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Canadian Legal Research: What US Law Professors Should Know

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AALS 2017

Canadian Legal Research: What US Law Professors Should Know

Kim Nayer

with

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January 4, 2017



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Outline

- Context
 - Why Canadian Law?
 - Sources of Canadian law
 - Structure of government
 - Constitutional documents; key principles
-
- Takeaways:
 - Compromise and openness
 - Canadian vs US law language, process, substance differences
 - Key (and free) primary and secondary research sources
 - Legislation creation and publication
 - Court structure decision-making contrasts
 - Language of courts and distinct processes
 - Citation practice differences
 - Further reading lists and links



Why Canadian Law for US Lawyers?

- Cara's points
- Cross-border transactions
- Cross-jurisdiction disputes
- Influence of other common law systems
- Related issues from colonial history
- Persuasiveness: understanding of context



Sources of Law

- Colonies of Britain and France
- Initially, primarily received law:
 - French civil law (Quebec)
 - Three of four original provinces received British law: Upper Canada (Ontario), Nova Scotia, New Brunswick
- Some early incorporation of aboriginal law
 - Treaties
 - At present, some and growing recognition of indigenous laws



Canadian Law Milestones

- Treaties between colonies and aboriginal peoples
- *Royal Proclamation of 1763*—King George III
- *Quebec Act, 1774*, 14 Geo. III c 83
- 1867: Confederation—Constitution of Dominion of Canada
 - *British North America Act*, 30 & 31 Victoria, c 3 (UK)
- *Indian Act* SC 1876, c 18, 39 Vict, s 3



Canadian Law Milestones

- *Statute of Westminster, 1931, 22 & 23 Geo 5 c 4*
 - legislative independence of Canada from UK
 - appeals to JCPC abolished (1933: criminal; 1947: civil)
- *Canada Act 1982, 1982, c 11 (UK)*
 - patriated and renamed constitution: *Constitution Act, 1867*
 - last UK statute: s 2 ended UK legislative authority
- *Constitution Act, 1982 (Schedule B to Canada Act, 1982)*
 - Part I: *Canadian Charter of Rights and Freedoms*



Present structure of government

- Constitutional monarchy
 - British Queen = Canada's head of state
 - Executive authority vested in the Queen
 - represented by Governor General + Lieutenant-Governors
- Bicameral parliamentary system and representative democracy—British roots
- Federation:
 - federal and ten separate provincial jurisdictions deriving authority from single constitution
 - three territories with legislated authority
 - some indigenous self-government



Present constitutional documents

- *Constitution Act, 1867*

- continues in force and is read together with...

- *Constitution Act, 1982*

- http://laws-lois.justice.gc.ca/eng/Const/Const_index.html



Constitution Act, 1867

- Preamble provided for later entry of other provinces
- Preamble contemplates distinctive direction of Canada:
 - “One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom”
 - “such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire”



Constitution Act, 1867

- Continues Executive Power in Queen (Part III)
 - Executive Power extended to provinces via Lieutenant Governors, who are appointed by Governor General

- Constitutes Parliament as the Queen, the Senate, the House of Commons (Part IV)
 - Bicameral Parliament
 - Executive gives legislation force (Royal Assent)



Constitution Act, 1867

–Senate

- fixed number of senators
- appointed by Governor General (in practice as directed by Prime Minister)
- appointment for life (resignation or retirement)
- regional representation—24 per Ontario, Quebec, Maritime, West plus one per territory



Constitution Act, 1867

–House of Commons

- elected; representation by population
- number and allocation of seats alterable by ordinary legislation
- representation formula adjusted with census
- at present, 338 seats, ranging from 121 for Ontario (most populous province) to four for PEI to one for each territory



Constitution Act, 1867

- Distribution of legislative powers (Part VI)
- s 91: exclusive federal legislative authority

VS

- s 92: exclusive provincial legislative authority in enumerated areas



Constitution Act, 1867

- s 91:
- laws for the Peace, Order, and good Government of Canada (POGG)
= a broad residual power rests in federal government
- notable enumerate areas of exclusive jurisdiction:
 - 91(2) trade and commerce
 - 91(24) Indians and reservations
 - 91(26) marriage and divorce
 - 91(27) criminal law including criminal procedure
 - 91(28) penitentiaries



Constitution Act, 1867

- s 92: exclusive legislative authority of the provinces
 - s 92(7) hospitals
 - s 92(10) local works and undertakings (not interprovincial)
 - s 92(12) solemnization of marriage
 - s 92(13) property and civil rights
 - s 92(14) administration of justice; establishment of courts
 - s 92(15) enforcement of provincial laws
 - s 92(16) matters of local or private nature
(= provincial residual clause)



Constitution Act, 1867

- s 96: judges of superior courts in provinces are federally appointed from bar of the province
 - s 92(14) creates authority for provincial courts, with provincially appointed judges
 - no judge is elected in Canada
- s 101: provides for Supreme Court of Canada



Constitution Act, 1982

- Explicitly declares

“The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.”

- enables constitutional challenges to legislation
- basis for government “References” of proposed laws to SCC for constitutionality assessment



Constitution Act, 1982

- *Canadian Charter of Rights and Freedoms* (“the *Charter*”) (= Part I; ss 1 to 34)
 - applies to laws of Parliament and legislatures
 - much judicial interpretation: refer to case law
- begins with limiting clause —fundamental rights and freedoms subject to
 - “such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society”



Constitution Act, 1982

- s 2: four fundamental freedoms for everyone (not restricted to citizens, as are some rights)

“(a) freedom of conscience and religion;
(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
(c) freedom of peaceful assembly; and
(d) freedom of association.”



Constitution Act, 1982

- s 7: “Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.”
 - frequent interaction with criminal law and criminal prosecutions
 - considerable s 7 jurisprudence



Constitution Act, 1982

- related criminal procedure rights in *Charter*:
 - search and seizure
 - arbitrary detention
 - rights on arrest or detention
 - cruel and unusual treatment
 - self-incrimination
 - 9 clauses of criminal procedure rights



Constitution Act, 1982

- s 15: equality rights

“Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

–Affirmative action programs excepted

–Another key subject of litigation and judicial interpretation

- eg sexual orientation “read into” “sex” decades ago by SCC



Constitution Act, 1982

- s 33: key clause: “notwithstanding clause”
 - a legislating body may expressly declare a law operative, notwithstanding a provision in section 2 or sections 7 through 15
 - time-limited



Constitution Act, 1982

- Other limits

- cannot be construed to deny Aboriginal treaty and other aboriginal rights (s 25)

- *Charter* rights to be interpreted consistently with “multicultural heritage” of Canadians (s 27)



Constitution Act, 1982

- Outside *Charter*, s 35 constitutionalizes aboriginal and treaty rights of aboriginal peoples
 - existing and future land claims agreements
 - ongoing judicial interpretation
 - interaction with environmental, pipeline, construction projects, roadways, etc
 - present interpretation: positive “duty to consult”



Legislation creation—federal

- Bill introduced in House of Commons or Senate
- Numbered by chamber in which introduced:
- House of Commons: C-1
- Senate: S-1
 - First Reading: bill circulated; no debate
 - Second Reading: bill debated and often referred to Committee
 - Third Reading: any Committee report reviewed, bill voted on
- If passed, same process in other chamber
- If passed, receives Royal Assent (Governor General)
- Given sequential chapter number for the annual volume of statutes
 - e.g. SC 2017, c 1
- Comes into force as set out in statute



