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FOCUS ON LEGAL RESEARCH

Legal research firms assist lawyers with research on a contract basis

By **Barb Cotton**

Are you a busy sole practitioner or a lawyer in a small or specialized firm who simply does not have the time to do the quality research or writing that is necessary to run your practice?

Do you need reliable research before you can comfortably give your client the written opinion he or she is asking for?

Are you off to court and want to be well-armed with the leading and most up-to-date authorities?

Or are you appearing in Special Chambers or before the Court of Appeal and simply do not have time to prepare that written brief or factum?

You need the services of a legal research firm.

A number of legal research firms have sprung up in Canada to fill the niche of providing high quality legal research on a contract basis, generally to solo, small firm or specialized practitioners who do not have the student pool to draw on that a large law firm typically has.

The legal research firms are staffed by fully qualified lawyers and are generally run by a principal research lawyer of many years experience, who supervises all work product. Many of the associate research lawyers have experience clerking at the courts, have been professors at the law schools or have worked for years as line lawyers in full service law firms. As lawyers, the staff at the legal research firms are bound by client confidentiality.

Practitioners retain the services of a legal research firm on a per contract basis. The scope of each project is discussed at the outset and timetable needs and budgetary concerns are discussed upfront so there are

no surprises.

The services provided by a legal research firm vary to meet the needs of the client practitioner, and can range from the provision of a simple reporting letter or research memorandum with cases and the preparation of a quantum assessment to the preparation of a more complex research memorandum and briefs and factums or other appellate documentation, including those required for an application for leave to appeal to the Supreme Court of Canada. More specialized services are also usually provided by legal research firms, including ghostwriting papers used by the busy practitioner for his or her own marketing, and research in specialized libraries such as the legislative libraries.

In the case of my company, Bottom Line Research & Communications, the end product is delivered electronically in the format of choice of the practitioner, (either Word, Wordperfect or PDF), and by way of hard copy. A Research Binder is usually prepared to accompany the primary document which will bind the cases and other materials relied on for the convenience of the practitioner.

The legal research firms have access to the latest in technology, including access to the three major computer research databases, Quicklaw, WestlaweCarswell and LexisNexis, as well as resources on the web. This means that the client practitioner can count on the research being completely up-to-date and receiving those hard-to-get unreported decisions that are often crucial. Research can be conducted in English, Commonwealth and American law, as well as Canadian.

Some legal research firms, including mine, have a policy to guard against the research lawyer becoming overly reliant on computer research - the research lawyers are required to roll up their sleeves and get into the library.

How do you retain the services of a legal research firm? Usually a phone call to the principal of the firm is all that is required, although some practitioners prefer to send written instructions by e-mail, fax or regular mail. Most legal research firms also have a website that allows for the submission of inquiries through the contact form on the website.

As there are many lawyers on staff at most legal research firms, a request for a fast turnaround time can usually be readily accommodated, as can simple requests for a reporting letter and cases. Typically it takes from one to three weeks to prepare a research memorandum. The preparation of a brief or factum usually takes a bit more time - typically three weeks to one month.

How much does it cost? Usually far less than if the research work was done internally by the practitioner. The rate of the principal research lawyer at Bottom Line Research & Communications, which provides services for Alberta lawyers, is \$130 per hour, with the associates billing out at \$125 per hour. OnPoint Legal Research Law Corporation, which provides services in British Columbia and Alberta, charges between \$125 and \$150 per hour.

At these rates, it generally costs \$750 for a reporting letter and cases, \$1,000 for a quantum assessment,

\$1,000-\$2,500 for a research memorandum, depending on the complexity, and \$4,000 for a factum. Flat fee arrangements or capped maximums can be negotiated with my company so that the practitioner knows exactly how much the research or documentation will cost.

Barb Cotton is the principal of Bottom Line Research & Communications in Calgary.