

# AMICUS SESSION - OUTLINING TIPS

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# PLAN

1. What is an outline / why should I make one?
2. Different strategies
3. What information to include
4. Tips and tricks
5. Starting an outline
6. LLP stuff
7. Questions...?

# WHAT IS AN OUTLINE?

- Condensed version of your class and reading notes put together in a manner that is easy to read
- Outlines take many different forms; **find what works for you**
- Main Purposes: Exam Study Tool & Cheat Sheet during exam
- Other purposes: Essays and Research Papers in later years, Professional Practice..
- Other people's outlines can also be a useful study tool during the semester
- Working with others encouraged!
  - BUT → Make your outline your own!
  - (by building it, reading it, and/or practicing with it)

# WHY SHOULD I MAKE AN OUTLINE?

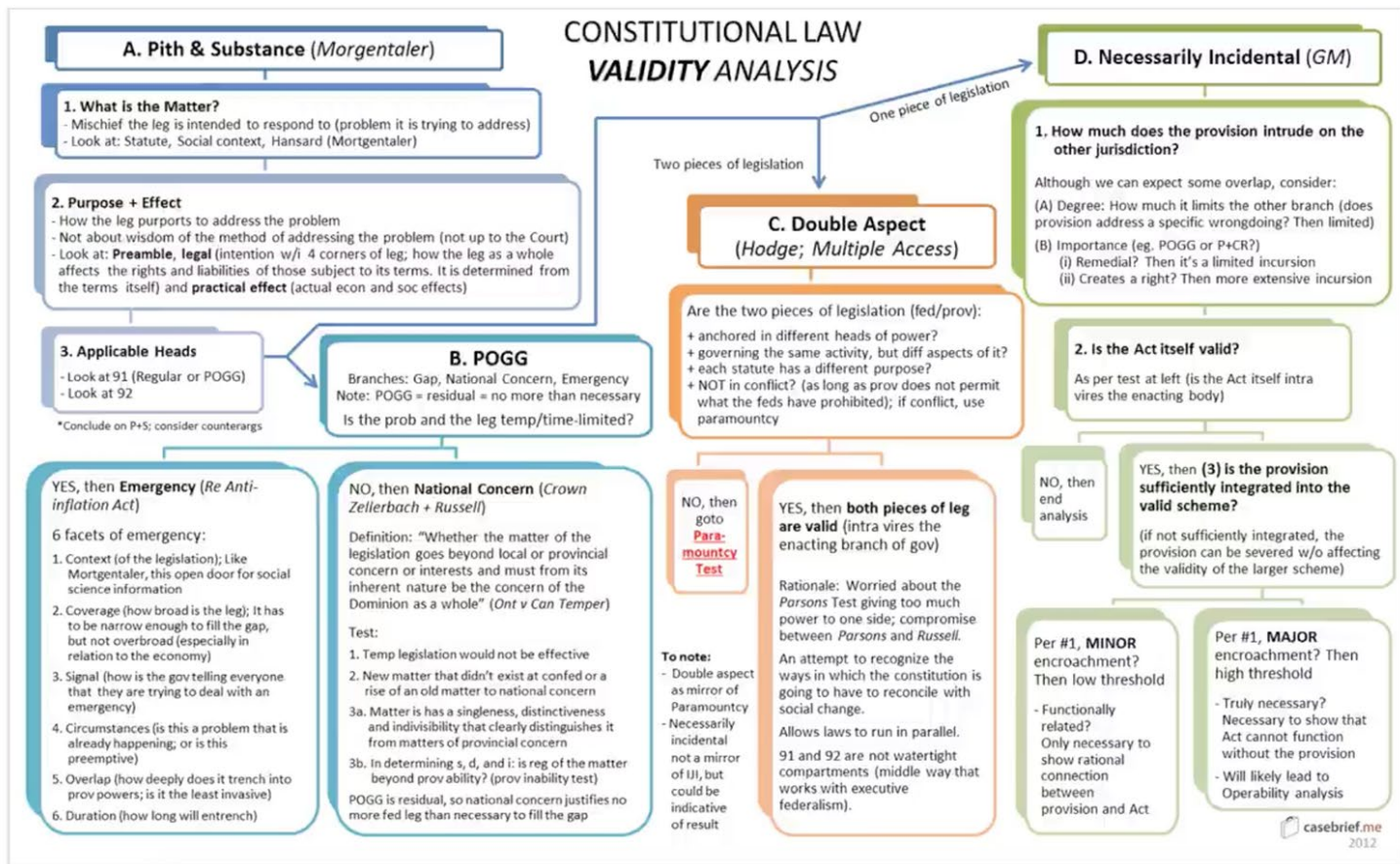
- Serves as a cheat sheet
  - Attack plan for answering questions
  - Saves you time and effort during the exam
- Works as a study tool
  - Helps to discover what questions you have for professors (or your amicus tutors) before the exam!
  - Ask your questions sooner rather than later

