginal people

The Constitution recognizes and protects both Aboriginal rights and treaty rights (Department of Justice Canada, 2021). Section 35 of the *Constitution Act* affirms Aboriginal and treaty rights of Indigenous peoples in Canada and recognizes them as legally binding. Indigenous laws are incorporated into these rights and form an essential part of the tapestry of Canadian law (Queen's University, 2017).

Indigenous Services Canada (ISC) administers many pieces of legislation, either in whole or part. ISC develops and enforces regulations under authority delegated by the legislation that directly impacts First Nations, Inuit, Métis, and Northerners (Indigenous Services Canada, 2026).

Levels of Government

Canada's system of government is divided into three levels: federal, provincial or territorial, and municipal, outlined as follows:

Federal

The federal government is based in Ottawa and is headed by the Prime Minister. It deals with national and international matters, like national defence, employment insurance, and Aboriginal lands and rights (Immigration & Citizenship, 2017).

Provincial or Territorial

A Premier leads each province and territory and is based in the capital of the province or territory. The provincial and territorial governments can change laws and manage public lands (Immigration & Citizenship, 2017). They are in charge of areas that affect only the people of their province, such as education, health care, social welfare, property and civil rights, and the formalization of marriages (Government of Canada, 2021).

Municipal

Mayors lead municipal governments that run cities, towns, or municipalities. They are in charge of things that affect their communities, like libraries, roadways, and public transportation (Immigration & Citizenship, 2017).

First Nations Governance

Across the country, band councils govern First Nations communities. Band councils are similar to municipal governments—they are elected by band decisions and make decisions that affect their local communities (Immigration & Citizenship, 2017).

Branches of Government

Canada's system of government has three branches: the legislative, the executive, and the judicial. Each has separate powers and responsibilities defined in the Constitution: the legislative branch passes laws, the executive branch implements them, and the judicial branch interprets them (Parliament of Canada, n.d.b).

Every level of government has an executive branch and a legislative branch. The federal, provincial, and territorial governments are all responsible for the judicial system in Canada and have their own judicial branches. Municipal governments, on the other hand, do not have a judicial branch.

Alberta Courts

Canada's court system is composed of courts and administrative tribunals. People involved in the court process include justices seen in the Alberta Court of Justice and Alberta Court of King's Bench, judges in the Alberta Court of Appeal, Supreme Court of Canada, and Federal Court, and adjudicators seen in administrative tribunals (Blatt & Kurtz, 2020, p. 44).

Table 1.1 Alberta Courts

Justices	Judges	Adjudicators
• Alberta Court of Justice	• Alberta Court of Appeal	• Administrative Tribunals
• Alberta Court of King's Bench	• Supreme Court of Canada	
	• Federal Court	

Federally enacted laws, regulations, and decisions bind all lower courts in every province and territory; this principle is called stare decisis. Stare decisis refers to the doctrine of precedent formed by judges in previous decisions to be applied in similar cases to ensure consistency and certainty in the law. It evolves from common law judicial decisions, where each court decision binds upon all lower courts when the circumstances of the case are exceedingly similar (Brierley, 2015). For example, a decision made by the Alberta Court of Appeal must be followed for almost identical cases seen later in the Alberta Court of King's Bench or the Alberta Court of Justice. However, if the Supreme Court or the Alberta Court of Appeal sees an additional almost identical case, it is not required to follow the previous Alberta Court of Justice or Court of King's Bench decision, as they are lower courts than the Supreme Court of Alberta or the Alberta Court of Appeal.

Provincially or territorially enacted decisions, statutes, or regulations are not binding in other provinces or territories but can pose persuasive authority to those courts (Blatt & Kurtz, 2020, p. 86). For example, a decision from Saskatchewan may have similar facts and legal issues, but it would be considered persuasive rather than binding upon the decision maker.

Binding Law: A pre-existing statute, regulation, or case law that must be followed by lower courts (Blatt & Kurtz, 2020, p. 86).

Binding Decision: An existing court decision that lower courts must follow if the case in question is exceedingly similar (Blatt & Kurtz, 2020, p. 86).

Alberta Court of Justice

The Alberta Court of Justice (ABCJ), previously known as the Alberta Provincial Court, is the lowest court in Alberta. It is split into four divisions: Civil, Criminal, Family, and Youth (Alberta Court of Justice, n.d.a).

Choosing the Alberta Court of Justice over the Alberta Court of King's Bench for some matters can be appealing for many reasons. The Alberta Court of Justice is more accessible for people who may not have the funds to retain a lawyer for the entirety of a family or civil proceeding, as self-represented litigants are allowed. This allows parties to maneuver the court process at a reduced cost (Lyn, 2023). Furthermore, paralegals and legal agents can represent clients in traffic and summary conviction matters in the Court of Justice, but not in the Court of King's Bench. The Alberta Court of Justice provides fair, accessible, and efficient justice to all Albertans (Alberta Court of Justice, n.d.a).

There are 21 base point locations and 51 circuit point locations. This means 21 courthouses in Alberta are full-time Alberta Court of Justice locations. **Circuit point** locations are secondary courthouses that offer most, but not all, services as the base point locations. On the Alberta Courts website, you can view the Alberta Court of Justice court practice and schedules and the locations map.

Alberta Court of Justice

Benefits: Expedient timelines (can see trial date within months), reduced costs, accessible to self-represented litigants, access to court mediation services
Risks: Minimized chance to explore evidence or issues prior to trial, and other party can be self-represented or by counsel

Alberta Court of King's Bench

Benefits: Increased formality with the requirement of the parties to partake in exploration of evidence prior to trial
Risks: Increased costs and longer timelines; can be several months to years to see a trial date

Each of the above benefits or risks regarding the Alberta Court of Justice and Alberta Court of King's Bench can be seen as an advantage or disadvantage, depending on the parties' situations.

Civil Division

Civil law is when private individuals and/or businesses choose to sue another individual or business by beginning a court action. The Alberta Court of Justice Civil Division provides an accessible, affordable, simplified means to resolve private matters. Parties to the action may choose to represent themselves or hire a lawyer at their own expense. The maximum amount to claim in the Alberta Court of Justice is $100,000, although not all civil matters within this amount are heard in the Court of Justice. Any claim higher than that amount must be brought before the Alberta Court of King's Bench (Alberta Court of Justice, n.d.b). Civil litigation matters can evolve from the following, but are not limited to (see Table 1.2):

Table 1.2 Examples of Civil Litigation Issues
***Source*: Alberta Courts (2025). Areas of Law – Civil.**

Torts	Negligence: Failure to use reasonable care, resulting in damage or injury Conversion: Taking or using someone else's property without consent
Contracts	Failure to deliver goods or services Misrepresentation of goods or services Inadequate performance of services agreed on
Property	Lost or abandoned personal property Intellectual property (copyrights, patents, trademarks, industrial designs)
Residential Tenancy	Dispute between landlords and tenants
Real Estate	Sale or purchase of land and buildings Mortgages Property foreclosures
Estates	Creating and signing of Last Will and Testaments Distribution of a deceased's property

For the court to find in favour of a party in civil litigation, the case must be proven on the **balance of probabilities** (Alberta Court of Justice, n.d.b).

Criminal Division

All criminal court appearances start in the Alberta Court of Justice, where pleas, bail hearings, and preliminary inquiries are entered. Only less serious indictable and summary conviction offences can be heard in the Alberta Court of Justice Criminal Division (Alberta Court of Justice, n.d.c).

Table 1.3 Comparison of the Provincial Court and the Court of King's Bench *Source*: Susan Karpa, Criminal Defence Lawyer (2025). *What is the difference between provincial court and the Court of King's Bench?*

	Alberta Court of Justice	Alberta Court of King's Bench
Types of Cases	Less serious criminal matters	Very serious criminal matters
Types of Trials	Judge only; Does not have jury or preliminary inquiries	Judge with or without a jury; Preliminary inquiry option
Decision Makers	Provincially hired; Specialized area of law	Federally appointed; Must have broader expertise in all areas of law

Family Division

The Alberta Court of Justice hears applications for child and spousal support, parenting arrangements, guardianship, and child protection matters. This court does not have jurisdiction to decide divorce or property claims arising out of divorce (Department of Justice Canada, 2024). On the Alberta Court of Justice website, numerous brochures and information pamphlets are available to assist self-litigants in the family process (Alberta Court of Justice, n.d.d).

Youth Division

In Canada, offenders aged 12 to 17 must be tried in the youth justice system. The *Youth Criminal Justice Act* (YCJA) was created for young offenders to outline their applicable consequences that are separate from the *Criminal Code*, which is adult-specific. The *Youth Criminal Justice Act* focuses on rehabilitation and the prevention of **recidivism**. Youths are also held in a separate remand centre from adults, but are transferred if they are held in custody past their 18th birthday (Alberta Court of Justice, n.d.e).

Alberta Court of King's Bench

****Fun Fact***: The Court of King's Bench was previously known as the Court of Queen's Bench before Queen Elizabeth II died in 2022. The change to the King also affected the naming convention of criminal cases. For example, *R v Jones,* the R currently stands for "Rex," which is Latin for "king," whereas it previously stood for "Regina," which is Latin for "queen."

The Alberta Court of King's Bench is the province's Superior Court. This court hears complex criminal matters, family matters, civil matters dealing with more than $100,000, surrogate matters regarding wills, estates, and guardianships, and appeals from the Alberta Court of Justice (Court of King's Bench of Alberta, n.d.a). To present a matter in this court, natural persons are entitled to represent themselves or to retain a lawyer, whereas corporations must retain a lawyer (Lyn, 2023).

The 11 base point locations for the King's Bench include Fort McMurray, Peace River, Grande Prairie, Edmonton, St. Paul, Wetaskiwin, Red Deer, Calgary, Drumheller, Lethbridge, and Medicine Hat. Additionally, two circuit point locations assist within their jurisdiction. High-Level circuit point assists with Peace River jurisdiction, and the Hinton circuit point helps with the Edmonton jurisdiction. Every additional base point location manages all cases within its specified jurisdiction (Court of King's Bench of Alberta, n.d.a). The circuit point locations only have King's Bench Justices on a scheduled travelling rotation from the central seating location, meaning they are not readily available in either location.

Alberta Court of Appeal

The Alberta Court of Appeal (ABCA) is the highest Alberta court, with two locations, each in Calgary and Edmonton. An **appeal** is not simply another chance at trial. Instead, judges review the previous decision and evaluate if an error of fact or law appeared in the case (Court of Appeal of Alberta, n.d.). Depending on whether the appeal is in criminal or civil law, the process for an appeal differs and is discussed in depth in the *Alberta Rules of Court*.

Not only does the Alberta Court of Appeal evaluate criminal, civil, and family cases from both the Alberta Court of Justice and Alberta Court of King's Bench, but it also appeals from administrative boards or tribunals (Court of Appeal of Alberta, n.d.).

Supreme Court of Canada

The Supreme Court of Canada (SCC) is the highest appeal court in Canada, located in Ottawa. In most cases, to appear for an appeal in the Supreme Court, an appellant must seek **leave** from the court. Leave is only generally received if the case involves a significant issue of the law or an issue of public importance (Blatt & Kurtz, 2020, p. 86). However, leave to appeal is *not* required in certain cases. These include appeals from opinions issued by courts of appeal on matters referred by a provincial government. In some criminal cases, an appeal may also proceed as of right, such as when one judge in the court of appeal dissents on a point of law (Supreme Court of Canada, 2025). Lastly, the SCC hears references when the federal government seeks an advisory opinion, often on the constitutionality of proposed or existing legislation. Past references have addressed issues such as climate change, same-sex marriage, and Senate reform (Supreme Court of Canada).

The Supreme Court of Canada consists of nine judges and hears between 65–80 appeals per year involving five, seven, or nine judges. Judgments are published in both French and English in the Canada Supreme Court Reports (Supreme Court of Canada, 2017).

> ***Fun Fact***: The Honourable Mary T. Moreau, appointed November 6, 2023, is currently the only judge from Alberta sitting on the Supreme Court of Canada. The last Albertan, appointed on September 17, 1990, was the Honourable William Stevenson. They were both born in Edmonton, and both attended the University of Alberta (Supreme Court of Canada, 2025).

The Federal Court System

The federal court system specializes in federal laws, such as intellectual property, maritime law, and tax assessments. It includes the Federal Court, the Tax Court, and the Federal Court of Appeal (Parliament of Canada, n.d.b).

Federal Court

The Federal Court is Canada's national trial court. It hears and decides federal legal disputes whose subject matter has been assigned to the Court by Parliament (Department of Justice Canada, 2021). The Court is based in Ottawa, but its members travel throughout Canada to hear cases and render decisions (Federal Court, 2022).

Tax Court of Canada

The Tax Court of Canada is a superior court that determines cases and appeals about matters that arise under federal tax and revenue legislation, as defined under the *Tax Court of Canada Act*. It is independent of the Canada Revenue Agency and all other government departments (Department of Justice Canada, 2021a).

Federal Court of Appeal

The Federal Court of Appeal hears appeals from the Federal Court and the Tax Court of Canada and judicial reviews of certain federal tribunals. Like provincial and territorial courts of appeal, its decisions can only be appealed to the Supreme Court of Canada (Department of Justice Canada, 2021a).

Administrative Tribunals

Administrative tribunals, called commissions or boards, operate like courts in deciding disputes over statute-based rights, entitlements, and duties (Nastasi et al., 2020). They make decisions on behalf of the federal or provincial governments when it is impractical or inappropriate for the government to do so themselves. Because they engage in fact-finding and have the power to impact personal rights, tribunals are often seen as "**quasi-judicial.**" The courts may review their decisions (Kuttner et al., 2020). In Alberta, administrative tribunal decisions are reviewed by the Court of King's Bench of Alberta (Court of King's Bench of Alberta, n.d.a).

Alberta examples include the Alberta Human Rights Commission, the Appeals Commission for Alberta Workers' Compensation, and the Tribunal Office of the Law Society of Alberta. This list is not exhaustive.

Sources of Law

Canada has four primary sources of law: statutes, regulations, bylaws, and case law. Lawyers, paralegals, and legal assistants must be familiar with these sources of law. When clients seek legal advice, they need to know what statutes, regulations, bylaws, and case law apply to their legal situation and how they will be affected (Stasiewich, 2023).

Statutes

Statutes set out the law and state methods of doing things that are required or permitted, along with creating penalties for not doing what is required or for doing what has been prohibited (Blatt & Kurtz, 2020, p. 14).

Federal Statutes

Federal statutes start as bills or "proposed laws." Typically, the political party in power puts forward the bills, but any member of Parliament or Senate can introduce a bill.

To become Canadian federal law, both houses of Parliament must approve a bill—the Senate and the House of Commons. All bills follow a process of debate, review, and voting. After a bill is passed by the Senate and the House of Commons, the Governor General grants royal assent, which becomes a law (Parliament of Canada, n.d.a). You can review how a bill becomes a law on the Department of Justice website.

Examples of federal statutes include the *Criminal Code*, RSC 1985, c. C-46 and the *Immigration and Refugee Protection Act*, SC 2001, c. 27.

Provincial Statutes

Provincial statutes start as bills. They are introduced by a Member of the Legislative Assembly (MLA). They must pass through several stages to become law in the Province of Alberta: a first reading, a second reading, Committee of the Whole, and a third reading. If a bill passes after the third reading, the Lieutenant Governor grants royal assent, and the bill becomes law (University of Alberta Library, 2024a).

Alberta provincial statutes include the *Adult Interdependent Relationships Act*, SA 2002, c A-4.5, the *Alberta Housing Act*, RSA 2000, c A-25, and the *Judicature Act*, RSA 2000, c J-2.

Consolidated Statutes

Governments will make amendments to statutes that add new sections or make changes to the existing statutes. The consolidated version of a statute incorporates any amendments or other changes in the text of the original statute up to a particular date, called the "current to" date (Government of Alberta, n.d.). The "current to" date is indicated at the beginning of the consolidation (University of Alberta Library, 2024b).

The consolidated statutes database in Canada contains point-in-time versions of the Revised Statutes of Canada, 1985 (RSC 1985) (CanLII, n.d.b). Any federal statute enacted after 1985 will appear in an annual volume for the year it was enacted.

The consolidated statutes database in Alberta contains point-in-time versions of the Revised Statutes of Alberta, 2000 (RSA 2000), starting on February 17, 2003. Any Alberta statute enacted after 2000 will appear in an annual volume for the year it was enacted.

CanLII cites the RSA 2000 and subsequent consolidations either by:

- Their RSA 2000 chapter number, for example: *Agricultural Operation Practices Act*, RSA 2000, c A-7: or
- Their revised SA annual chapter number, for example: *Tobacco Reduction Act*, SA 2005, c T-3.8.

Annual Statutes

The annual statutes database brings together the assented statutes once enacted by the Legislative Assembly of Alberta since the province's inception, starting from May 1906 (CanLII, n.d.). They include new Acts as well as Acts that amend existing consolidated Acts.

CanLII refers to annual statutes by their Statutes of Alberta (SA) chapter number, for example:

- *Alberta Senate Election Act*, SA 2019, c A-33.5:
- *Gaming and Liquor Statutes Amendment Act*, 2018, SA 2018, c 7.

Historical Revised Statutes

The historical revised statutes database contains all historical Revised Statutes of Alberta (RSA) adopted since the province's inception in 1906 (CanLII, n.d.). The chapters of each revision were made available as proclaimed into force on the following dates:

RSA 1922: January 19, 1923
RSA 1942: February 15, 1943
RSA 1955: July 1, 1957
RSA 1970: March 1, 1971
RSA 1980: January 1, 1982

CanLII cites these historical revisions by their RSA chapter number, for example:

- *The Agricultural Pests Act*, RSA 1922, c 71;
- *Tax Recovery Act*, RSA 1970, c 360;
- *Teachers' Retirement Fund Act*, RSA 1980, c T-2.

Links to the amending annual legislation are made available for each revised chapter. Unlike the RSA 2000, point-in-time versions are not provided for historical revisions (CanLII, n.d.a).

Subordinate Legislation

Regulations

Regulations are the second primary source of law in Canada. Regulations, also called subordinate or delegated legislation, are rules made under the authority of an enabling statute that gives the power to make regulations (Stasiewich, 2023). Alberta regulations include the *Alberta Rules of Court*, Alta Reg 124/2010 and the *Judgment Interest Regulation*, Alta Reg 215/2011.

Federal regulations include the *Access to Information Regulations*, SOR/83-507, and the *Gasoline Regulations*, SOR/90-247.

Because Canadian society is so complex, it would be nearly impossible for lawmakers to deal with all the laws' details (Department of Justice Canada, 2021b). As a result, enabling statutes deal with general principles and objectives, while regulations under the statute are concerned with procedural and administrative aspects of the law. The enabling statute, or framework legislation, sets out the purpose, and the regulations set out the details. Because regulations do not need to be brought before Parliament or the legislature to be voted on, the government can create and amend them more quickly and efficiently than statutes can (Blatt & Kurtz, 2020, p. 34). For example, the *Alberta Rules of Court*'s enabling statute is the *Judicature Act*, RSA 2000, c J-2. The *Judicature Act* sets out the jurisdiction and powers of the courts, while the *Alberta Rules of Court* sets out rules of procedure and processes.

It is essential to read regulations in accordance with the statutes to gather the whole meaning of each provision. Just like statutes, regulations require, prohibit, or permit specific actions and set out methods of doing what is required or permitted. They also create penalties for not doing what is required or for doing what is prohibited (Blatt & Kurtz, 2020, p. 35).

Consolidated Regulations

Like statutes, the consolidated regulations database contains point-in-time versions of the *Alberta Regulations* ("Alta Reg") enabled by a consolidated statute, starting on February 17, 2003.

CanLII cites these regulations by their Alta Reg number, for example:

- *Alberta Rules of Court*, Alta Reg 390/1968
- *Dangerous Goods Transportation and Handling Regulation*, Alta Reg 157/1997

These are "posted versions," meaning versions of the text as it was posted on the official printer's website and downloaded by CanLII at a specific date (CanLII, n.d.b).

Bylaws

The third primary source of law in Canada is bylaws. Bylaws are laws made by a governing body that a legislature grants the power to do so (Blatt & Kurtz, 2020, p. 28). In Alberta, the *Municipal Government Act* authorizes municipalities like Edmonton and Calgary to legislate on a range of matters for their municipality to maintain the health, safety, and wellness of their communities (City of Edmonton, n.d.). Many cities and municipalities have some or all of their recent bylaws available online. LawCentral Alberta provides online resources for finding municipal bylaws (Law Central, n.d.).

For example, Edmonton's bylaws and Calgary's bylaws are found on their respective city websites.

Case Law

The fourth primary source of law in Canada is case law. Case law comprises written decisions by decision-makers like judges, adjudicators, or justices of the peace in court and tribunal proceedings. Each decision, or "case," is a written record of individual legal proceedings created by the decision-maker summarizing the most important details of the proceeding, whether it be a trial, motion, hearing, or decision (Blatt & Kurtz, 2020, p. 44). Examples of influential case law that have changed Canadian society include *R. v Stinchcombe*, [1991] 3 SCR 326, *R. v Marshall*, [1999] 3 SCR 456, and *United States v Burns,* [2001] SCR 287 (Ontario Justice Education Network, 2006).

R v Stinchcombe dramatically changed the criminal trial process, improved trial fairness, and helped to protect against wrongful convictions by stating that the Crown must disclose all relevant information to the accused prior to trial (Ontario Justice Education Network, 2006).

R v Marshall is a landmark ruling in Indigenous treaty rights in Canada. The Supreme Court recognized the hunting and fishing rights promised in the Peace and Friendship Treaties signed between the British and Mi'kmaq, Wolastoqiyik, and Peskotomuhkati in 1760-1761 (Conn, 2020).

*United States v Burn*s is a ruling by the Supreme Court of Canada stating that it is a breach of section 7 of the Charter to send individuals to countries where they may face the death penalty. Many people believe that this decision guarantees that the death penalty will never be brought back into the Canadian justice system (Ontario Justice Education Network, 2006).

Categories of Law

Common Law and Civil Law

Quebec is the only province or territory that follows the civil law system. Courts in the civil law system first examine the civil code, based on the French *Code Napoléon*. Discussion of the civil law system is outside the scope of this textbook, as that system does not apply to the rest of Canada (Department of Justice Canada, 2021b).

Note: The Civil Law System and Civil Law Divisions, as a category of law, are not the same.

The common law system that the majority of Canada follows is not written as legislation. Instead, it evolved based on **precedent**. Other countries that use the common law system include the United States, Australia, and England (after 1949) (Blatt & Kurtz, 2020, p. 89).

> ***Fun Fact***: Canada's legal system was brought to Canada by explorers and colonists in the 17th century. After the Battle of Quebec in 1759, Canada fell under English common law, excluding Quebec, which follows the French and English legal system known as civil law.

Procedural Law and Substantive Law

Procedural and substantive law complement each other's work.

Substantive law sets out the rights and obligations of members in society where laws are enforced (McShane, 2013). For example, criminal law is concerned with society's order, safety, and protection.

Procedural law is the step-by-step process of how a case moves through the court system and how to enforce laws properly. For example, criminal law is enforced through the *Criminal Code*, and the offender must be properly arrested, given their rights, and the investigation and hearing of their charges handled correctly in a court setting. In the law firm, paralegals and legal assistants are expected to know some substantive law, but there is a greater emphasis on knowledge of procedural law. Lawyers typically take only one class on procedural law during law school. They are expected to have expert knowledge of substantive law, relying upon their support staff to assist with the procedure (Stasiewich, 2023).

Law of Evidence

Law of evidence regulates the proof of fact before a court. It forms from federal and provincial legislation and gains power from the *Canada Evidence Act*. An example of the application of the law of evidence is witness testimony. Before a witness testifies in court, they must swear or affirm to tell the truth, as per section 13 of the *Canada Evidence Act*. Discussion of the law of evidence is complex and outside the scope of this text. For further reading on this topic, the book *Proof – Canadian Rules of Evidence*, written by Paul Atkinson, is highly recommended (Atkinson, 2021).

Public Law

Laws are divided into two classes: **public law** and private law. Public law governs the relationship between individuals and a body of government (Blatt & Kurtz, 2020, p. 5). Its primary purpose is to keep society running by dealing with human rights and protection crises. Criminal law is a very well-known type of public law (Gulycz & Kelly, 2018, p. 5)

The following seven categories of law all fit under public laws:

Constitutional Law

Constitutional Law – law concerned with the protection of the rights of individuals dealing with the government and government agents

The *Constitution Acts* of 1867 and 1982 mark the independence of Canada and separation from the British Empire. The Constitution is the supreme law of Canada, and all other laws must abide by the rules and regulations set out; if not, they will be invalid (Canadian Heritage, 2024).

Criminal Law

Criminal Law – law dealing with wrongdoings or harm caused by individuals or businesses and prosecuted by the government

The main principles of criminal justice are maintaining social order and safety while protecting rights. It involves investigating people who may have disobeyed the law and prosecuting and punishing the people who have been proven guilty beyond a reasonable doubt. Criminal law is governed by the *Criminal Code*, which is a federal statute. The *Criminal Code* is amended every year to reflect new and appealed laws (Government of British Columbia, 2021).

