

Advanced Legal Research Law 430.001 – Summer Program 2022

COURSE INFORMATION

Course dates: Tuesday, May 3, 2022 through July 22, 2022

Time: Tuesdays from 9:00 am – 12:30 pm

Location: Law Library, Room 208

Credits: 3

COURSE INSTRUCTOR INFORMATION

Brady Gordon
Barrister & Solicitor
Blake, Cassels & Graydon LLP
(604) 440-9982
brady.gordon@ubc.ca

OFFICE HOURS

Office hours may be arranged in advance. Please feel welcome to call or email me at any time to arrange an office visit or discuss any aspect of the course.

ACKNOWLEDGEMENT

UBC's Point Grey Campus is located on the traditional, ancestral, and unceded territory of the xwməθkwəyəm (Musqueam) people. The land it is situated on has always been a place of learning for the Musqueam people, who for millennia have passed on their culture, history, and traditions from one generation to the next on this site.

COURSE DESCRIPTION

Advanced Legal Research will provide students with the ability to locate and update relevant case law, legislation and commentaries on specific topics. The course is designed to provide students with real, practical and substantial research skills used in legal practice, and will provide students with confidence as they undertake research for course work or begin their articles. Training will be provided on researching the law in British Columbia and Canada. The course will also touch on international law, as well as foreign jurisdictions such as the United Kingdom and the United States.

Students will have an opportunity to synthesize information gained through legal research into written documents commonly used in legal practice, particularly during articles. The emphasis will be on drafting legal research memoranda and translating research into pleadings and written submissions. Each class will have a research component, in which students will be introduced to specific research resources and methods; and a writing component, in which students will learn how to translate research into legal writing outputs. The overall learning experience will include reading assignments, individual and group exercises, and written assignments. Lecture slides, recordings, and additional materials to assist in exercises will be provided for each class.

LEARNING OUTCOMES

Upon completing this course, students will be able to:

- Research and update relevant case law, legislation and commentaries on specific topics in British Columbia and Canada;
- Research and update relevant case law, legislation, treaties, commentaries on specific topics in international law;
- Research and update relevant case law, legislation, and commentaries on specific topics in various foreign law jurisdictions, including the United Kingdom, the United States, and the European Union;
- Draft advanced written legal research memoranda with confidence and consistency; and
- Understand how to structure and translate legal research into legal memoranda, pleadings, and written submissions.

READING MATERIALS

Required:

- Melanie Bueckert, André Clair, Mayvon Côté, Yasmin Khan, Mandy Ostick (eds) (based on work by Catherine Best), *Canadian Legal Research and Writing Guide*, 2018 CanLII Docs 161, <<http://www.canlii.org/t/2bm3>> retrieved December 20, 2021
- All required readings will be accessible via Canvas.

Recommended:

- Canadian Guide to Uniform Legal Citation [McGill Guide], 9th, 8th or 7th edition
- Margaret E McCallum, Deborah A Schmedermann & Christina L Kunz, *Synthesis: Legal Reading, Reasoning and Writing in Canada*, 4th ed (Toronto: LexisNexis, 2017). Reference Room: KE265 M33 2017.
- Maureen F Fitzgerald, *Legal Problem Solving: Reasoning, Research & Writing*, 8th ed (Toronto: LexisNexis Canada, 2019). Reference Room: KE250.F57 2019

EXPECTATIONS

My expectations of you are that you:

- Attend every class (please advise me in advance if you will miss a class for a legitimate reason)
- Arrive on time
- Meet assignment deadlines

In the first week, students should ensure that they have active passwords for WestlawNext Canada and Lexis Advance Quicklaw. These passwords must be readily available for each class. If you do not already have active passwords, please email Elim Wong at: elim.wong@ubc.ca.

