

OCLA Central East – June 28th 2022

Forms & Precedents

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Intro

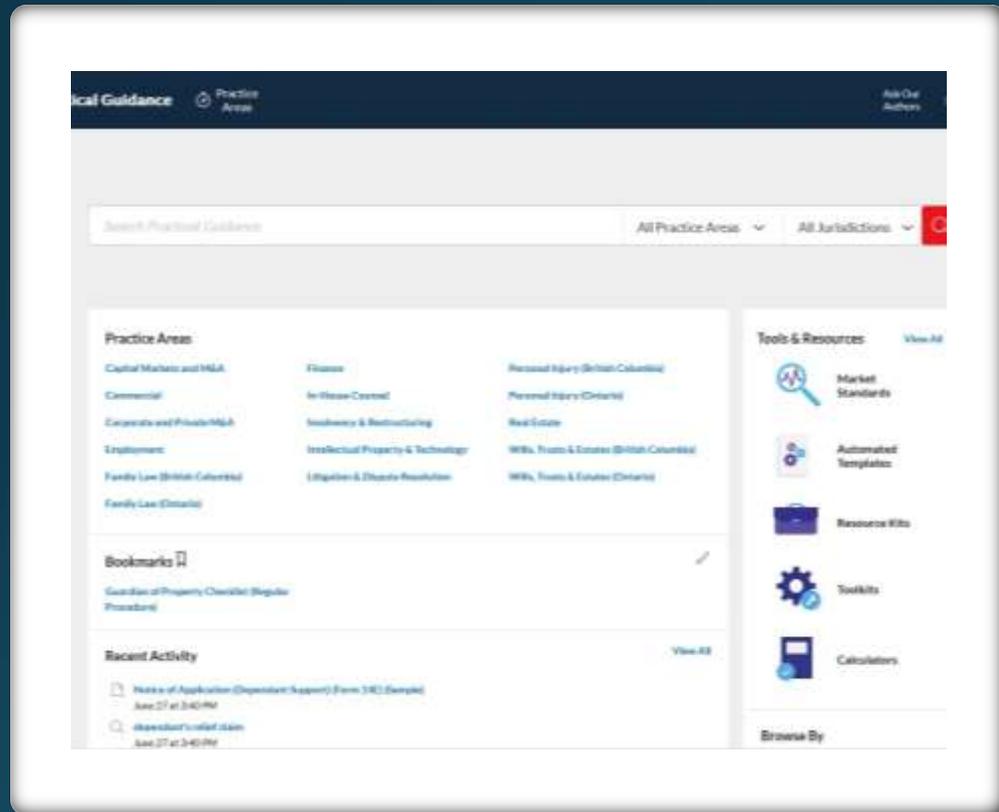
- Lawyers will often come to us to ask for various forms. Some are very popular, such as Forms 14A and B for family law. We have many sources available to us; some are free, while others are part of services we must pay for. Many times, the lawyers will want precedents, or forms that are filled out as an example, usually with annotations.
- Today, let's focus on the resources that are available to all of us; Lexis Advance Quicklaw and Practice Guidance (which contains Canadian Forms & Precedents), Westlaw, Ontario Court Forms, and the Annotated Document Series via AccessCLE. Later, I will also give a brief tour of Jotform, for creating online forms for your library, and LastPass, which is helpful in accessing all these databases we use.

What We're Looking For



We are all familiar with forms and precedents of course, but it is helpful to remember that forms include both forms prescribed by law, for use in the courts, and also some types of contracts. And the *Dictionary of Canadian Law* defines precedents as "standard contracts or other agreements or documents used as examples for later documents".

LexisNexis Practical Guidance



The first place we will visit is LexisNexis Practical Guidance (PG), which is a fantastic resource: we at Durham cancelled our subscription to O'Brien's online, which was twice the price, to subscribe to Practice Guidance. Now we all have access to it with our LiRN package. Sign into Quicklaw, click on the nine dots at the top left to switch over to PG. You can see all the areas available to us, which now includes Real Estate as of a few weeks ago.