Beyond a Reasonable Doubt – a legal standard of proof required to convince a jury or decision-maker that there is no other explanation that may arise from the evidence provided at trial to convict the individual in question (Legal Information Institute, 2020)

The obligation for correction is owed to society, and the action is taken by the Crown, representing the R (Rex) in the style of cause. Style of cause and legal citations in general will be discussed in another chapter.

Tax Law

Tax law – law dealing with the obligation of each business and individual to pay taxes, and includes penalties for failing the obligation

The *Income Tax Act* is a federally enacted statute regarding an individual and business liability to pay taxes on goods, services, and income. Taxes include the Canadian Pension Plan, Employment Insurance, and Federal tax. Each amount is decided by your income level, as outlined by the Government of Canada. The *Income Tax Act* also delegates provincial and territory regulations for additional tax. This includes the Goods and Services Tax (GST) and Provincial Sales Tax (PST). The province or territory decides each tax rate (Income Tax Act, 1985; Canada Revenue Agency, 2024; BorderBuddy, 2021).

Immigration and Refugee Law

The *Immigration and Refugee Protection Act* is a Government of Canada-enacted statute that refers to foreign workers, students, permanent resident cards, residency obligations, humanitarian and compassionate considerations, sponsorship, removal, protection programs, detention and release, and more (Immigration and Citizenship, 2017; Immigration and Refugee Board of Canada, 2024).

Child Welfare

Child welfare is a Canadian agency designed to support families struggling to maintain a healthy environment. They assist in supervising foster care facilities and ensuring foster families meet the necessary standard of care, which varies among provinces and territories. An additional role is to assist in arranging adoptions for successful candidates. Child Protective Services and Child and Youth Services are examples of child welfare agencies that investigate child abuse and neglect allegations. In these instances, the agencies may remove the child from the home or receive assistance from authorities (Canadian Child Welfare Research Portal, n.d.).

Environmental Law

The *Canadian Environmental Protection Act* was enacted in 1999 by the Government of Canada. The primary purpose is to acknowledge the need to control pollutants and waste released into our ecosystem. The *Environmental Act*'s importance is to effectively demonstrate national leadership by establishing country-wide precaution implementation to avoid irreversible damage to the atmosphere (Canadian Environmental Protection Act, 2024).

Municipal Law

A city or municipality legislates by passing bylaws. The province can delegate a municipality the right to legislate on a prescribed range of matters. The municipal council makes a bylaw by creating a decision regarding a matter delegated within their power through a vote of the majority of council members (Blatt & Kurtz, 2020, p. 29).

Municipal law is given power by the provincial justice system and section 92 of the *Constitution Act*, *1867*. The province under which the municipality falls can enter an agreement with the province to allow the municipality to conduct punishment of offenders (Blatt & Kurtz, 2020, p. 29). An example of such cases is determining the penalty for parking tickets occurring within the municipality's jurisdiction.

Private Law

Private law sets out rules between individuals and/or businesses by settling disputes among the parties and compensating victims. Private law is also known as civil law because the dispute is between civilians, not the government (Legal Information Institute, 2022).

The following seven categories of law all fit under private laws:

Contracts

Contract Law – creating and enforcing agreements between individuals and/or businesses (Gulycz & Kelly, 2018, p. 6)

Contracts come in different forms, including written, spoken, and digital forms. Written contracts tend to be the most enforceable due to their standard layouts, which include all rules of the agreement. Verbal contracts, on the other hand, are a conversation between individuals where each party agrees to or agrees not to do something. An example of a verbal contract might be when two people are standing in front of a bicycle agreeing to exchange $50 for the bicycle, and shaking hands. Despite the interaction occurring, there is no contractual ("written") proof that this interaction occurred, causing verbal contracts to be the least popular when agreeing to important conditions, such as buying a vehicle from a car dealership (Baudouin, 2020).

Torts

Tort Law – the body of law that deals with harm caused to a person or their property by another, for which the harmed person may sue the wrongdoer for monetary compensation (Gulycz & Kelly, 2018, p. 6)

Deals with harm caused to people or their property by others. Tort cases are heard in the civil court division, and the wrongdoing obligation is owed to an individual (Gulycz & Kelly, 2018, p. 7). Torts can be both criminal and civil. For example, property damage is an indictable offence punishable by the Criminal Code. If the victim of that offender's actions seeks compensation for the damages to property, they have a right to bring a civil action against the wrongdoer.

Corporate Law

Corporate Law – applies to the rights and regulations of people and businesses engaged in trade, sale, and service

Corporate law involves creating and diminishing a sole proprietorship, partnership, or incorporation.

A sole proprietor is one owner of a business that is not incorporated. The owner receives all profit and loss associated with the business. The sole proprietor is not a separate legal entity and will be personally liable if the business is found guilty in any type of legal litigation (Canada Revenue Agency, 2022).

A partnership is when two or more owners of a business that is not incorporated are bound together by a contract. Each partner contributes and shares profit loss. Like a sole proprietorship, the partnership will be held personally liable for business litigation (Canada Revenue Agency, 2023).

A corporation is a new legal entity separate from the owners. They have the same rights as individuals (Corporations Canada, 2016).

Family Law

Governs the relationships between parents and children, as well as adult partners. The main aspects of the family division are restructuring, property division, and child and spousal support (Court of King's Bench of Alberta, n.d.c). When separating, the individuals must make important decisions about new living situations and finances. When children are involved, parenting arrangements during and following the separation are essential to avoid long-lasting physiological effects on the children. Although between 40–55% of individuals across Canada are self-represented in family law matters, in more complex matters, there is often a lawyer for each parent, another for the children, and a psychologist (Government of Canada, 2016; Department of Justice Canada, 2024).

Wills and Estates

Wills and estates handle transfers of assets from one generation to another. When an individual dies with a valid will, the estate executor seeks a Grant of Probate. If an individual dies without a will, the executor will seek a Grant of Administration. The Surrogate Court, located within the Alberta Court of King's Bench, handles these matters (Bosecke Law LLP, n.d.).

Real Estate

The *Real Estate Act* of Alberta is provincial legislation governing residential, commercial, property management, and mortgage licenses. Noted in Gakhal (2020), the Act consists of four components:

- The Act: General guidelines; regulation of Business trades, proceedings, and conduct; Assurance Fund; and protection from fraud;
- The Rules: Standard practice of professionals with powers to licence, registration, accounting, reporting, and insurance errors;
- The Bylaws: Set of administrative guidelines on how the *Real Estate Act* may conduct its business with administrative repercussions; and
- The Regulations: Amendments or interpretations to the Act.

Property Law

The *Law of Property Act* is a provincially regulated act that provides legal protection against contracts, conveyances, mortgages, encumbrances, land transfers, and more. There are aspects of family law tied into the Act through the right of the *Dower Act*.

There are also aspects of civil litigation through the *Residential Tenancies Act* setting minimum standards regarding both parties' responsibilities (Government of Alberta, n.d.).

Dower Act – grants a married person's rights with the sale of the primary residence (Dower Act, 2022).

Summary

The Canadian Constitution is the supreme law of Canada; as such, it outlines the basic principles that all laws in Canada must follow. Laws are created by either federal or provincial governments, depending on which section of the *Constitution Act* the division of power relates to.

Canada's court system is composed of courts and administrative tribunals. Federally enacted laws, regulations, and decisions bind all lower courts in every province and territory. Following the principles of stare decisis, each court decision binds upon all lower courts if the case is exceedingly similar. However, provincially or territorially enacted decisions, statutes, or regulations are not binding in other provinces or territories but can be persuasive to those courts (Blatt & Kurtz, 2020, p. 86).

Laws are divided into either public or private law. Private law sets rules between individuals and/or businesses by settling disputes among the parties and compensating victims. Public law is between individuals and the government. Its primary purpose is to keep society running by dealing with human rights and protection crises. Private and public law are both substantive law, which outlines the rights and responsibilities of individuals during the legal process, and procedural law, which sets out rules for how a case proceeds through the legal system (Gulycz & Kelly, 2018, p. 7).

Canada has four primary sources of law:

- Statutes – written laws created by Parliament or provincial legislatures that state the law, methods of procedure, and consequences for such misbehaviour (Blatt & Kurtz, 2020, p. 14).
- Regulations – rules created under the power of an enabling statute
- Bylaws – laws made under a provincial or territorial power given to a community to maintain health, safety, and wellness (City of Edmonton, n.d.).

- Case law – written decisions by decision-makers that summarize significant details that can affect future decisions (Blatt & Kurtz, 2020, p. 44).

Reflection Questions

- Think about a legal matter you have worked on or learned about in class. Which level of government had jurisdiction over it, and how would knowing that help you locate the right laws for your supervising lawyer?
- How could understanding the difference between binding and persuasive decisions improve the quality and accuracy of the legal research you prepare?
- Reflect on a task you might complete that involves both substantive law and procedural law. How would your role in gathering information or preparing documents depend on understanding both?
- Why is it important for paralegals and legal assistants to be familiar with all four primary sources of law? Give an example of how relying on only one source might lead to incomplete or inaccurate information for a client matter.
- How might awareness of Indigenous and treaty rights under section 35 of the *Constitution Act* help you work more effectively with Indigenous clients or on files involving Indigenous communities?
- Consider the categories of public and private law. Which do you think you encounter more often in your work, and why?

Additional Resources

TBD

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Primary and Secondary Sources

ASHLEY MCDONALD AND KRIS RAVELO

Learning Objectives

Upon successful completion of this chapter, learners will be able to do the following:

- Identify different types of primary sources, including statutes, regulations, case law, and bylaws.
- Explain the role of secondary sources in legal research and how they complement primary sources.
- Locate primary and secondary sources using online legal research tools.
- Apply strategies to use secondary sources effectively at different stages of legal research.

Introduction

Legal research relies on both primary and secondary sources of law. Primary sources, such as the Constitution, statutes, regulations, bylaws, and case law, form the foundation of Canada's legal system and create binding authority. Secondary sources, including books, legal research services, digests, articles, and commentaries, provide context, interpretation, and analysis that help researchers understand, evaluate, and apply the law. This chapter introduces the major categories of primary and secondary sources, explains where they can be accessed, and outlines how to use them strategically at different stages of the research process. Although a small component, this chapter also emphasizes the importance of proper citation practices to ensure clarity, accuracy, and credibility in legal writing.

Primary Sources

Figure 2.1 An AI-generated image describing primary sources of law. [Image description – [See Appendix A Figure 2.1](#)]. Source: OpenAI. (2025). ChatGPT-5 [Image generator]. Retrieved August 13, 2025, from https://chat.openai.com

A **primary source** is the first source from which the information comes, whether you have witnessed it or found it in case law, legislation, or government documents. Primary sources create the law and are heavily relied upon when conducting legal research (Blatt & Kurtz, 2020, p. 7).

Examples of primary sources are legislation, government documents, and jurisprudence (case law).

There are many online resources to find primary sources, such as CanLII and Westlaw/Lawsource. This is where you can find past legal precedents and decisions that are essential for conducting legal research.

Primary sources include:

- Statutes
- Regulations

- Bylaws
- Case Law

These primary sources give legal researchers specific information they may need when conducting legal research. Each source is important in its own way and, when used effectively, can improve the overall quality of the research; this, in turn, results in compelling evidence related to the legal issue presented.

Constitution

The Canadian Constitution is Canada's highest law, and every law must be consistent with the Constitution (Fitzgerald, 2016, p. 38). The Constitution outlines "who can make laws, who will enforce the laws, and who interprets the laws" (Fitzgerald, 2016, p. 39). Sections 91 and 92 of the Constitution establish a separation of powers between the federal and provincial governments.

The federal government's powers are established in section 91 of the Constitution, which includes matters of national interest that include national defence, currency, and criminal law (Government of Canada, 2021).

The provincial government's powers are established in section 92 of the Constitution, which includes prisons and education administration of civil/criminal justice (Government of Canada, 2021).

Every law created falls below the Constitution and must be consistent with the highest law in Canada to be considered a valid law.

Note: Visit the Department of Canadian Heritage website to [view, download, or order the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights]().

Legislation

Legislation, also called Statutes or Acts, is created by the Canadian Parliament or through a provincial legislature (Blatt & Kurtz, 2020, p. 14). They set out the law about a matter, state the method of doing or not doing things, and set out penalties if someone does something prohibited (Blatt & Kurtz, 2020, p. 14). The chart below provides a brief overview of the similarities between the legislative processes at the federal and provincial levels.

Table 2.1 How federal and provincial statutes are created.
***Note*. Adapted from A. Blatt & J. Kurtz. *Legal research: Step by step* (5th ed.), 2020, Emond Publishing.**

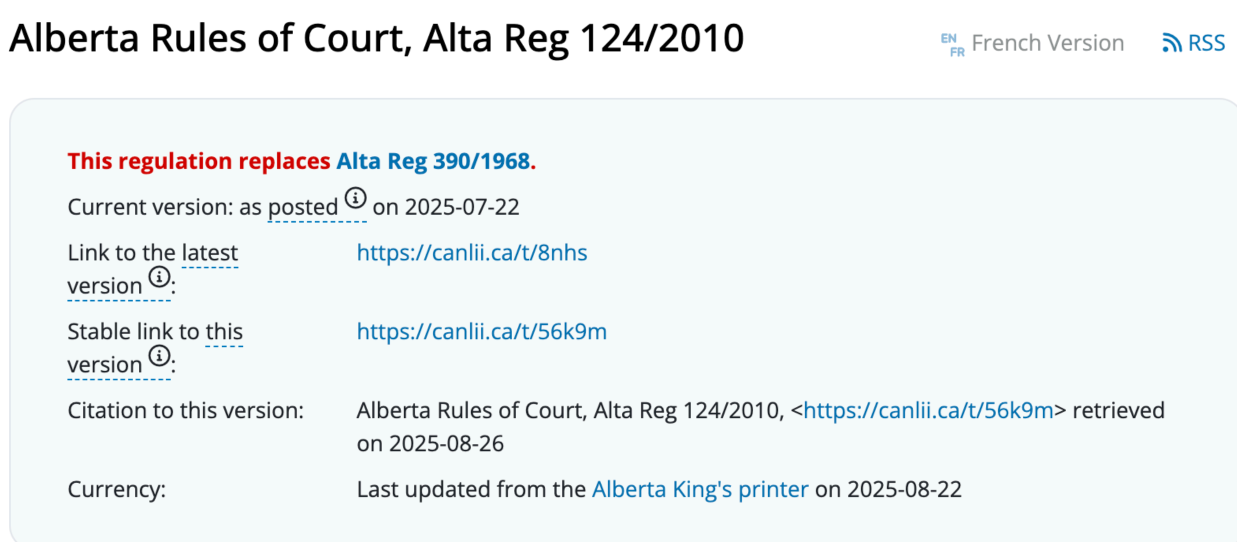
Federal statutes	Provincial statutes
1. A bill is proposed at the first reading in the House of Commons. 2. The bill is introduced for a second reading, debated, and then voted on. 3. It is examined, and there may be proposed amendments. 4. It is presented for a third reading at the House of Commons, debated, and voted on. 5. If the bill passes with a majority vote, it goes to the Senate and undergoes a similar process. 6. Once the bill is passed by both the House of Commons and the Senate, the bill is given royal assent, assigned a statute number, and becomes a law.	1. A bill is proposed at the first reading of the legislature. 2. It is introduced for a second reading and is debated and voted on. If the bill passes with a majority of votes, it is sent to a committee to propose amendments. 3. It is presented for a third reading and voted on. 4. If the bill passes with a majority of votes, it is given royal assent, assigned a statute number, and becomes law.

Accessing statutes is a critical step in legal research because it requires the researcher to first determine the correct jurisdiction and whether the issue falls under provincial or federal legislation. Identifying the proper jurisdiction ensures that the correct body of law is being applied. Once jurisdiction is established, the researcher must locate the specific statute that governs the client's legal issue, as this will provide the applicable law for the matter.

Once a statute comes into force, it is available online and in print. Every statute created in a particular year for both Parliament and the provincial legislature is collected and compiled into a series for that specific year (Blatt & Kurtz, 2020, p. 16). Each series assigns a chapter number to the statutes in the order they were passed that year.

The Alberta King's Printer allows for ordering printed materials if a physical copy of a statute or legislation is required. There is a fee associated with ordering physical copies of materials, but online materials are available for free.

> The materials posted to legal platforms (like CanLII, for example) are pulled from the Alberta King's Printer (in Alberta) or the corresponding province where the legislation was created. For federal matters, legal research platforms pull information from the Justice Laws website.



Alberta Rules of Court, Alta Reg 124/2010

EN FR French Version RSS

This regulation replaces Alta Reg 390/1968.

Current version: as posted on 2025-07-22

Link to the latest version:	https://canlii.ca/t/8nhs
Stable link to this version:	https://canlii.ca/t/56k9m
Citation to this version:	Alberta Rules of Court, Alta Reg 124/2010, <https://canlii.ca/t/56k9m> retrieved on 2025-08-26
Currency:	Last updated from the Alberta King's printer on 2025-08-22

Figure 2.2 Screenshot of the Alberta Rules of Court, Alta Reg 124/2010, from CanLII on August 26, 2025. [Image description – See Appendix A Figure 2.2]. Source: Alberta Rules of Court, Alta Reg 124/2010. https://canlii.ca/t/56k9m

In Canada, laws must be made publicly accessible so that citizens are aware of the rules they are required to follow. This principle of transparency is essential to the rule of law:***individuals cannot be expected to comply with laws that are hidden or unavailable***. To fulfill this obligation, governments publish legislation and regulations through official sources such as the *Canada Gazette* and the *Alberta Gazette*. In addition, open-access platforms like CanLII provide free online access to statutes, regulations, and case law, ensuring that both legal professionals and the public can consult the law. These resources reflect the democratic principle that the law must be known and accessible in order to be effective.

Regulations

Regulations are the "rules made under the authority of an enabling statute" (Blatt & Kurtz, 2020, p. 34). The regulations establish how the enabling statute should be carried out and what the overall purpose of the statute is. The enabling statute also authorizes who is allowed to create the regulations; this can be ministry officials, departments, or the governor in council (p. 34).

Like statutes, regulations are available in both print and online formats. A physical copy of the regulations can be ordered from the Alberta King's Printer for a fee or found online through legal databases, such as CanLII and Westlaw. When searching the legal databases, regulations can be searched on their own, or they can be found connected to each statute on a separate tab titled "Regulations" when looking at the specific statute.

For example, the *Alberta Rules of Court* is one regulation of many, with the overarching statute, the *Judicature Act*. See the list of regulations under the *Judicature Act* in the image below.

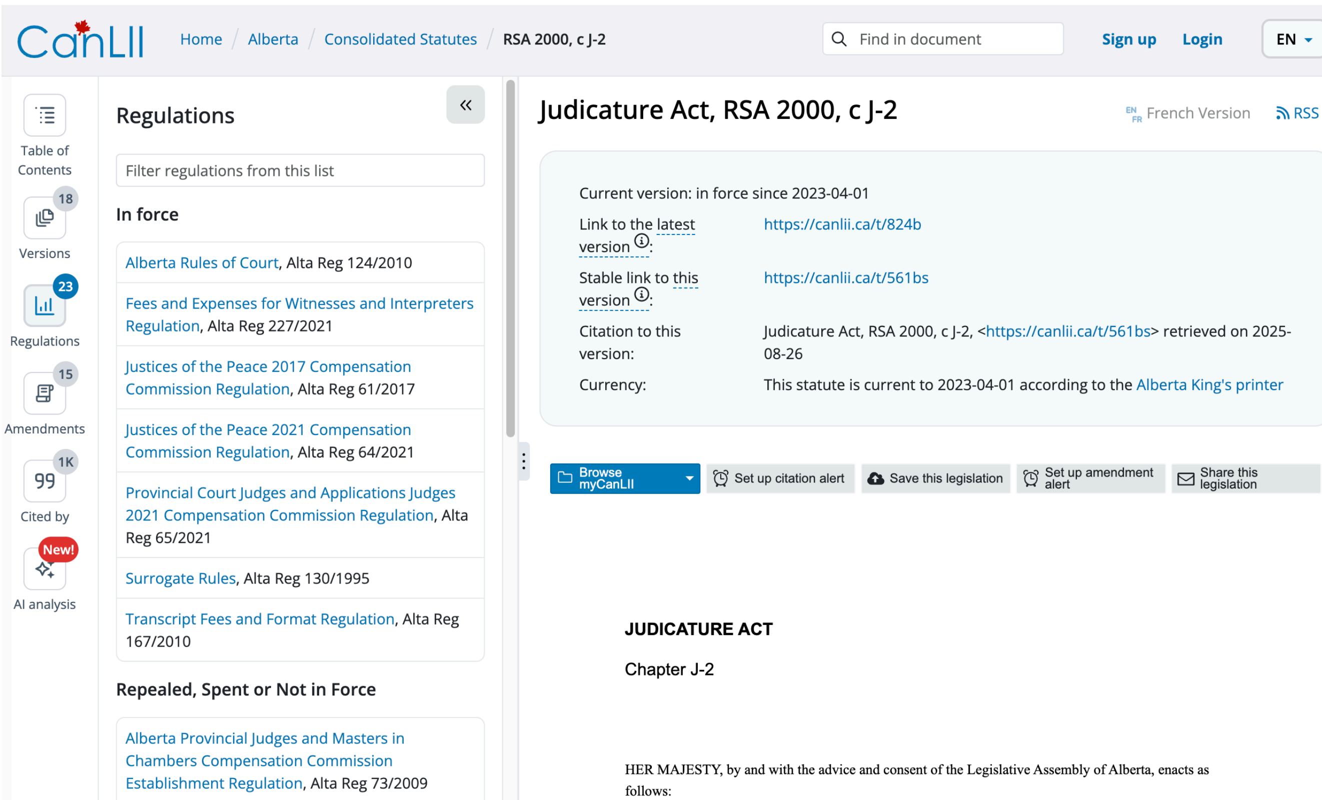


Figure 2.3 Screenshot of the Judicature Act, RSA 2000, c J-2 from CanLII on August 26, 2025, displaying a list of "In force" regulations. [Image description – See Appendix A Figure 2.3]. Source: Judicature Act, RSA 2000, c J-2. https://canlii.ca/t/561bs

The regulations contain the rules that authorize the statute, state what actions are permitted, required, and prohibited, and also describe penalties when a prohibited act is committed (Blatt & Kurtz, 2020, p. 35). This is why it is essential to review the regulations in addition to the overarching statute in your legal research process.

Government Documents: Parliamentary and Non-Parliamentary Documents

According to the University of Calgary (2024), official publications of government documents can be divided into **parliamentary** and **non-parliamentary papers**. Parliament uses parliamentary papers to conduct its everyday business, and the Members of Parliament use them as well as their staff and the public. These papers are a permanent record of the business conducted in Parliament, such as debates and decisions made, and can be used to follow Parliament and its day-to-day business.

- Parliamentary papers include committee documents, journals, minutes of proceedings, and bills.
- Non-parliamentary papers are any papers a government department produces intended for use outside of Parliament.

These papers can be found electronically on the House of Commons website and are helpful when conducting legal research, as they allow you to see what information is being discussed in Parliament and bills proposed to the House of Commons. *This information may be crucial to the legal issue at hand, especially if a proposed bill could change the law that applies to your client's situation.*

Bylaws

Bylaws are laws created by a municipal government, and they are delegated this power by the provincial legislature (Blatt & Kurtz, 2020, p. 28). Municipal governments can create bylaws for business licensing, structures, animals, health, and safety (p. 28).

Most municipalities will have their bylaws on a database that the public can search; however, if the bylaw cannot be located, then it is recommended to contact the municipality office for a paper version of the most recent bylaw that pertains to the legal research (Blatt & Kurtz, 2020, p. 29).

Linked below are the websites for Edmonton and Calgary's bylaws:

- City of Edmonton Bylaws
- City of Calgary Bylaws

Case Law

Researching case law is a crucial part of legal research. Case law, also known as jurisprudence, is the decisions that judges make regarding a legal proceeding (Blatt & Kurtz, 2020, p. 44). The decision-maker hears both sides of a case, where the opposing parties present evidence and arguments regarding the facts of the legal matter. After hearing both sides, the decision-maker will favour one of the presenting parties (p. 45).

Case law is beneficial if the facts and issues in the case are similar to those of your client matter, as this allows you to determine the probable outcome if the case proceeds, what evidence needs to be presented, and what the client may be awarded in damages (Blatt & Kurtz, 2020, p. 45). Cases that are similar to your legal issue are called "analogous cases."

When researching cases, it is important to pay attention to the jurisdiction where the case is decided, as this will determine if it is binding or persuasive. When a case is binding, the court must follow the decision made by the judge of a higher-level court (vertical stare decisis). Although exceptions apply and horizontal stare decisis is also applicable, its complexity extends outside the scope of this chapter (Blatt & Kurtz, 2020, p. 45). The concept of stare decisis is elaborated further in another chapter of this textbook.