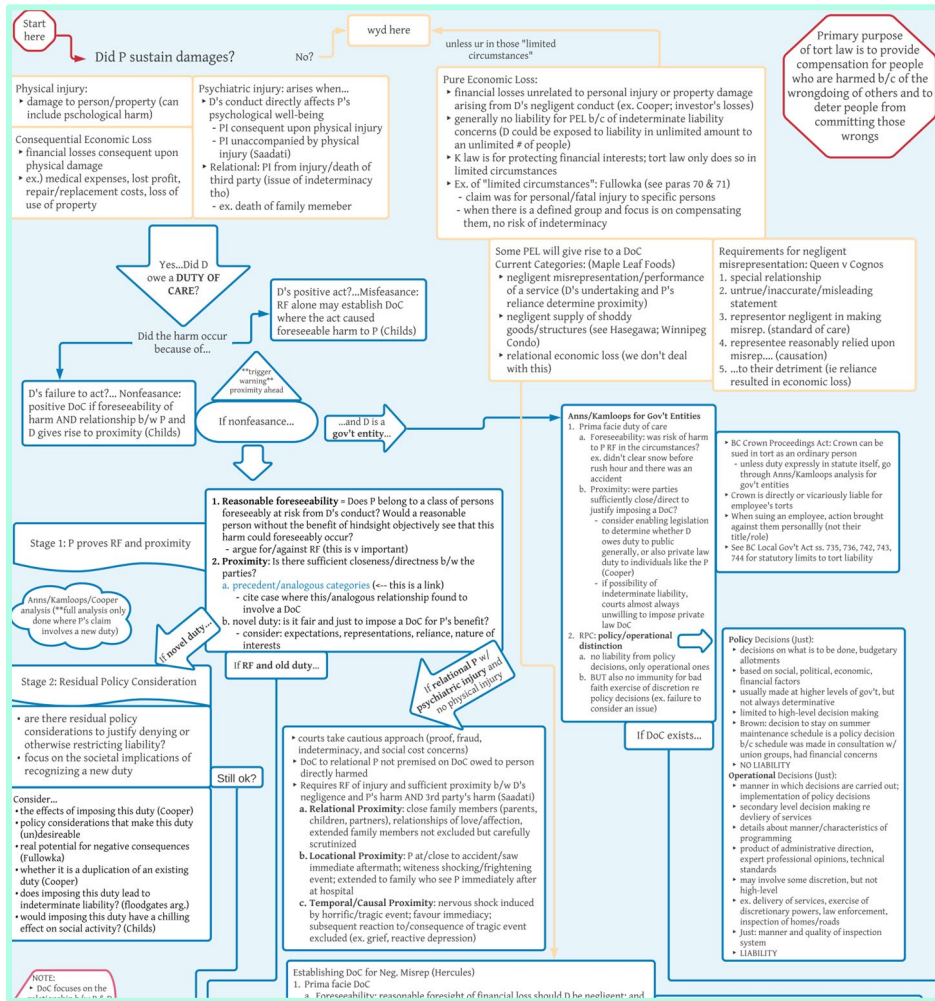
# DIFFERENT STRATEGIES

- Short outlines vs. long outlines
- **Course Restrictions: open-computer, open-book, take-home.\***
  - Build an outline that fits the restrictions!
- Personal Style: *lean into it!*
- Other strategies: flow charts, charts, canned answers, storied answers, spreadsheets and mind maps!
- Visual strategies vs. others
  - Reflect on what strategies work for you
  - Use December exams to learn what works for April

# CHARTS

## Analysis Framework in a chart

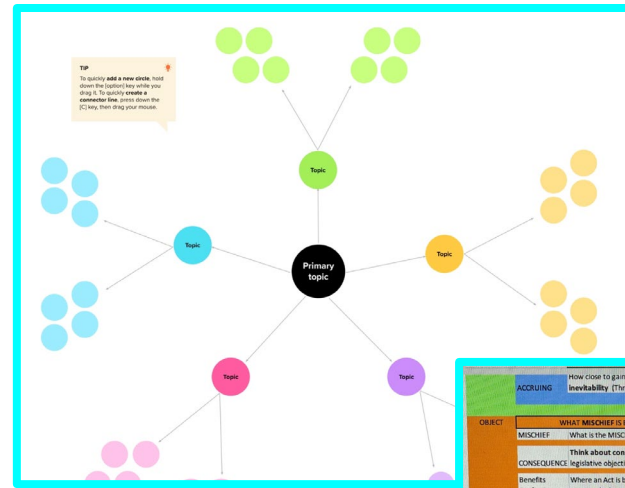




# A great tool for seeing the "big picture"

# MIND MAPS

- Cues in your outline, mind mapping program, color coding
- Organize according to the colours of your highlighters so you can quickly code parts of fact scenarios
- The mind map is a legend to the expanded outline
- All your quotes should include citations
- Use your own words so you can copy paste
- Couple your mind map with a checklist
- It's all about organizing in the way your brain thinks!



## NUISANCE

- is it direct and physical? YES = trespass
- is it non-natural use? YES = Strict liability (*Rylands v Fletcher*)
- is it caused by failure to take due care? YES = negligence

ACCRUING	How close to gaming it / is it inevitable / step test: entitlement, intention and inevitability (Threshold is inevitability). [Cooper - doc license]
OBJECT	<b>WHAT MISCHIEF IS BEING MANGED? WHO DOES THIS ACT BENEFIT?</b> MISCHIEF What is the MISCHIEF being suppressed? [Fryer] CONSEQUENCE Legislative objectives: CONSEQUENCES justify conferring Benefits Where an Act is benefits conferring, it should be interpreted to favour the person who benefits [CJA 41] [Mores - whistle blower] Penal Penal provisions should be interpreted to favour accused where liberty is at stake. [McIntosh - self-defense]
Purposeful Analysis	LOOK at Preamble (not binding, but assistive) [CJA 45, Kent II], Purpose Statement (binding) [Sullivan], Heading [Johnson], Title [Finn, CJC]
Editorial convenience	Punctuation [Loggato - punct can't change law, old written law had none.] how do these help explain the purpose of the Act? head notes and marginal notes are for editorial convenience, but SCC has used them to assist in analysis of context and intention [McIntosh]
Results	Where the results of interpretation lead to absurd consequences [Cole - in Rizzo - bankruptcy of company - should I must senior employees were the only ones that didn't get overpaid] [Mora - whistle blower wouldn't be protected]
HORIZONTAL COHERENCE	WHAT DO OTHER STATUTES ON SAME SUBJECT SAY? Assumption that legis speaks with one voice re: values of society [Sullivan] moves away from strict interpretation towards liberal
INTENT	<b>LEGISLATIVE INTENT TO POLICIES AND VALUES OF THE LEGISLATURE</b> LEGISLATURE: International > federal > provincial > municipal > corporations. LAW: Constitution > federal statutes > human rights code > provincial statutes > regulations > by laws > policies Legislative Supremacy
COHERENCE	how the statute, it's parts, other acts, values of legislature and social context work together to achieve the goal of legislative intent
INTERNAL HORIZONTAL	strongest argument. The more condensed the better [Sullivan]
HORIZONTAL	between/among others - LARGER STATUTORY SCHEME [Columbia River]



# CHECKLIST

LLP outline +  
property  
outline in  
checklist form

(don't forget to  
double check  
your cited  
cases!!)

