

Sample Research Questions

1. Question:

I am looking for case law on how much weight is given to a 14-year old's wishes when determining parenting time. Could you point me in the right direction?

Sources:

- Family Source on Westlaw – Annual Review of Family Law,
- Irwin Law Collection - Canadian Family Law
- CED
- VLEX

2. Question:

Wondering if you have an overview of a motion for summary judgment?

Sources:

- AccessCLE
- LPG for a precedent
- Lexis textbooks
- CED on Westlaw

3. Question:

Are you able to obtain any case that says an implied trust is the same as a constructive trust in family law? I need it for a motion tomorrow

Sources:

- LexisNexis– Halsbury – Trusts ...Classification of Trusts (*note – this was in a footnote “1
There is no agreement among legal scholars as to the definition of implied trust. It is a meaningless term because it is used to refer to different kinds of trusts arising by operation of law. It appears that people keep using the term because they are used to the string of words “implied, resulting and constructive”. This was sent and was enough)

4. Question:

Would you be able to find wrongful dismissal cases that consider the following factors:

- Date of Hire – Aug 4'20 (Service <1.5 years)
- Age - 35
- Position - Receptionist
- Income - \$40.8K

Sources:

- Wrongful Dismissal Notice Searcher - Lexis

- Canada Wrongful Dismissal Quantum – Lexis
- Wrongful Dismissal Quantum Service – Westlaw

5. Question:

Could I have a sample short-term or seasonal contract or employment contract.

Source:

LPG

6. Question:

I represent the estate trustees acting on the estate of their mother. It happens that both estate trustees provided extraordinary care services to their mother for approximately 2 years prior to her death – they moved in and nursed her. They want to pay themselves compensation from the estate for services rendered. Can you find any guidance – commentary or cases – on compensation for such personal care services provided by Attorneys for Personal Care in Ontario?

Sources:

Westlaw – Estates & Trusts Source

7. Question:

I need a precedent for an Affidavit of Witness.

Source:

- Lexis Practical Guidance
- Estate & Trusts Source – Estates & Trusts Fillable Forms.

8. Question:

Family/Estate Combo – New sections of the Succession Law Reform Act came into effect on January 1. Specifically s. 17(2) which states “(2) Except when a contrary intention appears by the will, where, after the testator makes a will, his or her marriage is terminated by a judgment absolute of divorce or is declared a nullity,” Do you have a precedent for a contrary intention?

Source:

- O’Brien’s Wills & Estates – this was a “Phone a Friend” request

9. Question:

I am wondering if you can provide resources regarding a “section 85 rollover”. This is when a sole proprietor incorporates a corporation and “rolls over” assets into the corporation on a tax deferred basis. It’s a common transaction and the keywords “rollover” or “section 85 rollover” should bring up relevant articles.

Sources: *note I used the phrase “s.85 rollover” as well

- Lexis Practical Guidance - there was commentary, precedents
- Halsbury's Laws of Canada - Income Tax (Corporate)
- Lexis –CA Secondary resources

10. Question:

I am hoping you can help me. I am looking for a conditional sentence for PFP (fentanyl) 50-year-old Aboriginal male. Addicted. Uttering forged documents (false prescriptions).

Sources:

- Criminal Source – Canadian Sentencing digests, caselaw
- LexisNexis – Canada Sentencing Quantums

11. Question:

I would like to update this research from 2017 on my Finger Injury memo on case law for the four cases cited.

Source:

- VLEX's Vincent