Secondary Sources

Figure 2.4 An AI-generated image describing secondary sources. [Image description – [See Appendix A Figure 2.4](#)]. Source: OpenAI. (2025). ChatGPT-5 [Image generator]. Retrieved August 13, 2025, from https://chat.openai.com

As an essential tool in legal research, **secondary sources** provide analysis and insight into primary sources of law. The thoroughness and efficiency of legal research can be significantly enhanced by understanding how to navigate and use secondary sources effectively. Unlike primary sources, secondary sources discuss information first presented elsewhere. Secondary sources are also important as they represent another interpretation of a primary source (Byellin, n.d.). In other words, if you are researching a legal issue or area of law that you are unfamiliar with, it is helpful for you to first consider secondary sources to review the interpretation of the law before reviewing the primary sources.

While secondary sources are invaluable research tools, they should not be cited as a binding authority for legal research purposes, but they are helpful—and often found in a List of Authorities—in assisting with the interpretation of primary law. Always verify and cite the primary sources referenced by secondary sources. Examples of secondary sources include legal treatises, legal-specific encyclopedias, dictionaries, journals, periodicals, commentaries, or articles.

To find secondary sources, there are many online resources such as articles, commentaries, legal databases, and digests linked in CanLII and Westlaw (Pobojewski, 2019). These secondary sources are often found in the "commentary" sections of legal research platforms.

Also, secondary sources include books, legal research services, encyclopedic digests, articles, blogs, and websites, as outlined in the Canadian Guide to Uniform Legal Citation. Legal research services such as Thomson Reuters Canada and LexisNexis provide broad coverage of legal topics, while encyclopedic digests like the *Canadian Encyclopedic Digest* (CED) organize case law and statutes by subject, making them an excellent starting point for unfamiliar areas of law. Articles often provide commentary or critical analysis and may include a DOI, while blogs and websites can also offer valuable insights and up-to-date information.

Finding and Using Relevant Material

When it comes to finding and using relevant material, we normally take a look at legal commentary, which is included in secondary sources mentioned above. These resources offer in-depth analysis and interpretation of legislation and judicial decisions.

Throughout Canada, there are multiple online legal databases that are the best way to interpret legislation, one of the best ways to find what is relevant is by "**noting up**" the legislation; this is sometimes referred to as "finding judicial consideration" of a statute or regulation, which involves the process of finding cases that have been applied or discussed based on a particular statute, regulation or section of either (LibGuides: Research 101: How to Note-Up Statutes and Regulations: Home, n.d.-b).

Another way of finding and using relevant materials is through legal databases, such as Westlaw Canada and LexisNexis; these databases provide a space for the most thorough search of relevant materials, which offer comprehensive access to case law, secondary materials, and tools for legal research. Additionally, CanLII is another source for Canadian case law and other precedents for interpreting legislation.

Additionally, it is important to take a look at the "Annotated Statutes," "Words and Phrasing," and "Digests" that are available.

"Words and Phrases" are sets that have been judicially interpreted or that have been legally defined in court and administrative decisions; they show the context in how they have been judicially defined by including, relevant excerpts from the decision, and case citations (Research guides: Law – beginning your research: Words & phrases). These are found on Westlaw, under "Finding Tools."

"Digests" are based on case law and are collections of case summaries that are organized by hierarchical subject classification. They offer a comprehensive overview of the principles throughout different legal subjects. While digests are based on case law, they do not contain all cases on a topic, and they cannot keep pace with the release of new decisions. However, they are a useful starting point that highlight the most significant cases or statutes (Libguides: Legal Research and writing: Legal encyclopedias and digests). There are two main digests used in Canada—legal encyclopedias and the Canadian Abridgment Digests—and both can be found on Westlaw and LexisNexis.

Using Secondary Sources to Locate Primary Sources

Secondary sources serve as a useful tool in finding primary sources by providing citations to relevant cases, statutes, and regulations. Often, secondary sources will identify leading cases in specific areas of law and offer cross-references to related legal topics. Many secondary sources will separate relevant points of law from referenced primary sources, potentially saving a lot of time and energy in the early stages of the research process (Byellin, n.d.).

It is always preferable to cite directly to the original source where possible. Consult specific source sections for the original/authoritative source for document type, as the original source varies by type (i.e., legislation, jurisprudence, etc.).

Using Secondary Sources for Background Information

Throughout the research process, secondary sources can be used strategically to **increase efficiency and further understanding**. Secondary sources can be used to explain primary sources, supporting a more comprehensive understanding by discussing, analyzing, or restating primary sources (Byellin, n.d.). Using secondary sources to provide context typically results in a more complete understanding of the law itself.

Additionally, using secondary sources expands one's perspective with diverse interpretations and analyses of the law (Byellin, n.d.).

Secondary sources are strategically useful at different stages of legal research. At the beginning of the research process, they help grasp fundamental legal principles, understand complex concepts, gain an overview of a topic, identify key terms, and develop a research plan. They are also valuable for evaluating key issues and arguments. When updating research, secondary sources can track recent developments, highlight emerging trends, and point to new primary sources.

A Note on Citing Legal Sources

Accuracy and consistency in citations are essential in legal writing. To properly inform the Court or a supervising lawyer, references to primary or secondary sources must be correct and cited in a way that directs the reader to an open-source platform. This ensures that the source of information can be reliably tracked (University of Alberta, 2024).

The *Canadian Guide to Uniform Legal Citation*, commonly known as the McGill Guide, is the standard guide to legal citation. This resource is expensive, and some firms may have a subscription that allows you to access this excellent resource. The University of Alberta and Queen's University have essential guides that follow legal citation according to the most recent edition of the McGill Guide.

- U of A Library's McGill QuickGuide
- Queen's University Library's Legal Citation with the 10th edition of the McGill Guide

However, if you do not have access to the McGill Guide, there are open-access platforms that are excellent resources to use when citing legal sources. The *Canadian Open Access Legal Citation Guide* is a citation guide that is accessible to everyone via an open-access publishing model. Discussion of legal citation is outside the scope of this text, but we encourage you to learn more about legal citation by reviewing the Open Access Legal Citation Guide directly.

- CanLII's *Canadian Open Access Legal Citation Guide*

Summary

Primary sources form the basis of Canadian law and include the Constitution, statutes, regulations, bylaws, and case law. These sources establish legal rules and provide binding authority that legal professionals must follow. Secondary sources, such as books, digests, research services, and articles, interpret and analyze primary sources, making them valuable tools for understanding complex legal issues and identifying relevant cases or legislation. Using secondary sources strategically can help researchers begin their work, refine their focus, and update findings with recent developments. Both primary and secondary sources are accessed through official government publications and online databases like CanLII, Westlaw, and LexisNexis. Finally, accuracy in legal citation is crucial to maintaining professional credibility, ensuring transparency, and enabling readers to track the sources relied upon in legal research and writing.

Reflection Questions

- Why is it important for primary sources to be publicly accessible in a democratic society?
- How can secondary sources save time and improve efficiency when beginning legal research?
- What risks might arise if a researcher relies only on secondary sources without verifying the primary sources?
- How does understanding the separation of powers in the Constitution affect legal research?
- In your view, which type of secondary source (articles, digests, legal research services, etc.) is most helpful to a new researcher, and why?

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Boolean Searches

ELYSE KUHN AND KASSANDRA RUECKER

With edits by Sam McDowell

Figure 3.1 An AI-generated image of a man learning Boolean search. [Image description – [See Appendix A Figure 3.1](#)]. Source: OpenAI. (2025). ChatGPT-5 [Image generator]. Retrieved August 13, 2025, from https://chat.openai.com

Learning Objectives

Upon successful completion of this chapter, learners will be able to do the following:

- Define key terms related to online legal research, including keywords, Boolean operators, and connectors.
- List the advantages of online legal databases compared to print sources.
- Identify the three main Boolean operators (AND, OR, NOT) and describe their functions.
- Recognize different types of connectors (proximity, truncation, wildcard, substitution) and their purposes.

- Outline the difference between plain language searches and Boolean searches.

Introduction

Legal research can be completed more efficiently online using digital sources; this is significant because it allows legal researchers to search more effectively. A large portion of the legal information is compiled into one place, meaning that the search must be specific to find the case that will most help the case. One method of searching, called a Boolean search, uses key terms to research a specific topic. This chapter will discuss why online databases are helpful. Then, it will break down different types of online searches. Later in the chapter, it will describe how Boolean searches effectively narrow the search. Finally, it will describe the different Boolean syntaxes for different online databases.

Online Searches vs. Print Searches

As a result of Canada's common law legal system, over 150 years of case law have been compiled into online databases (Girard, 2017). When information can be found in so many different places online, it is essential to know how to search for specific information effectively. A skill necessary to succeed in the legal workplace today is knowing where to look for information and how to identify issues and narrow the search. Until the 1990s, print sources were the most common way of searching for information (Shatby, 2022). Unfortunately, print sources can be expensive, challenging to navigate, and not easily updated. For these reasons, online searches can be a more accurate, up-to-date, and efficient way to search for information. When searching online, the results are often much more specific, and the surrounding context is easily accessible (Blatt & Kurtz, 2020).

Merits of Online Databases

Online databases have significantly simplified the legal research process. Online information is accessible through free sources such as CanLII. Finding tools like keyword searches and hyperlinked tables of contents helps to locate specific information quickly. The easy accessibility of information is exemplified by law books no longer having to be physically purchased. Often, online textbooks are offered at a reduced price or are available for free. Copies of this information are transportable by using hard drives or a cloud-based storage platform, making them more accessible than print sources. Many online sources are accessible from anywhere with an internet connection. Another reason online sources are helpful is that website moderators can update the information more efficiently and more frequently, resulting in a more accurate source. Online legal databases are equipped with note-up software that ensures the legislation is the most up-to-date version and that case law has not been repealed. In the same scenario, the print source cannot be updated, and a new volume of the print source would need to be published. As a result, the book would become outdated quickly, and new versions would need to be purchased often. If the old version continues to be relied on, a decision that proves a legal argument may be appealed, and now a different standard applies; this can be detrimental to a case. Commonly used online resources are listed in the drop-down menus below:

Free Resources & Government Websites

Free Resources

- CanLII

Government Websites

- Justice Laws Website
- Supreme Court of Canada
- Alberta Courts
- Alberta Law Libraries
- Alberta King's Printer

Subscription-Based

- LexisNexis – Lexis Advance Quicklaw
- Westlaw Canada
- HeinOnline

Search Strategies

Research is started using **keywords** that come from the fact situation or legal issue presented by the client. Keywords are those that will be most effective in searching a topic. Identifying the legal issue in a fact scenario is key to finding the correct keywords. As a legal professional, general knowledge and a basic understanding of the law will aid in choosing which words will be key to the research (Blatt & Kurtz, 2020, p. 120). The Cunningham Memorial Library at Indiana State University (2024) explains the use of keywords as searching that "allows you to search for the appearance of any term, anywhere in an individual item [within] internet search engines and many online databases." ***Identifying the correct keywords and phrases will improve the effectiveness of search results***.

Plain or Natural Language

There are two types of keyword searches: the first is a **plain or natural language search**. This is a general way of performing a search online. There is no training involved, and the average person conducts these daily. For example, using Google or any other search engine is a natural language search. When little to nothing is known about a topic, this is the first step to learning more about it. Using plain/natural language to start the search helps gain a basic understanding of the topic when more information is required (Stanford Law School, 2024). An example of a plain language search would be putting the phrase *legal research* into Google.

Boolean Searching

Boolean searching, also known as a terms and connectors search, gives more control. It provides the database with specific information, which allows the algorithm to narrow down more relevant results. Boolean logic (named after mathematician George Boole) is a system of logic designed to yield optimal search results. The Boolean operators, AND, OR, and NOT, help construct a logical search (UOM, 2022). Combining terms and using symbols, and linking keywords and phrases with them, is what makes a Boolean search more effective when compared to a plain or natural language search.

Plain Language Search vs. Boolean Search

BOOLEAN	PLAIN LANGUAGE
More refined, narrower results; helpful for broad subjects More effective for specific subjects	Works well when little is known about a subject Effective when needing to learn more about a subject

Overall, just remember ***there is no one way to do a search***, but with Boolean searches, be mindful that narrow search terms can eliminate relevant data from the results. Online databases are significant, helpful tools, and having the skilled abilities to use Boolean efficiently will take training and using different combinations of the tools presented below (DeFilippo, n.d.).

Boolean Search

Terms and Connectors

As stated above, Boolean searching is specific to an advanced version of searching online databases. Using Boolean logical operators such as AND, OR and NOT, and connectors such as proximity, truncation and substitution, helps to narrow, expand, and refine the search results in databases.

The AND connector

The AND connector links two words to inform the computer to search for their relationship, often narrowing the search results. The database will search only for documents that contain the keywords that have been connected using AND. For example, if a search is done for sources with connections to emotional support, you would search for: *emotional AND support* (Blatt & Kurtz, 2020, p. 125).

The OR connector

The OR connector is used to broaden search results by retrieving records that contain any of the specified terms, thereby increasing the scope of the search query. The database will search only for documents that contain any of the keywords that have been connected using OR. For example, if a search is done for cases related to business contracts, the search should cover both results with contracts or agreements and would be: *contracts OR agreements*.

The NOT connector

The NOT connector links two words together to inform the computer to search for documents that contain one of the keywords but not both. For example, if a search is done to find sources with information about family law but with the exclusion of sources with family violence, the search would be: *family, NOT violence* (Blatt & Kurtz, 2020, p. 124).

Although the Boolean search logic is the same between databases, the syntax or symbols used may vary slightly between databases. A summary comparison list of operators for Canlii, Westlaw, and LexisNexis is included at the end of this chapter.

Logical Operators Summary

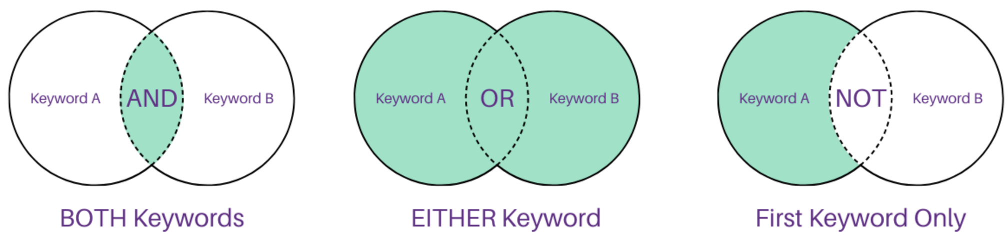

Figure 3.2 Three Venn diagrams showing Boolean search operators. [Image description – See Appendix A Figure 3.2].

Narrowing Your Search

Proximity Connectors

Proximity connectors are used in search queries to specify the closeness of keywords within a text. These connectors allow users to refine their searches by determining how closely words must appear together, which can enhance the precision of search results. By using proximity connectors, researchers can find documents where the relationship between terms is more relevant, thereby improving the accuracy and relevance of the information retrieved. Proximity connectors function like the AND operator and keyword order is only restricted with certain connectors. Different databases may treat the same connector with slightly different parameters, as outlined below.

Table 3.1 Proximity connectors

CONNECTOR	PROXIMITY	EXAMPLE
/n	Keywords are within “n” distance to each other to a maximum of 255 words.	For words within 10 words of each other, it would be landlord /10 eviction.
/s	Keywords are within the same sentence[1].	cat /s purring
/p	Keywords are within the same paragraph[2].	dog /p training
+n[3]	The first keyword must precede the second keyword within “n” words to a maximum of 255 words.	For results with landlord no greater than 10 words prior to eviction, it would be landlord +10 eviction.
+s[4]	The first keyword must precede the second keyword in the same sentence.	The search legal +s fees will only return results where the term legal precedes fees.
+p[5]	The first keyword must precede the second keyword in the same paragraph.	The search medical +s malpractice will only return results where the term medical precedes malpractice within the same paragraph.

Searching Phrases

When searching for a specific phrase, a result will automatically be generated from that alone; this is very similar to a natural language search. For example, if a search is done for the phrase *interim support*, the database search will function similar to an OR search with results containing either the keyword *interim* or *support*. In order to narrow the search and receive results containing the exact phrase, place the phrase into quotation marks, “*interim support*.” This will generate results that only include that exact specific phrase (AustLII, n.d.).

Variant Spellings or Tenses

To accommodate the words in the English language that are spelled in different ways with similar meanings, some databases employ a substitution symbol within the word to search for all possible spellings or variations of that word. Westlaw uses an asterisk (*), also known as a wildcard symbol, to take the place of a single variable letter. Whereas, LexisNexis uses a question mark to take the place of a single variable letter. For example, entering *wom**n in Westlaw or *wom?n* in LexisNexis in a search will find instances of both “woman” and “women,” effectively covering both singular and plural forms. Similarly, *behavio*r* or *behavio?r* can be used to retrieve results for both “behavior” and “behaviour,” accommodating differences in American and British spellings. Verb tenses can also be accommodated with this method with words such as “ran” or “run” both being results of the search *r*n or r?n*. However, this type of usage may also result in unintentional

1.
2.
3.
4.
5.

unrelated results such as “rin,” an outdated Japanese monetary unit. Overall, this method is particularly useful for identifying terms that share a common root but may differ in spelling, tenses, or regional usage, thereby broadening the scope of search results.

Truncation and Wildcard Searches

Many root words have multiple endings in the English language. For example, to avoid having to search for harassed, harassing, harassment, or harasses, databases allow for truncation of searches by using wildcard search operators. Unlike the substitution within words that is restricted to subscription sources, Canlii and most other free sources also use wildcard searches for the ending of words.

Example of a wildcard search:

```
negligen* AND "standardof care"
```

How it works:

- **`negligen*`** is the **wildcard search**—the asterisk (*) tells CanLII to return results for any word that starts with `negligen`, such as *negligent*, *negligence*, or *negligently*.
- **`AND`** is the Boolean operator—it ensures both terms appear in the results.
- **`"standard of care"`** is in quotation marks to search for the exact phrase.

What it finds:
Cases that mention *negligence* (in any form) **and** also contain the exact phrase *standard of care*.

Using Multiple Connectors

Parentheses

Using parentheses in searching allows for more complex and precise queries by grouping terms and operators together. It allows the user to dictate the priority and order of search operations. Every database will force the contents of parentheses to be the first search condition. Similar to the use of brackets in mathematics, search term(s) or operation(s) within the parentheses will be given priority over other operators (Blatt & Kurtz, 2020, pp. 128–129). The use of parentheses within searches forms the basis of **nesting**.

Nesting

The use of multiple connectors will help to narrow the search, streamlining results to be very specific to the topic. Using this technique will prove to be faster when searching for specific documents. The order in which the connectors are, when using multiple, is important to keep in mind. Different databases may not read searches the same way or give the same priority to certain connectors. If the order of priority is known about the specific database being used, the search should utilize the connectors in the best way to get the results. The University of Minnesota Libraries (2022) has an excellent diagram discussing mixing Boolean operators ("nesting").

Search Syntax for Common Legal Databases

Using Boolean searches to navigate legal databases can be difficult, especially because different databases use different connectors. This could drastically change the results of a search.

Resource Available

There are three main legal research databases that support Boolean search syntax: CanLII, Westlaw Canada, and Lexis Advance Quicklaw. Each database has its own set of Boolean operators and search rules. You can review detailed tables outlining the syntax and examples for each database through an online resource created by Elyse Kuhn, which provides side-by-side comparisons to help you construct more effective searches. These tables are available for download through the link below.

Boolean Search Term Tables – Author Elyse Kuhn, 2024 (Excel File)

References for Operators Table

CanLII Operators Table:

Lexum. (n.d.). *Search help*. https://www.canlii.org/en/info/search.html#operatorsTable

Westlaw Operators Table:

Thomson Reuters. (n.d.). *Advance search: LawSource*. Thomson Reuters WestLaw Canada. https://www.thomsonreuters.ca/en/products/westlaw-canada.html

Thomson Reuters. (n.d.). *Search with terms and connectors*. https://www.thomsonreuters.com/en-us/help/westlaw-edge/searching/search-with-terms-and-connectors.html

Thomson Reuters. (2019). *How to search with Boolean terms and connectors*. Thomson Reuters WestLaw. https://www.thomsonreuters.ca/en/products/westlaw-canada.html

LexisNexis Operators Table:

LexisNexis. (n.d.). *Connector order and priority*. Nexis Uni help. https://help.lexisnexis.com/Flare/nexisuni/US/en_US/Content/reference/connectorpriority_ref.htm

LexisNexis. (n.d.). *Proximity connectors*. Nexis Uni help. https://help.lexisnexis.com/Flare/nexisuni/US/en_US/Content/reference/connectorsproximity_ref.htm

LexisNexis. (n.d.). *Search connector wildcards*. Nexis Uni help. https://help.lexisnexis.com/Flare/nexisuni/US/en_US/Content/reference/connectorswildcard_ref.htm

LexisNexis. (n.d.). *Searching for symbols or other special characters*. Nexis Uni help. https://help.lexisnexis.com/Flare/nexisuni/US/en_US/Content/reference/listofspecialchars_ref.htm

LexisNexis. (n.d.). *Search term connectors*. Nexis Uni help. https://help.lexisnexis.com/Flare/nexisuni/US/en_US/Content/reference/connectors_ref.htm

LexisNexis. (n.d.). *Using NOT with proximity connectors*. Nexis Uni help. https://help.lexisnexis.com/Flare/nexisuni/US/en_US/Content/reference/notproximity_ref.htm

LexisNexis. (n.d.). *Using quotation marks to find exact matches*. Nexis Uni help. *https://help.lexisnexis.com/Flare/nexisuni/US/en_US/Content/reference/usequotes_ref.htm*

Building a Boolean Search

The first thing to do when conducting any search is to determine which keywords to use from the information given or the legal issue presented. Let's run with the following example:

> *Your client was hit by a car in a pedestrian crosswalk, and you have been given the task of researching the issue. The client is suing the driver because they have lost income due to the inability to work because of the accident. They feel the driver was careless and negligent for failing to notice them in the crosswalk. They would like some compensation for their pain and suffering.*

1. **Determine keywords**: careless, driving, negligence, pain, suffering, income, and loss
2. Determine if any of the keywords can be used in a phrase or put together as a concept. Here we could combine careless driving and income loss.
3. Use any synonyms of the keywords and connect them with OR. For example, negligence OR carelessness.
4. Decide if any of the keywords can be substituted or truncated. In this case, truncate drive! and suffer!.
5. Take the keywords and alternatives and combine them using Boolean connectors and proximity connectors.

The following is the final result of steps 1–5 as explained above:

Damages/10 negligence OR careless! AND pain OR suffer! AND "loss of income"

The quotations around pain and suffering, and loss of income, to search for results with those exact phrases. Remember to use parentheses to force the priority of any one thing within your search (Blatt & Kurtz, 2020, p. 130).

Structuring Your Boolean Search

Table 3.2 Building your search.
***Source:* Stanford Law School. (2024, February 28). *Case finding and advanced searching strategies: Building your search*. Stanford Law School LibGuides.**

Step One: Brainstorm
Photocopies, *classroom*, and *copyright infringement* look like the key terms in this prompt.
Step Two: Synonyms, Root Expanders, and Quotation Marks
Photocopy is pretty specific—a court might also discuss *reproductions* more broadly. Since either of these terms would be useful, consider linking them together with an "OR" connector and group them with parentheses: (photocopy OR reproduction). Similarly, with the classroom, let's try *education* too: (classroom OR education).
What if the court writes about *reproducing* material but not *reproduction*? Or *educational* material, not *education*? Putting an exclamation point (!) at the end of a string can ensure results for all possible endings. Let's do that with all our terms where it makes sense: (photocop! OR reproduc!) (class! OR educat!). (We will evaluate *copyright infringement* next.)
Quotation marks will search for a series of words as a phrase—those exact words—in that order. We are interested in "copyright infringement," not copyright by itself or infringement by itself.
Now our search string is: *(photocop! OR reproduc!) (class! OR educat!) "copyright infringement"*
Step Three: Connect Your Terms
The AND connector requires everything linked by the AND to appear in the search results. These can be individual terms, groups of synonyms linked by OR, groups with parentheses, or entire complex search strings. We need all of these term groups and phrases to be in our search results: *(photocop! OR reproduc!) AND (class! OR educat!) AND "copyright infringement"*
However, we are only interested in photocopies made for classroom use, which means those specific terms must be near each other in any relevant case. To ensure those terms both appear in the search results, and are used near each other, use a *proximity operator*: /p, /s, or /n (replacing n with a number representing the number of words between the terms). Try /s, meaning that the terms have to appear in the same sentence; we can broaden that to /p (paragraph) if needed. The final result is: *(photocop! OR reproduc!) /s (class! OR educat!) AND "copyright infringement"*

Summary

Learning how to successfully demonstrate effective legal research is key to being a great paralegal; your research abilities will make you a great asset for lawyers, as you make their preparation easier. When using online legal databases, knowing how to utilize Boolean searches can give the user significant control over the results. Without this control, you will end up with too many results, and sifting through them all is much less efficient. Keep in mind that the connectors within each legal database vary, but once the basics are known, you will be able to work the system to deliver the best results. These will vary based on each situation, but what is wanted every time is results that deliver the most useful information, specific to the situation, in the smallest quantity.

