Legal Research

Legal Research Basics

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Identify the Issues

The first step in legal research is to identify all the questions you need answers to. Almost certainly you will have more than one issue. For example, you may have a procedural question (What Court do I need to file this with?), an evidence question (Can I rely on my recording of a conversation with the defendant?), and a substantive question (Can I get money if the other side lied to get me to sign a contract?). Before you start your research, try to think of all the issues you are unsure of.

Search for relevant Cases

Researching case law is hard and time consuming. However, it is a necessary part of good research.

You should have two goals in searching for relevant cases.

1. **Find the most important, leading, cases in the area:** There are certain cases that come up again and again, because they set out the key ideas in an area of law. They are often going to be decisions of the Supreme Court of Canada or the British Columbia Court of Appeal. If you see a case that is mentioned many times when doing your research, you should think about reading that carefully.

2. **Find cases with facts similar to your:** You also want to see what has happened in cases that are most similar to your. Think about what makes your case unique. Then look for cases with a similar situation.

CanLII is a free case law database you can use. When searching for cases on CanLII or another database, you will need to use a specific way of entering in search terms. For example:

- **Phrase search ("")**: To search for a phrase, you can group words by typing them between quotes, for example: "Duty of care". To search for a phrase with exact words – and avoid retrieving variations of the words contained in the phrase – use the EXACT operator: EXACT ("Duty of care").
- **Boolean search (AND, OR, NOT)**: To perform a search that combines or excludes terms, use the AND, OR and NOT operators, between your query terms (Or ET, OU and NON – the operators work in both languages), for example: warranty AND sale OR buy NOT car.

The University of Ottawa has prepared a helpful guide on how to do Boolean searching which is available **here**. CanLII has also prepared a guide aimed at helping use its search function, which is available **here**.

Read the Relevant Statutes and Regulations

If there are statutes or regulations that cover your case, review them carefully. Often more than one section of a statute or regulation will matter. If you read only one part of the statute, you may miss something important. It may not be possible to read every word of a dense and long statute, but at least look through the table of contents to make sure that you are aware of what is in there.

Keep Notes of Your Research

Take notes as you go. It is hard to remember all of the important things you come across during a long legal research process. Further, you may want to write down the books and resources you have reviewed. It is possible that your court case may take a very long time, and you may forget where you got information from when it comes time to present it to the Court.

Get Help

If you are setting out to do legal research, you may want to consider doing the following.

Consider Hiring a Lawyer

Lawyers are trained to do difficult legal research. For information and tips on hiring a lawyer, see **Hiring a Lawyer**.

Visit a Law Library

There are a number of law libraries throughout the province. These are libraries that specialize in making legal resources available. They have textbooks, books of cases, statutes, and access to helpful online resources.

Further, law libraries employ law librarians, who are specially trained to help with legal research. While law libraries may be lawyers, they are often not, and in any event they cannot give you legal advice. However, they can help you find the resources that are going to be helpful.

Courthouse Libraries

There are libraries at the various BC Supreme Court locations throughout the province. You can learn more about the Courthouse Libraries BC at their **website**. In addition, their website has some resources you can access from your computer.

A list of the courthouse library locations can be found **here**.

The main locations are in Vancouver and Victoria, and these are large libraries with full collections. However, many of the key resources are available at other courthouse libraries, and any location can order books from other locations.

Courthouse Libraries BC maintain a very useful website that provides information about legal issues, which can be found at the **Clicklaw website**.

Law School Libraries

Another useful resource are law school libraries. There are three main law school libraries in the province.

UBC Law Library: The University of British Columbia has an extensive law library that is open to the public. The library has law librarians available to assist in your research. Their website also offers some tips on effective legal research. The library is located at the main UBC campus in Vancouver, at **1822 East Mall.**

University of Victoria Law Library: Similarly, the University of Victoria has an extensive law library which is open to the public. The library has law librarians available to assist in your research. The library is located at the University of Victoria campus, on **McGill Rd**.

Thompson River University Law Library: Billed as Canada's newest law library, Thompson River University has an excellent collection of resources for research. The library has law librarians available to assist in your research. The library is located at Thompson River University's campus in Kamloops, at **805 TRU Way**.

Learn About Legal Research

The best way to learn about legal research is probably to talk to a law librarian. However, in addition, there are some online tools that may be helpful.

Beginner's Guide to Finding Legal Research, from Courthouse Libraries BC, explains how to find legal information in British Columbia. It also provides links to many more self-help resources and guides. This guide is a starting point and is not meant to be exhaustive. It explains the law and legal procedures in general, and is not intended to give legal advice on your particular legal problem.

The CanLII Primer: Legal Research Principles and CanLII Navigation for Self-Represented Litigants. CanLII is a free legal database that can be accessed by anyone on the web. It contains federal and provincial case law, legislation, and more. The CanLII Primer, from the National Self-Represented Litigants Project, helps SRLs use CanLII to prepare for the presentation of their cases - in Court, chambers, or as part of a negotiation or mediation. The primer also gives a brief overview of the Canadian legal system.

Clicklaw: A good place to start on any legal research is a visit to the Clicklaw website. Clicklaw is a British Columbia focused website that offers information about common legal issues and answers to questions that recur. Clicklaw is run by the Courthouse Libraries of BC.

Dial-A-Law: Dial-A-Law features free information on the law in British Columbia in 130 topic areas. The information is reviewed by lawyers and updated regularly.

For a deeper understanding...

The University of Ottawa has put together a helpful online tutorial that teaches some basics about legal research. It is available **here**.

The University of Toronto Law Library also has an overview of the legal research process that is available **here**.

Another helpful and extensive resource is the **Canadian Legal Research and Writing Guide**. This is a free publication available on **CanLII**, prepared by Catherine Best, an experienced legal research lawyer.

Harvard Law School has also put together an online legal research training tool. Though focused on American law, it may still be valuable. It is available **here**.

Review Textbooks

You may want to consider starting legal research by referring to the leading textbooks on the area of law you are concerned with. These will have broad overviews of the important concepts. Textbooks are available at the law libraries.

Different textbooks go into different levels of detail. You may want to start with less detailed textbooks that provide more of an overview. The **Irwin Law, Essentials of Canadian Law series** provides useful overviews of many subjects. Many of these books are available at the law libraries.

The Halsbury's Laws of Canada series also provides concise overviews of many legal subjects and is available at the law libraries. However, it is written in a style that can be quite dense to read without legal training.

By starting with the textbooks, you will get direction as to what statutes and case law you should read.