Legislation creation—federal

- Regulations prescribed under and confined to authority of enabling statute
- “Minister” or department usually authorized and responsible for creation of regulations
- Look for statute provisions authorizing regulations, for scope of regulation
- No process through Parliament
- Regulations = Canada Gazette Part II
- Consolidated periodically



Legislation creation—provincial/territorial

- Single legislative chamber (“legislature”—usually)
- Otherwise, same procedure
 - First Reading: bill circulated; no debate
 - Second Reading: bill debated and often referred to Committee
 - Third Reading: any Committee report reviewed, bill voted
- If passed, receives Royal Assent (Lieutenant Governor)
- Comes into force as set out in statute



Legislation publication, research—federal

- No codification
- Periodic print consolidation of annual statutes and their amendments: RSC
- Periodic consolidation of regulations and their amendments: CRC
 - last print consolidations = RSC 1985, CRC 1978



Legislation publication, research—federal

- Now consolidated electronically, ongoing
- Justice Laws Website—many official
- Also on CanLII—like all Canadian laws
- All Consolidated acts, regulations published since June 1, 2009 on Justice Laws = official, authenticated



Justice Laws Website—Official Consolidations

The screenshot shows a web browser window displaying the Justice Laws Website. The URL is laws-lois.justice.gc.ca/eng/ImportantNote/. The page features a blue header with the text "Justice Laws Website" and the "Canada" logo. A navigation menu includes "Family Law", "Criminal Justice", "Funding", "Canada's System of Justice", and "Laws". The breadcrumb trail is "Home → Laws Website Home → Important Note".

Note from The Department of Justice Canada

Consolidation Official

As of June 1, 2009, the consolidated Acts and regulations on the Justice Laws Website are "official", meaning that they can be used for evidentiary purposes.

Amendments made to the *Statute Revision Act*, renamed the *Legislation Revision and Consolidation Act* by chapter 5 of the 2000 Statutes of Canada, in force on June 1, 2009, authorize the Minister of Justice to publish an electronic consolidation of statutes and regulations and provide that the consolidation is evidence of those statutes and regulations. The Act also provides that, in the case of an inconsistency between the consolidated statute or regulation and the original or a subsequent amendment, the original or amendment prevails.

For the text of the relevant provisions of the *Legislation Revision and Consolidation Act*, [click here](#).

Reproductions

The Department of Justice Canada assumes no responsibility for the accuracy or reliability of any reproduction derived from the legislative material on this site.

The left sidebar contains a "Laws" menu with the following items: Constitutional Documents, Consolidated Acts, Consolidated Regulations, Annual Statutes, Statutes Repeal Act: Reports, Deferrals and Repeals, Miscellaneous Statute Law Amendment Program, and New Layout.

The bottom of the browser window shows a search bar with the word "hybrid" and search options: Highlight All, Match Case, Whole Words, and Phrase not found.

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Annual Statutes—Canada Gazette Part III

The screenshot shows the Canada Gazette website interface. At the top, there is a navigation bar with the Government of Canada logo and the text "Government of Canada" and "Gouvernement du Canada". To the right, there are links for "Canada.ca", "Services", "Departments", and "Français". Below this is a large blue banner with a red maple leaf and the text "Canada Gazette" on the left and "Canada" on the right. A search bar is located on the right side of the banner. Below the banner is a navigation menu with tabs for "Publications", "Publishing Information", "Consultation", "Help", and "Advanced Search". The main content area is titled "Part III: Vol. 40 (2017)" and contains a list of publications on the left and a main text area on the right. The list includes "Part I: Notices and Proposed Regulations", "Part I: Quarterly Index", "Part II: Official Regulations", "Part II: Consolidated Index", and "Part III: Acts of Parliament". Under "Part III: Acts of Parliament", there is a list of volumes: "Vol. 40 (2017)", "Vol. 39 (2016)", "ARCHIVED — Vol. 38 (2015)", "ARCHIVED — Vol. 37 (2014)", "ARCHIVED — Vol. 36 (2013)", "ARCHIVED — Vol. 35 (2012)", and "ARCHIVED — Vol. 34 (2011)". The main text area contains the following text: "The online PDF version of the *Canada Gazette* has been official since April 1, 2003. The first official issue was published on April 5, 2003, for Part I, April 9, 2003, for Part II, and May 14, 2003, for Part III. To read the PDF version, you must first install PDF reader software. A list of free downloadable software is available on the [Public Works and Government Services Canada](#) Web site. Please note that only the official on-line PDF version for Part III is available on our Web site. To access the **HTML format** of the most recent Acts of Parliament, please visit the [Parliament of Canada](#) Web site. The Department of Justice also maintains an online database for [consolidated statutes and consolidated regulations](#)." At the bottom right of the main text area, it says "Date modified: 2016-12-31". Below the main content area is a footer with "Terms and conditions" and "Transparency" links. At the very bottom, there is a search bar with the text "hybrid" and a dropdown menu, and a search bar with the text "hybrid" and a dropdown menu, and a search bar with the text "hybrid" and a dropdown menu.

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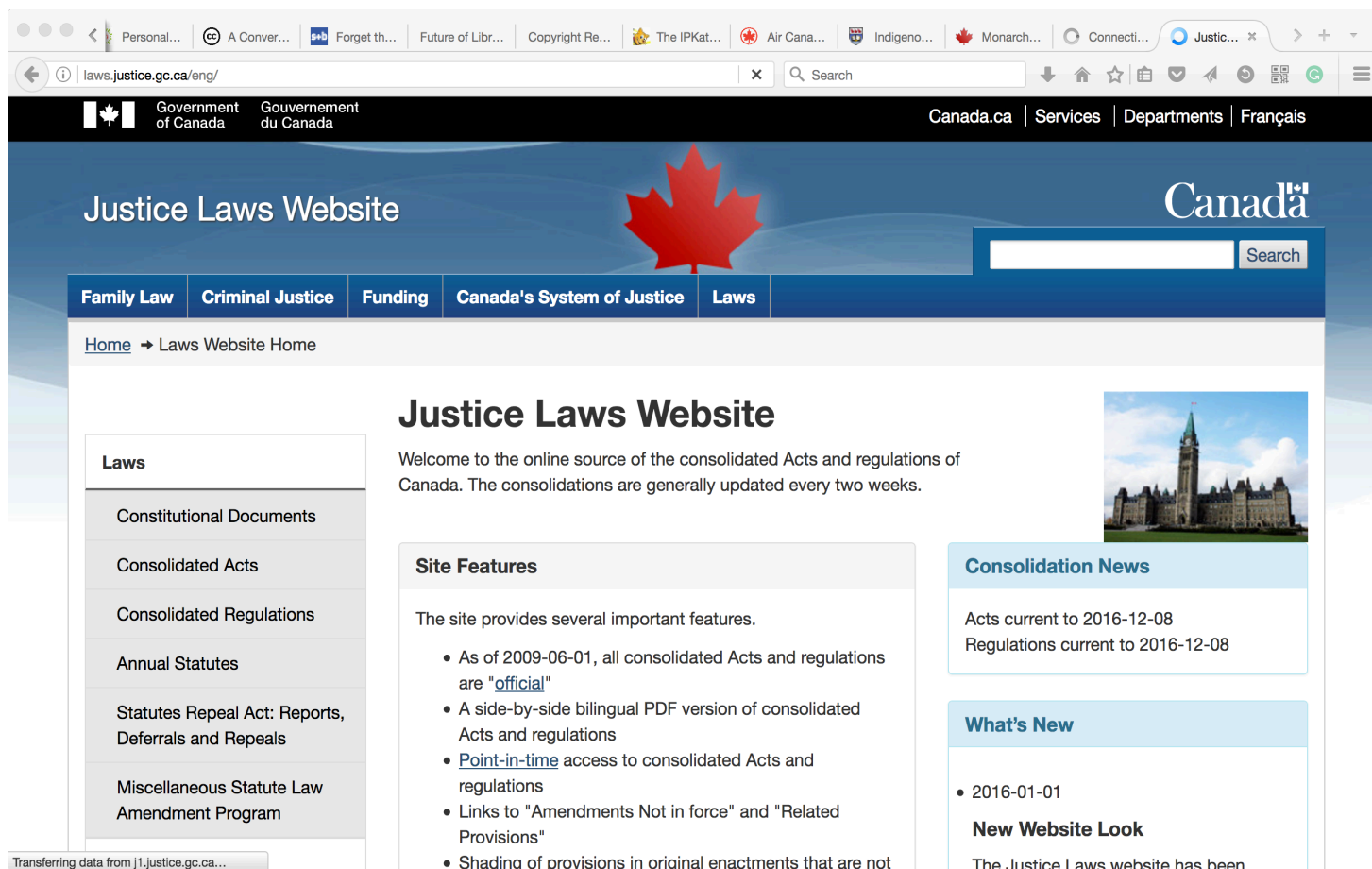
Researching federal legislation