Practical Application

You are researching cases where a handwritten will was challenged because it was missing key elements or was deemed invalid. The case involves a dispute between siblings over the distribution of farmland.

- Determine the key legal concepts and potential synonyms to organize search terms, depending on the online database available to you.
- Develop a Boolean search that finds Alberta cases discussing holograph wills and disputes over agricultural property.
- Use a combination of AND, OR, proximity operators, and a wildcard to broaden your search where appropriate.

Note your answers. When you are ready, click below to reveal the sample answer.

Sample Answer

Model Boolean Search (CanLII example):

- "holograph will" OR "handwritten will" AND disput* AND (farm* OR agricultur*) AND Alberta

Why this works:

- "**holograph will**" **OR** "**handwritten will**" – This captures both the formal legal term and its plain-language equivalent.
- **disput*** – Truncation captures dispute, disputed, disputing, disputes.
- (*farm OR agricultur*)** – Truncation and OR capture farmland, farmer, farming, agriculture, agricultural.
- **Alberta** – Restricts results to Alberta-specific content (also possible via database jurisdiction filter).

More Complex Version with Proximity (Westlaw Canada example):

- (“holograph will” OR “handwritten will”) AND disput* /p (farm* OR agricultur*)

Why this works:

- **/p** – This ensures dispute-related terms appear in the same paragraph as farming or agricultural terms, thus increasing relevance.
- This reduces results about unrelated disputes and focuses on estate disputes involving agricultural property.

Within LexisNexis, the /s operator actually searches within 25 words and is not restricted to the exact sentence..

With LexisNexis, this will search within 75 words as each other, not necessarily within the same paragraph.

Not available in Canlii.

Not available in Canlii.

Not available in Canlii.

Reading Case Law

LORI BAMBUSH

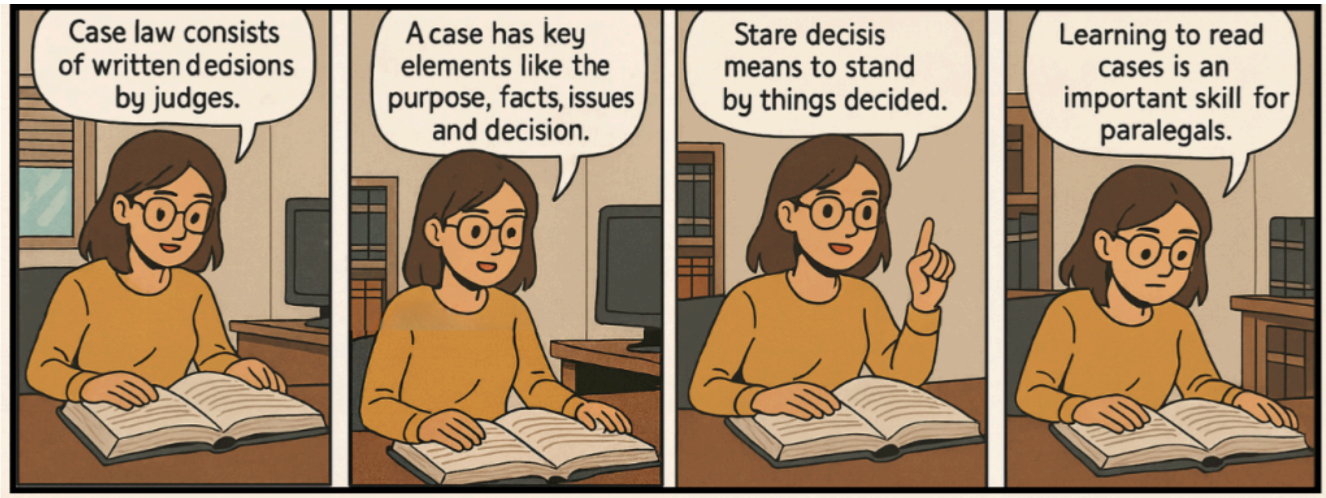

Figure 4.1 An AI-generated image of a paralegal explaining how to read case law. [Image description – See Appendix A Figure 4.1]. Source: Adapted by Stasiewich, A. from OpenAI. (2025). ChatGPT-5 [Image generator]. Retrieved August 13, 2025, from https://chat.openai.com

Learning Objectives

Upon successful completion of this chapter, learners will be able to do the following:

- Identify the definition and purpose of case law in Canadian legal research.
- Review the components of case formats, including written, oral, and electronic hearings.
- Describe the structure and key elements of a case using the FILAC method.
- Identify the difference between binding and persuasive authority.
- Recognize the importance of stare decisis in Canadian common law.
- Outline the key elements of a case: style of cause, facts, issues, law, *ratio decidendi*, decision, *obiter dicta*, and disposition.

Introduction

Recall that the primary sources of Canadian law are legislation and case law. Both are integral to successful legal research. This chapter focuses on learning to read case law. In particular, it defines case law and common case law terms, considers the format of a case, and discusses why it is important to learn to read a case. It also demonstrates an effective case-reading technique and gives the reader the opportunity to apply that technique. Learning these skills are vital to conducting proper legal research, as will be shown in this chapter and in the chapters to come.

Defining Case Law

A basic understanding of case law is essential for conducting legal research. Blatt and Kurtz (2020) define case law as "written decisions by judges, adjudicators, masters, or justices of the peace in court and tribunal proceedings" (p. 44). It encompasses cases decided provincially, federally, and internationally, and from all levels of court. A decision or case is a written account by a decision-maker of the facts and the evidence presented, the law applied, the arguments made, the decision rendered—and the reasons for it—in a law case or legal proceeding. Reviewing common terms contained in a case or proceeding will help to make reading case law easier.

Common Legal Terms

Stasiewich (personal communication, March 2024) introduces many common legal terms to students in her Legal Research and Analysis course materials. Several of these terms are explained below.

A **legal proceeding** may be a motion, a trial, an appeal, or a hearing. A motion is an application by a party to a court or a judge to obtain an order for some kind of relief. A hearing is a formal meeting at which a decision-maker receives evidence, considers the oral arguments of the parties, and makes a decision. An appeal is an application to a higher court to review a judgment to determine whether any errors of law occurred within it, and if so, to have the decision upheld, overturned, or altered. A proceeding may also be identified as either civil or criminal, depending on whether it flows through the civil or the criminal court system.

An **administrative proceeding** is a written or an oral hearing involving either an individual and/or a company, or individuals or companies and the government, regarding statute-based rights and obligations. A tribunal is an agency that operates like a court to decide disputes between the parties of an administrative proceeding (Nastasi et al., 2020).

Stasiewich (personal communication, March 2024) also differentiates between the titles of the parties in the different types of proceedings. In a motion or a hearing, the applicant is the party that files the application and the respondent is the party that answers or defends the application. In an appeal, the appellant is the party who files the application and the respondent is again the party that answers or defends an appeal. In civil litigation, the plaintiff is the party that initiates the civil action and the defendant is the party that responds to or defends the action. And lastly, in criminal cases, the Crown or Crown Counsel (identified as "R" for Regina or Rex) is the party that prosecutes the offence and the defendant or the accused is the party that answers or defends the offence. Many of these terms are encountered when reading cases, and the common formats are described next.

Case Formats

The format of a case or decision generally mirrors the format of the proceeding it recounts. There are two primary formats for cases or proceedings: written and oral. In a typical proceeding with a written format, the parties submit evidence to the decision-maker that supports the facts of their case (usually in document form), copies of the law that they deem relevant to their circumstances, and written arguments that set out their case. The parties typically review each other's information and may cross-examine that information through written and answered queries that are also submitted. The decision-maker then reviews and considers the submitted information, applies the law to the facts, forms a decision, and communicates that decision and the reasons for it in written form to the parties. Motions, applications, and hearings of a less serious nature tend to be implemented in a written format.

Conversely, in a typical proceeding with an oral format, all the parties to the case appear before the judge and are present for its duration. Each party sets forth an opening argument that delineates the essential facts of their case and what they will attempt to prove. Their evidence is submitted to the judge via witness testimony. Each party may cross-examine the other's witnesses. Then each party, in turn, may re-examine their own witness(es) after cross-examination regarding any new information presented or any required clarification. Relevant law (e.g., legislation and case law) that the parties will rely on is submitted and arguments demonstrating how the law applies to the facts of the case are put forward. The parties then present their final arguments, summarizing the facts of their case, their evidence and relied-upon law, how that law applies to their case, and finally, why the judge should side with them. The judge formulates their decision (and the reasons for it) and may disclose it orally at the proceeding or have it sent to the parties at a later date in written form. This type of format is commonly implemented for trials and more serious applications or hearings.

There are some variations of these formats. For example, at an appeal, the appellant and respondent each submit a written summary of the disputed proceeding, along with the facts and relevant law they are relying on for the appeal. No witnesses typically attend to testify, but a transcript of the oral testimony from the earlier proceeding is provided to the judge(s) for review. Each party usually receives the opportunity to present an oral argument before the judge regarding the law for their case. After the judge has examined the provided information, they make a decision of whether to uphold, overturn, alter, retry, or dismiss the case presented for appeal. The reasons for the decision are explained to the parties and written up. It is important to note that appeal judges typically will not consider decisions regarding the facts of the case; however, they may consider those with a perceived mistake of understanding or application of law by a deciding lower court judge.

Another variation is the electronic format, where the hearing occurs via video conference or another method of online visual conference. This type of hearing incorporates elements of both the written and the oral formats to varying degrees, depending on what is required or what will work for the participants at the hearing.

Ideally, in a decision or case, the decision-maker will follow a format conveyed in a research method developed by Maureen F. Fitzgerald (2022, p. 4), called FILAC.

FILAC is an acronym that stands for:

Facts: Analyze the facts.

Issues: Determine the issues.

Law: Find the relevant law.

Analysis: Analyze the law and apply it to the facts.

Communicate: Communicate the results of the research.

When applying FILAC to identify the format or layout of a case, it is important to recognize that the facts are presented, the legal issues are identified, the law is determined, analyzed, and applied to the facts, and then a conclusion or decision is determined. Please note that, in this context, it is the conclusion or decision that is communicated at the end of the process, not the research. Employing this acronym may simplify the process of following a case's format for some researchers.

Having defined case law, reviewed some common case law vocabulary, and described various formats of cases or decisions, the importance of reading case law is explained in the next section.

The Importance of Case Law

Case law is important as it guides a researcher through the process of determining (and may actually determine) the validity of a client's case. Blatt and Kurtz (2020) state it can help identify whether the client has a cause of action; if so, what evidence is necessary to prove it; their chances of succeeding at it; and, what relief they may be awarded should they succeed [or penalty should they fail]. Stare decisis, binding, and persuasive authority play an important role in determining the above factors.

Recall that Canada has a common law legal system (except for Quebec, which has a codified system) where judges must follow the doctrine of stare decisis which means "to stand by things decided" (Blatt & Kurtz, 2020, p. 86). This means that similar cases should be decided in a similar way. The principle requires judges to follow previously made decisions (precedents) with similar facts and legal issues from higher courts within their province or territory and from the Supreme Court of Canada. The precedent cases are said to have vertical binding authority—the courts within that jurisdiction are compelled to follow the higher courts and to decide their cases in a similar manner (University of Toronto, n.d., Primary Sources of Law: Canadian Case Law section). It is important to note that any Supreme Court of Canada decisions, as the highest court in the country, are binding on all other courts in the country. It is also important to note that Canada enforces a concept of horizontal stare decisis that applies to following the previous decisions of the same court in which the current case occurs, although it is not considered binding (Rowe & Katz, 2020). A case may, however, be distinguished from either of these authorities by having facts or legal issues that significantly differentiate it from the precedent. In this circumstance, the precedent (and thereby stare decisis) would likely not apply as the cases would not be sufficiently alike to be considered similar.

Cases may also have persuasive authority. These are decisions with similar legal issues from the same or higher level of court in other provinces or territories (or other jurisdictions) that a court may choose to follow—assuming they do not contradict any relevant binding authority. They, too, may predict and influence how a case is decided if the facts and legal issues are sufficiently similar.

See the diagram below for a brief review of the concepts of stare decisis, as well as binding and persuasive authority.

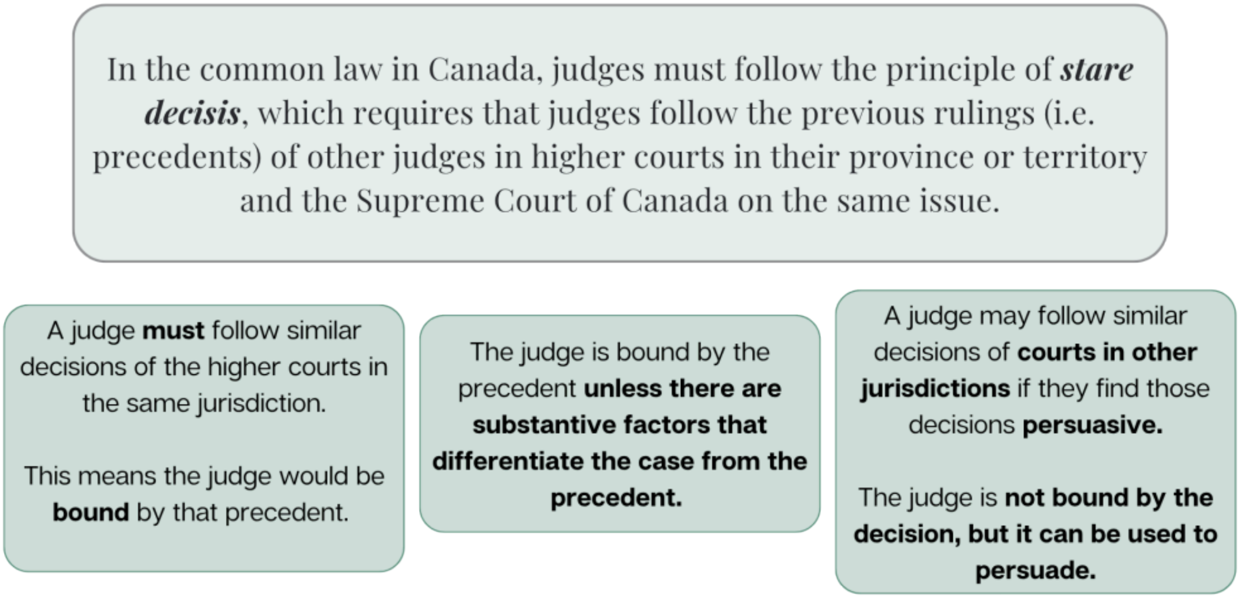

Figure 4.2 The principle of stare decisis in Canadian common law. [Image description – [See Appendix A Figure 4.2](#)]. Source: Adapted from Koenig. B., January 2023, as cited in Stasiewich, A., personal communication, March 2024.

Now take the opportunity below to practice identifying whether cases are binding or persuasive:

> *An interactive H5P element has been excluded from this version of the text. You can view it online here: https://openbooks.macewan.ca/legalresearchforparalegalsandlegalassistants/?p=169#h5p-1*

Both binding and persuasive authority add weight (or value) to the applicability of a researched case, with binding authority carrying far more weight than a persuasive one. And the higher the court level of the decision, the more powerful or influential the decision. There are, however, other factors that may also contribute to the weight a court would assign a case.

Bueckert et al. (2018) recommend considering all of the following:

- whether the case is binding or persuasive
- the level and jurisdiction of the court
- the similarity of the facts to your case
- the similarity of the legal issues to your case
- the soundness of the reasoning in the case

- whether the court considered pertinent case law in reaching its decision [or whether the case is considered pertinent case law—has it been distinguished, applied, or followed?]
- the age of the case

When choosing case law to support a client's case, the issues and the facts of the cases should be similar and the case should have at least persuasive authority. Ideally, a researcher wants to find a leading case or one where "a question or problem that is decided in a court of law…is used as an example to decide similar cases" (Cambridge Dictionary, n.d.). The more weight a case has, the more likely the judge in a client's case will follow that case's decision-making rationale.

It is important to note that while court decisions are not binding on administrative tribunals, they are persuasive. This means that decisions made at the highest level of court in the relevant jurisdiction (province, territory, or Federal Court system) will have the most impact in the arguments presented on the client's behalf (CanLII Primer, 2016, pp. 12–13; Daly, 2015, pp. 4–5).

In summary, case law is important both as a method of determining the validity of a client's case and as a guide for the court's decision-making process. The more similar the precedent and a client's case are, the better the precedent will predict the final outcome of the client's case as well as the court's rationale for its decision (and the law it applies).

Clearly, understanding and applying case law has a significant impact on any case or proceeding entering or progressing through the legal system. However, in order to understand and apply case law, the researcher must first be able to read it. In the next section, an effective case-reading technique will be discussed and then an opportunity to practice it will be presented.

An Effective Case-Reading Technique

Trying to read through a case—especially a long one—may seem like a daunting task. However, by employing a commonly used case-reading technique, the task may be broken down into manageable steps, systematically worked through, read, and understood. This section will demonstrate how to apply an effective case-reading technique.

Recall that the format of a case mirrors the structure of a proceeding. The decision-maker's reasoning in a decision also typically mirrors the structure of a court or tribunal proceeding. Therefore, by walking through the steps of the actual proceeding, the researcher may identify and read their way through the key elements of the judgment and the decision-maker's reasoning.

Style of Cause

A proceeding typically starts with the parties, their representatives or lawyers, and the decision-maker or judge being introduced. This introduction is represented in the style of cause, which is located at the top of the first page of a written case.

The style of cause identifies:

- a citation for the case
- the date the decision was released and/or the date of the hearing
- the court file or action number
- the level of court and its jurisdiction
- the parties involved (and their counsel)
- the name of the judge or the decision-maker (Note that the "J" after the decision-maker's name stands for Justice.)

The style of cause is used to locate the case in a printed report and on an online database. These will be discussed in another chapter.

Headnote and Summary

The headnote and summary (when used) are positioned just below the style of cause. These are not always included in a case, nor are they considered a part of the proceeding. However, they may still be useful to the researcher. The headnote and summary include catch lines and condensed information about the decision that follows. They are written by the editor of the law reporter or database that publishes the case. The headnote contains words and phrases (catch lines) used to identify key aspects of the case, which may be used as an initial screening device to determine the relevancy or similarity of the case. The catch lines may also be employed as search words for further case law research of similar cases. An example, taken from *Weston v Regan*, 2006 ABQB 624, would be as follows:

Family law — Damages for loss of consortium and servitium — Wife seeking damages — General principles

The summary is a brief description of the case. Multiple short summaries may be included, one for each issue in the case.

Please note a warning about headnotes: Blatt and Kurtz (2020) state that they are not always accurate as they are written by an editor and not the decision-maker. Therefore, they should never be relied on in isolation—if the case looks like it might be relevant, read the entire case.

Table of Authorities

The table of authorities is placed just below the headnote and summary (or where they would be if they are absent). This is another element that is sometimes, but not always, included in a case. The table of authorities is a list of the case law and any legislation or secondary sources considered by the decision-maker in making the decision. It is another source of search information for the researcher. See the example below, from *Weston v Regan*, 2006 ABQB 624:

Table of Authorities

Cases considered by *C.L. Kenny J.*:

Bannerman v. Freeborn (2004), 2004 ABQB 857, 2004 CarswellAlta 1576 (Alta. Q.B.) — considered

Mathieson v. Thompson (1953), (sub nom. *Johnston National Storage Ltd. v. Mathieson)* [1953] 2 D.L.R. 604, [1953] 2 S.C.R. viii, 1953 CarswellBC 190 (S.C.C.) — considered

McKim v. Oakley (1995), 10 B.C.L.R. (3d) 277, 13 M.V.R. (3d) 105, 63 B.C.A.C. 132, 104 W.A.C. 132, 1995 CarswellBC 446 (B.C. C.A.) — considered

Vibert v. Stern (1997), 57 Alta. L.R. (3d) 325, 1997 CarswellAlta 1040, 225 A.R. 1 (Alta. Q.B.) — considered

Walker v. Brownlee (1952), (sub nom. *Brownlee v. Harmon)* [1952] 2 D.L.R. 450, [1952] 2 S.C.R. ix (note), 1952 CarswellOnt 395 (S.C.C.) — considered

Statutes considered:

Highway Traffic Act, R.S.A. 1980, c. H-7

Generally — referred to

s. 99 — referred to

Figure 4.3 Table of Authorities showing cases and statutes considered by Justice C. L. Kenny, including six cases and the Highway Traffic Act, R.S.A. 1980, c. H-7 [Image description – See Appendix A Figure 4.3].

Purpose

After the introductions have been made, the judge moves into discussing the key elements of the case, beginning with the purpose of the proceeding. The purpose is positioned after the headnote and summary (or directly following the style of cause if they are absent). It is typically the first paragraph of the case. The purpose is the reason or the cause of action for the case before the court. It may be phrased as, "This is a claim for damages arising from…," "On appeal from the judgment of…," or it may simply state, "Action for damages for negligence." It leads into the facts of the case.

Facts

The judge then reviews the facts of the case. The facts are "the who, what, why, when, and how" of the legal scenario presented to the court. In a trial or hearing, they include the parties to the dispute, the events that led up to and created the cause of action, and the evidence submitted to prove each party's case.

The facts also sometimes include events that occurred after the origin of the cause of action that may affect the decision-maker's interpretation of the events and the application of law to the events. An example might be mitigating circumstances where a party attempts to reduce the negative impact of the cause of action either for the other party or for themselves.

Also, in an appeal, the decision being appealed is included with the facts.

It is important to pinpoint the relevant facts in a case. An effective way to do this is to identify the key issues in the case (discussed next) and then track which case facts the decision-maker has attached to these issues.

Issues

Following a review of the facts, the judge identifies the issues of the case. The issues are the questions that the decision-maker must answer in order to reach a decision. There are two types of issues recognized. The first are factual issues, such as when there is a lack of information required to establish the facts or where the parties do not agree on the stated facts of the case. For example, in a negligence case, the judge may need to determine "whether Balboa was the horse involved in the accident?" This type of question requires a factual answer, not a legal answer. The second type recognized are legal issues and involve legal questions "that arise from the specific facts of a client's legal problem" (McCarney et al., 2019, pp. 2:9). An example is, having determined that Balboa was the horse involved in the accident, "[w]hether the defendant is liable in negligence either (a) for a breach of duty created by municipal regulations, or (b) for a breach of duty at common law." Both types of issues must be resolved to decide a case, but the legal issues are the ones to focus on when researching what law is applied to the circumstances of a case.

The legal issues are what the entire case revolves around, so it is imperative to identify them and to understand what they are. Below are some helpful tips for identifying them:

- The decision-maker usually formulates the issues as a subtitle ("Issues") or as a question (often beginning with the word "whether").
- After stating the issue, the decision-maker typically follows up with a review of the facts that apply to the issue.
- After stating the issue, the decision-maker usually identifies the law related to the issue, including any factors or tests that need to be met to apply it.

Please note that while some decision-makers disclose the legal issues in a comprehensive list following the facts of a case, others "scatter them throughout their reasons" (Blatt & Kurtz, 2020, p. 47) and the researcher must then search through the text to find them and their related facts. Following the tips outlined above should help ease this process. Conversely, most decision-makers do consistently relay the law applicable to the issues directly after identifying them, and that is what will be discussed next.

Law and Lines of Authority

After identifying the issues that need to be addressed in the proceeding, the decision-maker sets out the existing law for each issue. The authorities relied upon and cited in the proceeding may include legislation (statutes, regulations, and bylaws), case law, and secondary sources such as law journals and textbooks. Both parties typically cite or present their own line of authority, which are "sets of cases that share the same or similar viewpoint over a period of time" (Blatt & Kurtz, 2020, p. 47). These are lists of cases and other sources of law that follow a similar decision-making rationale or set of legal principles over time, and support each party's position on the issues of the case. The judge often reviews one or two cases or law sources from each party's line of authority. They then pursue the line of authority that best or most fairly relates to the specific legal issue(s), apply it to the facts of the case, and make a decision. This is called the*ratio decidendi* and is described next.

Please note that it is important for a researcher to record the line of authority pursued in a relevant or similar case as its cited law becomes a resource list from which further research for their client's case may be initiated.

Ratio Decidendi and Decision

The ***ratio decidendi*** (or ratio) is the "reason for deciding." It is the most important element in a case for researchers— it is the law that is set out when the case is cited in research. It is a statement that contains both the identified principle of law that the decision-maker uses to decide an issue and the application of that principle to the facts of the case. There should be one written following the discussion of each issue in the case. Therefore, if there are multiple issues discussed in the case, there should also be multiple *ratios* provided in the case. There should be one that explains the final outcome of the case as well.

Please note that if the proceeding is an appeal and there are dissenting reasons, where not all the judges on the panel agreed with the final decision, this is a minority opinion, and the ratios for these reasons are not relevant for research. In contrast, if there are varying reasons with multiple decision-makers on a panel and most or all of them agree to the decision, this is a majority opinion, and there may be a variety of ratios presented for the same decision, thereby providing the researcher with numerous options for research.

Identifying a *ratio* may be somewhat difficult. It is helpful to look for phrases such as *I am of the view…, I have concluded…, or The court is satisfied that…* at the beginning of a sentence or paragraph. Indeed, the *ratio* often consists of only a single sentence or a short paragraph.

