

Session 5

Toolkit 3



Argumentation

It is about making or proving a point by means of evidence.

It involves the following:

1. Identify the legal issue
2. Make out draft argument
3. Identify sources of evidence to support argumentation
4. Identify means of collecting evidence
5. Collect evidence in a manner to ensure that collected evidence can be reliable
6. Analyze and interpret collected evidence considering factual relevance and bias

Argumentation (cont.)

7. Match facts with evidence – ALL the facts, presented historically, must be proven
8. Organize evidence separately (*bordereau de preuves*) – respect any set provisions
9. Produce first version
10. Reread and make improvements
11. Produce final version
12. Date and sign argumentation
13. Write introductory (registered) letter with correct addresses
14. Date and sign (in some cases the signature must be authenticated)

Argumentation (cont.)

ACTIVITY: use the article 'Council of the Federation May be Effective' (pp123-124) to list the components of a research essay relative to the issue raised.

- 1) understand what the function of the council is;
- 2) look into legal aspects;
- 3) consider opinions;
- 4) consider means for collecting information;
- 5) evaluate evidence;
- 6) evaluate proposal

Argumentation (cont.)

Verbal argumentation

It involves thorough preparation along with the following:

1. Researching the issue or problem
2. Understanding both sides of the issue
3. Adopting a strategy
4. Taking detailed notes and documenting sources
5. Preparing point-by-point argumentation
6. Elaborating on details and using evidence that best supports the adopted position

Referencing

Bibliographic documentation

- Harvard

Cases

- With citations (2004: 62)
- Example: *Starson vs. Swayze (2003), 225DVR (4th), 385 (SCC)*
- Since 2001 cases are assigned a neutral citation standard: *Starson v. Swayze, 2003 SCC 32*, where '32' refers to an ordinal number referring to the decision

Statutes (2004: 222)

- Example: *Ontarians with Disabilities Act, 2001, c.32* – the long title being: *An Act to improve the identification, removal and prevention of barriers faced by persons with disabilities and to make related amendments to other Acts*; it was amended by: *Municipal Statute Law Amendment Act, 2002, c.17, Schedule c, s.18.*