- Justice Laws Website

- official content
- powerful advanced search templates
- tables and indexes
- find, update, trace histories
- interconnectivity among statutes and regulations
- free



Researching federal legislation



The screenshot shows the homepage of the Justice Laws Website. The browser address bar displays 'laws.justice.gc.ca/eng/'. The page features a navigation menu with categories: Family Law, Criminal Justice, Funding, Canada's System of Justice, and Laws. A search bar is located in the top right. The main content area includes a welcome message, a list of site features, and sections for consolidation news and what's new. A sidebar on the left lists various legal documents and programs.

Government of Canada / Gouvernement du Canada

Canada.ca | Services | Departments | Français

Justice Laws Website


Search

Family Law | Criminal Justice | Funding | Canada's System of Justice | Laws

Home → Laws Website Home

Justice Laws Website

Welcome to the online source of the consolidated Acts and regulations of Canada. The consolidations are generally updated every two weeks.



Laws

- Constitutional Documents
- Consolidated Acts
- Consolidated Regulations
- Annual Statutes
- Statutes Repeal Act: Reports, Deferrals and Repeals
- Miscellaneous Statute Law Amendment Program

Site Features

The site provides several important features.

- As of 2009-06-01, all consolidated Acts and regulations are "official"
- A side-by-side bilingual PDF version of consolidated Acts and regulations
- Point-in-time access to consolidated Acts and regulations
- Links to "Amendments Not in force" and "Related Provisions"
- Shading of provisions in original enactments that are not

Consolidation News

Acts current to 2016-12-08
Regulations current to 2016-12-08

What's New

- 2016-01-01

New Website Look

The Justice Laws website has been

Transferring data from j1.justice.gc.ca...

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Justice Laws—Advanced Search

laws-lois.justice.gc.ca/Search/Advanced.aspx

Justice Laws Website

Canada

Family Law ▾ Criminal Justice ▾ Funding ▾ Canada's System of Justice ▾ Laws ▾

Home → [Laws Website Home](#) → Advanced Search

Advanced Search

Search Form

all these words:

this exact phrase:

one or more of these words:

none of these words:

Search in: **Acts and Regulations** ▾

- Acts and Regulations
- Acts
- Regulations
- Annual Statutes
- Constitution
- Table of Public Statutes
- Table of Private Acts
- Help Pages
- Entire site

Title:

Enabling Act:

Chapter/Registration #:

Date (YYYY-MM-DD)

[Point-in-time help](#)

Show Titles only

[Basic Search](#) | [Search Help](#)

Date modified: 2016-12-16

Terms and conditions | Transparency

× Highlight All Match Case Whole Words Phrase not found



Justice Laws Website—Indexes, Tables

laws-lois.justice.gc.ca/eng/acts/ Search

Miscellaneous Statute Law Amendment Program

New Layout

New Layout for Legislation

Search

Basic Search

Advanced Search

Resources

Table of Public Statutes and Responsible Ministers

Table of Private Acts

Consolidated Index of Statutory Instruments

Related Resources

Help

Accessibility

Find a title

Acts by title

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Frequently Accessed Acts

- [Access to Information Act](#) PDF: 674 kB
- [Canada Elections Act](#) PDF: 4391 kB
- [Canada Labour Code](#) PDF: 2085 kB
- [Competition Act](#) PDF: 1289 kB
- [Contraventions Act](#) PDF: 491 kB
- [Controlled Drugs and Substances Act](#) PDF: 680 kB
- [Copyright Act](#) PDF: 1441 kB
- [Criminal Code](#) PDF: 7984 kB
- [Divorce Act](#) PDF: 426 kB
- [Financial Administration Act](#) PDF: 1288 kB
- [Immigration and Refugee Protection Act](#) PDF: 1481 kB
- [Income Tax Act](#) PDF: 19044 kB
- [Pension Act](#) PDF: 800 kB
- [Privacy Act](#) PDF: 632 kB
- [Youth Criminal Justice Act](#) PDF: 1236 kB



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Parliament of Canada website resources

- Links to Hansard (complete)
- Links to LEGISinfo
 - status of bills
 - links to debate speeches
 - legislative summaries by legal staff:
 - interpretation aid
 - some legislative history
 - legislative scheme relationships



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www.parl.gc.ca/Default.aspx?Language=E Search

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42nd Parliament, 1st Session

Senate



Find a senator by province or territory.

Alberta Find

Current Business

- Order Paper and Notice Paper
- Latest Journals
- Latest Debates
- No committee meetings scheduled
- Newsroom

Visit the [Senate Portal](#).

[Webcasts](#) of proceedings are available via ParIVu.

For more information on previous sittings and committee meetings, please consult the [Parliamentary Business](#)

House of Commons



Find a Member of Parliament.

Name, Postal Code, Constituency Find

Chamber Business

- Projected Order of Business
- Order Paper and Notice Paper
- Latest Journals
- Latest Debates
- Today in the House
- Search the [Hansard](#) or [Journals](#)

Committee Business

- [Committees Home](#)
- No committee meetings scheduled

Bills



Bills Before Parliament

[LEGISinfo](#) provides information on legislation dating back to the 37th Parliament in 2001.

What's New



- The [Members' Expenditures Report](#) for the second quarter of 2016-2017 and the [Public Registry of Designated Travellers](#) as at September 30, 2016 are now publicly available on [parl.gc.ca](#).

December 13, 2016



Parl.gc.ca--LEGISinfo

www.parl.gc.ca/LegisInfo/Home.aspx?language=E&ParliamentSession=42-1

Search

Additional Resources

LEGISinfo Search
Quick search by bill number or title:

Search

LEGISinfo Advanced Search

Stay in Touch
Subscribe to a news feed to get the latest updates on the following topics:

- Legislative Activities
- Legislative Summaries
- Create a custom RSS feed
- Parliament-Session (42-1)

LEGISinfo is an essential research tool for finding information on legislation before Parliament. This tool provides electronic access to a wide range of information about individual bills... (more)

The information found on this Web site is updated after each sitting.

To refine the list of bills below, choose options from the menu on the right.