Examples of *ratios* are: *I am satisfied therefore on a balance of probabilities that Mr. Smith was negligent in the operation of his motor vehicle; In my opinion, a threat to invade the bodily integrity or otherwise apply force to the victims is itself a hostile act; and The defendant ought to have known that the plaintiff's privacy was being so thoroughly invaded as to cause a reasonable man to be worried…I have no hesitation in saying that he is violating the privacy of the person*.

While the *ratio* is the rationale or reason for the decision regarding the issue, the decision is the decision-maker's final verdict on the issue or case. It is usually located after the *ratio*, although it may sometimes be written before it. Examples of decisions include:*The negligence of one driver is not more than the other; I conclude that the trial judge did not err in convicting the accused of sexual assault upon his victims; and The defendant is liable for the injury. After the* ratio*and decision are presented, the disposition is declared.*

Disposition

At the very end of the proceeding or case, the disposition is announced. The disposition is an order from the court that states the final outcome of the entire proceeding. The disposition provides the researcher with potential outcomes for their client's case. How successful or unsuccessful are they likely to be? Examples include: This action is dismissed; The appeal is allowed and the judgment of the trial is set aside; and I fix damages at $1,000. The disposition may also discuss further administrative procedures that should occur, such as how and when to make submissions on costs.

Obiter Dicta

A final element (while not a key element) to be discussed in reading a case, is *obiter dicta* (or *obiter*) meaning "words by the way" (Blatt & Kurtz, 2020, p. 48). This is information that a decision-maker includes in the written judgment that is not directly related to the decision. The decision-maker might voice an opinion about a situation, provide a definition that clarifies a factual issue, or tell an anecdote that will not have any bearing on the decision. It is "commentary in a judicial decision that does not constitute a legal principle but that may provide a useful context for the decision" (McCarney et al., 2019. P. C:5). This information is generally not useful to the researcher.

Case-Reading Technique Summary

To summarize the case-reading technique, the researcher needs to identify each of the key elements in the case, in particular: the purpose, the facts, the legal issues, the law, the r*atio decidendi*, the decision, and the disposition. Recall that the FILAC research method used to describe case format near the beginning of the chapter also contains most of these elements. Applying that acronym may also be a good reminder of what to look out for when reading a case. And remember, if the researcher walks their way through a typical legal proceeding, they should be able to identify the various elements in the case.

Being able to read a case is critical to legal analysis as well as to locating other relevant cases. It requires some skill, but most cases follow a similar format, and after reading numerous cases, the researcher should become adept at identifying the important information in a case.

Summary

Learning how to read case law is an essential skill for legal researchers. Case law refers to written decisions that are made by court and tribunal decision-makers. Researching case law helps to determine whether the client has a case, what evidence needs to be provided to prove the case, and what the odds are of winning their case. It helps the researcher to identify precedents with binding or persuasive authority and to anticipate the weight a judge might assign to a cited case. Reading case law also provides potential relevant lines of authority and the cases (and legislation) that may be used to find other relevant case law (and legislation) to support the client's case.

The format of a case typically mirrors that of the proceeding itself and can thereby simplify locating important information in the written decision. Applying an effective case-reading technique further clarifies the process of identifying the key elements of a case—that is, the purpose, the facts, the issues, the law, the *ratio decidendi*, the decision, and the disposition. The more a researcher practices this technique, the more efficient and adept they will become at it.

Researching case law can be time-consuming and sometimes frustrating, but putting in the work to find the best case law for your client's issue(s) is worth the effort. Competently reading case law helps ensure that the most similar, relevant, and applicable case law authority is employed in supporting a client's case and helping their case succeed. Learning to use case citations to identify and search for case law in printed and online law reporters and databases is also key to this endeavour and will be discussed in the next chapter.

Activity: Reading a Case – *R v Brown*

Read through the following case, *R. v Brown*, 2016 ABPC 110, and practice identifying the key case elements and important case information. Please note that this case is one where the issues are scattered throughout the text, so the reader may have to search for some of them. Also, it is probably easiest to copy the text to a Word document and work from that.

State the paragraph numbers where the case elements listed below are found.

- the purpose
- the facts
- the issues
- the law
- the *ratio decidendi* for each issue and for the case
- the decision for each issue and for the case
- the disposition

Next, highlight (or otherwise identify), within the paragraphs specified above, the specific text that states each of the elements listed above.

Finally, summarize (but do not paraphrase) the highlighted sections that directly relate to:

- the facts
- the issues
- the law

Compare your work to the answers in the drop-down menu below.

Answers to Reading a Case – *R v Brown*

1. ***State the paragraph numbers where the following case elements are found***:
    - the purpose: para. 1
    - the facts: paras. 2-5
    - the issues: paras. 6, 19-20, and 19 and 25
    - the law: paras. 9-16, 19-23, and 26-3
    - the *ratio decidendi* for each issue identified: paras. 17, 24, and 33
    - the decision for each issue identified: paras. 18, 24-25, and 34
    - the disposition: para. 34
2. ***Highlight (or otherwise identify), within the paragraphs specified above, the text that states each of the elements listed above***:
    - **The Purpose**
        - The defendant is charged with performing or engaging in a stunt on a highway in contravention of section 115(2)(e) of the *Traffic Safety Act*, R.S.A.2000, c. T-6. (para. 1)
    - **The Facts**
        - Park Warden Lucas Habib gave evidence that on July 20, 2015, he saw the defendant and four others longboarding down a steep hill on Highway 93A in Jasper National Park. They had a vehicle behind them with its hazard lights on. There was no vehicle in front of them. The Warden gave evidence that he observed a few vehicles that had pulled over as the longboarders had gone by. (para. 2)
        - Warden Habib pulled the group over at the bottom of the hill and issued a ticket to the defendant for stunting. He gave evidence that no permit is available for this activity. (para. 3)
        - The defendant gave evidence which I accept. He is an experienced skateboarder having more than eight years' experience. The only place available to train is down a paved hill. He was wearing protective equipment. He travelled in the correct lane, did not exceed the speed limit and was able

to slow down and stop upon request. (para.4)
    - The defendant acknowledged he had been warned not to longboard in Jasper National Park, but gave evidence that he did not believe that he was distracting, startling or interfering with other users of the highway. (para. 5)
- **The Issues**
    - ***Issue 1***
        - I ...[need] to determine if longboarding in the manner that he did is illegal in Jasper National Park. (para. 6)
    - ***Issue 2***
        - However, the matter does not stop here as the accused was charged under section 115(2)(e) of the *Traffic Safety Act. Section 115(2)*(e) states:
            - A person shall not do any of the following:
                - (e) perform or engage in any stunt ... (para.19)
        - [T]he question as to what constitutes stunting...(para. 20)
    - ***Issue 3***
        - Section 115(2)(e) of the *Traffic Safety Act. Section 115(2)*(e) states:
            - A person shall not do any of the following:
                - (e) perform or engage in any...other activity that is likely to distract, startle or interfere with users of the highway. (para. 19)
        - I must next consider whether the defendant's engagement in the activity of longboarding constitutes an "other activity" that is likely to distract, startle or interfere with users of the highway. (para. 25)
- **The Law**
    - ***For Issue 1***
        - The Crown produced no evidence that there is any regulation that prohibits longboarding in Jasper National Park. (para. 9)
        - The *Canada National Parks Act*, S.C. 2000, c. 32 provides that Canada's National Parks are dedicated to the public. Section 4(1) states:
            - The national parks of Canada are hereby dedicated to the people of Canada for their benefit, education, and enjoyment, subject to this Act and the regulations, and the parks shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations. (para. 10)
        - Section 47(2) of the *National Parks Highway Traffic Regulations*, C.R.C., c. 1126 states:
            - No person shall skate, roller skate, roller blade, roller ski or ride a skateboard on any highway or sidewalk in a town, visitor centre, or resort subdivision. (para. 11)
            - A "highway" is defined in section 2 of the *Regulations* as including "a road, street, avenue, parkway, driveway, lane, square, bridge, viaduct, trestle or other place within a park intended for use by the public for the passage or parking of vehicles." (para. 12)
            - While a longboard is not specifically listed in section 47(2) it is similar to a skateboard. (para. 13)
        - Section 47(3) of the *Regulations* provides:
            - Every person who roller blades or roller skis on a highway outside a town, visitor centre or resort subdivision shall travel as close as possible to the left-hand edge or curb of the highway and, when roller blading or roller skiing with other persons, shall travel in single

file. (para. 14)
    - Skateboarding is not referred to in section 47(3) of the *Regulations*. (para. 15)
  - I have found no other provision in any other Regulations made under the *Canada National Parks Act* which specifically prohibits a person from skateboarding or longboarding in a National Park. (para. 16)
- ***For Issue 2***
  - *Traffic Safety Act, Section 115(2)*(e) states:
    - A person shall not do any of the following:
      - (e) perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the highway. (para. 19)
  - The word "stunt" is not defined in section 1(1) or elsewhere in the *Traffic Safety Act*. It is also not defined in *Alberta's Interpretation Act*, RSA 2000, c. I-8. The question as to what constitutes stunting has been considered by courts in Alberta and Saskatchewan. (para. 20)
  - In *R. v. Tremblay* (1974), 1974 CanLII 1138 (AB CA) at para. 10, [1975] 3 W.W.R. 589 (Alta. C.A.), the Alberta Court of Appeal relied on the definition of the word "stunt" set out in the *Shorter Oxford English Dictionary*, 3rd revised edition:

    a. An "event" in an athletic competition or display; a feat undertaken as a defiance in response to a challenge; an act which is striking for the skill, strength, or the like, required to do it; a feat, something performed as an item in an entertainment.
    b. In recent use, an enterprise set on foot with the object of gaining reputation or signal advantage. In soldiers' use often vaguely: An attack or advance, a "push," "move."
    c. In wider use, an enterprise, performance. Hence Stunt: to perform stunts; spec. of a motorist, an airman, etc., to perform spectacular and daring feats. Stunter, Stuntist. (para. 21)
  - The Alberta Court of Appeal relied upon this definition of "stunt" in *R. v Jones*, 1983 ABCA 70 (CanLII), [1983] 4 W.W.R. 144 (Alta. C.A.). So did Justice of the Peace McIlhargey in *R. v James* (2004), 4 M.V.R. (5th) 231 (Alta. Prov. Ct.) and Justice Moore in *R. v Burton* (1984), 29 M.V.R. 229 (Sask. Q.B.). (para. 22)
  - The *Canadian Oxford Dictionary*, 2nd edition, defines "stunt" as follows:
    - (1) Something unusual done to attract attention;
    - (2) An act notable or impressive on account of the skill, strength, or daring, etc., required to perform it; an exciting or dangerous trick or manoeuvre. (para. 23)
- ***For Issue 3***
  - *Traffic Safety Act*, Section 115(2)(e) states:
    - A person shall not do any of the following:
      - (e) perform or engage in any … other activity that is likely to distract, startle or interfere with users of the highway. (para. 19)
  - McIlhargey in *James* (para. 14) in my opinion does a particularly good analysis of the law in this regard and I adopt his analysis. McIlhargey in *James*, concludes: "It is clear that the subject of concern in section 115(2)(e) is not the conduct itself but the effect of that conduct on users of the highway." (para. 26)
  - In *Jones* (paras. 12 and 14), the Alberta Court of Appeal considered the meaning of "startle," "distract," and "interfere" in what was then section 104(1) of the *Highway Traffic Act*, R.S.A. 1975(2), c. 56. Prowse J.A. explained the *Shorter Oxford English Dictionary*, revised 3rd ed. (1973), defines "startle" as follows: "to cause to start; to frighten; to surprise greatly; to shock".

"Distract" is defined as "turning aside in a different direction; to perplex or to confuse; to derange the intellect". The word "interfere" means "to run into each other; to intersect; to interpose so as to affect some action; to intervene." (para. 27)

- Justice Prowse (*Jones*, para. 15) held:
  - the ordinary meaning of these words leads me to conclude that the legislation was not directed at activities that merely drew attention to oneself or excited towards oneself pleasurable emotions of those whose attention is drawn to them. A distraction must be more serious than an attraction. If such were not the case, one could envision everyday activities which would fall within this section, in fear that those activities might divert the attention of some careless drivers. (para. 28)
- McIlhargey J. P. in *James* expressed at paragraph 18:
  - I am satisfied that section 115(2)(e) is directed at conduct occurring on or near a highway that adversely impacts the exercise by a driver of the due care and attention that is required for the safe operation of a vehicle on the highway. The conduct complained of must be of a compelling nature, such that the effect or consequence of that conduct on the users of the highway is or is likely to be serious and significant. (para. 29)
- After considering the decision in *Tremblay*, Justice Currie in *R. v Beaudoin*, 2009 SKQB 113, at para. 18, opined the use of the phrase:
  - "that is likely to" indicates that the legislature intended to entirely prohibit this kind of activity on highways, regardless of whether in a particular case the activity had affected another driver, and regardless of whether in a particular case it could be established that another driver was nearby. (para. 30)
- According to Justice Currie (para. 19):
  - The focus of s. 214(2) [of Saskatchewan's The *Traffic Safety Act*] is on the driving activity that has the potential to create a hazard on a highway, not on whether a hazard actually has been created by the driving activity on any one occasion. This focus is consistent with the overall purpose of the statute, which is to ensure traffic safety. (para. 31)
  - The wording of section 214(2) of Saskatchewan's *Traffic Safety Act* mirrors that of section 115(2) of Alberta's Act, with the exception that section 214(2) applies specifically to a "driver." (para. 32)

- **The *Ratio Decidendi* for Each Issue Identified**
  - ***For Issue 1***
    - The manner in which the defendant engaged in the longboarding does not appear to constitute "prohibited conduct" as defined in section 32(1) of the *National Parks General Regulations*, SOR/78-213. No evidence was submitted during the trial indicating whether the Superintendent has designated longboarding as a prohibited activity under section 7(1) of the *General Regulations*. As indicated above, the Park Warden did give evidence that no permit is available authorizing a person to longboard in Jasper National Park. (para. 17)
  - ***For Issue 2***
    - The defendant's actions in longboarding down a steep hill, along a highway in Jasper National Park, in the manner that he did, in my opinion, does not constitute "stunting" within the meaning of section 115(2)(e) of the *Traffic Safety Act*. The evidence establishes that he and his companions were travelling in a careful and prudent manner. There is no evidence that they were racing or performing tricks or doing anything unusual to attract attention. (para. 24)
  - ***For Issue 3***

        - McIlhargey in *James* {at para. 14}in my opinion does a particularly good analysis of the law in this regard and I adopt his analysis. McIlhargey in *James*, concludes: "It is clear that the subject of concern in section 115(2)(e) is not the conduct itself but the effect of that conduct on users of the highway." (para. 26)
        - After giving consideration to the reasoning of Justice Currie in *Beaudoin*, the Crown has not satisfied me beyond a reasonable doubt that the accused's engagement in longboarding, in the manner that he did, was so compelling that it had or was likely to have a serious and significant effect on other users of the 93A Highway. (para. 33)
    - **The Decision for Each Issue Identified**
        - ***For Issue 1***
            - …Unless a person is longboarding on a highway or sidewalk "in a town, visitor centre or resort subdivision" longboarding is not in and of itself illegal in Jasper National Park. (para. 18)
        - ***For Issue 2***
            - I find the defendant did not commit the offence of stunting. (para. 34)
        - ***For Issue 3***
            - The evidence establishes that he and his companions were travelling in a careful and prudent manner. There is no evidence that they were racing or performing tricks or doing anything unusual to attract attention. (para. 24)
    - **The Decision for the Case**
        - The Crown has failed to establish its case. (para. 34)
    - **The Disposition**
        - I acquit the defendant. (para. 34)

3. ***Summarize (but do not paraphrase) the highlighted sections that directly relate to***:

    - **The Facts**
        - Park Warden Lucas Habib gave evidence that on July 20, 2015, he saw the defendant and four others longboarding down a steep hill on Highway 93A in Jasper National Park. They had a vehicle behind them with its hazard lights on. There was no vehicle in front of them. (para. 2)
        - Warden Habib pulled the group over at the bottom of the hill and issued a ticket to the defendant for stunting. He gave evidence that no permit is available for this activity. (para. 3)
        - [The defendant] is an experienced skateboarder having more than eight years' experience. The only place available to train is down a paved hill. He was wearing protective equipment. He travelled in the correct lane, did not exceed the speed limit and was able to slow down and stop upon request. (para. 4)
        - The defendant acknowledged he had been warned not to longboard in Jasper National Park, but…he did not believe that he was distracting, startling or interfering with other users of the highway. (para. 5)
    - **The Issues**
        - …[I]f longboarding in the manner that he did is illegal in Jasper National Park. (para. 6)
        - A person shall not do any of the following:…perform or engage in any stunt…that is likely to distract, startle or interfere with users of the highway. (para. 19) The question as to what constitutes stunting… (para. 20)
        - …Whether the defendant's engagement in…longboarding constitutes an "other activity" that is likely to distract, startle or interfere with users of the highway. (para. 25)
    - **The Law**

- Section 47(2) of the *National Parks Highway Traffic Regulations*, C.R.C., c. 1126 states:
    - No person shall skate, roller skate, roller blade, roller ski or ride a skateboard on any highway or sidewalk in a town, visitor centre or resort subdivision. (para. 11)
    - A "highway" is defined in section 2 of the *Regulations* as…"a road, street, avenue, parkway, driveway, lane, square, bridge, viaduct, trestle or other place within a park intended for use by the public for the passage or parking of vehicles." (para. 12)
- "[P]rohibited conduct" as defined in section 32(1) of the *National Parks General Regulations*, SOR/78-213. (para. 17) [Which, when looked up, states the following:
    - **32 (1)** No person shall, in a Park,
        - **(a)** cause any excessive noise;
        - **(b)** conduct or behave in a manner that unreasonably disturbs other persons in the Park or unreasonably interferes with their enjoyment of the Park; or
        - **(c)** carry out any action that unreasonably interferes with fauna or the natural beauty of the Park.]
- Section 7(1) of the *General Regulations* [when looked up, states the following regarding "Prohibited Activities":
    - **7 (1)** The superintendent may, where it is necessary for the proper management of the Park to do so, designate certain activities, uses or entry and travel in areas in a Park as restricted or prohibited.] (para.17)
- Section 115(2)(e) of the *Traffic Safety Act*…states:
    - A person shall not do any of the following:
        - (e) perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the highway. (para. 19)
- The word "stunt" is not defined in section 1(1) or elsewhere in the *Traffic Safety Act*. (para. 20)
- It is also not defined in Alberta's *Interpretation Act*, RSA 2000, c. I-8. (para. 20)
- ***R v Tremblay*** (1974), 1974 CanLII 1138 (AB CA) at para. 10:
    - the Alberta Court of Appeal relied on the definition of the word "stunt" set out in the *Shorter Oxford English Dictionary*, 3rd revised edition:
        a. An "event" in an athletic competition or display; a feat undertaken as a defiance in response to a challenge; an act which is striking for the skill, strength, or the like, required to do it; a feat, something performed as an item in an entertainment.
        b. In recent use, an enterprise set on foot with the object of gaining reputation or signal advantage. In soldiers' use often vaguely: An attack or advance, a "push," "move."
        c. In wider use, an enterprise, performance. Hence Stunt: to perform stunts; spec. of a motorist, an airman, etc., to perform spectacular and daring feats. Stunter, Stuntist. (para, 21)
- ***R v James*** (2004), 4 M.V.R. (5th) 231 (Alta. Prov. Ct.) at para 14:
    - "It is clear that the subject of concern in section 115(2)(e) is not the conduct itself but the effect of that conduct on users of the highway." (para. 26)
- ***R v Beaudoin*** 2009 SKQB 113 at para. 18:
    - [regarding section 1152)(e) of the *Traffic Safety Act*]: "that is likely to" indicates that the legislature intended to entirely prohibit this kind of activity on highways, regardless of whether in a particular case the activity had affected another driver, and regardless of whether in a particular case it could be established that another driver was nearby. (para. 30)
- ***R v Beaudoin*** 2009 SKQB 113 at para 19:

- The focus of s. 214(2) [of Saskatchewan's The [*Traffic Safety Act*]] is on the driving activity that has the potential to create a hazard on a highway, not on whether a hazard actually has been created by the driving activity on any one occasion. This focus is consistent with the overall purpose of the statute, which is to ensure traffic safety. (para. 31)
- [S]ection 214(2) of Saskatchewan's *Traffic Safety Act* mirrors that of section 115(2) of Alberta's Act, with the exception that section 214(2) applies specifically to a "driver." (para. 32)

Reflection Questions

- When reading a case, which part do you find most difficult to identify and why? How might practicing with more case readings help improve this?
- Think about the concept of *precedent*. How would identifying whether a case is binding or persuasive affect your ability to support your supervising lawyer's legal argument?
- Imagine you are researching a case for a client who is self-represented. How would you explain the relevance of reading and understanding case law in plain language?

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AI and the Importance of Ethics in the Workplace

ASHLEY MCDONALD

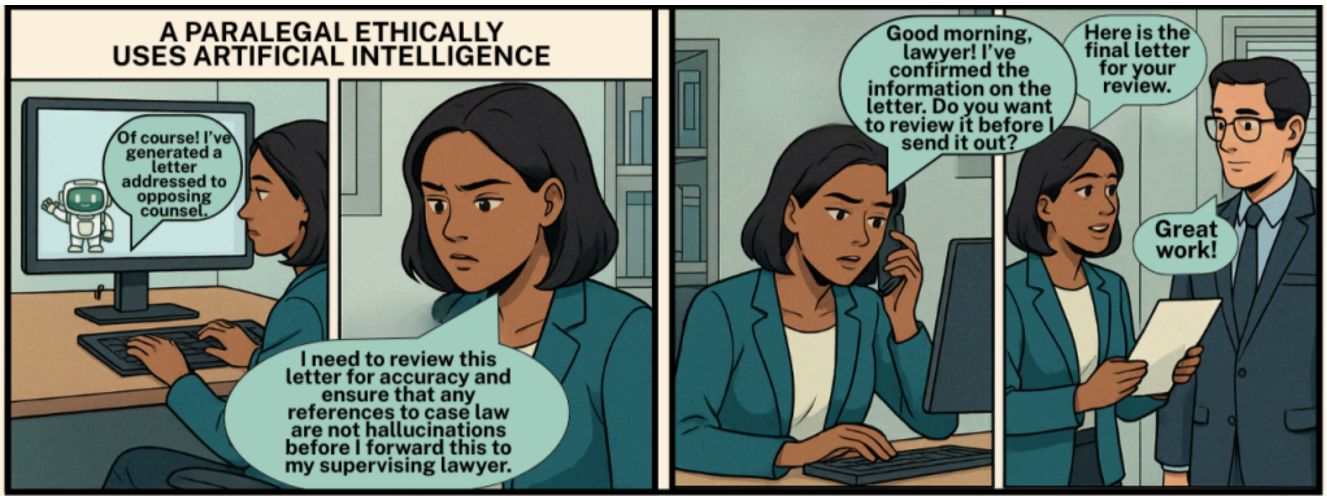

Figure 5.1 An AI-generated image of a paralegal using artificial intelligence ethically. [Image description – See Appendix A Figure 5.1]. Source: Adapted by Stasiewich, A. from OpenAI. (2025). ChatGPT-5 [Image generator]. Retrieved August 13, 2025, from https://chat.openai.com

Learning Objectives

Upon successful completion of this chapter, learners will be able to do the following:

- Recognize what generative AI is and how it is used in legal practice.
- Identify common risks associated with using generative AI.
- Review steps to assess the accuracy and validity of AI-generated legal content.
- Outline the key ethical responsibilities of legal professionals when using AI.

Introduction

This chapter will focus on the uses of AI in the workplace and the importance of ethics when using AI tools in the legal field. AI is a new and evolving technology, and it is important to know what generative AI is, what its potential uses are in the law office, and what the law society rules are when it comes to using AI for tasks. It is also important to understand the ethics involved in using generative AI and the consequences it can have when misused.

What is Generative AI?

Generative artificial intelligence, or **Generative AI**, is defined by the Law Society of Alberta (2024) as being a "type of artificial intelligence that can create new content, such as text, images, or audio, based on some input or prompt" (p. 1). Simply typing in precisely what you would like the AI tool to do and it will create that within minutes of receiving your instructions. One way to think of how generative AI technology works is that there are three stages: the input, analysis, and output (Queen's University, 2025).

This technology can drastically improve the overall efficiency of a task, as it will take minutes to complete a task that could have otherwise taken hours or even days to complete, depending on the complexity. AI can be used for many things in the law office, including drafting documents or correspondence and researching a legal issue. The Law Society of Alberta suggests that generative AI can be used to proofread documents, summarize complex documents, and generate ideas for writing a document.

Although AI can improve the overall efficiency of work, it also has drawbacks and risks that must be considered. The University of Alberta (2025) lists some of the issues to consider when using Generative AI, such as:

- **Hallucinations**: This term describes when AI produces information that does not exist. The AI tool creates false cases that relate to the information it was given. It is important to fact-check the cases that the AI tool produces to ensure that they are real and not AI hallucinations.
- **Errors**: When using AI, it is important to check for errors, as it can produce inaccurate or biased information depending on the given information.
- **Tasks**: Although generative AI is seen as a tool that can do virtually anything, it does have its limits. There may be some tasks that AI cannot complete, depending on the advancement of the program you are using.

