Conducting research

This page (and its children pages) provides information about conducting research in the firm. The suggestions and guidelines set down in this section are useful for work in this firm; they may also be useful beyond this firm, for their purpose is the provision of timely, accurate, and inspiring information. These three values are essential to providing good legal advice and drafting legal documents.

Timely

Timelines for providing research are not optional (unless you are told that there is some flexibility). Respect them, and budget 1.5 times the amount of time that you think that you will need for the task.

Research must also abide by the adage “work smart, not hard”. Do not attempt to re-invent the wheel when conducting research. Ask lawyers and others at the firm if there are precedents (and lawyers assigning work should detail any precedents that they can recall when assigning work). Read those precedents. Digest them.

Once that's done, proceed with general research on the topic (if necessary). Identify the main currents of thought in the particular field. General research includes reviewing applicable or potentially applicable statutes and regulations. Do not assume that common law or equity covers the field. Common law legislatures have enacted many pieces of legislation that codify rules. Codified rules are great–they usually provide clearer guidance than case law. They also allow you to focus your research early in the process.

With general research in hand, start looking for specific cases.

Briefing cases

The art of briefing cases changes from firm to firm.

Our focus when briefing a case is to obtain the rule. Every case contains rules that derive from applying the law (including rules from other cases) to the facts. Hence the below model. We are not overly concerned with reciting every fact in a case. Most cases come down to one or two key details that modify or inform the rule from another case. Those details are what we are after.

The below list provides the structure for the paragraph that constitutes a case brief:

1. one sentence that describes the issue in the case that is relevant to the question;
2. one or two sentences that set out the relevant facts for the issue;
3. one sentence that describes the decision with respect to the issue;
4. one or two sentences that describe the salient parts of the Court's rationale; and
5. any useful / compelling quotations.

Accurate

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