HEADING	PRE-PREPARED MINI RULES
(1) GRAMMATICAL & ORDINARY MEANING  <i>Grammatical and ordinary meaning is the first undertaking to seek meaning of a term/word under consideration, and it attempts to define a word/term without reference to its context (Coursepack).</i>	<ul style="list-style-type: none"><li><input type="checkbox"/> Definitions from the Act or BCIA<ul style="list-style-type: none"><li>• Definitions in the ACT are <u>stipulate</u> (stipulate meaning of the word)</li><li>• BCIA s12: apply throughout Act, unless contrary intention</li><li>• [X] and [Y] are defined in the Act/BCIA, ∴ not issues in this case<ul style="list-style-type: none"><li>◦ GOLDEN RULE: plain meaning can be overturned if absurd (<i>McIntosh dissent</i>)</li><li>◦ If defined in Act, ordinary meaning may not be applicable</li></ul></li><li>• Keep <b>REFERENTIAL INCORPORATION</b> in mind (i.e. a word is defined in reference to another Act)</li><li>• IF IN ACT:<ul style="list-style-type: none"><li>◦ It a word/term falls under a definition specified in the Act, then the court should use that definition to ascribe meaning to the word/term (<i>Coursepack</i>).</li></ul></li><li>• IF IN BCIA:<ul style="list-style-type: none"><li>◦ If a word/term falls under the s. 29 definitions of the BCIA, then the court should use that term to ascribe meaning to the word/term, unless there is a contrary intention (s. 2 BCIA).</li></ul></li><li>• IF IN NEITHER:<ul style="list-style-type: none"><li>◦ If a term is defined neither in the Act, nor the BCIA, the court shall proceed to examine the reasonable person test and the grammatical features in order to ascertain the grammatical and ordinary meaning.</li></ul></li></ul></li><li><input type="checkbox"/> Reasonable Person Test (<i>Shaklee</i>) "FIRST BLUSH"<ul style="list-style-type: none"><li>• Who is it intended for? Consumers, marine biologists, etc.</li><li>• <i>Shaklee</i>: thought should be the case so everyone could understand the legislation<ul style="list-style-type: none"><li>◦ Used the <u>meal test</u> to determine if item was 'food'</li></ul></li><li>• The reasonable person test asks what an average intelligent person would take to be meaning of a term/word, and was used in <i>Shaklee</i> to ensure that there is a common, sensible understanding of the text for the audience it was intended.</li><li>• IF FOR PUBLIC:<ul style="list-style-type: none"><li>◦ The reasonable person test guarantees that if a piece of legislation was intended for the public, that it may be understood by all members of society (<i>Shaklee</i>).</li></ul></li></ul></li></ul>



Welcome to my checklist. It corresponds to my outline so if u tick a box → go to that section in the outline for more guidance. Or just wing it I don't care, u do u.

Estates (let's start with the basics)

- Is it a fee simple
- Or a life estate

Torrens System and Indefeasibility

- Do we have a title certificate?
  - We do? Great. Did you mention the mirrors and curtains??
- Is there fraud happening?
  - Oh no. Will section 29 of the LTA protect it?
  - Did the fraudster sell it to a bona fide purchaser?
    - Deferred indefeasibility [*Gibbs*]
    - Immediate indefeasibility [*Frazier*]

# CLICKABLE ToC

- Organized based on Prof's syllabus/Brightspace topics each week
- Clickable ToC's are great for **take-home exams** or exams where you **have access to electronic files** and can use **Ctrl-F**

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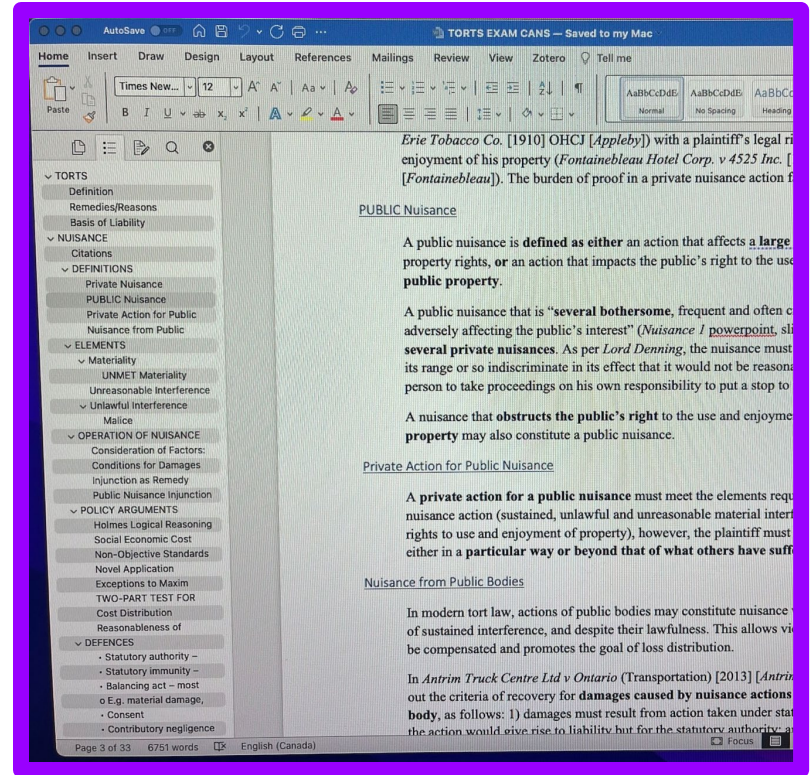
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Can organize by concept (above) or textbook chapter (left)