It is important to keep these points in mind as you explore the uses of AI and how it can benefit you and the work you conduct. Generative AI can simplify tasks and increase efficiency. However, it is also important to double-check the information it produces, as there are risks and limitations to what it can do.

How To Use Generative AI

Using Prompts with Generative AI

AI is a new and evolving technology, constantly changing as technology advances. It may seem like a daunting task to figure out how to use AI and how to utilize it in a law office; however, there is a quick guide created by the University of Alberta (2025) that can be used to assist in creating the right prompts to generate the information needed.

The University of Alberta (2025) recommends using the **5P method**. The 5Ps each represent a category that can be used when writing a prompt for the generative AI to produce information. The 5Ps are as follows:

Prime

The first "P" in the method stands for "Prime." This is best used when giving generative AI a task by giving specific information such as facts, jurisdiction, and a time frame. This can best be used to find cases or legislation related to your fact scenario. See the following examples:

1. The client was involved in an armed robbery of a bank in Edmonton…
2. The *Residential Tenancy Act* in Alberta and how it relates to tenants wanting to end their lease early due to…

Prompt

The second "P" stands for "Prompt" and is best used when you want to give the AI tool specific instructions on a task. This is useful when wanting to do one of the following examples:

1. Compare and contrast different legislation.
2. Summarize case decisions.
3. Draft legal documents, such as a memorandum.

Persona

The third "P" stands for "Persona" and should be used when you want the AI tool to take on a role in generating information from the prompt that you give it. Examples of this include:

1. Write from the perspective of opposing counsel in a matter involving…
2. Generate an email to opposing counsel in a formal tone requesting…

Product

The fourth "P" stands for "Product" and should be used when you want a specific output for the AI tool to produce. See the following examples:

1. A letter to a client explaining…
2. A 1,000-word summary…

Polish

The last "P" stands for "Polish" and is used when you want to refine the results of the information that the AI tool has given you. This can be useful in almost all of the prompts you give the AI tool, as it is intended to narrow down the results to receive the desired end product. Examples of this include:

1. Contrast this information with…
2. This only includes information relevant in Ontario's jurisdiction. Is there relevant information in Alberta's jurisdiction?…

Using the 5P method suggested by the University of Alberta can drastically improve how you use AI, depending on what type of information you need to obtain. For more information on using AI in legal research, follow the University of Alberta's *Generative AI for Legal Research* guide.

Assessing Generative AI Information

After obtaining the information provided by the AI tool, it is important to learn how to assess the information to validate its accuracy properly. As discussed previously, AI has limitations and can produce hallucinations, errors in data, and potentially biased information. So, although it can be a helpful tool when conducting tasks, it is important to know how to assess the accuracy and validity of the information AI is giving you. Queen's University (2025) suggests using five steps to measure the AI-generated content. The steps are as follows:

Assess System Limitations

This step analyzes how the AI system works, which in turn helps us understand how it generates the data it gives us. One way to look at this is by using the three-layer model (Queen's University, 2025). The three layers comprise the input, analysis, and output layers. The input layer consists of the data on which the system operates. Consider how current the data the system uses is and whether there is any human bias in the data. The second layer is the analysis layer, where the system interprets the data given. Again, be sure to consider if there is any bias in the data and whether the system tells you how it analyzes the data. The last layer is the output layer, which is the result that the system gives you after inputting the initial data. Consider again if there is any **bias in AI** data, if anything is missing from the results, and if you can train the AI tool to help it learn how to perform tasks.

Overall, assessing the AI system itself is important to ensure that it will give you accurate, current, and non-biased data. The three-step method suggested by Queen's University is an excellent way to assess the system you are using.

Verify Information

As mentioned previously, AI can generate hallucinations, which are inaccurate information or cases that do not exist (Queen's University, 2025). It is important to double-check the sources and information the AI tool gives you to verify that the cases and information exist. One way to do this is to find the information in a legal database such as CanLII or Westlaw, review the source to ensure the reference is accurate, and then note the source to refer to in your reference guide.

Compare with Other Sources

Although generative AI is helpful, conducting separate research to find your own information is important, as you should not rely solely on the AI content as sources that are behind a paywall, such as those found in legal databases (aside from CanLII), will not be found using a non-AI platform. With this step, be sure to research legal databases such as CanLII and Westlaw to find additional information that can help aid or verify your legal research.

Update for Currency

Do not assume that the information given to you by the generative AI is current (Queen's University, 2025). Not all systems will rely on the most current information, so it is important to do additional research to ensure that the data is current or if there is a new law or information that should be referenced instead. Some AI platforms may show how current the information is, but this is not always the case, so more research may be necessary.

Take Steps to Address Bias

The last step that Queen's University (2025) suggests is to check to see whether any bias is evident in your given data. It is important to check for bias in your initial prompt as well as within the output—both can affect the outcome of the results.

These steps suggested by Queen's University can help in the process of using AI tools. AI can help streamline legal research, but it is important to ensure the information you are given is valid, accurate, and free from error and bias. Following the above steps will aid in that process to ensure the information provided by AI is accurate. AI is an effective tool, but it should not be the only source of information used when conducting research. It is still important to fact-check the information you are given and to do your additional research.

AI Databases

Many different types of generative AI databases can be used, and each has advantages and disadvantages depending on the task you need completed. Before using a platform to conduct your task, ensure that it is reliable and can accurately complete the task you need. In addition, some platforms require a subscription. If your law firm has a subscription to a generative AI platform, it would be beneficial to take advantage of this tool. However, if your law firm has no subscription, there are numerous platforms available free for public use. Below is a list of different platforms that can be used.

Table 5.1 Generative AI platforms

Free Platforms	Subscription Required Platforms
ChatGPT	Lexis+ AI | Legal Research Platform + AI Assistant | LexisNexis
Scribe – Free version, but also paid versions with more features.	Alexi
Microsoft CoPilot – Free version, but also paid versions (Microsoft 365 subscription)	CoCounsel
Canadian Legal Information Institute | CanLII	Westlaw Edge (AI-Enhanced)

Inequality in Access to AI Platforms

Although there are many options for AI platforms to use, there is much discussion about the inequality regarding access to AI platforms. Accessing legal-specific AI services comes at a cost, and smaller firms most often cannot afford these extra expenses (James, 2025). Regardless of AI platform choice, it is important that whichever platform a firm uses, whether it is free or requires a subscription, the service should be researched and tested by the firm to ensure that it produces accurate information. Although there are free platforms, such as ChatGPT, Grok, etc., these tools may not be as accurate or as comprehensive in response to your query as some of the platforms that require a fee (James, 2025). This inevitably creates a divide not only between "Big Law" firms and smaller boutique operations but also for self-represented individuals who cannot afford a lawyer and are seeking alternative means for legal advice.

Although outside the scope of this chapter, Rachel Paterson (2024) wrote a compelling article discussing the digital divide that the rise of AI tools in the legal profession has on self-represented litigants. Paterson (2024) states that the rise in AI "is causing the digital divide to widen at an unprecedented rate, which has concerning implications for people who self-represent, and access to justice as a whole."

AI and the Importance of Ethics

Ethics in law refers to a "code of conduct and professional responsibilities that govern lawyers' behaviour" (Pathfinder Editorial, 2024). **Legal ethics** is the most crucial aspect of the Canadian justice system. This system is the guiding force that all legal professionals should follow. Legal ethics ensures that lawyers prioritize their clients' interests, ensure justice is upheld fairly and impartially, establish trust with client confidentiality, act with diligence and competence, and promote the public's trust in the Canadian justice system (Pathfinder Editorial, 2024). The Law Society of Alberta has a Code of Conduct to which all lawyers practicing in Alberta must adhere. The Law Society of Alberta's Code of Conduct enforces the above-mentioned points that legal professionals must follow to enforce ethics in the legal field.

Knowing the importance of ethics in the legal field and the standards that legal professionals hold helps us understand how ethics relates to AI use in the legal field. There have been cases where the improper use of AI has led to errors during the court process that could have been avoided if the AI tool had been used correctly.

A case in Ontario described how a judge discovered a submission that was filed with the court that was written with AI (Draaisma, 2025). This lawyer relied on court materials produced by AI and cited fictitious cases and irrelevant cases that did not relate to the criminal law in question (Draaisma, 2025). The judge had ordered the lawyer to prepare new submissions and resubmit them to the court, and instructed that the lawyer must pinpoint the information being referred to in the case citations and check the citations, ensuring they have a link to CanLII (Draaisma, 2025). Another case, *Ko v Li*, 2025 ONSC 2766, also dealt with the repercussions of improperly using AI. The lawyer in this case submitted a factum with hyperlinks to CanLII that were inaccurate and did not link to relevant cases and displayed error messages. In addition, when asked to provide opposing counsel with citations and copies of the cases referenced in the factum, the lawyer could not provide the documentation. A third case *Halton (Regional Municipality) v Rewa et al*., 2025 ONSC 4503, found one of the parties submitting a factum that relied on fictitious cases. It was suggested that the party used AI to generate factum and that it had produced hallucination cases, and as a result, the party admitted to using AI because they were unable to hire counsel to assist in the matter. The Justice stated that all parties, whether self-represented or not, must verify the cases they are relying upon before submitting to the court. The hearing was adjourned with costs against the party, giving them additional time to amend their submissions.

In the first two cases noted above, the lawyers were not seriously punished for their negligence in not fact-checking their research, but the party in the third case, who was self-represented, was ordered to pay costs (a surprising revelation, given to this date, many of the lawyers misusing AI have not received the same). The Code of Conduct guides the lawyers' behaviour to ensure that justice is upheld and that they prioritize their clients' interests (Pathfinder Editorial, 2024). The fear is that if a lawyer does not check the work that AI has generated and it has serious errors or even hallucination cases, this incorrect information could cause a miscarriage of justice (Draaisma, 2025). This could be detrimental to the client who entrusted their lawyer to effectively represent them on their legal issues, as well as potentially paying thousands of dollars to represent them in their case accurately. Having the lawyer not uphold their duty to their client and present inaccurate information to the judge could not only create a miscarriage of justice, but it can also negatively impact their client's life. As stated in the case of *Ko v Li*, lawyers must prepare and review material competently, not to fabricate or miscite cases, read cases before submitting them to the court, review information produced by artificial intelligence, and not to mislead the court. Given that lawyers are held to these standards, it is surprising that neither of these lawyers was sanctioned for their negligence, but the self-represented party was.

This begins a conversation about how these types of situations should be handled and raises questions not only in ethics but also about competence, supervision of staff, and the proper administration of justice. Furthermore, should judges be responsible for fact-checking and verifying all written materials submitted by lawyers, including checking for AI-generated content? Is this a reasonable use of public resources and an effective way to manage workload in the legal system? The answer to how AI use should be managed, and what consequences should exist for unethical use, is still being worked out by the courts. It will be interesting to see how these situations evolve over time, especially as AI tools become more advanced and capable of completing complex tasks with increasing speed.

AI Policies in the Workplace

With the use of AI becoming more prevalent in the workplace, it should be used responsibly in a professional legal setting. One way to ensure that all employees within a work setting are using AI responsibly is to develop an **AI policy** within the law firm so that everyone knows how to use AI appropriately (Law Society of Alberta, 2024). If your firm does not already have a policy in place, the Law Society of Alberta has a reference guide on what information should be included in an AI policy. Within the Law Society of Alberta's (2024) guide, they suggest including:

- Examples of Permitted Use – Explain what an employee can use generative AI for and give examples of what this may look like.
- Examples of Prohibited Use – Explain what an employee should not use the generative AI tool for.
- Liability – What happens if an employee inappropriately uses the AI?
- Disclosure – Be open with clients when generative AI is used in their case.
- Monitoring – Have a clause stating that the firm can monitor how AI is used.
- Confidentiality and Privacy – Have a clause that states the importance of confidentiality and privacy of client information. Ensure that sensitive information does not get breached.

These are just a few examples of clauses that can be implemented into a law firm's policy on the use of AI. Each firm will have its own policies that its employees must follow. What should remain the same, however, is that the AI tool is used responsibly and the client's interests are at the forefront, and they can rely on the services they are paying for.

Summary

AI is a rapidly evolving technology that is increasing in use. This is a tool that, when used effectively, can drastically improve work output, but it must be used appropriately to ensure that the information produced is accurate. At the forefront, the clients' interests should be the number one priority; they are entrusting the law firm to help them with their legal matters during a time of need, so they should get the quality service they are paying for. Using generative AI can be a great tool to improve the work needed for the client's case, but it must be used appropriately to protect their interests.

Reflection Questions

1. Can you think of a situation in which relying too heavily on generative AI might create risk for a legal professional or their client? What would be the consequences?
2. After reading about the cases where lawyers submitted hallucinated case law, how do you think legal regulators should respond to such incidents?
3. How can a law firm balance the efficiency offered by AI with its obligation to act ethically and competently for clients?
4. As a paralegal or legal assistant, how might your use of generative AI tools, both responsibly and irresponsibly, impact the lawyer you work with? Consider how your actions could influence the lawyer's reputation, ethical obligations, or the outcome of a client's matter.

Short-Answer Questions

1. What is one major benefit of using generative AI in a law office?
2. What are two common risks of relying on generative AI for legal research?
3. What does the "Prime" step in the 5P method involve?
4. Why is it important to verify AI-generated information using legal databases like CanLII or Westlaw?

Model Answers

1. **What is one major benefit of using generative AI in a law office?**
    - *It can improve efficiency by completing tasks such as drafting documents or summarizing legal information much faster than manual methods.*
2. **What are two common risks of relying on generative AI for legal research?**
    - *Hallucinations (false information) and errors or biases in the output.*
3. **What does the 'Prime' step in the 5P method involve?**
    - *Providing specific facts, jurisdiction, and time frames to help the AI tool generate relevant results.*

4. **Why is it important to verify AI-generated information using legal databases like CanLII or Westlaw?**
   - *Because AI may fabricate or misquote cases, and legal databases provide accurate, verifiable sources.*

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Reporting Research Findings

KRIS RAVELO; ISABELLA EVANGELISTA; AND ASHLEY STASIEWICH

Learning Objectives

By the end of this chapter, learners will be able to do the following:

- Explain the stages of the writing process (planning, drafting, revising).
- Communicate research findings effectively in a variety of formats.
- Apply professional and ethical considerations to the reporting of legal research.
- Outline the writing process in legal research.

Introduction

"***As researchers learn more about the law, their ability to communicate it improves: clearer thinking leads to clearer writing.***" (Fitzgerald, 2010)

Legal research is only effective when the results can be communicated **clearly** and **accurately**. Legal professionals are frequently required to record and convey their findings, both verbally and in writing, and must do so in a manner that is concise, professional, and accessible (Blatt et al., 2020).

This chapter provides a foundational overview of how to report legal research findings across different formats of communication. Innes (2011) identifies core competencies that underpin effective legal communication: drafting documents free from grammatical and usage errors, demonstrating attention to detail, treating emails as professional work product, and presenting ideas in a clear, concise, and organized manner. These competencies serve as the framework for understanding how legal research is transformed into a written or verbal work product.

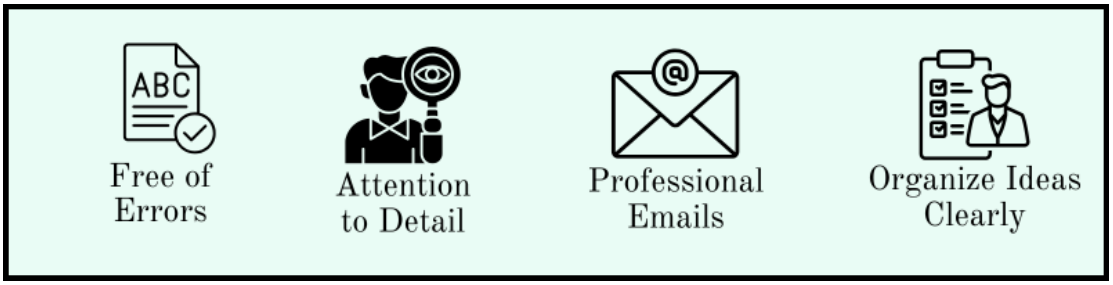

Figure 6.1 Writing requirements. [Image description – See Appendix A Figure 6.1].

The sections that follow outline the stages of the writing process: planning, drafting, and revising, before turning to practical strategies for reporting findings to both legal professionals and clients. Throughout, attention will also be given to professional responsibilities such as confidentiality, accuracy, and the limits of a paralegal's or legal assistant's role in order to ensure that research findings are communicated ethically and within the scope of practice—we do not give legal advice!

Practical Steps: Defining and Answering a Research Question

Before beginning the writing process, it is important to clearly define the research question. A well-defined question ensures that your research remains focused, organized, and relevant to the task you have been asked to complete. Ambiguity at this stage can lead to wasted time, incomplete answers, or miscommunication with the supervising lawyer or client.

Clarify the Research Question

- Reiterate the exact question you have been asked to answer. This ensures that both you and the recipient are on the same page.
- Review the parameters of the assignment or task: What issue is being addressed? What facts are relevant? What outcome is the lawyer seeking?
- When confirming with the recipient, use simple and direct language. For example: "*Dear [Name], you asked me to look into whether section X of the [Legislation Name] applies to part-time employees.*"
- If the request is vague, ask follow-up questions before beginning research. It is better to clarify expectations than to provide an incomplete or misdirected answer.

Provide a Brief Answer Up Front

- After completing your research, begin your response with a concise conclusion. In one to three sentences, state the answer to the research question in clear terms before moving into detailed analysis.
- This approach gives the lawyer or client the immediate information they need, while signalling that supporting details follow.

Research Approach and Analysis

- Outline the sources you consulted to demonstrate a clear research trail. This may include:
    - **Primary sources** such as statutes, regulations, and case law
    - **Secondary sources** such as textbooks, legal commentary, or journal articles
    - **Databases or tools** such as CanLII, Westlaw, or other research platforms
- Present findings in a logical order, typically modelled on the structure of a legal memorandum (issues, rationale, analysis, conclusion – also known as the IRAC method).
- Apply tools of legal analysis: consider the hierarchy of authority, distinguish between binding and persuasive precedent, and evaluate how facts align with the law.

Recommendations and Next Steps

- Where appropriate, suggest potential courses of action, further areas for research, or points that may require the lawyer's direct judgment.
- Close with an invitation for clarification or discussion. For example: "*Please let me know if you would like me to expand this research further, or if additional sources should be consulted*."

By following the above steps, legal professionals can ensure that their research responses are clear, accurate, and aligned with the needs of the supervising lawyer or client.

The Writing Process

One of your primary responsibilities in the legal research process will be to effectively communicate your research findings to lawyers, other legal professionals, and clients. Your research findings have the ability to impact a client's case or the lawyer's legal strategy—but only if the research is done well and done right. Effective multitasking, organization, and time management are foundational to your success in this process. To consistently maximize your time, it helps to organize your writing process into basic steps. Starting with a broad and straightforward framework ensures an approach that applies to nearly every form of writing. Fitzgerald (2010) names three basic stages in the legal writing process, which are familiar with academic writing processes. Those basic stages include the following steps: 1) Planning, 2) Writing, and 3) Revising. Those steps are outlined in the sections below. Click on the "+" in the image below to learn more about each process.

Planning

Planning is the preparation stage of writing, where you begin to organize research findings. Planning allows a writer to organize research and develop ideas in a structured manner and to create an outline.

Determine an audience (the reader) and an objective to decide which information is most relevant and applicable to the legal issue/research topic—this is the analysis component. For the purpose of this chapter, the central objective is to report the results or findings of your research.

After gathering research, determine any other objectives with the following questions:

- What questions are being asked?
- What legal issues have you identified?
    - What legislation is relevant to the issue? How so?
    - What case law is relevant to the issue? How so?

- Discuss the facts or the situation as it relates to the law.
- What can be concluded?
- What action can be taken?

Organize your research to incorporate all required and relevant information. Some writers find it helpful to include quotes and source material directly in the outline and first drafts, signalling referenced material with a highlight or note so it is easy to locate when needed. You may find it helpful, as well, when working with an extensive list of references or lengthy pieces of writing.

Throughout the planning stage, focus on the structure and order rather than the details of your writing. At this point, consider your audience and objective to determine the most effective order for presenting your ideas. For example, topics may be ordered chronologically or in order of highest priority. Organize the material clearly and logically, in an order that is most understandable for the intended audience.

Additional resource: How to Write an Outline in Five Steps (archived version) is a resource for creating a general outline, but the same principles apply to this step of the legal research process. It may help to note down all citations, the date you reviewed the course, and a brief description of its importance for ease of reference later in the process.

Writing

Once you have developed an outline, the next step is drafting your written work. Clear writing ensures that your research findings can be understood and applied effectively. Two guiding principles in this stage are the use of plain language and careful organization.

Use Plain Language

Plain language helps make legal writing more accessible and reduces the risk of misinterpretation. To achieve this, consider the following:

- Omit unnecessary words and phrases.
- Use strong, active verbs rather than nominalizations (e.g., “decide” instead of “make a decision”).
- Keep sentences short and direct.
- Choose words with precision and arrange them carefully.
- Avoid jargon, clichés, or stylistic quirks that may distract from meaning.
- Apply punctuation consistently and accurately.

Organization is Key

Even well-written sentences lose impact if the overall structure is unclear. To maintain logical flow, consider the following:

- Revisit your outline as you prepare a draft to ensure ideas build naturally from one to the next.
- Move from general concepts to specific details.
- Use headings, subheadings, or transitional phrases to guide the reader.
- Remember that strong organization during the drafting stage will also make the revision process smoother and more efficient.

Revising

Revision is an essential stage of the writing process that ensures your work is clear, professional, and effective. It should include both editing and proofreading, each with a distinct focus.

- **Proofreading** involves correcting surface-level errors such as grammar, spelling, punctuation, and

formatting.
- **Editing** is a deeper process that focuses on improving sentence structure, word choice, flow, and consistency of tone.

When you have finished drafting, set aside time to review your writing carefully. Begin with proofreading to eliminate obvious errors, then move on to editing for clarity and readability. In practice, revision is rarely a strictly linear process. You may find yourself moving back and forth between proofreading and editing as new issues arise. Taking breaks between revisions can also help you approach your work with a fresh perspective and identify mistakes you might have overlooked.

As you revise, aim to condense your content so that it includes only **necessary** and **relevant** information. Eliminate repetition and focus on larger ideas before refining individual words or phrases. This approach ensures that your work communicates substance first, and style second.

To evaluate the effectiveness of your revisions, consider the following:

- Does the writing achieve the intended objective?
- Is the writing concise, direct, and easy to read?
- Is the structure logical and well organized?
- Is the document in the correct format for its purpose?
- Is the writing free of grammar, punctuation, and spelling errors?
- Is the tone consistent and professional throughout?

Revision is not only about correcting mistakes but also about strengthening your communication so that your research findings are presented in the clearest way possible.

Additional Resource: How to Revise Effectively: A Step-by-Step Guide to Revising Your Writing

In addition to the steps listed above, the writing process also depends heavily on your **intended audience**. How you communicate research findings to your client or your supervising lawyer should differ. For example, well-known case law and legal tests in your area of law won't need to be explained to your supervising lawyer, but they will very likely need to be explained to the client. When necessary, direct clients to a lawyer when required, note your role as a non-lawyer (paralegal, legal assistant, etc.), and provide specific instructions on next steps to contact the lawyer to receive legal advice.

Ethical Considerations

One important constraint in reporting research findings is that legal assistants and paralegals in Alberta cannot provide legal advice. Section 107 of the *Legal Profession Act*, reinforced by the Law Society of Alberta's (n.d.) Unauthorized Practice of Law, prohibits anyone who is not a lawyer from providing legal advice, as doing so may be considered the unauthorized practice of law with serious consequences.

In addition, legal professionals must uphold **confidentiality** in accordance with the Law Society of Alberta's Code of Conduct, especially if legal professionals are working under the supervision of a lawyer. In the absence of a supervising lawyer, practicing paralegals must continue to practice with ethics and professionalism in mind. Although paralegals are not regulated in Alberta, independent paralegals practicing in Alberta are encouraged to review and abide by the Code of Ethics outlined on the Alberta Association of Professional Paralegals (AAPP) website.

Part of maintaining confidentiality involves ensuring that your research, whether from Westlaw or CanLII, is accurate and accountable by properly citing sources and avoiding any mischaracterization of cases. Equally important in today's digital age is the safeguarding of client information by never sharing it with open-source generative AI platforms and by carefully reviewing all AI-generated outputs to verify citations and arguments and to identify any potential hallucinations.

By maintaining a clear distinction between presenting factual research findings and offering legal advice, paralegals and legal assistants support the lawyer's role while ensuring they remain within the ethical and professional boundaries of their practice.

