

CASE STUDY

Legal Research





THE CASE

An esteemed U.S. Licensed Attorney (the “Client”), retained SKJ Juris to prepare an IRAC Memo reflecting a future course of conduct in relation to a property matter concerning the validity of exercise of testamentary power of appointment. The Client represented grandchildren of a testator (the “Ultimate Clients”) whose estate was to be bequeathed as per the dictates of two Trusts created for such estate. The Trust Agreements created testamentary power of appointment in favor of the testator with a caveat, that a Will created in exercise of the given power of appointment was to be offered for probate within 60 (sixty) days of testator’s death. An indifference to and non-observance of the said condition was to be considered a default in the exercise of the power of appointment. The daughter of the testator was named as the primary executor of the Will. Following the death of the testator, the daughter filed a petition for probate after the lapse of said 60 (sixty) days period. The Attorney desired the IRAC Memo to include case laws showcasing a future course of conduct on the dismissal of the Petition for probate on the grounds that there was an invalid exercise of power of appointment.

THE CHALLENGES

It was a complicated project with a slim deadline and was more than enough to give cold shivers.

THE APPROACH

To thoroughly bring the case within our grasp, we indulge in rigorous perusal of documents provided by a client. So, at the outset, the Project Manager thoroughly understands the various facets of a project based upon the perusal and then instructs the execution team about the intricacies and nature of legal issues to be researched on Lexis Advance. After satisfactory completion of the legal research, the team takes on the task of drafting. As quality of work is what matters the most, we engage in a 2-tier QC.



THE STRATEGY

With reference to the above discussed case, the execution team perused the documents including, the Trust Agreements, Affidavits, Petition for probate, Will, and so on. This exercise assisted the team to determine the type of the power of appointment, i.e. whether it is presently exercisable, testamentary, or postponed; besides it assisted us to determine the nature of the power of appointment as to whether it is imperative or discretionary, among other things.

Next in line was the demanding task of legal research. The team bifurcated this stage into two segments, first, it did a legal research on a general stance taken by parties and the courts in the required jurisdiction; second, it proceeded to identify a position suitable for the project at hand and came out with the most befitting case laws. After digging deep, we came across favorable case laws and included those case laws in the IRAC Memo. We also expanded our legal research beyond the required jurisdiction and were able to provide the Client with a factually similar case laws from another jurisdiction to seek valuable insights.

The last rung of the ladder was the work of drafting the IRAC Memo, which required clarity of thoughts to arrange the matter in a logical sequence. The expert draftsmen of the team completed this task. The IRAC Memo underwent first line review and final quality check by the Project Manager before delivering it to the Client. An insightful research memo, delivered within time, was the culmination of the skilled efforts of our highly skilled team members.

THE RESULT

The Client applauded the team and said "It is a quality analysis. Thank you for an excellent analysis. I doubt I could have done better. I am very pleased."