All Bills for the Current Session (42nd Parliament, 1st Session)

Results 1 - 20 of 211 (approximate)

Filter By:
Parliament - Session: 42-1

Sort By: Latest Activity Date | Bill Number

Show Details Hide Details

42nd Parliament, 1st Session
C-1 An Act respecting the administration of oaths of office
Show Details Progress:

42nd Parliament, 1st Session
C-2 An Act to amend the Income Tax Act
Statute of Canada: 2016, c. 11
Show Details Progress:

42nd Parliament, 1st Session
C-3 An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2016
Short Title
Appropriation Act No. 4, 2015-16
Statute of Canada: 2015, c. 42
Show Details Progress:

42nd Parliament, 1st Session
C-4 An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, the Public Service Labour

Refine Your Search

Parliament - Session
42-1 (2015-12-03 -)
41-2 (2013-10-16 - 2015-08-02)
41-1 (2011-06-02 - 2013-09-13)
40-3 (2010-03-03 - 2011-03-26)
40-2 (2009-01-26 - 2009-12-30)
more...

Originating Chamber
Senate (41)
House of Commons (170)

Type
Senate Government Bill (4)
Senate Private Bill (1)
Senate Public Bill (36)
House Government Bill (37)
Private Member's Bill (133)

Political Affiliation
Bloc Québécois (5)
Conservative (49)
Green Party (3)
Independent (6)
Liberal (78)
NDP (70)

Status
Bills Defeated (17)
House - Senate Bills Awaiting First Reading (4)
House - At Second Reading (29)
House - At Third Reading (1)
House - At Report Stage (5)



Parl.gc.ca—LEGISinfo bill detail

www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=8062279

Introduction | FAQ | Text Mode

House Government Bill

XML Download XML Source

42nd Parliament, 1st Session
December 3, 2015 - Present

C-2 An Act to amend the Income Tax Act

Sponsor
Minister of Finance

Statute of Canada
2016, c. 11

Last Stage Completed
Royal Assent (2016-12-15)
Progress:

Status of the Bill
Show Details Hide Details

House of Commons

First Reading		
Show SITTINGS		
	First Reading	2015-12-09
Second Reading		
Show SITTINGS		
	Second Reading and Referral to Committee	2016-03-21
Committee		
STANDING COMMITTEE ON FINANCE		
Show Meetings		
Show SITTINGS		
	Committee Reporting the Bill without Amendment	2016-05-02

Report Stage

Text of the Bill
Latest Publication
All Published Versions

Status of the Bill
• **Status Overview**

Additional Information

- Speaker's Rulings and Statements
- Major Speeches at Second Reading
- *Similar Bills Introduced in Previous Sessions*
- Recorded Votes
- Coming into Force

About this Bill

- Departmental Information
- Legislative Summary
- Further Reading

LEGISinfo - Home

Bills on Today's Agenda

Bills Before Committee

Legislation at a Glance

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Parl.gc.ca—Legislative Summary

www.loppar.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?Language=E&ls=C2&Mode=1 Search



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42nd Parliament, 1st Session

Legislative Summary of Bill C-2: An Act to amend the Income Tax Act *

Status of the Bill

Adriane Yong, Economics, Resources and International Affairs Division
11 January 2016

Publication Number 42-1-C2-E PDF 317 kB, 8 pages

Contents

Any substantive changes in this Legislative Summary that have been made since the preceding issue are indicated in **bold print**.

- 1 Background
- 2 Description And Analysis
 - 2.1 Amendments to the Marginal Tax Rates for Personal Income (Clause 1)
 - 2.2 Consequential Amendments
 - 2.2.1 Charitable Donation Tax Credit (Clause 2)
 - 2.2.2 Income Earned by a Child (Clauses 3 to 4)
 - 2.2.3 Income Earned by a Trust (Clause 5)
 - 2.2.4 Taxation of Corporations and Shareholders (Clauses 6 to 8)
 - 2.2.5 Definitions (Clause 10)
 - 2.3 Amendments Concerning Tax-Free Savings Accounts (Clause 9)

Notes

1 Background

Bill C-2, An Act to amend the Income Tax Act, was introduced in the House of Commons on 9 December 2015 by the Minister of Finance, the Honourable Bill Morneau.¹

The bill changes federal personal income tax rates, reducing the second marginal tax rate from 22% to 20.5% and introducing a top marginal tax rate of 33% for a new tax

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Parl.gc.ca—LEGISinfo link to debate

www.parl.gc.ca/HousePublications/Publication.aspx?Pub=Hansard&Doc=12&Parl=42&Ses=1&Language=E

Also, would the member opposite tell us whether there has been any outside feedback from across the borders and whether the government can substantiate the data and its geographic sources, which it is reporting today?

[Collapse]

Hon. Bill Morneau:



Caucus: Liberal
Constituency: Toronto Centre
Province/Territory: Ontario

- [MP Profile](#)
- [MP Votes](#)
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© HoC

Discussed Topics:

[Income tax](#) [Public consultation](#)

Mr. Speaker, I first want to thank the hon. member for his question. I think it is an important question.

We campaigned on a commitment to have an open and transparent government. We campaigned with the commitment to listen to Canadians and to make sure we understand their views.

It was in that spirit that we took it upon ourselves to have pre-budget consultations that would be more extensive than ever before in this country. We went, as was mentioned, from coast to coast to coast. My parliamentary secretary and I started on the east coast of Canada and moved to the west coast of Canada. We made a clear objective, and we satisfied that objective of meeting with people not only from different regions across the country but from different sectors. We met with small business people. We met with farmers. We met with people from rural and urban environments. We met with chambers of commerce. We met with first nation groups. We really endeavoured to ensure that we could hear from as many people as possible.

More important, we engaged with Canadians in ways in which they wanted to be engaged; so, we had in-person consultations with people, and we also, as mentioned, had engagement over online methodology, which has not been used in the past.

Publication Explorer

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Legislation publication provincial/territorial

- Annual statutes variably published electronically
 - eg SO, SA, SBC, etc
- Statutes periodically consolidated or revised
 - eg RSO, RSA, RSBC, etc
- Provincial Gazettes Part II = regulations
- Free electronic availability across Canada
 - Official status varies: Manitoba, Ontario, Quebec, e.g.



Researching provincial/territorial legislation

- Queen's Printer, legislature websites
 - Accessibility, functionality varies: good, official (Ontario e-Laws); good, unofficial (BC Laws)
 - Hansard (Debates) available and searchable online for most jurisdictions



Researching provincial/territorial legislation

- CanLII = essential site
 - comprehensive of jurisdictions
 - browsable and searchable
 - historical comparison capabilities vary
 - link to judicial consideration of provisions
 - links to all jurisdictional legislation sites
 - current
 - free (funded by lawyers' Bar fees)



CanLII—legislation browse

www.canlii.org/en/ab/laws/index.html

CanLII Home > Alberta > Statutes and Regulations Français | English

The Law Society of Alberta

Databases

- Canada (Federal)
- British Columbia
- Alberta
- Saskatchewan
- Manitoba
- Ontario
- Quebec
- New Brunswick
- Nova Scotia
- Prince Edward Island
- Newfoundland and Labrador
- Yukon
- Northwest Territories
- Nunavut

CanLII Connects
Commentary
Other Countries

Statutes and Regulations of Alberta

These collections have been put together based on materials available on the [Alberta Queen's Printer's site](#). Before using these databases for the first time, we encourage you to read our [details page](#).

Document text ?

Legislation title or citation ?

Noteup: cited case names, legislation titles, citations or dockets ?