Analyzing Research Findings

Once you have collected sources, the next step is to analyze the material. Analysis means going beyond summarizing the law and requires **identifying patterns, drawing connections, and evaluating the weight of each authority**. For example, a Supreme Court of Canada (SCC) decision carries greater precedential value than a provincial court decision (like one made in the Court of Justice, for instance). Similarly, legislation will generally prevail over case law where the two conflict; case law is used to interpret the legislation.

Legal assistants and paralegals **cannot provide independent legal advice**, but you can analyze sources to highlight how they connect to the research question. Consider the following:

- Does the case establish a binding precedent, or is it persuasive?
- Do multiple cases point in the same direction, or do they conflict?
- What facts in the case are analogous (similar) to your client's or lawyer's situation?
- How does the legislation apply to the identified facts?

This type of analysis prepares the foundation for a lawyer to apply the law to the client's issue.

The Writing Process (Writing)

Developing a Draft

Transforming research findings into a cohesive written piece often starts with some level of planning, such as pre-writing or outlining. Rather than a systematic approach, consider the following lists as tools that may aid throughout various stages of the writing process.

- Identify main arguments and supporting points from the planning stage
- Freewriting: write freely to explore concepts in depth, focusing less on "perfection"
- Use research notes to support arguments
- Track citations while writing, using a research log (e.g., index cards, tables, templates) or citation management software, is helpful for this step
    - Research Logs: Templates

        - [Research Resource Worksheet (Illinois Eastern Community College)]
        - [Scholarly Research Log (Capella University)]
    - Citation Management Software and Tools
        - [Zotero]
        - [EndNote]
        - [Mendeley]
- Visualize connections between ideas: create mind maps or brainstorms
- Arrange sources in order of relevance and importance
- Ask questions about your written material to uncover new perspectives
- Identify gaps in arguments that need additional support (argumentative writing)

Common Challenges → Potential Solutions

- Writer's block → combat with timed writing sessions or a change in environment
- Information overload → create detailed outlines to organize thoughts
- Incoherence → use transition sentences and paragraphs effectively
- Weak arguments → return to research and find stronger supporting evidence
    - *What does this look like in legal research?*

Use Plain Language

It is important to use plain language when writing. Most clients will not know the legal jargon used in legal writing, so it is important to write in clear, plain language and to define any legal terms that are used. Using plain language might consider the following:

- omit surplus words
- use base verbs, not nominalizations
- use short sentences
- arrange your words with care
- choose your words with care
- avoid language quirks
- punctuate carefully

Organize

- revisit the overall structure, ensuring the organization flows logically
- topic discussion: general → specific
- clear organization also makes the revision process easier

Additional Writing Resources

- [The Writing Process (Purdue OWL)]
- [Resources for Writing: The Writing Process (MIT)]

Writing is an iterative process; multiple drafts and revisions might be needed before reaching a finished version.

Reporting Your Findings

The objective of your research could be, for example, to record the results of your research in the form of a memo, submit a deliverable, gather more information on a legal matter, or answer an inquiry. Ensure that the content and organization of the final draft fulfill the predetermined goal or objective. Research findings may be communicated in several written formats. These may include:

- **Legal Memorandum**: This is a structured, formal document for lawyers that includes issues, brief answers, detailed analysis, and a conclusion.
- **Case Brief or Case Note**: This is a short summary of a decision, including facts, issues, decision, and reasoning – useful when multiple cases are being compared.
    - *Note*: This is less likely to be a common reporting method in the future due to the advancement of AI technology and CanLII's AI-generated case summary feature.
- **Client Correspondence**: This can be a plain-language letter or email explaining updates, next steps, or the outcome of research. It must avoid legal advice but can summarize the law in accessible terms. If working under the supervision of a lawyer, do not send client correspondence outlining findings without the lawyer's oversight.
- **Internal Email or Summary Note**: These are concise updates to colleagues or supervising lawyers, often highlighting deadlines, sources found, and recommendations for further research.

In addition to written formats, there will be situations where you need to communicate research findings verbally, often in a quick one-on-one meeting with a supervising lawyer. These conversations usually occur when timelines are tight and when a lawyer needs the essential information immediately to make a decision or move a matter forward. To communicate effectively in this context:

- **Be Prepared**: Review your notes in advance and identify the key issue, the most relevant authorities, and your conclusion.
- **Be Concise**: Begin with a direct summary of your findings with a conclusion. This is the most important!
- **Support with Key Sources**: Be ready to reference the legislation or cases that support your answer, including citations.
- **Highlight Limitations**: If further research is needed, or if there are conflicting authorities, state this clearly so the lawyer is aware of the limits of your findings.
- **Follow Up in Writing (*Optional*)**: After the meeting, consider sending a brief email or note summarizing what you discussed. This ensures accuracy, provides a record, and allows the lawyer to revisit your findings later.

Communicating verbally in this way requires confidence, accuracy, and brevity. The goal is not to provide every detail of your research but to give the lawyer the essential information needed to proceed, while still respecting your professional boundaries as a legal assistant or paralegal.

Effective Revision Strategies (Revising)

What is a legal research paper? A legal research paper involves many types of legal sources, such as primary and secondary sources. This is where you cite past legal precedents to support your legal research. You can refer to the chapter: Analyzing & Reporting Research Findings.

This is a step-by-step structure on how to start revising your legal research paper.

In general, there are three different stages to your editing process:

Step 1 – Substantive Editing

Substantive Editing: This is the first step in your revision process, as this is the time to re-read your legal research paper to ensure that everything is explained concisely and remove anything that resembles repetition and unnecessary content (Grammarly, 2023). This is the time to make sure that all the requirements are present in your paper and the objective of your paper is identified (Grammarly, 2023). Substantive editing ensures that all the legal research is accurate and logical. Furthermore, use a professional tone in your legal research and avoid using legal jargon. Focus on the structure of your legal research paper, ensuring there is accurate evidence to support the arguments stated. The transitions in your writing should be seamless and flow nicely together (Grammarly, 2023). Ensure that your writing is organized, follows a sequence, and does not jump from idea to idea. When applying this to your legal research, properly cite your sources and use past precedents to support your topics.

Step 2 – Copy Editing

Copy Editing: This is the stage where you want to focus on all the details throughout your paper (Grammarly, 2023). Reading your paper aloud ensures everything sounds grammatically correct and nothing seems out of place. A tech-forward alternative is to use a text-to-speech function on your word processing software (like MS Word, for example), to read your paper aloud. Use an online source like Grammarly to ensure that your punctuation and spelling, and what you are writing, make sense. Within ethical and privacy parameters so as to not violate solicitor–client privileges, leveraging artificial intelligence (AI) tools, such as ChatGPT, Google Gemini, or Microsoft Copilot, can help explain legalese and critique any knowledge or analysis gaps in your writing. This is also the stage where you can thoroughly look over the vocabulary that you are using and see if there are stronger synonyms, and make sure that you are not being too repetitive in this process. Furthermore, you want to make sure that you know who your audience is when you are writing.

Step 3 – Proofreading

Proofreading: This is the final step in the editing process as you have made all the corrections necessary to ensure that your paper has met all the requirements (Grammarly, 2023). It is where you give your paper one last look-through to make sure that everything is up to par with formatting and check for anything else that is missing or may have been overlooked earlier in the process. In this stage, consistency is key, and all fonts and margins should be consistent throughout the legal research paper (Grammarly, 2023). Sometimes, it may be helpful to print your document and proofread it on paper instead of using solely a computer for editing purposes.

Revision Strategies

- Take breaks between drafts to gain a fresh perspective
- Read your work aloud to check flow and coherence
- Get feedback from peers or writing groups
- Focus on one aspect (structure, argument, evidence) per revision

Final Polish (Revision)

- Check for logical flow and argument consistency
- Verify all citations and references
- Review formatting and style requirements
- Proofread for grammar, spelling, and punctuation

Online Resources to Help with Citation and Formatting

Grammarly is a great resource for revision because it looks over your paper and makes grammatical changes and suggestions to make your writing stronger. Furthermore, it is an excellent resource as it provides many tips and goes into depth on how to revise your paper, giving you step-by-step instructions and explaining why it is essential to take the time at this stage of your writing to revise. Although you might think that you are finished with the contents of your paper overall, it can always be improved further.

- Copy Editing vs. Proofreading: What's the Difference?
- How to Edit a Paper: Step-by-Step Guide & Examples
- How to Revise Effectively: A Step-by-Step Guide to Revising Your Writing

Purdue Owl is a free website that has excellent resources and guides on how to format your papers, whether it is APA or MLA, as well as how to cite your sources to ensure that there is no plagiarism present in your paper.

- Steps for Revising Your Paper
- Feedback

Another online resource is from the University of Calgary:

- Revising Essays & Research Papers (Writing Support Services, University of Calgary)

Summary

Communicating legal research effectively requires not only strong writing skills but also ethical awareness and an understanding of your professional role. By planning carefully, analyzing sources, revising thoroughly, and tailoring your communication to your audience, you can ensure that your research findings are accurate, professional, and useful to the lawyer and client.

Reflection Questions

1. Think of a time when you were given instructions for a task that were unclear. How did that affect your ability to complete the task? How does this compare to the importance of defining a clear research question before starting legal research?
2. When reporting research findings, how might your approach differ when writing to a supervising lawyer compared to writing to a client?
3. What are some risks of failing to distinguish between presenting factual research and providing legal advice? How might this impact your role as a paralegal or legal assistant?
4. How do you personally balance the need for detail with the need for conciseness when writing?

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Interpretation: Statutes and Regulations

CRISTINA HENKE; MARIAM BARBAR; AND MEGAN ROWE

Learning Objectives

Upon successful completion of this chapter, learners will be able to do the following:

- Distinguish between statutes and regulations.
- Outline the basic principles of statutory interpretation.

Introduction

The law shapes everyday life in more ways than we often realize (Government of Canada, 2021). Signing a lease to rent an apartment, applying for a marriage license, or driving with valid registration and insurance are all governed by legal rules. These requirements are not just technicalities—they exist to protect individual rights and maintain order in society. Laws establish clear rules but also safeguard important protections, such as workplace safety, consumer rights, and fair treatment. They also create access to benefits like workers' compensation, unemployment insurance, health care, and student loans. Because laws touch nearly every aspect of daily life, understanding how statutes and regulations are interpreted is essential. Interpretation ensures that the protections and responsibilities written into law are applied fairly, consistently, and in line with their legislative purpose.

The Relationship Between Statutes and Regulations

Statutes and regulations are two important elements of the Alberta legal system. They are both used to guide the legal system in the fairest and procedurally correct direction.

Statutes establish the broad rules, while **regulations** provide the detailed procedures that make statutes workable. Regulations can only be created under the authority granted by their enabling statute.

Parliament or the Legislature creates **statutes, also known as Acts**. This legislation may create a new law or modify an existing one. While regulations are the rules that address the details and practical applications of the law, the authority to create a regulation related to a specific Act is assigned within the Act that empowers the regulation. Regulations must conform strictly to the limits that were laid out within the Act (LawCentral, n.d.).

Regulations provide detailed procedures and rules necessary for statutes to function; this happens because Acts and regulations depend on each other to work, so creating them together ensures they align. When the legislature is proposing to authorize regulations, whoever is creating the bill must consider who has the authority to make the regulation, what matters are being dealt with in the bill, and the regulations.

Statutes

Statutes, also known as Acts, are laws debated and passed by elected officials in federal and provincial legislatures (Alberta Justice, 2008). In Alberta, Members of the Legislative Assembly (MLAs) are responsible for passing statutes. These laws form the foundation of the legal system by defining rights, responsibilities, and prohibitions.

Statutes can set out what conduct is prohibited and the penalties for breaking the law. For example, criminal statutes define specific offences and the punishments that may apply, such as fines or imprisonment (Justice Laws Website, 2025). Statutes also regulate the powers of government by clearly defining the responsibilities of agencies and officials, ensuring authority is distributed appropriately, and preventing misuse of power.

Within statutes, **substantive provisions** establish the core legal rules, rights, and obligations that individuals and organizations must follow (Ervine, 2023). These differ from **procedural law**, which governs how laws are enforced—for instance, court procedures or evidentiary rules.

Examples of important statutes include:

- The *Criminal Code* of Canada, which defines criminal offences, penalties, and trial procedures to ensure consistency across the country
- The *Canada Labour Code*, which sets workplace rights and standards, protects employees from unsafe conditions, and is enforced through inspections and penalties by Employment and Social Development Canada

Because statutes cannot anticipate every situation, courts play a crucial role in interpreting them. Judicial rulings resolve ambiguities, apply statutes to real-world cases, and shape their meaning through precedent, or “judge-made law” (Ontario Justice Education Network, 2013; Macnab, 2022). Using principles such as stare decisis and legislative intent, judges clarify unclear provisions and adapt older laws to new contexts. Over time, these interpretations become part of the common law and guide how statutes are applied and enforced (University of Alberta Libraries, n.d.; Jamesju, 2025).

Regulations

Regulations are detailed rules created under the authority of a statute to explain how the statute is applied, which govern the application or procedure of the law (Alberta Justice, 2008). For example, regulations dictate how police officers are allowed to make arrests. They set out when police can and cannot use force, when they can search individuals or property, what they must do with any evidence they come across, and more. In this specific example, the [*Police Act*, RSA 2000, c P-17] sets a foundation for the [*Police Service Regulation*, Alta Reg 356/1990]. Both the statute (*Police Act*) and the regulation (*Police Service Regulation*) work hand in hand to set out what is required of law enforcement officers and what steps to take if there is misconduct by law enforcement officers.

Bills and Statutes: The Legislative Process

Now that we have made the distinction between statutes and regulations, it's important to know how statutes and regulations come to pass. As discussed earlier, statutes, or laws, in Alberta are passed by Members of the Legislative Assembly, also known as MLAs. The MLAs will introduce bills that propose new laws or changes to current laws. You can review any new and proposed bills on the Alberta Government website.

The legislative process for passing new laws in Alberta is outlined in *A Guide to the Legislative Process – Acts and Regulations* as follows:

The First Reading

This stage is called the first reading. This term comes from the early British Parliament, where someone would read the entire bill aloud to the House. However, now that printing is more common, only the title of the bill is read by the clerk. The bill is then studied by Members of the House, and they decide whether they support the entire bill, oppose the entire bill, or support certain parts of the bill (Alberta Justice, 2008).

The Second Reading

The next stage of this process is called the second reading. During the second reading, Members will debate the principle of the bill. During this process, the debate can sometimes become intense. It is the speaker's "job" to keep things in control and still ensure that Members have a fair chance to voice their opinions. Once the second reading has concluded and Members have finished debating the bill, the Speaker calls a vote. If the Bill passes this stage, it goes to the Committee of the Whole (Alberta Justice, 2008).

The Committee of the Whole

The Committee of the Whole is a special committee of all Members that is composed to deliberate on bills or other matters. They will deliberate the bill, clause by clause if needed. The Speaker of the House does not preside over this meeting; instead, they call upon another Member, or a Speaker *pro tempore*, meaning "for the time being" to preside instead. The MLAs meet as a committee with a chair, instead of as an assembly with a speaker. Once the bill is done being debated by the Committee of the Whole, the chair will let the Speaker know if the committee has approved the bill and whether they have any proposed amendments (Alberta Justice, 2008).

The Third Reading

The next stage is called the third reading, which is also the last stage of a bill's passage through the Assembly. Members will discuss, clarify, or criticize the bill one last time before the final vote occurs. This vote is done by simple majority (Alberta Justice, 2008).

Royal Assent

If the majority votes to pass the bill, then the bill receives royal assent from the Lieutenant Governor, passes, and is officially law. If the Bill does not pass at any of these stages, then it must be reintroduced and will not become law.

Although the public is not directly involved in drafting or passing laws, our voices are represented through our elected officials. Members of the Legislative Assembly (MLAs) are chosen by voters to represent their constituents in the law-making process. We elect MLAs based on our values and beliefs, and those MLAs vote on bills in the Legislature with the perspectives of their constituents in mind.

Regulations, on the other hand, are not passed directly by MLAs. Instead, the Legislature often delegates the power to make regulations to another body. This power is most commonly given to Cabinet (the Lieutenant Governor in Council) or to a Minister, but it may also be delegated to boards, commissions, or other authorities. Once created, regulations must be filed under the *Regulations Act*, RSA 2000, c R-14. After filing, the Legislative Counsel Office publishes them in Part II of the *Alberta Gazette* within 30 days, and once published, the regulations are binding on those they affect (Alberta Justice, 2008).

Regulations are enforced by the government department or agency responsible for the enabling legislation. Enforcement can include inspections, administrative orders, or fines, and in some cases, prosecution. Unlike statutes, regulations are generally not enforced by police unless the regulation creates an offence tied to criminal or quasi-criminal conduct (e.g., traffic violations). For example, workplaces themselves do not enforce regulations; rather, they must comply with them. Human rights protections in the workplace, such as the right to be free from discrimination based on religion, are enforced under the *Alberta Human Rights Act*, RSA 2000, c A-25.5, by the Alberta Human Rights Commission, not by individual employers. Employers must follow the law, but the Commission is responsible for investigating and enforcing compliance.

Statutes establish the foundation of the law, while regulations provide the detailed rules and procedures for for implementing and enforcing them.

Statutory Interpretation Principles

We know that it is important for the general public to understand statutes in order to know their rights, freedoms, and responsibilities. In Canada, all levels of courts, from provincial and territorial courts to superior courts and appellate courts, interpret and apply legislation in the cases before them.

Superior courts, defined by the Government of Alberta as “the highest level of courts in a province or territory. They deal with the most serious criminal and civil cases and have the power to review the decisions of the provincial and territorial courts,” and act as the official interpreters of legal texts (Department of Justice Canada, The Judicial Structure, 2021).

One of the key doctrines in Canadian constitutional law is the principle of federal paramountcy, which holds that when a valid federal law conflicts with a valid provincial law, the federal law prevails under the division of powers set out in sections 91 and 92 of the *Constitution Act, 1867* (Legislative Services Branch, 2025).

Because interpretation occurs at every level, it is important to understand how courts approach this task and what tools they use. This section will introduce two of these tools: the “plain meaning” rule and the golden rule.

The Plain Meaning Rule

The “plain meaning” rule states that if legislative text is clear, courts must apply it as written without interpretation. If the text is ambiguous, courts may then use interpretive rules and techniques (Sullivan, 2021). The rule relies on the immediate first impression of a competent reader, based solely on the words themselves. A text has plain meaning when the only reasonable interpretation is the initial one; it is ambiguous if more than one reasonable interpretation exists. When a statute has plain meaning, courts are bound to apply it directly. As Sullivan (2021) explains, courts may consult non-textual evidence (such as legislative purpose or consequences) to support plain meaning, not to contradict it. For example, a court may refer to a dictionary to define an undefined term.

Elmer Driedger's Modern Principle

The **golden rule** allows courts to depart from the ordinary or plain meaning of words only where a literal interpretation would lead to absurd or inconsistent results. This ensures that legislation is applied reasonably without straying beyond the text itself. While the golden rule continues to influence Canadian interpretation, it has largely been subsumed within **Elmer Driedger's modern principle**, which the Supreme Court of Canada endorsed in *Rizzo & Rizzo Shoes Ltd. (Re)*, 1998 CanLII 837 (SCC), [1998] 1 SCR 27 at para. 21. Under this approach, legislation must be read in its entire context, in its grammatical and ordinary sense, and harmoniously with the scheme, object, and intent of the Act.

When applying the plain meaning of legislation would lead to an absurd or unintended result, the golden rule allows judges to adopt a more reasonable interpretation that reflects Parliament's intent and avoids unfair consequences. This ensures that the true purpose of the law is preserved, rather than its strict literal wording.

These interpretations work together to guarantee that the law is applied as intended, avoid any absurd outcomes, and considers the specific goals of the legislation.

> ***Note***: One of the most important aspects when reading statutes is **legislative intent**. When someone is interpreting a statute, it is important that they understand the intention that these lawmakers had when they drafted, introduced, and passed the law. Understanding their intention is helpful background information to understand what the actual text is saying. Although the preamble is not enforceable, knowing the reasons policymakers created the legislation often provides important context for interpreting the provisions and how the law is applied and enforced.

Judges can clarify the meaning of legislation through case law, either to extend or limit the scope of the legislation, through the process of **judicial consideration**. Over time, judges' interpretations help to understand the laws and how their consideration is applied during certain situations, and this allows for the continuous evolution of case law and legislation (LibGuides: Legal Research and Writing: Case Law, n.d.). Additionally, courts have the authority to strike down parts of an act or an act as a whole; this is if it is deemed unconstitutional. This is to ensure that all legislation aligns with the Constitution's principles and that it does not violate fundamental rights and principles outlined in the Constitution (Law Society of Ontario, n.d.).

Tracking Amendments and Updates in Legislation

Because statutes and regulations evolve, it is important to track amendments. Tools such as the *Canada Gazette*, Justice Laws Website, and *Alberta Gazette* provide official updates to help monitor these changes.

The following outlines tools for tracking legislative developments at both the federal and provincial levels. It is important to consider repealed or superseded legislation, with particular attention to changes to the section number, because while the statutes change over time, how they are interpreted and analyzed over time might change (Finding Alberta Legislation – Alberta Law Libraries, n.d.).

There are a few resources available to keep up to date with amendments in federal legislation:

- *CanadaGazette*
- LEGISinfo (Parliament of Canada)
- Justice Laws Website
- Canadian Legislative PULSE® | LexisNexis

There are also a few resources available to keep up to date with amendments in legislation on the provincial level; we will take a closer look at those resources, including the following:

- *The Alberta Gazette*
- Bills and legislation | Government of Alberta

Defining Legal Terminology

Legal texts often involve complex legal terminology and phrases that are not necessarily comprehensible to the majority of people, which makes them inaccessible to the general public. It is important to break down the legal jargon so that the law is easily understood and more accessible. According to York University's (2025) *Canadian Federal Statutes: Terminology and Resources Guide*, there are a number of terms that are most useful when it comes to understanding Canadian legal texts.

Statutes, also known as Acts

Statutes, also known as Acts, are passed by government bodies such as Parliament or a provincial legislature (LawCentral Alberta, n.d.). When statutes establish legal principles and rights, they are called substantive acts. Older statutes can be modified through amendments, known as amending acts, or nullified through repealing acts (Queen's University Library, 2025).

Regulations

Regulations are legally binding rules that explain how statutes are applied in practice (LawCentral Alberta, n.d.). The authority to create regulations is granted within the Act itself. Regulations carry the full power of law.

Enabling Statute

An **enabling statute** is a law that grants authority for regulations to be created under it (Queen's University Library, 2025). It provides the legal foundation for subordinate legislation.

Subordinate Legislation

Subordinate legislation, also known as delegated legislation, refers to legal rules or regulations made under the authority of a statute (Kwantlen Polytechnic University Library, 2025; Queen's University Library, 2025).

Bill

In Canada, proposed laws begin as bills. They often originate from citizen petitions, public advocacy, or government policy proposals. A bill must go through several readings and approvals in Parliament before becoming law (Parliament of Canada, n.d.).

Enactment

Enactment is the formal process by which laws are approved and put into effect (Justice Laws Website, 2025).

Legislation

Legislation is a general term that is used to refer to laws, regulations, and other official rules created by government bodies (Kwantlen Polytechnic University Library, 2025).

Codified

Codification refers to the process of systematically organizing and consolidating laws into a formal legal code. In Canada, laws are often codified by subject, such as the *Criminal Code* (Department of Justice, 2021).

Amend

To amend a law means to modify or update it. This can include adding, removing, or revising provisions (Legislative Services Branch, 2025).

Repeal

To **repeal** a law means to formally revoke or nullify it, removing its legal effect.

Royal Assent

Royal assent is the formal approval by Alberta's Lieutenant Governor that gives a bill passed by the Legislative Assembly the force of law.

Coming into Force

Coming into force is the date on which a law becomes enforceable. This can be the date the law receives royal assent, the date set forth in the act, or the date specified by the Governor General.

Not in Force

Acts that are not in force are not yet enforceable and are waiting for any rule, order, regulation, or proclamation to bring them into force.

Private Act

A private act is a law that is aimed at a specific individual or private institution.

Public General Act

A public general act is a law that is universally applicable and is permanent. These public general acts are periodically gathered, consolidated, and published as Revised Statutes. All of the laws passed in a year are gathered together and published as the annual *Statutes of Canada*.

Annotated Statutes

Annotated statutes are volumes of statutes that are accompanying commentary and case notes, written section by section of the statute, they often include relevant regulations throughout the commentary (University of Victoria, n.d.). Annotated statutes serve as a secondary resource.

Preamble

Preamble provides the purpose or intent behind the law.

Judicial Consideration

Judicial consideration refers to what subsequent court decisions have said about a particular case. It also refers to what cases have said about statutes and sections of a statute (LibGuides: Legal Research and Writing: Judicial Treatment, n.d.).

Statutory Interpretation

The fundamental principle of **statutory interpretation** is that "the words of a statute be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of the legislature" (Dostal, n.d.).