# NAV. PANE

- Much like the table of contents - and can be linked to ToC
- Easy Navigation
- Index Structure can follow the structure of the legal argument, or the timeline of the course
- Especially helpful for take home exams: - course topics and dates can easily be cross references to course syllabus, readings lists and course notes!
- You can add colour and style formatting



# LONG OUTLINE

Can mix law frameworks and briefs

Or separate them

(For full year, it was 60+ pp)

## Misrepresentation and Rescission

**Rescission** = equitable remedy by court to **set aside a contract** because of defect in formation

- Expectation damages substitute money for what *should* have happened under K
- Under rescission court determines K ought not be enforced
- Remedy is to *restore parties to pre-K position*
- **Distinct from** right to repudiate
  - Court rescinds, parties repudiate

**Rule:** Rescission must be sought before K is executed (*Leaf v International Galleries* 1950 UK CA)

- It must be possible for parties to be restored to pre-k positions

**Rule:** Innocent Misrepresentation is grounds for Rescission

Case: *Redgrave v Hurd* (1881 UK CA)

- **Facts:** Pif sued def who backed out of the purchase of his home and business. Def had agreed to buy plaintiff's home and business on the Pif's word that business was profitable. Def did not check the books himself. Def refused to complete the transaction b/c he was induced to the contract by misrep. Def counterclaimed for rescission PLUS damages
  - Trial judge held for plaintiff - Def should have examined documents; defendant appealed
- **Held:** Appeal allowed - counterclaim is successful; rescission allowed but no damages awarded
- **Reasoning:** False representations and not displaced by contributory negligence - just because the plaintiff could have checked the books but did not doesn't negative false representations

**Doctrinal Requirement for Innocent Misrepresentation:** (from *Redgrave*)

- a) The representation of fact = false
- b) The M'or didn't know representation was false
- c) The representation was **materially important** to K
- d) The representation **induced the M'ee** to enter K (**presumed**)
  - i) Presumption rebutted IF **M'ee knew** representation was false OR
  - ii) M'ee in fact **did not rely** on rep

**Rule:** Knowledgeable opinion implies statements of fact (and misrepresentation)

Case: *Smith v Land and House Property Corp.* (1884 UK)

- **Facts:** Pf opined a tenant was "most desirable" while selling hotel to Df. Df refused to complete transaction when tenant went bankrupt.
- **Issue:** Was the opinion enough grounds for misrepresentation?
- **Decision:** Yes (i.e., for the Df). Because of knowledge due to landlord relationship, Def relied on the facts implied by the Pf's opinion. Therefore misrepresentation.

## Case Law

# SHORT OUTLINE

Use just case ratios and tests  
(and maybe a little note to jog  
your memory about the case)

Make after a long outline to  
condense/ consolidate/ figure out  
what is important

Actus Reus	Case	A note?	Legal Principle
<i>Contemporaneity</i>	<i>Fagan</i>	Driving over the cops foot lmao	AR and MR need not arise simultaneously, just require overlap; concurrence
	<i>Miller</i>	Fell asleep smoking cigarette	Unintentional act (cigarette fire) + internal omission (not warning) = criminal liability
	<i>Cooper</i>	Murder by strangulation Accused claimed to have 'blacked out' after grabbing deceased's neck Mens rea to assault (grab) her, but not to kill her	<b>**Leading case**</b> — concurrence of MR and AR stretched to within a "continuous transaction"
	<i>Williams</i>	HIV aggravated assault	Crown can't prove concurrency of AR/MR, therefore can only charge with attempted aggravated assault
	<i>Forcillo</i>	Police (Forcillo) killed a guy (Yatim) who brandished a knife on a TTC streetcar. 50 seconds between rounds of shots fired.	First volley: MR for murder, AR for murder, but successful defence of self-defence  Second volley: MR for murder, but didn't cause or accelerate Yatim's death (no AR)  Just a <b>nice illustration</b> of how

# SHORT OUTLINE

- Or a 1-pager for each framework of analysis

## Section 2(a) – Freedom of Religion

TEST - Claimant must show (*Hutterian Brethren* para 32):

- **(1) Has claimant's s.2(a) religious freedom been engaged?** (test in *Amselem* para 46)
  - (a) Sincere belief or practice, (b) that has a nexus with religion
- **(2) Was there nontrivial government interference?** (test in *Big M, Edwards Books*)
  - "Impugned measure interferes with the claimant's ability to act in accordance with his or her religious beliefs in a manner that is **more than trivial or insubstantial**" (*H Brethren* para 32)
  - Mention Webber strand of religious freedom (coercion/equality/neutrality)

### (1) Religious Practice or Belief

(a) Sincere belief or practice (see *Amselem* paras 42-47)

- "Simply implies an honesty of belief ... inquiries into a claimant's sincerity must be as limited as possible ... to ensure [the asserted belief] is in good faith" (*Amselem*)
  - Non-exhaustive criteria (of limited use)
    - Credibility of testimony
    - Consistency with claimant's other beliefs/practices
    - Focussed on time of assertion, not past beliefs/unbelief
- Practice does not need to be mandatory (*Amselem*)

(b) That has a nexus with religion

- Does not need to be proven religious tenet; court should not decide what a certain faith mandates or what established practices are/are not (*Amselem*)
- Expert evidence helpful but not a surrogate for individual's affirmation of their beliefs