LexisNexis Practical Guidance

The screenshot shows the LexisNexis Practical Guidance interface. At the top, there is a search bar with '14B' entered and a search button. Below the search bar, the results are displayed under the heading 'Results for: 14B'. On the left side, there is a navigation menu with categories like 'All Guidance', 'Practice Notes', 'Precedents', 'Clauses', 'Forms', 'Checklists', 'Tables, Flowcharts & Diagrams', 'Articles', 'Cases', and 'Legislation'. Below this is a 'Narrow By' section with various filters. The main content area shows a list of search results. The first result is '1. Motion Form (Form 14B)', which is highlighted in blue. Below it are other results like '2. Injuries of the Hand' and '3. Motions'. Each result includes a title, a brief description, and an author name.

Let's start with a simple form request, a 14B Motion Form. Enter 14B into the search box, and we see that the first result is the form itself. Clicking on this takes us to an example, where we can either download a PDF or link to Ontario Court Forms for a MS Word version which is easier for the lawyer to fill out and edit.

LexisNexis Practical Guidance

The screenshot shows the LexisNexis Practical Guidance interface. At the top, there is a search bar with the text "co-ownership agreement" and a search button. Below the search bar, the results are displayed under the heading "Results for: 'co-ownership agreement'". On the left side, there is a navigation menu with categories like "All Guidance", "Practice Notes", "Precedents", "Clauses", "Forms", "Checklists", "Tables, Flowcharts & Diagrams", "Articles", "Cases", and "Legislation". Below this menu is a "Narrow By" section with various filters. The main content area shows a list of search results. The first result is titled "Co-Ownerships, Joint Ventures and Partnerships" and is a Practice Note. The second result is titled "Board Meetings" and is also a Practice Note. The third result is titled "Gifts, Bequests and Legacies" and is a Practice Note. The fourth result is titled "Recreational Property Trust Clause (Option to Sell)" and is a Clause. Each result includes a brief description and the author's name.

Results for: "co-ownership agreement" | Actions

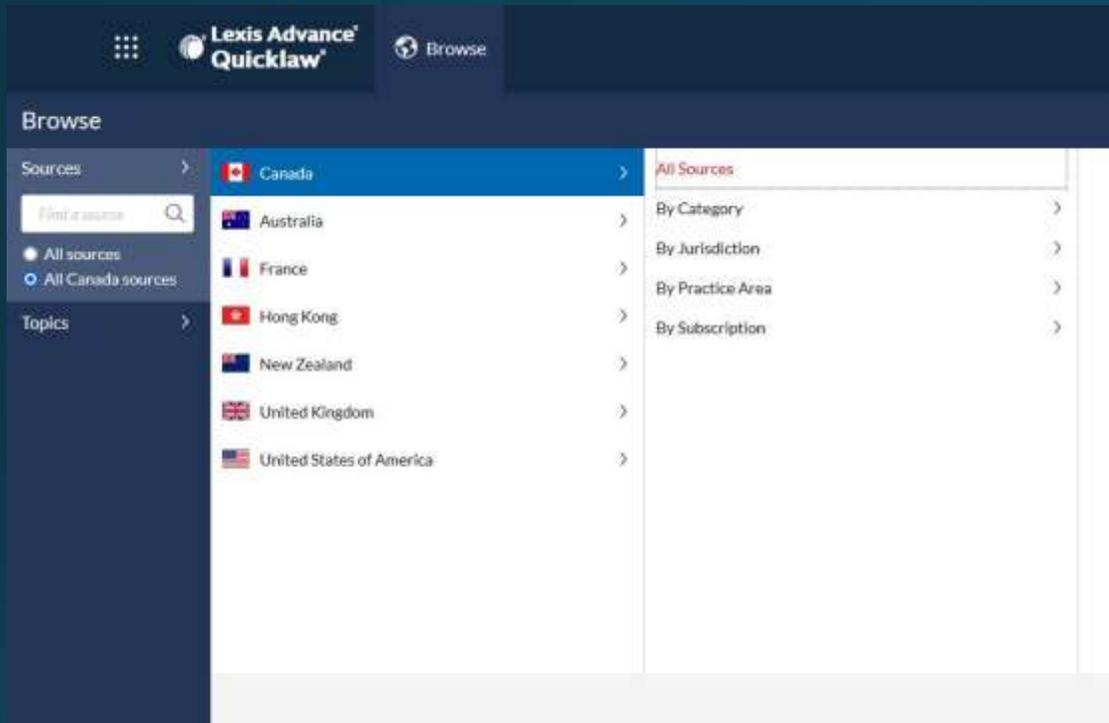
All Guidance (5)

