



## The Two Phenomena

- Proliferation of publically available data
- Increasing mobility increasing the need for transactional advice and adjudication

## Some Alberta Activities



### Activity

- Online databases
  - Queen's Printer
  - Alberta Justice
- CanLii

### Activity

- Multi-national firms
- Correspondent firms
- Foreign law consultant
- Inter-provincial mobility
- Experts
  - "Hot-tubbing"
  - Report only
  - Protocol for retention

### Activity

- Court to court communication in
- Insolvency
  - Multi-jurisdictional class proceedings
  - Taking evidence
  - Asset freezing orders
  - Case Management

## Pure Data

## Data + Professional Judgment

## Data + Conclusions



### Issues

- Authenticity
- Reliability
- Timeliness/  
up-to-date

### Issues

- Nature of Professional judgment
- Certification of
  - persons entitled to provide
  - person posing the question
- Nature of need for foreign law
  - high value transaction
  - low value, high importance

### Issues

- Reliability
- Authority
- Conclusiveness of certification
- Quality of information on which decision based

# The Practical Continuum

**Information**

**Application**

**Dispute Resolution**



# Example 1

- Age of majority
- Testamentary capacity
- Exceptions for minors
- Characterization of issues
  - would this minor be able to make a will in Alberta?
- Validity of will
  - is this will valid?



**Information**

**Application**

**Dispute  
Resolution**

# Example 2

- Enduring power of attorney
  - does Alberta law allow an EPA?
- Scope of attorney's authority
- Living arrangements
  - within scope
  - by what law is this decision governed?
- Authority to act
  - did the attorney have authority to make this decision?
  - can an interested party challenge?



**Information**

**Application**

**Dispute  
Resolution**

**Pure Data**

**Data +  
Professional  
Judgment**

**Data +  
Conclusions**



**Information**

How far does the principle of good government meet information requirements?  
Is the information in useable form?

**Application**

How can the demand (client) be matched with the supply (notary, lawyer, advisor)?  
How is an “expert” identified and by what criteria?  
How can the “modest resource” client be assisted?

- information
- triage
- unbundled services

**Dispute  
Resolution**

Who is responsible for access to foreign law?  
Are there costs involved?  
Would additional cost requirements improve or inhibit access to foreign law?