### (2) Government Interference

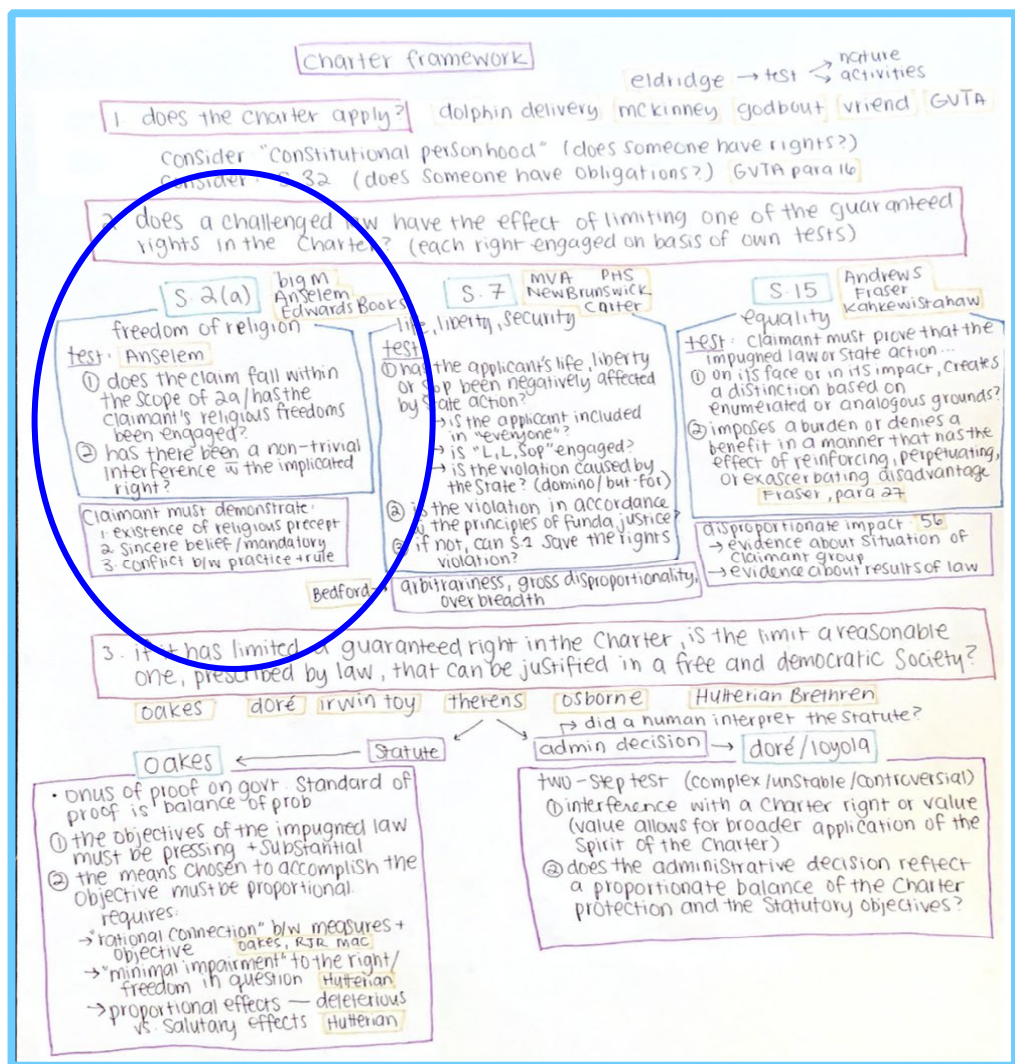
(a) Source of the intrusion (*Big M*)

- The law's purpose and/or its effects can separately violate s.2(a)
- Does the law's **purpose** (P&S) offend Freedom of Religion in **general** (*Big M*)?
  - Then step (1), whether the claimant holds a religious belief, is **irrelevant** (*Big M*)
- Or do its **effects** violate a **person's** s.2(a) right (*Edwards Books*)?
  - Here the claimant **must have established** an impacted belief per step (1) (*Big M*)

(b) Substantial Interference

- Caveat: religious-based conduct which would potentially cause harm would not automatically be protected (see *Amselem* para 62)
- In *Edwards Books* interference was the economic burden placed on Saturday observers
- In *Amselem* substantial interference was the difficulties posed by constantly going up/down stairs for washing dishes while not using elevators
  - These demands would take away from/defeat the very purpose of the religious festival/practice itself (see affidavit posted on bspace)
- In *Hutterian Brethren* substantial interference was the difficult choice given to those appointed by the community to drive (Decision bw self-sufficiency and graven images)

Handwriting ... if it works for you!



# STORIED OUTLINES

- Much of the transsystemic content will reference stories from which we draw legal principles, duties, obligations, relational connectivity, and more. Remembering these stories, and what they meant to you can really help in transsystemic exams.
- Also, Storied Outlines for case briefs can be a very helpful way to remember the common law cases and how they apply to the fact pattern presented.
- Every case is a story. Our ability to internalize their meaning by bringing them into a story place in our minds can help us look deeper than the surface of the case, and really connect with the ratio and reasoning behind decisions.