Consolidated Statutes of Alberta

Last updated from the [Alberta Queen's printer](#) on 2016-12-21 [About this database]



[0-9] A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Consolidated Regulations of Alberta

Last updated from the [Alberta Queen's printer](#) on 2016-12-21 [About this database]

[0-9] A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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CanLII—legislation search

www.canlii.org/en/ab/laws/index.html

CanLII Home > Alberta > Statutes and Regulations Français | English

The Law Society of Alberta

Databases

- Canada (Federal)
- British Columbia
- Alberta
- Saskatchewan
- Manitoba
- Ontario
- Quebec
- New Brunswick
- Nova Scotia
- Prince Edward Island
- Newfoundland and Labrador
- Yukon
- Northwest Territories
- Nunavut

CanLII Connects

- Commentary
- Other Countries

Statutes and Regulations of Alberta

These collections have been put together based on materials available on the [Alberta Queen's Printer's site](#). Before using these databases for the first time, we encourage you to read our [details page](#).

Document text

Legislation

Notebooks

Consolidated

Last updated

[0-9] A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Consolidated

Last updated

[0-9] A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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By Lexum for the law societies members of the Federation of Law Societies of Canada

By default, the search engine processes a space between terms as a logical AND. The following operators allow you to change this default processing.

Find	Operator (case sensitive)	Example
This exact phrase	" "	"R. v. Douglas"
All these words	AND, and , no operator	permit hunting
Any of these words	OR, or	city or municipality
None of these unwanted words	NOT, not	custody not child
Words within the same paragraph	/p	levy /p probate
Words within the same sentence	/s	tax /s income
Words within n words	/n	letter /5 credit
Exclude plurals and derivatives	EXACT(), exact()	exact (translator)

For an introduction to CanLIIs search, please review our [help page](#) and [videos](#).



CanLII—note-up for judicial interpretation

www.canlii.org/en/ab/laws/stat/rsa-2000-c-e-9/latest/rsa-2000-c-e-9.html#sec25

CanLII Home > Alberta > Statutes and Regulations > RSA 2000, c E-9

Find in document

General holidays in Alberta

25 s 25 Citing documents (6) Citation in Alberta:

- (a)
- (b) Alberta Family Day,
- (c) Good Friday,
- (d) Victoria Day,
- (e) Canada Day,
- (f) Labour Day,
- (g) Thanksgiving Day,
- (h) Remembrance Day,
- (i) Christmas Day,
- (j) any other day designated, by regulation, as a general holiday by the Lieutenant Governor in Council, and
- (k) any other day designated as a general holiday under an agreement between an employer and employees, or otherwise designated as a general holiday by an employer.

1996 cE-10.3 s25

Eligibility for general holiday pay

26(1) An employee is eligible for general holiday pay if the employee has worked for the same employer for 30 work days or more in the 12 months preceding the general holiday.

(2) An employee is not entitled to general holiday pay if the employee

- (a) does not work on a general holiday when required or scheduled to do so, or
- (b) is absent from employment without the consent of the employer on the employee's last regular work day preceding, or the employee's first regular work day following, a general holiday.

1996 cE-10.3 s26

Resolving doubts about general holiday pay entitlements



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Courts Structure—across the jurisdictions

- English-like court hierarchy applied and modified to federal structure
- Recall
 - s 101 federal authority to create Supreme Court of Canada (SCC)
 - s 92(14) provincial authority for administration of courts (courts existed in pre-Confederation provinces)
 - s 96 federal authority to appoint judges to superior courts
 - pre *Statute of Westminster* appeals to JCPC (see BAILII.org for them)



Superior and provincial courts in provinces

- Superior courts hear civil or criminal matters of federal provincial law, by federally appointed judiciary
- Regularly look to decisions of other provinces
- Provincial courts hear minor or specialized statutory matters, by provincially appointed judges



Superior and provincial courts in provinces

- Superior court judges
 - = traditionally: Your Lordship or Your Ladyship
 - = more modern: Justice _____
- Provincial court judges
 - = Your Honour
 - = Judge _____



Superior and provincial courts in provinces

- Superior courts (trial level)
 - Names vary across provinces and territories:
 - e.g. BCSC, ABQB, ONSC (Supreme Court, Queen's Bench)
- Provincial courts
 - Usually __PC
 - e.g. BCPC, ABPC (Provincial Court)
 - but ONCJ (Court of Justice)



Courts Structure—provincial Courts of Appeal

- Courts of Appeal (CA)
 - Federally appointed judges hear appeals originating in superior court or provincial court
 - CA = the highest court in the province
 - SC = a superior court at trial level
- appeals to SCC available from any CA on any matter, as of right or by leave
- Some provincial appellate justices sit as CA of territorial courts (eg. YTCA = BCCA justices)



Courts Structure—Federal Court

- no separate federal courts system in provinces
 - Federal Court (FC):
 - superior court created by the federal jurisdiction
 - sittings across country
 - *judicial review* of tribunal decisions
 - Federal Court of Appeal (FCA):
 - hears FC appeals, federal administrative tribunal appeals
 - relatively recent creation (by statute in 1971)



Administrative tribunals across Canada

- Federal and provincial administrative tribunals for matters of respective statutory jurisdiction and power
- Existence and process created and government by legislation for the particular matter or by general legislation governing administrative tribunals in the jurisdiction
- Tribunal officers not judiciary
- Judicial review or appeals to respective jurisdictional superior court or CA



Court Process--Criminal

- *Criminal Code*, RSC, 1985, c C-46
- prosecution is “the Crown” (styled “R” for the Queen or King in case name) (not The People)
- person charged is “the accused” (not the defendant)



Court Process—Criminal

- summary conviction offences—federally or provincially created
 - tried in provincial court
 - least serious
- indictable offences—federally created only
 - process varies:
 - very serious; tried before superior court judge
 - lesser indictable offences; tried by provincial court judge
 - other indictable offences; accused elects trial by judge alone or trial by judge and jury
- hybrid or dual-procedure offences—prosecutor (“Crown”) elects to proceed as indictable or summary



Court Process—Criminal

- Rights of appeal to Court of Appeal (of province)
 - from conviction by way of indictment:
 - on question of law
 - on question of mixed law and fact
 - otherwise, only by leave of appeal court
 - from sentence after conviction by way of indictment:
 - by leave of appeal court
 - from summary conviction:
 - by leave of appeal court



Court Process—Criminal

- Appeal to SCC
 - from indictment conviction affirmed by Court of Appeal
 - as of right where an appellate judge dissented on a question of law
 - by leave on a question of law without dissent
 - converse appeals by Crown



Court Process—Civil

- civil litigation:
 - person who brings action is “plaintiff”
 - plaintiff files “statement of claim”
 - person defending suit is “defendant”
 - defendant files “statement of defence”
 - or statement of defence and counterclaim
 - with reply to counterclaim by plaintiff
 - pre-trial disclosure/exchange of relevant documents is “discovery”
 - trial results in judgment



Court Process—Civil

- Appeal by unsuccessful plaintiff or defendant as of right to Court of Appeal of the province
 - Standards of review: usually, questions of law or mixed fact and law
 - Factum format prescribed by rules of court of the Court of Appeal of the province



Court Process—Civil

- Appeal to Supreme Court of Canada only by leave
 - Leave applications without oral hearing
 - Questions of law; of national importance
 - Appeals: written and oral argument; no *viva voce*
 - Factum format prescribed by rules of SCC



Publication and Research of Cases

- Court case decisions from all jurisdictions freely available and current on CanLII
- Some provinces and the federal courts also host court decisions, some official
- Some excluded from publication (privacy)
- Most administrative tribunal decisions available on CanLII
- Some tribunal websites host own also