Sort by: Relevance

- Co-Ownerships, Joint Ventures and Partnerships**
Practice Note
... and decides its own capital cost allowances and, subject to any restrictions contained in the **co-ownership agreement**, can sell, mortgage or otherwise separately deal with its interest unilaterally. However, the opportunities to sell, mortgage or lease an undivided interest in a property are very limited, and in general, the property must be dealt with as a whole, necessitating a form of **co-ownership agreement** among the co-owner parties. The **Co-Ownership Agreement** The typical **co-ownership agreement** ...
Author: Practical Guidance Lawyer Team
- Board Meetings**
Practice Note
... already done business with First Capital. Clarify, most of his career reporting to a Board, won't happen. As a senior manager, must take discussion and meetings to a position where there is something to report to the Board. All that management has done is put forward a framework which would be financially lucrative for both companies. 58 Although Mr. Jameson deposed that at the meeting David Katz presented the "concept that the Leikin Group and First Capital might enter into a **co-ownership agreement** ...
Author: Hartley B. Patten, Q.C., Lynn Equity Limited and Inj Stockberry, DCL, Oasin2Learn
- Gifts, Bequests and Legacies**
Practice Note
... also be provision for winding-up the trust sooner than the perpetuity period in light of the deemed disposition of trust property every 21 years under the Income Tax Act. As the tax consequences of a deemed disposition may be deferred if the capital property is distributed to capital beneficiaries prior to the 21st anniversary, it is prudent to include some provision for the terms upon which the property will be distributed (for example, the beneficiaries entering into a **co-ownership agreement** ...
Author: Finja Hunter, Horne Cooper LLP
- Recreational Property Trust Clause (Option to Sell)**
Clause - British Columbia

Recently I was asked to find a “co-ownership agreement”. I will admit to not knowing the proper terminology for many legal items, and sometimes the lawyers don’t use them in their requests. I began by using what I was given to search. The results for “co-ownership agreement” were two practice notes. The first concerns Co-Ownerships, Joint Ventures and Partnerships. I find the practice notes very helpful in focusing my search, or at least discovering the actual name of what I am looking for. Scrolling down, there are direct links in this practice note for the precedents needed. Additionally, I always include relevant practice notes with the forms or precedents asked for: they might be helpful to the lawyer when working on the forms.

Lexis Advance Quicklaw



Quicklaw also contains forms from sources such as Williston & Rolls and Canadian Forms and Precedents. Click Browse at the top and narrow to Canada>>All Sources, and on the new screen select CA Drafting Materials. Here there are sources such as Canadian Forms and Precedents, Gold's The Practitioner's Criminal Precedents, and Williston & Rolls. For example, to find forms for wills and estates we look under Wills & Estates – Canadian Forms and Precedents, and the forms and commentary are available here.

Westlaw

The screenshot displays the Westlaw Canada website interface. At the top, there is a search bar with the text "Q - Enter search terms, citations, databases, anything" and a "FIND" button. Below the search bar, the page is organized into several sections:

- Primary Sources:** A grid of links for Cases, Board and Tribunal Decisions, Statutes and Regulations, Securities Regulatory Materials and Bulletins, Policy Documents and Directives, and Rules.
- Commentary:** Links for Canadian Encyclopedic Digest, Texts and Annotations, Legal Memoranda, Articles and Newsletters, Collective Agreement Summaries, and Personal Injury Practical Guidance (ON), Causes of Action, Defences and Remedies, and Proof of Facts.
- Court Documents:** Links for Pleadings, Motions and Facts/Briefs, and Insolvency Court Filings.
- Forms and Precedents:** Links for Estates and Trusts Filable Forms*, Solicitor's Core (ON) Forms*, O'Brien's Encyclopedia of Forms, and Libigator Checklists*.
- Finding Tools*:** A grid of links for Browse Legal Topics, Words & Phrases, Index to Canadian Legal Literature (ICLL), Canadian Abrogation Digests, Quantum Services, Legal Directories, Legislative Concordances, Research and Writing Tools, Canadian Guide to Uniform Legal Citation (McGill Guide), Legislative Watch, Charter Rights Legal Materials, and Defined Terms (Cases and Legislation).
- COVID-19 Legal Materials:** A link at the bottom of the Finding Tools section.