EVALUATION

Grading for the course will be expressed as a percentage and will conform to the Peter A. Allard School of Law grading rules (i.e. class average will be in the range of 70% to 79%). Students will be evaluated on their individual performance. All law students are subject to the University's rules on Academic Misconduct, accessible here: <https://allard.ubc.ca/student-portal/policies-procedures-and-forms>.

Research Assignments – 85%

Students are required to complete two (2) written take home assignments. Students must work individually on these assignments and meet assignment deadlines. In addition to content, students will be assessed on their research process, analysis, legal citation, and overall quality of their written work.

Assignment 1 will be graded on a Pass/Fail basis where the passing threshold is 65%. Regardless of the passing threshold, only a Pass or Fail grade will be assigned. If a student fails the assignment, **2% will be deducted from their final mark in the course.**

Assignment 2 will be worth 85% of each student's total mark, subject to Assignment 1.

Assignment	Date Distributed	Date Due
Assignment 1	June 7, 2022	June 13, 2022
Assignment 2	July 5, 2022	July 22, 2022 at 1:00PM

Weekly Participation – 15%

Attendance is mandatory. As this is a skills-based course, students will be evaluated on the basis of in-class exercises, participation and attendance. Students are required to attend all scheduled classes and complete all assigned exercises.

Extensions and Late Submissions

All extensions must be approved by the Chair of the Academic Procedures Committee through the student's Allard Law Advisor. Please be advised that individual adjunct faculty may not grant extensions. Students requesting extensions should complete the necessary paperwork at: <https://allard.ubc.ca/student-portal/academic-concessions-accommodations>.

Late papers without an approved concession must be marked according to Allard's late penalty policy, accessible here: <https://allard.ubc.ca/student-portal/policies-procedures-and-forms>.

Word Counts

Papers which exceed the word count will not be marked beyond the permissible word limit.

UNIVERSITY POLICIES

UBC provides resources to support student learning and to maintain healthy lifestyles but recognizes that sometimes crises arise and so there are additional resources to access including those for survivors of sexual violence. UBC values respect for the person and ideas of all members of the academic community. Harassment and discrimination are not tolerated nor is suppression of academic freedom. UBC provides appropriate accommodation for students with disabilities and for religious observances. UBC values academic honesty and students are expected to acknowledge the ideas generated by others and to uphold the highest academic standards in all of their actions.

Details of the policies and how to access support are available on [the UBC Senate website](https://senate.ubc.ca/policies-resources-support-student-success): <https://senate.ubc.ca/policies-resources-support-student-success>

LEARNING ANALYTICS

Learning analytics includes the collection and analysis of data about learners to improve teaching and learning. This course will be using Canvas or Zoom (if required). Many of these tools capture

data about your activity and provide information that can be used to improve the quality of teaching and learning. In this course, data analytics may be used to:

- View overall class progress
- Track your progress in order to provide you with individual feedback
- Assist in assessing participation in the course where the online course format provided insufficient opportunities for student-teacher feedback in class

LEARNING RESOURCES

The Peter A. Allard School of Law offers an Academic Success Program that provides a variety of resources to law students. This program includes Academic Success Presentations and handouts, the Peer Tutor Program, and links to other valuable academic resources. The Assistant Dean of Students, is also available to meet with students to discuss their academic questions and concerns. Kaila Mikkelsen is the Assistant Dean of Students, and she can be contacted at adstudents@allard.ubc.ca. Students in the Indigenous Legal Studies Program may also contact Lee Schmidt, Associate Director of Indigenous Legal Studies, for additional support. She can be contacted at lschmidt@allard.ubc.ca.

The Law Library is also a great resource for students. Check out the Library's Academic Success Guide with available resources: <http://guides.library.ubc.ca/lawsuccess>.

The Law Library has outstanding research guides on many of the topics covered in this course. You may access them here: <https://guides.library.ubc.ca/beginlegal/guides>

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Students are asked not to record lessons without permission, particularly during exercises, breakout, and discussion sessions. Lecture recordings will be provided for any portion of the course delivered online, as they become available.