CanLII home

www.canlii.org/en/ Français | English

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| Saskatchewan | Nova Scotia | Nunavut |
| Manitoba | Prince Edward Island | |

CanLII Connects

- 2016-12-30 [Ballim upholds Howard v. Benson, clarifies fixed-term employe...: Ballim v Bausch & Lomb Canada Inc., 2016 ONSC 6307 \(CanLII\)](#)
- 2016-12-30 [The Humanitarian and Compassionate Application: A Widening Door: Shrestha v. Canada \(Citizenship and Immigration\), 2016 FC 1370 \(CanLII\)](#)
- 2016-12-29 [ONTARIO COURT OF APPEAL SUMMARIES \(DEC. 19 - 23, 2016\) : Tran v. University of Western Ontario, 2016 ONCA 978 \(CanLII\)](#)
- 2016-12-29 [ONTARIO COURT OF APPEAL SUMMARIES \(DEC. 19 - 23, 2016\) : Toronto-Dominion Bank v. Konga, 2016 ONCA 976 \(CanLII\)](#)

Other resources

- [Commentary](#)
- [Other Countries](#)

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CanLII—Province example

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- Newfoundland and Labrador
- Yukon
- Northwest Territories
- Nunavut

CanLII Connects
Commentary
Other Countries

Alberta

Document text ?

Case name, legislation title, citation or docket ?

Noteup: cited case names, legislation titles, citations or dockets ?

Legislation

Statutes and Regulations

Courts ⁱ

		Continuous coverage	Last update	Number of decisions
ABCA	Court of Appeal	1970 -	2016-12-23	17,039
ABQB	Court of Queen's Bench	1971 -	2016-12-23	22,724
ABPC	Provincial Court	1998 -	2016-12-23	5,397

Boards and Tribunals ⁱ

ABESU	Alberta Employment Standards Umpire	2000 -	2016-11-07	279
ABGAA	Alberta Grievance Arbitration Awards	2007 -	2016-12-19	863
AHRC	Alberta Human Rights Commission	2000 -	2016-12-12	210
ABLRB	Alberta Labour Relations Board	2008 -	2016-12-23	774
ABLCB	Alberta Land Compensation Board	2004 -	2016-12-08	120
ABLERB	Alberta Law Enforcement Review Board	2013 -	2016-12-09	164
ABPLAB	Alberta Public Lands Appeal Board	2015 -	2016-08-11	37



CanLII case publication example

www.canlii.org/en/ab/abqb/doc/2016/2016abqb42/2016abqb42.html#showHeadnotes

CanLII Home > Alberta > Court of Queen's Bench > 2016 ABQB 42 (CanLII)

Find in document

R v Eddy, 2016 ABQB 42 (CanLII)

Date: 2016-01-21

Docket: 120435839Q1

Citation: R v Eddy, 2016 ABQB 42 (CanLII), <http://canlii.ca/t/gn8kr>, retrieved on 2017-01-01

Cited by 3 documents

Headnotes

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CanLII Connects

No summaries or commentary from the legal community available — [Add your own](#)

Related decisions

Court of Queen's Bench

[R v Eddy, 2015 ABQB 744 \(CanLII\) - 2015-11-24 Cited by 1 document](#)

Legislation cited

[Bank Act, SC 1991, c 46 — 2 Cited by 2,135 documents](#)

[Canada Evidence Act, RSC 1985, c C-5 Cited by 3,682 documents](#)

[Constitution Act, 1982, The, Schedule B to the Canada Act 1982 \(UK\), 1982, c 11 — 8; 11 Cited by 36,182 documents](#)

[Controlled Drugs and Substances Act, SC 1996, c 19 Cited by 9,605 documents](#)

[Criminal Code, RSC 1985, c C-46 — 489.1; 490; 540\(7\); 648\(1\) Cited by 112,459 documents](#)

[Excise Tax Act, RSC 1985, c E-15 Cited by 4,339 documents](#)

[Income Tax Act, RSC 1985, c 1 \(5th Supp\) Cited by 7,363 documents](#)

[Operator Licensing and Vehicle Control Regulation, Alta Reg 320/2002 Cited by 50 documents](#)

[Personal Information Protection Act, SA 2003, c P-6.5 Cited by 305 documents](#)

[Privacy Act, RSC 1985, c P-21 Cited by 1,001 documents](#)

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CanLII case noteup example

www.canlii.org/en/#search/origin1=/en/ab/abqb/doc/2016/2016abqb42/2016abqb42.html&nquery1=2016 # Search

CanLII
The Canadian Legal Information Institute

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Document text ?

Case name, legislation title, citation or docket ?

Citing R v Eddy, 2016 ABQB 42 (CanLII) x ?

or Noteup: cited case names, legislation titles, citations or dockets ?

All CanLII (3) Cases (3) Legislation (0) Commentary (0)

All jurisdictions ▾ By Relevance ▾

- Alberta (Attorney General) v Malin**, 2016 ABCA 396 (CanLII) — 2016-12-12
Court of Appeal — Alberta
certiorari — criminal — standing — proceedings — mandamus
[...] As an aside, we note that the interpretation of the Code in the Decision has since been approved by another judge of that same Court in R v Eddy, **2016 ABQB 42 (CanLII)** at paras 102-103. [...]
- R. c. Martin**, 2016 QCCS 6019 (CanLII) — 2016-11-04
Superior Court — Quebec
échantillons sanguins prélevés — fins médicales — secret professionnel — accusé — communication
[...] [9] R. v. Eddy, **2016 ABQB 42 (CanLII)**, paragr. 100. [...]
- ORDER F2016-41**, 2016 CanLII 82087 (AB OIPC) — 2016-10-07
Office of the Information and Privacy Commissioner — Alberta
physical address — personal information — investigation — enforcement — records




Supreme Court of Canada site

- Judgments
- Case information and summaries
- Procedural history
- Facts of parties
- Webcasts/archives of proceedings for appeals heard



Supreme Court of Canada: judgments

scc-csc.lexum.com/scc-csc/en/nav.do

Judgments of the Supreme Court of Canada by  lexum FRANÇAIS

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The Lexum collection contains the [Supreme Court of Canada](#) judgments since its creation in 1875 and judgments in leave applications since 2006. The collection is updated within minutes of the public release of the judgments by the Court.

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Supreme Court Judgments

Applications for Leave

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1. [Christy Turner, et al. v. Bell Mobility Inc., et al.](#) - 2016-12-22



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SCC website: features

The screenshot shows the homepage of the Supreme Court of Canada website. At the top, the URL is www.scc-csc.ca/home-accueil/index-eng.aspx. The page features the Supreme Court of Canada logo and name in both English and French. A search bar is located in the top right corner. Below the header is a navigation menu with categories: The Court, Cases, Electronic Filing, Act and Rules, Library, Resources, and Visit the Court. The main content area is titled "Word of Welcome from the Chief Justice of Canada" and features a portrait of Chief Justice Beverley McLachlin. To the right of the portrait is a quote from her. Further right is a "Quick Access" sidebar with links to various resources. On the far right is a "Latest on Twitter" section showing recent tweets from the Supreme Court of Canada.