On the right side of the page, there is a sidebar with the following sections:

- VIEW UPDATES** (with a right arrow)
- Browse Legal Topics** (with a right arrow)
- My Subscriptions** (with a minus icon): Includes CriminalSource, Estates&TrustsSource, and FamilySource.
- Lee's Research (0)** (with a folder icon)
- Favourites** (with a star icon): Includes a search bar and a "Select All" checkbox.
- My Favourites** (with a checkbox): Includes "Franks & Zelen - This Week in Family Law" and "Matrimonial Property Law in Canada".
- Frequently Used Items** (with a checkbox): Includes "FamilySource", "Solicitor's Core (ON)", "MacDonald & Partners LLP Wilton and Joseph Collection of Family Law Materials", "Ontario Family Law Precedents", and "FAM Family Law (1972)".
- Custom Pages** (with a star icon): Includes a link to "View all Custom Pages".

A yellow banner at the bottom left of the page contains the text: "* Content under Finding Tools and some Forms and Precedents are not included in federated search."

Although O'Brien's is not included in our LiRN package with Westlaw, there is still a good variety of forms and precedents available. Under Solicitor's Core (ON) Forms, there are forms and precedents divided into practice areas. It is important to note that you can't search for these things from the search bar on the main page: you have to go into Solicitor's Core to search. Results will be RTF and fillable PDF formats.

Ontario Court Forms

<http://ontariocourtforms.on.ca/en>

The screenshot shows the Ontario Court Forms website. At the top, there is a navigation bar with the Ontario logo, the text "Court Services", and links for "Accessibility", "Contact Us", and "Feedback". A search bar is also present. Below the navigation bar is a "Home" button. On the left side, there is a vertical menu with various categories: "Home", "Family Law Rules Forms", "Rules of Civil Procedure Forms", "Rules of the Small Claims Court Forms", "Juries Act forms", "Evidence Act forms", "Provincial Offences Act forms", "Forms under the Criminal Rules of the Ontario Court of Justice", "Forms under the Criminal Procedure Rules of the Superior Court of Justice", "Office of the Children's Lawyer forms", "Subjctors Act assessment forms (non-prescribed)", "Court Fee Waiver Forms", "Construction Act forms", and "Family Law Rules - Continuing Record". The main content area is titled "Ontario Court Forms" and contains several sections: "Notice to the Legal Profession and Public - Inclusive Language and Procedures in Court", "Notice to the Public and Legal Profession regarding Electronic Court Documents - Electronic Signatures and Submissions through Online Filing Portals", "Notice to Public - Central Registry of Divorce Proceedings form now available online", and "Notice to Public - Applications for divorce under the federal Civil Marriage Act for non-residents married in Ontario now accepted at SCL family centres". Below these notices, there is a section titled "Please click on the links below to access electronic court forms for Family, Civil and Small Claims Court proceedings in Ontario." which lists three bullet points: "Family Law Rules Forms", "Rules of Civil Procedure Forms", and "Rules of the Small Claims Court Forms". There is also a section titled "The Forms Assistant is no longer available." with links to "Learn more about Family Court" and "Learn more about Small Claims Court". Finally, there is a section titled "Other Forms" with the text "Please find below court forms prescribed under other statutes, rules and regulations, as well as non-prescribed court forms." and a list of bullet points including "Access to Exhibits form", "Juries Act forms", "Evidence Act forms", "Provincial Offences Act forms", "Criminal Rules of the Ontario Court of Justice forms", "Criminal Rules of the Superior Court of Justice forms", "Children's Law Reform Act forms", "Office of the Children's Lawyer forms", "Subjctors Act assessment forms (non-prescribed)", "Court Fee Waiver forms", and "Construction Lien Act forms".

Ontario Court Forms is a repository where the Ministry of the Attorney General stores all forms used in the courts. We can see that the areas covered are Family Law Rules, Rules of Civil Procedure, and Rules of the Small Claims Court. By clicking on Family Law Rules, we can see a list of standard forms used in that area.

AccessCLE Annotated Document Series

<http://lx07.lsuc.on.ca/R?RN=318671853>

AccessCLE is a great source of information. All CPDs produced by the Law Society of Ontario are available for download here. By going to Advanced Search and looking for the word “annotated” in the title area, we are given a list of titles. If you know the area you need, you can narrow your search by adding, for example, “employment” to your title area search. You may have the hard copies in your library, but the PDFs are freely available here.