GITXSAN STORIES				
STORY NAME	QUESTION	FACTS	DECISION	REASON
Wiigyet brings light to the world (pg 19)	How do you deal with someone who hoards resources?	World in darkness. Chief found Wiigyet as baby on kelp. Raised	Wiigyet stole vessel of light from sky world and brought back to earth, bringing dark	Wiigyet had a memory, knew that light existed. Did not like the dark

GITXSAN TERMS and Perspectives	
TERMS	
Wilp (plural huwilp)	aka "House" highest order > vertical institution/multiple houses (do not control one another > individuality > collaborative > competitive as well) oral history > collectively owned by house > major events of kinship group > covenant with land/crest/songs > recounted at pole raisings > related houses may share adaawks with points of diversion. Constitutional Stories. > disputes arise when people do not know their history.
Adaawk	stories told to children to impart pedagogy without adult details
antamahlaswx	Names
Names	Houses own the names > governance structure > names given/taken from members of house according to their abilities and actions > allocated at feasts > Name gives rights to access territory and duties/obligations of Name holder > passing names on within the House is key to upholding roles vital to health of people and territory > Names can be withdrawn if holder is no longer capable to execute duties.
Mother's House	access to lands and resources
Father's House	duties for health care, training, financial
FEASTS	akin to parliament > decisions made > witnesses (paid for service as witness) > opposite clan has duty to recount adaawks > collective memory: House membership formalized at feasts > Names allocated at feasts >
Symbolic Acts	colonizing nations see/use different symbols (meant for sovereignty declaration) for Indigenous nations - poles and crests, NOT disturbing the land, adaawks and feasts...universality of symbols isn't necessarily achievable. The difficulty is in cross-cultural communication.
possession	interactions with objects and land is often culturally specific: Gitksan relationship to the land as marriage vs. European concepts of ownership
property registration	physical documents vs. Registering presence via other means
suitable use	relationship with the land NOT increase in capital as colonial uses - reciprocity and stewardship, doing what's best for the land, not just the people. Co-existing. <i>Webber - Indigenous Property</i>
romanticize	becomes homogenization, dehumanization, historicization. Denial of agency, dismissive. <i>King's Dead/Live Indians</i>
Gitksan Title	"At the foundation ... Gitksan ... s <sub>c</sub> ty lies the inalienable and exclusive title [only loss of land through compensation > landmarks and contours of territory do not change] of each House to its territories and resources. This title is entrenched in a complex legal system that validates the acquisition and inheritance [inheritance through mother's line] of House territories and regulates rights of access and resource use."- <i>Neil Sterritt [bracket notes mine]</i>

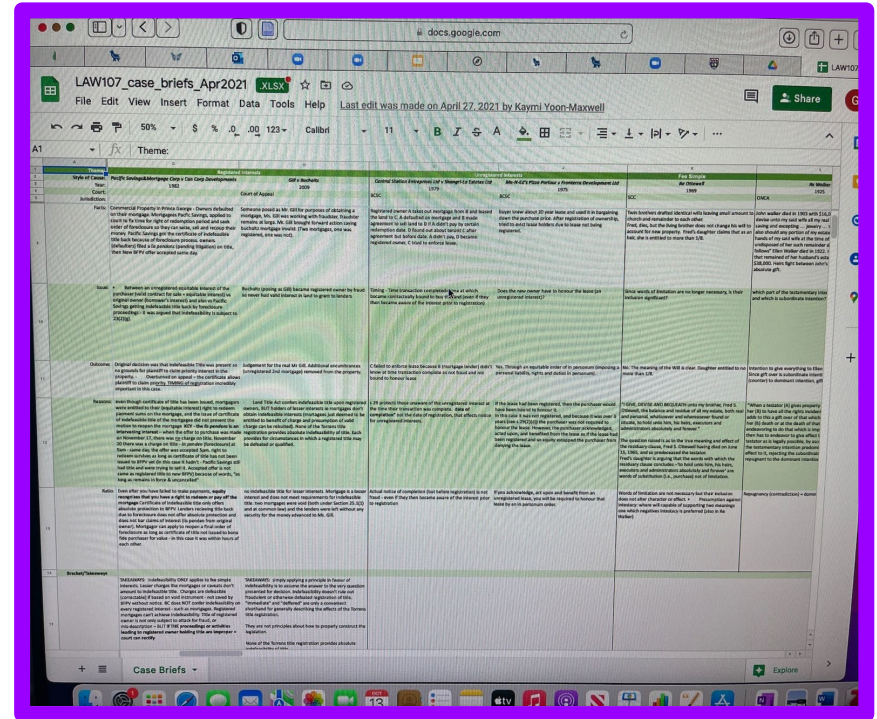
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# SPREADSHEETS

Organizing information such as cases or stories by spreadsheet can help you easily reference cases, ratio's, reasons, statutes, etc by legal issue.

You may have other programs that work better for you!



# WHAT INFORMATION SHOULD I INCLUDE?

- Big legal principles
- Relevant legislation
- Legal tests
- Very brief facts/ratios/application of facts
- Exam tips/"hot takes" from the prof - every prof's exam styles and expectations are different
- "Canned" Answers

# CANNED ANSWERS

- Write the content in your own words. (copy/paste without worry)
- Include citations in every phrase!
- Format each phrase as though you were writing it as an exam answer.
- Formulate your outline and phrases according to the IRAC format
- Unknown factor answers can be formatted like a calculus question
- Write canned cases in the same format
- Listen to the prof “this case stands for...”
- Exam instructions (page limits, format, etc)
- Include rebuttals - Prof’s often want to see both sides of the argument and their strengths.

In *Antrim Truck Centre Ltd v Ontario* (Transportation) [2013] [*Antrim*], the courts define the criteria of recovery for **damages caused by nuisance actions from a public body**, as follows: 1) damages must result from action taken under statutory authority; 2) the action would give rise to liability but for the statutory authority; and 3) damage must result from construction and not the use of the works (*Antrim*).

REASONABLE PERSON	The reasonable person test indicates that words in an act are intended for the use of <b>reasonable people</b> , and should be interpreted from the "first blush" understanding that an ordinary person of average intelligence would give to its meaning [ <i>Rizzo</i> ]. As applied in <i>Shaklee</i> , the interpretation of the word "food" was assessed in light of what a reasonable person would consider to be a "meal". In the case at hand
ambiguity	Unless an <b>ambiguity</b> arises, there is no need to search beyond the plain meaning of a word [ <i>McIntosh - majority</i> ]
rebuttal	even when the plain meaning of a word can be, on its face, unambiguous, one must also consider the consequences of such an interpretation in light of the intention of Parliament. [ <i>McIntosh - dissent</i> ]

In *Shelfer v City of London Electrical Lighting Co.* [1895] [*Shelfer*], the courts set four conditions to justify a remedy of damages rather than injunction: 1) If the damage to the plaintiff is minor; 2) If the damage is capable of being estimated monetarily; 3) If the damage can be compensated by small monetary payments; and 4) If an injunction would be oppressive to the defendant in these circumstances; then damages should be awarded (*Shelfer*).