Supreme Court of Canada

Supreme Court of Canada / Cour suprême du Canada

Français

The Court ▾ Cases ▾ Electronic Filing ▾ Act and Rules ▾ Library ▾ Resources ▾ Visit the Court ▾

Word of Welcome from the Chief Justice of Canada



The Rt. Hon. Beverley McLachlin, P.C.,
Chief Justice of Canada
Credit : Roy Grogan, photographer
SCC Collection

"Canadians are privileged to live in a peaceful country. Much of our collective sense of freedom and safety comes from our community's commitment to a few key values: democratic governance, respect for fundamental rights and the rule of law, and accommodation of difference. Our commitment to these values must be renewed on every occasion, and the institutions that sustain them must be cherished. Among those institutions, I believe that Canadian courts, including the Supreme Court of Canada, play an important role. A strong and independent judiciary guarantees that governments act in accordance with our Constitution. Judges give effect to our laws and give meaning to our rights and duties as Canadians. Courts offer a venue for the peaceful resolution of disputes, and for the reasoned and dispassionate discussion of our most pressing social issues. Every judge in Canada is committed to performing this

Quick Access

- [Ceremony in honour of the Honourable Malcolm Rowe](#)
- [Amendments to the Rules of the Supreme Court of Canada](#)
- [SCC Case Information](#)
- [Scheduled Hearings and Webcasts](#)
- [Archived Webcasts](#)
- [Resources for Media](#)
- [Resources for Self-Represented Litigants](#)
- [Guidelines for Preparing Documents to be Filed with the SCC \(Print and Electronic\)](#)
- [Statistics 2005-2015](#)
- [Site Map](#)

Latest on Twitter

Tweets by @SCC_eng

-  Supreme Court Canada @SCC_eng
Bulletin of Proceedings for December 23, 2016. #SCCBulletin goo.gl/TB2nj6
23 Dec
-  Supreme Court Canada @SCC_eng
Judgments in Leave Applications rendered today. #SCCLeaveApplication goo.gl/Z6aQla
22 Dec
-  Supreme Court Canada @SCC_eng
Bulletin of Proceedings for December 16, 2016. #SCCBulletin goo.gl/U38tfc

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SCC website: case information

www.scc-csc.ca/case-dossier/info/dock-regi-eng.aspx?cas=36081

The Court ▾ Cases ▾ Electronic Filing ▾ Act and Rules ▾ Library ▾ Resources ▾ Visit the Court ▾

Home ▸ Cases ▸ SCC Case Information ▸ Docket

Cases

- Appeals Ready for Hearing
- Scheduled Hearings
- Archived Webcasts
- Statistics 2005 to 2015
- SCC Case Information

New Search

Docket

Parties

Counsel

Summary

Memorandums of Argument on Application for Leave to Appeal

Factums on Appeal

Webcast

Judgments

Judgments, News Releases and Bulletins of Proceedings

Access to Court Records

Policy for Access to Supreme Court of Canada Court Records

Additional Information about Court Records available on this website

Request for Registered Access to Court Records

Request for Court Records

Docket

36081

David Pelham, Warden of the Bowden Institution, et al. v. Omar Ahmed Khadr (Alberta) (Criminal) (By Leave)

Proceedings

Date	Proceeding	Filed By (if applicable)
2015-05-27	Transcript received, (98 pages)	
2015-05-26	Appeal closed	
2015-05-21	Correspondence received from, counsel for the appellants, David Pelham, Warden of the Bowden Institution and the Attorney General of Canada, consenting to the request made by the respondent to have the judgment amended.	David Pelham, Warden of the Bowden Institution
2015-05-20	Correspondence received from, counsel for the respondent requesting an amendment to the judgment on appeal.	Omar Ahmed Khadr
2015-05-15	Formal judgment sent to the registrar of the court of appeal and all parties	
2015-05-15	Judgment on appeal and notice of deposit of judgment sent to all parties	
2015-05-14	Judgment on the appeal rendered, REVISED May 28, 2015, CJ Abe Ro Cro Mo Ka Wa Ga Côt, The appeal from the judgment of the Court of Appeal of Alberta (Edmonton), Number 1303-0267-AC, 2014 ABCA 225, dated July 8, 2014, was heard on May 14, 2015, and the Court on that day delivered the	



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SCC: searchable judgments

The screenshot shows a web browser window with the URL `scc-csc.lexum.com/scc-csc/scc-csc/en/nav_date.do`. The page title is "Supreme Court Judgments". There is a search bar with the text "Search" and a magnifying glass icon. Below the search bar is a link for "Advanced Search". The main content is a table with columns for "DATE", "CASE NAME", "NEUTRAL CITATION", and "REPORT". The "DATE" column is expanded to show a grid of years from 2010 to 1940. The year 2016 is highlighted in the "NEUTRAL CITATION" column. To the right of the table is a sidebar with the "lexbox" logo, a description "Organize your legal research record with our FREE Google Chrome extension.", and buttons for "Download Lexbox", "Follow Lexum", "Mailing List", and "RSS Feed".

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Decisions > Supreme Court Judgments > Date: 2016

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Supreme Court Judgments

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DATE		CASE NAME		NEUTRAL CITATION		REPORT			
				2016	2015	2014	2013	2012	2011
2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
2000	1999	1998	1997	1996	1995	1994	1993	1992	1991
1990	1989	1988	1987	1986	1985	1984	1983	1982	1981
1980	1979	1978	1977	1976	1975	1974	1973	1972	1971
1970	1969	1968	1967	1966	1965	1964	1963	1962	1961
1960	1959	1958	1957	1956	1955	1954	1953	1952	1951
1950	1949	1948	1947	1946	1945	1944	1943	1942	1941
1940	1939	1938	1937	1936	1935	1934	1933	1932	1931

lexbox
by Lexum
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Follow new decisions in real time

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Key finding Tools (Print and electronic)

- Encyclopedic sources (~Am Jur)
 - CED (Canadian Encyclopedic Digest)
 - WestlawNext Canada
 - multivolume looseleaf
 - Halsbury's Laws of Canada
 - Lexis Advance Quicklaw
 - multivolume hardbound



Key finding Tools (Print and Electronic)

- Case digests (~American Digest)
 - Canadian Abridgment
 - print multivolume set
 - WestlawNext Canada database
 - Canada (Topical) Digests
 - electronic only
 - topical databases in Lexis Advance Quicklaw
 - Canada Criminal Digest, Canada Aboriginal Digest, etc



Commercial publication of Canadian Law

- Key commercial publishers
 - Carswell
 - Thomson Reuters Canada (owner of Westlaw)
 - WestlawNext Canada
 - LexisNexis Canada
 - owner of former CCH Canada
 - (No Bloomberg)

 - University presses (UBC, Toronto, etc)
 - Irwin Law, Emond
 - law school texts



Canadian Legal Research—Essential Titles

- Fitzgerald et al, *Looking at Law: Canada's Legal System*, 6th ed (Toronto: LexisNexis, 2010)
- McCormack and Léonard, *Updating Statutes and Regulations for All Canadian Jurisdictions*, 5th ed (Toronto: Carswell, 2012)
- McCarney et al, *Comprehensive Guide to Legal Research, Writing & Analysis*, 2d ed (Toronto: Emond, 2016)
- McCormack et al, *The Practical Guide to Canadian Legal Research*, 3d ed (Toronto: Carswell, 2010)
- Kierstead et al, *The Law Workbook: Developing Skills for Legal Reserach and Writing*, 2d ed (Toronto: Emond, 2012)