Summary

Understanding statutes and regulations is essential for effective legal research. Statutes provide the foundation of the law by setting out rights, duties, and prohibitions, while regulations supply the detailed rules and procedures needed to apply those laws in practice. Because statutes can be ambiguous or outdated, courts play a vital role in interpreting their meaning through precedent and principles of statutory interpretation. For paralegals and legal assistants, the ability to distinguish between statutes and regulations, track amendments, and apply interpretive tools is critical to providing accurate research, supporting legal arguments, and ensuring clients receive competent and current legal information.

Reflection Questions

- Why is it important to distinguish between statutes and regulations when interpreting legislation?
- How do substantive provisions in statutes affect your daily life, and how are they different from procedural law?
- Think of an example where a statute might be unclear or outdated. How might a court's interpretation help resolve this ambiguity?

- How does the doctrine of precedent (stare decisis) influence the interpretation of statutes, and in what ways does considering legislative intent provide additional context for applying the law?

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Legal Scenario

ASHLEY MCDONALD

Introduction

In this chapter you will be presented with a legal scenario from a potential client. The purpose of this scenario is to learn how to gather evidence from the client in order to conduct legal research to answer the legal question at hand.

Legal Scenario

Your law firm has been approached by a 25-year-old potential client, currently a student at MacEwan University, who has a complaint about receiving a distracted driving ticket. The client explains that on October 16, they were driving northbound on Stony Plain Road at approximately 8:30 a.m. The client was running late for their university class and was due to write a midterm that morning. They quickly checked their phone to see if they had received any email notifications from their professor, as they had emailed them before leaving their house to explain that they would be a few minutes late for the midterm. The client then further explained that after quickly checking their phone, they were pulled over by an Edmonton Police officer. The client explained the situation to the police officer, but was charged with distracted driving under section 115.1(1)(a) of the *Traffic Safety Act* and issued a $287 distracted driving ticket and three demerits on their license. The client explained that they had only turned their phone on for a brief second to check if they had received a notification from their professor about being late for the midterm. They stated they were following the speed limit and not driving recklessly.

The client believes it is unfair that they received a harsh fine and demerits on their license, as they only checked their phone for a few seconds, and that the police officer acted unfairly. The client wishes to fight their ticket.

Factual Analysis

After listening to the client explain their situation and gathering all the facts, the next step is to identify the legal research that needs to be conducted and develop a plan for that research. Following the method suggested by Blatz and Kurtz (2020), the following relevant facts can be gathered.

1. **What are the legally relevant facts? The who, what, when, and where of the client's claim.**
    - **Who:** A 25-year-old MacEwan University student and an unnamed police officer are involved.
    - **What:** The client was pulled over for using their phone while driving and was charged with distracted driving under section 115.1(1)(a) of the *Traffic Safety Act*.
    - **When:** The incident occurred on October 16, at 8:30 a.m.
    - **Where:** The client was pulled over while driving on Stony Plain Road heading toward MacEwan University in Edmonton.
2. **What is the client asking?**
    - The client wants to fight their distracted driving ticket as they believe the fine of $287 and three demerits on their license is too harsh of a penalty. They want to either lessen the penalty or abolish it altogether.
3. **What area of law is relevant to the issue?**
    - It is quasi-criminal, specifically, traffic.

4. **What legal issues have been identified? What keywords help to conclude this?**
    - The legal issue concerns distracted driving, specifically whether briefly looking at, or holding, your phone constitutes a distracted driving violation.
    - The key words in the client's statement used to identify this legal issue are distracted driving, phone, ticket, and holding.
5. **What is the objective of the legal research task?**
    - To identify if the client has a defence to their distracted driving ticket.
6. **Are there any hidden issues that need to be addressed? Is any further information required?**
    - What were the police officer's observations, and in what context? Could they see through the window from their vehicle or sidewalk (if applicable)?
    - What were the weather and traffic conditions at 8:30 a.m. on Stony Plain Road where the incident took place?
    - What kind of vehicle was the client driving?
    - Did the officer lose sight of the individual at any point, considering the traffic conditions? (For example, were the vehicles at a standstill during rush hour, or were they moving consistently, and were there multiple vehicles similar to the client's on the road?)

It is essential to address the underlying issues before proceeding to the next step. To verify the above information, additional interviews with the client may be necessary. In this scenario, we are defending the client. As a result, we must obtain all officers' notes from the incident that led to the issuance of the violation ticket, also known as disclosure from the Crown Prosecutor's Office. From there, we must review the police officer's notes to determine what a potential defence might be for the client. After reviewing the police officer's notes, it was found that the police officer was standing on the sidewalk and had been tasked with specifically looking for distracted drivers. Additionally, his notes state that it was a clear morning with no visibility issues resulting from the weather when looking for distracted drivers. Furthermore, despite the timing of 8:30 a.m. on a school day, the traffic was relatively light, with only a few cars on the road. The client's red Maserati vehicle was easily distinguishable from other vehicles in the officer's sight. The officer was able to clearly see the client holding their cellphone through the windshield of the vehicle, prompting them to flag the client over for distracted driving. This information is important because it provides additional details that were necessary for us to understand the incident and its surrounding circumstances more comprehensively. We now know that the officer had no visibility issues on the morning of the incident and was directed to screen for distracted drivers. Therefore, the officer was seeking clear signs of a driver engaging in an act that might constitute distracted driving.

At this point, it is beneficial to create a list of the facts that have been gathered so far. Review the facts in the table below.

Facts Relating to the Case
1. The individuals involved are a 25-year-old MacEwan University student and an unnamed police officer.
2. The client was pulled over for using their phone while driving and was charged with distracted driving.
3. The incident occurred on October 16 at 8:30 am.
4. The client was pulled over while driving on Stony Plain Road heading towards MacEwan University in Edmonton.
5. The police officer was standing on the sidewalk and was tasked to specifically look for distracted drivers.
6. It was a clear morning with no visibility issues resulting from the weather when looking for distracted drivers.
7. The traffic was relatively light, with only a few cars on the road.
8. The client's red Maserati vehicle was easily distinguishable from other vehicles in the officer's sight, and they were able to clearly see the client holding their cellphone while driving.

After gathering and organizing the relevant facts of the case, the next step is to frame the legal issue. McCarney et al. (2016) suggest the best approach is to frame the legal issue as a question and to apply the law to the facts of the case. In this particular scenario, the relevant law governing the case is the prohibition on using a cellphone while driving under the *Traffic Safety Act*. We then need to apply this law to the facts of the case. With all of this information in mind, the legal issue can be framed as follows:

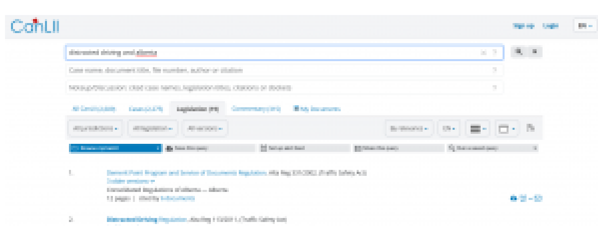
Whether the client is guilty of distracted driving under s. 115.1(1)(a) of the *Traffic Safety Act* for holding their phone while driving a motor vehicle on the highway.

You must frame the legal issue before you start your research, as this will help narrow the scope of the research that needs to be conducted. It is also important to use concise language in the legal issue, as this will help to identify what factors you are looking for, and if there are cases that have similar facts. After the legal issue is identified, the next step is to begin the research process using legal databases such as CanLII or Westlaw.

Legal Research

Now that the legal issue has been identified, the next step is to conduct legal research. One way to begin legal research is to start by using CanLII as it is a free, open resource. It is also important to note that when relying on primary sources the source must be accessible to everyone.

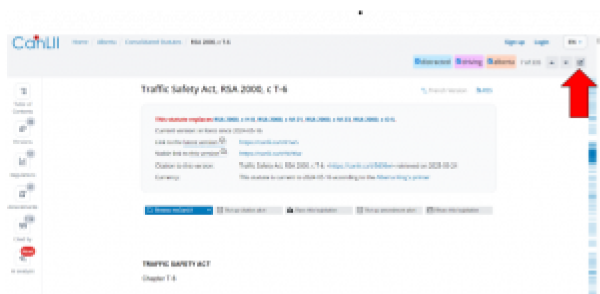
An initial search in CanLII of "Distracted Driving and Alberta" can be helpful to start the search for primary sources. Boolean operators are also a great tool to use when conducting research and can help to narrow or widen your results. Boolean operators are discussed in detail in an earlier chapter. After entering this into the CanLII search bar, you can specify your search to look at cases or legislation. From here, I would click on legislation so that we can learn more about Alberta's rules on distracted driving.



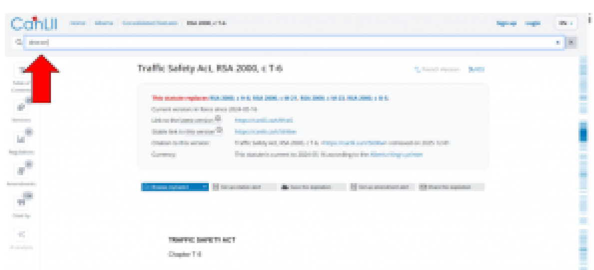
By scrolling through the links that appear, it is evident that the *Traffic Safety Act* is a recurring piece of legislation. The next step would be to review the *Traffic Safety Act* and determine if it contains any information on distracted driving laws in Alberta. Scrolling down the same page, it can be seen that there is a link to the *Traffic Safety Act*.

The link should then take you to the *Traffic Safety Act*, RSA 2000, c T-6. Tip: Make sure to check that you have the correct jurisdiction for the location of the offence.

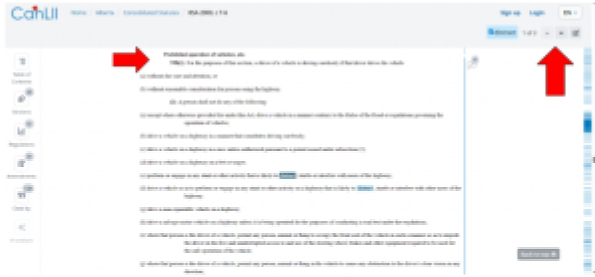
Once on this screen, you can review the legislation and find the information you need on what Alberta considers distracted driving. One of the easiest ways to look for information within a long document is to use the "Find in Document" function on CanLII.



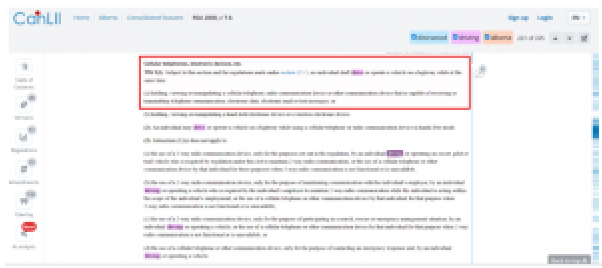
Once you click on this icon, it will give you a search bar that will allow you to type in keywords to help narrow your search. Tip: Make sure to spell the word you are looking for correctly; otherwise, it will be unable to find the keyword you are looking for.



Typing the word "distract" into the search bar has a few results. Scrolling through the results, by using the arrows, leads to Section 115, which discusses the prohibited operation of vehicles.



Scrolling through this section, it lists many different reasons for what is considered reckless driving. Further down, there is a section on the use of cellular telephones. Section 115.1(1)(a) states that no person is allowed to operate a vehicle while simultaneously "**holding, viewing, or manipulating a cellular telephone**."



This is an excellent example of a primary source that can be relied upon for continued research. It is legislation that describes the law around distracted driving and explains that an individual is not allowed to hold or view a cellular device while driving.

The next step is to look at any applicable cases that may be relevant to our case. By clicking on the bubble with the pencil beside section 115.1, it provides the option to view "citing documents" that may have referenced this section of the legislation.

Clicking on this link will direct you to cases that have addressed the offence of distracted driving, particularly in relation to the use of a cellphone while operating a vehicle. Reading through these cases will help your legal research on how this section of the Act has been used in court. Finding cases that have similar facts to your case will support your argument and help form a defence.

Analysis

There are two cases that can be used to compare against our client's case. The case of *R v Ahmed,* 2019 ABQB 13 and *R v Gagne*, 2019 ABPC 188. A table can be used to compare the facts and outcome of each case and how it relates to our client's case for ease of understanding on what the likely outcome will be for our client.

	R v Ahmed, 2019 ABQB 13	*R v Gagne*, 2019 ABPC 188	Client's Case
Legal Facts	– The Respondent was holding his cellphone in his hand and was intermittently looking at the cellphone while operating a vehicle when a police officer noticed and charged him with Distracted Driving under section 115.1(1)(b) of the *Traffic Safety Act*.	– The Defendant was charged with Distracted Driving after an officer witnessed them using a cellphone while driving. – The Defendant was charged under Section 115.1(1) of the *Traffic Safety Act*, which states that no person shall operate a vehicle while "holding, viewing, or manipulating a cellular telephone"(R v Gagne, 2019 ABPC 188, para 2).	– The client was seen holding their cellphone while driving on Stony Plain Road. – The officer involved was looking for signs of distracted driving. – It was a clear day with light traffic, and the officer was clearly able to see the client holding a cellphone through the windshield of the red Maserati. – The officer charged the client under Section 115.1 of the *Traffic Safety Act* for distracted driving.
Outcome	– The Justice concluded that the Respondent be convicted of Distracted Driving as a person who holds, views, or manipulates a cellphone while driving violates section 115.1(1)(b) of the *Traffic Safety Act*.	– The Justice stated that the courts must "strictly enforce the wording of the prohibition against cell phone use in vehicles, which includes briefly holding the phone for any reason" (R v Gagne, 2019 ABPC 188, para 17). – The Justice found the Defendant guilty of Distracted Driving.	
Relation to our Client's Case	– This relates to our fact scenario, as both our client and the Respondent were holding their cellphone and glancing at the screen. – This case shows that "holding, viewing, and manipulating" a cellphone while driving is an offence under section 115.1(1)(b) of the *Traffic Safety Act*.	– This relates to our fact scenario, as both our client and the Defendant were observed to be holding a cellphone while driving. – The Justice determined that any use of a cellphone, no matter how briefly, while driving is prohibited.	

Both of the cases above demonstrate that the courts strictly interpret Section 115.1 of the *Traffic Safety Act*, which addresses the use of cellphones while driving. It states that any act involving the viewing or holding of a phone in any manner is prohibited and can result in a person being charged with distracted driving.

Conclusion

Our legal research indicates that the legislation and case law reviewed would most likely support our client being found guilty of distracted driving. The final step would be to write a legal memo or report that presents the information clearly and concisely, referencing all primary and secondary sources used, and then present it to the responsible lawyer.

Although this scenario was conducted in a step-by-step procedure, it is important to note that conducting legal research is not a linear process. Oftentimes, you may be unable to find cases that match the facts to your legal scenario. This results in finding cases that are similar but may have different facts. It also may result in having to use cases outside of your jurisdiction, which results in using persuasive cases instead of binding cases. This concept is discussed further in another chapter.

As stated above, legal research is not a linear process and can be challenging at times. It is important to know that there are resources available to assist you during your search. Some of these resources are listed below:

- Refer to your responsible lawyer for questions
- Contact a law librarian through the Law Library Legal Research Guides
  - [Research Guides – Alberta Law Libraries]
- If a self-representative, you can contact legal clinics/organizations near you as they can provide simple legal advice.

References

Blatt, A., Kerr, M. H., & Kurtz, J. (2020). *Legal research: Step by step* (5th ed). Emond Publishing.

Edmonton Police Service. (n.d.). Distracted driving. Retrieved on September 19, 2025, from https://www.edmontonpolice.ca/TrafficVehicles/TrafficSafety/DistractedDriving

McCarney, M., Kuras, R., Demers, A., & Kierstead, S. (2016). The Comprehensive Guide to Legal Research Writing & Analysis (2nd edition). Emond Montgomery Publications.

R v Ahmed, 2019 ABQB 13.

R v Gagne, 2019 ABPC 188.

Appendix A: Image Descriptions

Figure 2.1 description: A four-panel cartoon shows two women discussing primary sources of law. One explains that they include the Constitution, Statutes, Regulations, and Case Law, and that they can be found online through platforms like CanLII and Westlaw. The other woman smiles and says, “What a relief!”. [Return to Figure 2.1]

Figure 2.2 description: Screenshot of the Alberta Rules of Court on CanLII showing that the currency was ‘last updated from the Alberta King’s Printer’ on 2025-08-22. [Return to Figure 2.2]

Figure 2.3 description: Screenshot of the *Judicature Act* on CanLII with a list of regulations (left column). [Return to Figure 2.3]

Figure 2.4 description: Two women chat in four panels about secondary sources like digests, books, and research tools, ending with one saying, “That’s helpful!” [Return to Figure 2.4]

Figure 3.1 description: Three-panel comic of a man learning Boolean search: frustrated at laptop, advised to use Boolean terms, then enthusiastically typing “PIZZA AND ROBOTS OR NINJAS NOT ZOMBIES!!!”[Return to Figure 3.1]

Figure 3.2 description: Diagram of three Venn diagrams showing Boolean search operators. First diagram: “AND” shows the overlapping section between Keyword A and Keyword B with the label “BOTH Keywords.” Second diagram: “OR” shows both circles fully shaded, labelled “EITHER Keyword.” Third diagram: “NOT” shows only Keyword A’s circle shaded, excluding the overlap with Keyword B, labeled “First Keyword Only.” [Return to Figure 3.2]

Figure 4.1 description: A four-panel comic of a paralegal reading a book and explaining: case law is written decisions by judges, a case has key elements like purpose, facts, issues, and decision, stare decisis means to stand by things decided, and learning to read cases is an important skill for paralegals. [Return to Figure 4.1]

Figure 4.2 description: An infographic explains the principle of stare decisis in Canadian common law. It shows that judges must follow binding precedents from higher courts in the same jurisdiction, unless substantive differences exist. It also notes that decisions from courts in other jurisdictions are not binding but may be persuasive. [Return to Figure 4.2]

Figure 5.1 description: Comic showing a paralegal using AI to draft a letter, verifying accuracy and case law, confirming details with a lawyer, and getting approval for the final version. [Return to Figure 5.1]

Figure 6.1 description: Four icons highlight essential writing requirements. The first shows a document with the letters A, B, and C and a check mark, labelled ‘Free of Errors.’ The second features a person holding a magnifying glass with an eye, labelled ‘Attention to Detail.’ The third depicts an envelope with an @ symbol, labelled ‘Professional Emails.’ The fourth displays a clipboard with a checklist and a suited silhouette, labelled ‘Organize Ideas Clearly.’ [Return to Figure 6.1]

Glossary

5P method

A structured approach to prompt engineering, consisting of Prime, Prompt, Persona, Product, and Polish, by the University of Alberta.

Aboriginal Rights

Refer to Aboriginal peoples' historical occupancy and use of the land

AI policy

A workplace policy that outlines permitted and prohibited uses of AI, along with clauses on privacy, liability, and disclosure.

Annotated statutes

are volumes of statutes that are accompanying commentary and case notes, written section by section of the statute, they often include relevant regulations throughout the commentary (LibGuides: Legal Research and Writing: Annotated Statutes, n.d.). Annotated statutes serve as a secondary resource.

appeal

A party dissatisfied with the judgment or order of the trial-level court asks for a higher court to intervene and change the judgment or order of the first court . An appeal is not a new trial, instead it focuses on reviewing legal errors, procedural issues, or misinterpretations of the law (Côté, J., 2019).

balance of probabilities

The parties involved in the legal action must prove their facts on a 50% +1% balance that they are correct compared to their opposition (Bayda, n.d.).

bias in the AI

Systematic error or skewed results generated by AI due to the nature of the data it was trained on.

Bill

A bill is a proposed Law that is introduced to parliament. This Bill is not yet law and needs to be debated, voted on, and receive Royal Assent before it can officially become Law

Binding Decision

An existing court decision that lower courts must follow if the case in question is exceedingly similar (Blatt & Kurtz, 2020, p. 86).

Binding Law

A pre-existing statute, regulation, or case law that must be followed by lower courts (Blatt & Kurtz, 2020, p. 86).

Boolean searching

A type of search that employs keywords alongside search syntax such as AND, OR, and NOT, which define the relationship between keywords to help the computer identify relevant results.

Circuit point

Additional courthouse locations that offer most, but not all services as the base point locations.

Codification

Codification refers to the process of systematically organizing and consolidating laws into a formal legal code. In Canada, laws are often codified by subject, such as the *Criminal Code* (Department of Justice, 2021).

Coming into Force

Coming into force is the date on which a law becomes enforceable.

enabling statute

An enabling statute is a law that grants authority for regulations to be created under it (Queen's University Library, 2025). It provides the legal foundation for subordinate legislation.

Enactment

the formal process by which laws are approved and put into effect (Justice Laws Website, 2025).

Freewriting

Write freely to explore concepts in depth, focusing less on "perfection."

Generative AI

A type of artificial intelligence that creates new content such as text, images, or audio in response to a prompt.

Hallucinations

The phenomenon where AI generates fabricated or inaccurate information, such as fictitious case law.

Judicial consideration

refers to what subsequent court decisions have said about a particular case. It also refers to what cases have said about statutes and sections of a statute (LibGuides: Legal Research and Writing: Judicial Treatment, n.d.).

Keywords

A keyword is a specific word or phrase used in a search query to retrieve relevant information or content. Keywords are essential in indexing and finding data in databases, search engines, and information systems, serving as the primary terms that describe the subject or focus of the search.

Law of Evidence

Sets out how facts are introduced and proven in a trial or a proceeding (Blatt & Kurtz, 2020, p. 5).

leave

Granted permission based on whether the case in question fits the criteria of public importance or issue of law.

Legal ethics

A legal professional's duty to act competently, ethically, and in the client's best interest.

Legislation

a general term that is used to refer to laws, regulations and other official rules created by government bodies (Kwantlen Polytechnic University Library, 2025).

Nesting

A nesting search, in research search queries, is a technique that uses parentheses to group related keywords and logical operators, such as AND, OR, and NOT, to structure the search logic.

Not in Force

Acts that are not in force are not yet enforceable and are waiting for any rule, order, regulation, or proclamation to bring them into force.

noting up

The process of finding cases that have been applied or discussed based on a particular statute, regulation, or section of either.

Plain or natural language search

A type of search where a user inputs language into the search field in a manner that reflects natural speech or writing.

Preamble

provides the purpose or intent behind the law.

precedent

An earlier event or action used as a guide for similar circumstances.

Primary sources

Primary sources of law consist of legislation, including statutes and regulations, as well as decisions rendered by courts and administrative tribunals. These primary sources establish and carry the full force of the law, making them the foundational materials upon which you will predominantly rely in legal writing.

Private Act

A private act is a law that is aimed at a specific individual or private institution.

Private law

Law that deals with legal relationships between individuals and/or businesses (Blatt & Kurtz, 2020, p. 17).

Procedural law

The body of law that sets out the rules for how a case gets before the court and how it makes its way through the legal system (Gulycz & Kelly, 2018, p. 7).

Public General Act

A public general act is a law that is universally applicable and is permanent. These public general acts on the books are periodically gathered, consolidated, and published as Revised Statutes.

Public Law

A group of laws that deals with individuals or businesses against the government.

quasi-judicial

similar to that of a judge; often used to describe the functions of a tribunal when it must make a decision regarding the substantive rights of a person (Nastasi et al., 2020).

ratio decidendi (ratio)

The ratio decidendi (or ratio) is the "reason for deciding." It is the most important element in a case for researchers – it is the law that is set out when the case is cited in research.

recidivism

or "recidivist", meaning the tendency to relapse in previous behaviour; in convicted criminals, it would refer to reoffending (Merriam-Webster, n.d.). For example, this individual is a recidivist offender, meaning a 'repeat' offender.

Regulations

Regulations are legally binding rules that explain how statutes are applied in practice (LawCentral Alberta, n.d.). The authority to create regulations is granted within the Act itself. Regulations carry the full power of law.

repeal

To repeal a law means to formally revoke or nullify it, removing its legal effect.

royal assent

Royal assent is the formal approval by Alberta's Lieutenant Governor that gives a bill passed by the Legislative Assembly the force of law.

Stare decisis

Refers to the doctrine of precedent formed by judges in previous decisions to be applied in similar cases to ensure consistency and certainty in the law

Statutes

Also called legislation or acts - are written laws created by the federal Parliament or a provincial legislature.

statutory interpretation

The fundamental principle of statutory interpretation is that "the words of a statute be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of the legislature" (Principles of Interpretation - Criminal Law Notebook, n.d.).

Subordinate legislation

also known as delegated legislation, refers to legal rules or regulations made under the authority of a statute (Kwantlen Polytechnic University Library, 2025; Queen's University Library, 2025).

Substantive law

The body of law that sets out the rights and responsibilities of individuals that may be enforced by legal proceedings (Gulycz & Kelly, 2018, p. 7).

Treaty Rights

Rights set out in treaties entered into by the Crown and a particular group of Aboriginal people

Versioning History

This page provides a record of edits and changes made to this book since its initial publication in the MacEwan Open Books collection. Whenever the authors make edits or updates to the text, they provide a record and description of those changes here.

If the change is minor, the version number increases by 0.1. If the edits involve substantial updates, the version number goes up to the next full number. The work presented on our website always reflects the most recent version.

Version	Date	Change Details