Though the four conditions for a damage award are met, if a plaintiff's actions are "disrespectful" they may disentitle themselves from "relief" (*Shelfer*).

# KNOW YOUR CHALLENGES SO YOU CAN TAILOR YOUR OUTLINE

- If you have difficulty writing things quickly, or get stuck on words, try canning your answers.
- If exam environments cause stress where your connections to concepts and their related factors are more difficult for your brain to access, try a mind map and/or a checklist
- If you know you need to get more concise and structured, try turning your long outline into a short outline.
- If you find you have to go back and re-read the fact pattern to find the pertinent issues, try colouring your legal issues to match your highlighters.
- If you need more than the course materials to understand a legal topic, try adding CED or CAD references to your outline.
- If you waste time scrolling for cases, print out a case chart.

# TIPS & TRICKS

- Use colour, fonts, point-form, tabs, index, checklists to make reading your outline as efficient as possible
  - E.g.: use **bolding** to make keywords pop out, use **tabs** to quickly flip to a section if printed (or key-word search or nav pane)
  - Highlight in printed outlines!
  - All **[citations]** in red font for quick reference or **anything else that works**
- If using electronic outline - have links to relevant legislation e.g. *Interpretation Act, BCIA, Land Title Act*
- Hyperlinks to other parts of your outline!

# TIPS & TRICKS

- Format your outline based on the format of the exam
- Know the particulars of what your professor might be looking for
  - Do they want you talk about policy and/or law reform?
  - Some profs might care more about quantity, others prefer more analysis, others may want you to explain everything step by step?
- Try to use your outlining time to reflect on the content of the course
  - What are the *big ideas*?

# Try to explain concepts in your own words!

## Adverse Possession

- ❑ Did someone just ... take ur land?
- ❑ Honestly, it's not even legal in BC anymore [LTA s.23]
- ❑ But we do have this case [Nelson] which basically says: if u sleep on it, u lose ur title
  - ❑ Test: “open and notorious, adverse, exclusive, peaceful, actual and continuous”
  - ❑ Claimant has burden of proof to establish continuity of possession
  - ❑ Also btw in BC the acquisition of title by adverse possession was abolished in 1975, but if acquisition has occurred before that date it is still valid and can be claimed

# STARTING AN OUTLINE

- Start by visiting the LSS Website, review examples of other outlines: <http://www.uviclss.ca/blog/download-outlines>
- Ask your Amicus tutor for advice, their examples!
- Make your own! This will be the bulk of your studying. People tend to find building an outline from scratch correlated strongly with better grades.
- Consider starting your outline with headers from the class syllabus/textbook
- Timing: Start well before exam (or outline as you go??), so you can PRACTICE
- ***Remember we all have different processes***



# Work together!

- Study groups!
- Practice problems!
- Divide work & outlining and teach each other!
- Have fun!

# LLP OUTLINE

- Special format (shorter, no case briefs)
- Information you need is interpretation rules/methods and the corresponding case authorities for those rules
- Framework in the order you would answer an exam question
  - ? Ended with longer reference section/ appendix
  - ? Interpretation Act
- Review Amicus tutor LLP outlines
- Can bring in some canned paragraphs for intro if you're worried about time

## In your analysis...

### Ordinary Meaning:

- ❑ Definitions...
  - ❑ Within the Act?
  - ❑ Within the BCIA?
  - ❑ Referentially incorporated?
  - ❑ Dictionary definition? [*Riddell*]
    - ❑ If you're not given a dictionary definition... don't use one!!!
- ❑ Lists within the definition...
  - ❑ Exhaustive? ("means")
    - ❑ If yes, **cannot** use ordinary meaning!!!!!!
  - ❑ Non-exhaustive ("includes")
- ❑ Do a reasonable person test [*Shaklee*]

### Scheme:

- ❑ Is the meaning of the term consistent throughout the statute? (uniformity of expression)
- ❑ Is the interpretation consistent with the scheme of the Act? (internal coherence)
- ❑ Are there other statutes that from the same legislature that can be used to interpret this one? (horizontal coherence)
- ❑ Is the interpretation consistent with higher level enactments? (vertical coherence)
- ❑ Is there a list with a word that can have multiple meanings? (**associated meaning**) [*McDiarmid*]
  - ❑ Eg. candy, fries and chips — wood chips? Potato chips? Poker chips?

- ❑ Headings?

### Parliamentary Intent:

- ❑ Hansard?
- ❑ Legislative history? [*McIntosh*]
- ❑ Absurdity/ anomalous result? [McLachlin dissent in *McIntosh*]
- ❑ Policy concerns/ societal values? [*Merk*] [*Rizzo*]
- ❑ Legislative evolution [*SFU*]

### Grammatical and ordinary sense:

- ❑ Parliament presumed to use words in their ordinary and common meaning [*Shaklee*]
- ❑ Exceptions: legal words retain legal meaning & technical terms
- ❑ "INCLUDES": non-exhaustive /// vs. "MEANS": exhaustive (sole meaning)
- ❑ "MAY": permissive and empowering /// vs. "MUST" or "SHALL": imperative

## In your answer...

1. Intro: to statutory interpretation issues/ analysis
2. Approach to statutory interpretation
  - a. **Driedger approach** — quote it!!!!