The screenshot displays the AccessCLE search interface. At the top left, there are logos for the Law Society of Ontario and the Barreau de l'Ontario, followed by the AccessCLE logo and the text "LSO CPD Articles". Below the logos is a navigation bar with links for "Search", "Results", and "Previous Searches". The main search area is titled "Search Collections" and includes a dropdown menu for "Select collection:" set to "AccessCLE". Under "Search in fields:", there are three dropdown menus: "Article Title", "Article Title", and "All Fields". To the right of these dropdowns are three input fields. The first field contains the text "annotated" and is followed by a dropdown menu set to "And". The second field contains the text "employment" and is also followed by a dropdown menu set to "And". The third field is empty. At the bottom left of the search area, there is a link for "Simple Search". At the bottom of the page, there is a footer with links for "Great Library", "Legal Notices", and "Feedback".

Bonus Round 1: Jotform

<http://www.jotform.com>

Import Form

Import your existing forms and customize them.



From a web page

Import a form from any page.



Clone your existing form

Create a copy of one of your existing forms.



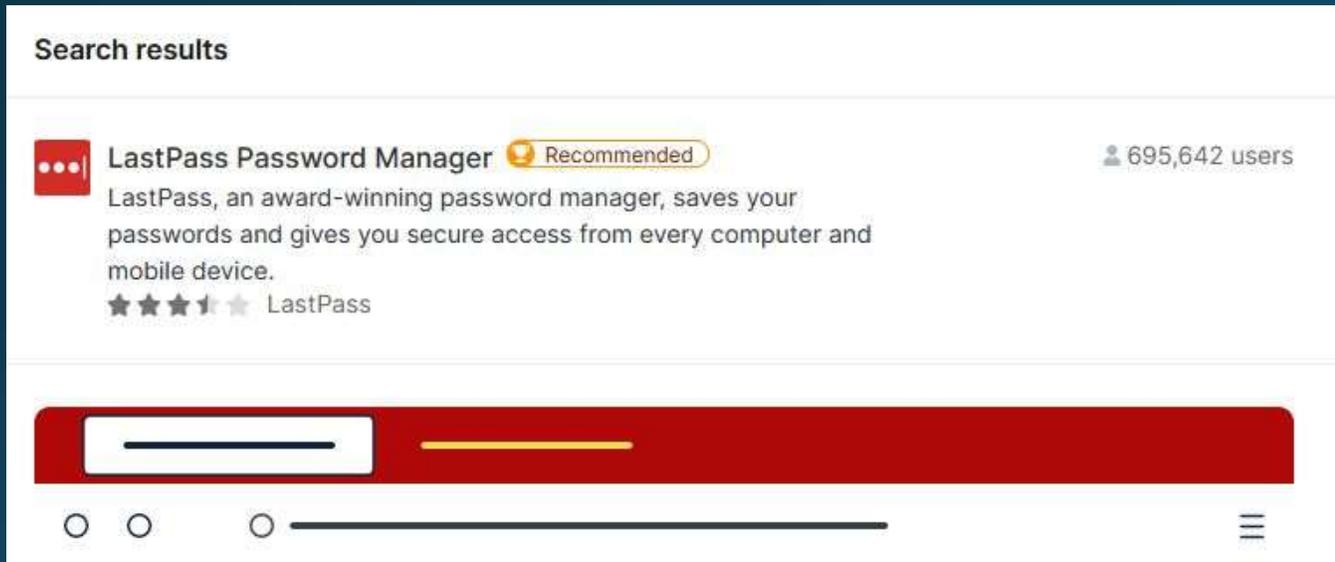
Import PDF form

Convert your PDF form to an online form.

If you've had enough of dealing with paper forms for things like research requests, membership registration etc., then Jotform is for you. It is simple to create fillable forms, or to import existing PDF forms and convert them.

Once you create an account, you create your first form. We will import an existing PDF form, and then you are able to drag and drop items like text boxes and dropdown menus.

Bonus Round 2: LastPass



LastPass is a plug-in/add-on for your browser that stores your login information for websites, databases, etc. It is secure and can be opened from any computer once you log in.

In Firefox, go to Add-ons and Themes, or in Chrome go to More Tools, then Extensions. Search for LastPass, and enable the add-on. Then create an account, and stop worrying about remembering the dozen passwords we all deal with every day.

I hope this has been
of some help. If there
are any questions,
please feel free to
email me!

Conclusion