**ADVANCED LEGAL RESEARCH
LAW 430.001 – WEEKLY OUTLINE**

Class 1 – May 3, 2022

- Introduction, review of syllabus, review of assessment criteria
- Legal research methods
- Legal research and writing outputs
- Secondary sources (books, legal encyclopedias & periodicals)
- Navigating law library resources
- Readings (mandatory): *Canadian Legal Research and Writing Guide*, chapter 3 (on Canvas)
- Readings (optional): Fitzgerald, chapters 1, 5-6; McCallum et al., chapters 2 and 7

Class 2 – May 10, 2022

- BC legislation
- Legal research memo: Summary and Facts
- Consult *Canvas* for class preparation
- Readings (mandatory): *Canadian Legal Research and Writing Guide*, chapters 5.5-5.9, 12-12.5, and Appendix 1 (on Canvas)
- Readings (optional): Fitzgerald, chapters 2, 4 and 13; McCallum et al., chapters 5 and 10

Class 3 – May 17, 2022

- Federal legislation
- Legal research memo: identifying issues and drafting effective answers
- Consult *Canvas* for class preparation
- Readings (mandatory): *Canadian Legal Research and Writing Guide*, chapters 1.2 and 5.1-5.4 (on Canvas)
- Readings (optional): Fitzgerald, chapters 3 and 7; McCallum et al., chapter 12

Class 4 – May 24, 2022

- Statutory interpretation
- Legal research memo: discussion and analysis
- Consult *Canvas* for class preparation
- Readings (mandatory): *Canadian Legal Research and Writing Guide*, chapters 5.4, 5.8 and 12.6-12.7 (on Canvas)
- Readings (optional): Fitzgerald, chapter 8 and pp. 253-258; McCallum et al., chapters 6 and 11

Class 5 – May 31, 2022

- Canadian Case Law
- Legal research memo: discussion & writing style
- Consult *Canvas* for class preparation

- Readings (mandatory): *Canadian Legal Research and Writing Guide*, chapters 9, 12.7 (on Canvas)
- Readings (optional): Fitzgerald, chapter 9 and pp. 247-252; McCallum et al., chapters 3 and 4

Class 6 – June 7, 2022

- Canadian Case Law
- Assignment 1 – distributed
- Drafting pleadings: purpose and content of pleadings
- Consult *Canvas* for class preparation
- Readings (mandatory): *Canadian Legal Research and Writing Guide*, chapter 6 (on Canvas)
- Readings (optional): Fitzgerald, chapter 11 and pp. 265-274

Class 7 – June 14, 2022

- Assignment 1 – due
- Point-in-Time Legislative Research
- Municipal Bylaws
- Drafting pleadings: pleading the facts
- Consult *Canvas* for class preparation
- Readings (mandatory): *Canadian Legal Research and Writing Guide*, chapter 5.2 and 5.5 (on Canvas)
- Readings (optional): McCallum et al., chapter 15

Class 8 – June 21, 2022

- Researching Foreign law
- Researching English law
- Drafting pleadings: pleading relief and legal basis
- Consult *Canvas* for class preparation
- Readings (optional): McCallum et al., chapter 16

Class 9 – June 28, 2022

- Researching US law
- Drafting submissions: applying research effectively
- Consult *Canvas* for class preparation
- Readings (optional): McCallum et al., chapter 17

Class 10 – July 5, 2022

- Assignment 2 – distributed
- Assignment 1 - feedback
- International Law
- Drafting submissions: drafting effective submissions

- Legal writing: effective advocacy
- Consult *Canvas* for class preparation
- Readings (optional): McCallum et al., chapter 18

Class 11 – July 12, 2022

- European Union law
- Legal writing: effective advocacy
- Course review and term wrap-up
- Problem Solving

Assignment 2 Due – July 22, 2022 at 1:00PM