To resolve the legal issues identified above, I will employ Driedger's Modern Approach, adopted by the Supreme Court of Canada by McLachlin J's dissent in *McIntosh* and affirmed in *Rizzo*. The Modern Approach is outlined as follows:

"Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in

Helpful to know what is actually happening in the BCIA...

## The British Columbia Interpretation Act...

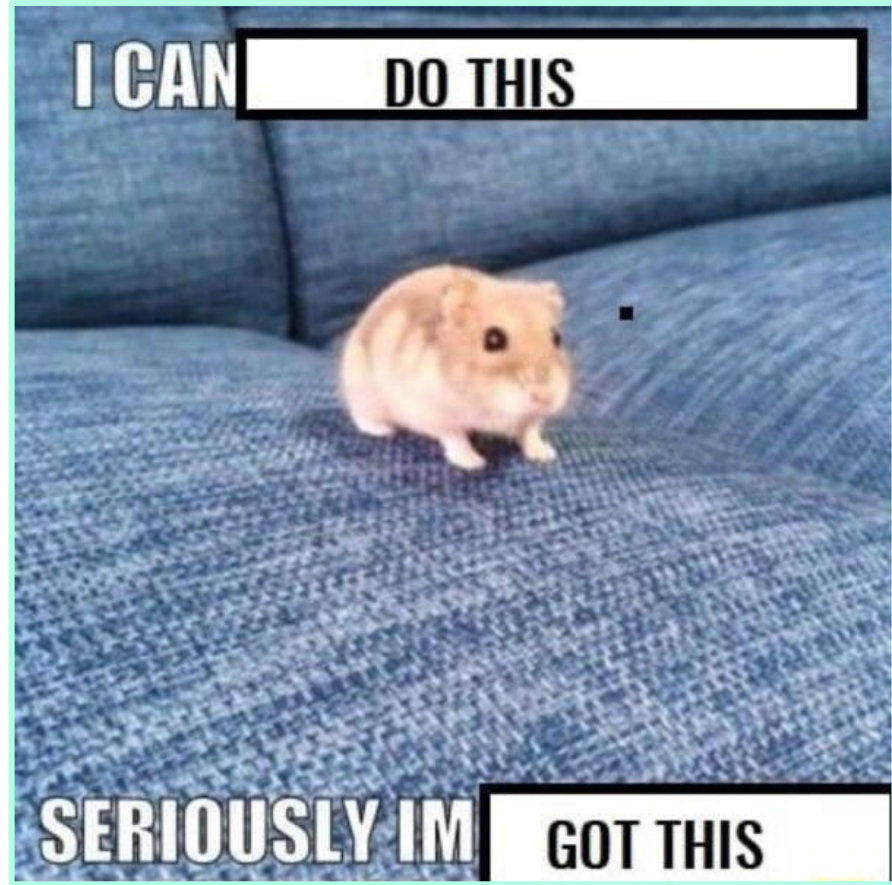
Section	Meaning
BCIA 2	Applies to all legislation, unless there's a contrary intention (express or implied) <ul style="list-style-type: none"> <li>• S. 2(3): does not displace common law rules of statutory interpretations</li> </ul>
BCIA 7	Tense: the Act is <i>always speaking</i>
BCIA 8	Every enactment must be construed as being remedial, and must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects. <ul style="list-style-type: none"> <li>• Purpose of the statute — what problem was it meant to remedy?</li> <li>• All statutes are meant to be taken as benefits conferring</li> </ul>
BCIA 9	Title & preamble are part of the enactment intended to help explain the meaning/ object
BCIA 11	Head notes and marginal notes not part of the enactment — for ease of reference only <ul style="list-style-type: none"> <li>• BCIA is silent on headings (can be given more weight?)</li> </ul>
BCIA 25	Calculation of time <ul style="list-style-type: none"> <li>• <b>General rule:</b> time period calculations exclude the first day (eg. 21 days from Oct. 1 would be Oct. 22.)</li> <li>• <b>BCIA s.25 (4)- Exception:</b> exclude both the first and last day if specified as “clear”, “at least” or “not less than” days (eg. 21 days clear from Oct. 1 would be Oct. 23)</li> <li>• Holidays include Sunday. If the deadline falls on a holiday, move to the next day. Similarly, if it falls on <u>non-business day</u>, move to the next business day.</li> </ul> <p><b>BCIA s.25(8)</b> – Age: You turn a particular age at the start of your birth anniversary (ie. at midnight)</p>
BCIA 28	Genders: include both, and corporations, BCIA s. 28(2) Singular and <u>plurals</u> are interchangeable, s. 28(3)
BCIA 29	Definitions section – these apply to all BC statutes <ul style="list-style-type: none"> <li>• "May" is to be construed as permissive and empowering;</li> <li>• "Must" is to be construed as imperative; "shall" is to be construed as imperative;</li> <li>• "Herein" used in a section or part of an enactment must be construed as referring to the whole enactment and not to that section or part only;</li> </ul>

# LLP WORKSHEET

- Useful for working through practice problems
- Makes sure you are fleshing out the strongest argument for each side
- Helps to calculate your conclusion based on the cumulative weight of each argument
- Arrange boxes in a top down Big D approach
- Use a separate sheet for each issue
- Circle Broad or Narrow at the top of each column for quick reference

ISSUE 1:	
Party: Would Want Broad/Narrow	Party: Would Want Broad/Narrow
Ordinary Meaning (Reasonable Person)	Ordinary Meaning (Reasonable Person)
Grammatical and Definitions	Grammatical and Definitions
Scheme of the Act	Scheme of the Act
Object of the Act	Object of the Act
Intention of Legislature	Intention of Legislature
Absurdity	Absurdity
Public Policy/History	Public Policy/History
Other	Other
Strength/Weight of Argument	Strength/Weight of Argument

Thanks!



LSS DROPBOX

<http://www.uviclss.ca/blog/student-resources/download-outlines/>