Canadian Legal Research—Essential sites

- CanLII
 - <http://www.canlii.org/>
- Supreme Court of Canada
 - <http://www.scc-csc.ca/home-accueil/index-eng.aspx>
- Judgments of the SCC
 - <http://scc-csc.lexum.com/scc-csc/en/nav.do>
- Justice Laws Website
 - <http://laws.justice.gc.ca/eng/>
- Parliament of Canada
 - <http://www.parl.gc.ca/Default.aspx?Language=E>
- LEGISinfo
 - <http://www.parl.gc.ca/LegisInfo/Home.aspx>



Library of Congress Classification and Subject Headings

- KF Modified in use in some law libraries
 - Modification of KF for Canadian law materials
- new LC classification used widely
 - KE—Canadian law
 - Indigenous laws and Canadian Indigenous peoples: KIB, KIC, and KID
- (LC currently without dedicated Canadian specialist)



Citation

- Traditional equivalent to Bluebook = “McGill Guide”
 - aka *Canadian Guide to Uniform Legal Citation*, 8th ed (Toronto: Carswell, 2014)
 - law reviews and journals
 - not generally required by courts
 - Appendix C: Abbreviations
- Open access alternative: UBC Legal Citation Guide
 - <http://guides.library.ubc.ca/legalcitation/>
- Open access citation guide in development



Case citation

- Modern: Neutral Citation Standard
- Used uniformly across Canada
- Incorporated in Canadian Judicial Council's *Canadian Guide to the Uniform Preparation of Judgments*
- Dates to 1998 for some jurisdictions
 - Court-issued; publisher- and platform-independent
 - Case name, year, jurisdiction abbreviation, court/tribunal abbreviation, sequential number
 - Judgments issued with paragraph numbering



Recommended Research Guides

- The Canadian Legal Research and Writing Guide
–<http://legalresearch.org/>
- Queen's U—Law research guides
–<http://library.queensu.ca/search/subject/law>
- Legal Research and Writing Guide, UVic
–<http://libguides.uvic.ca/lrw>
- Legal Research and Writing: Ted Tjaden
–<http://www.legalresearchandwriting.ca/index.htm>

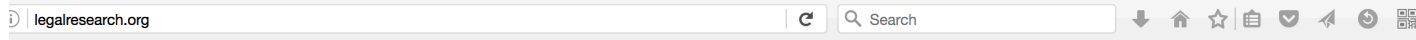


Similar terms; different meanings

- Judicial review—court review of administrative tribunal decision or action: excess of jurisdiction, fairness, etc)
- Executive—not a “branch”: cabinet members will have been elected, then selected by prime minister or premier
- Civil rights (in constitutional)—relations between individuals



Canadian Legal Research and Writing Guide



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How this guide can help you

This guide can help you develop an effective [Step-by-Step Legal Research Process](#), learn when and how to use particular resources, and better understand statutory research and electronic searching. Links to free online resources and lists of leading publications can help you conduct your research. Material on writing and analysis can help to improve your legal writing and reasoning.

Research Essentials

Effective strategies and techniques for Canadian legal research, including how to research commentary, cases and legislation, and use citators and finding tools.



Electronic Research

Bookmark list, guides, and search syntax charts to help you use CanLII, WestlawNext Canada, Quicklaw and other electronic research tools.



Statutory Research

Become proficient in researching Canadian federal and provincial statutes and regulations in print and electronically.



Writing & Analysis

Learn how to improve your legal reasoning, write a legal memorandum, and properly cite authorities.



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The *Best Guide to Canadian Legal Research* has been freely available on the Internet since 1998. The original author and publisher was Catherine Best. The site grew out of... [more >](#)

Justice Canada cuts legal research positions and library resources

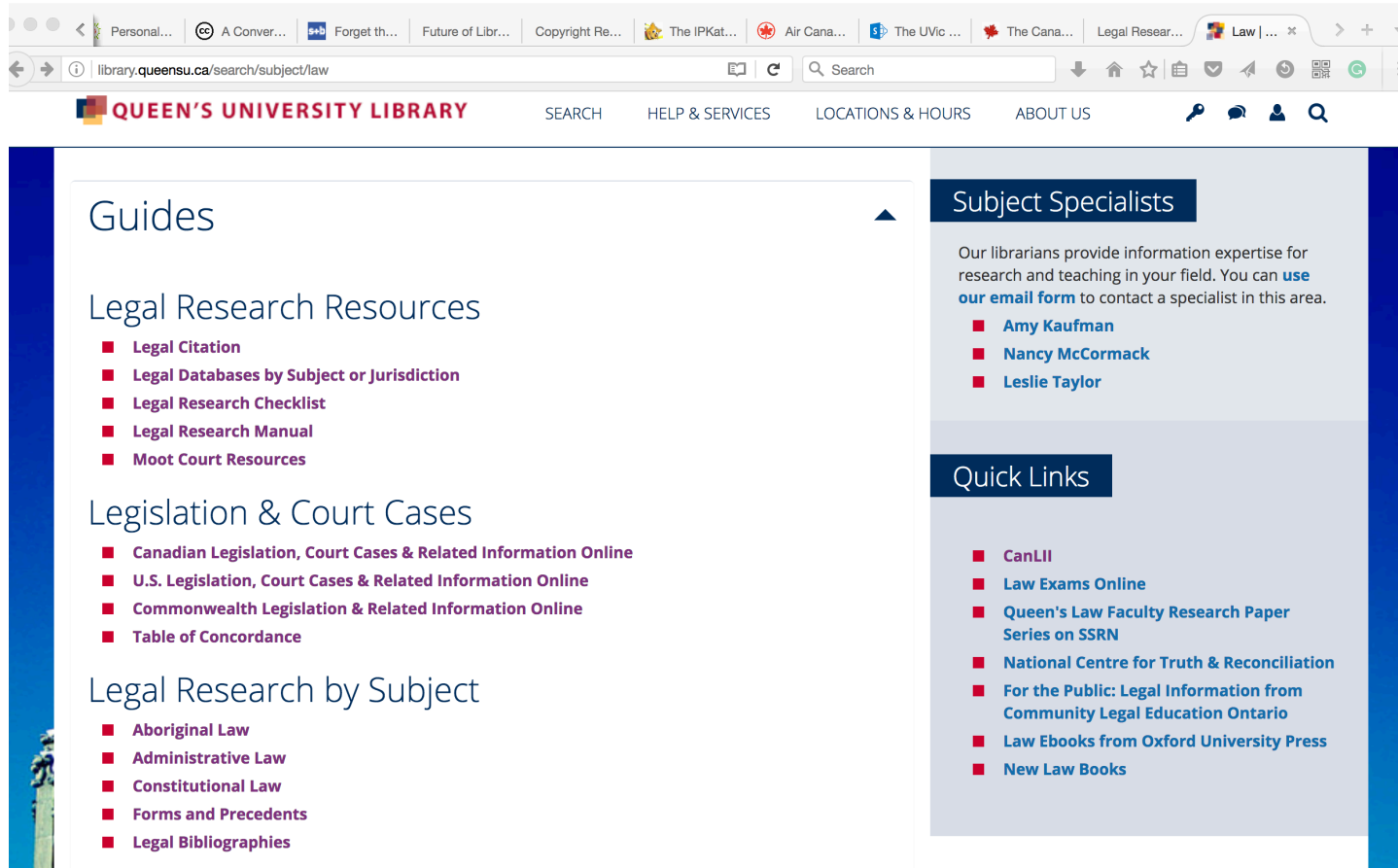
MAY 11TH, 2014 • NO COMMENTS

In an article published in the *Globe and Mail*, the Canadian



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Queen's U—Law Research Guides



The screenshot shows a web browser window with the URL library.queensu.ca/search/subject/law. The page header includes the Queen's University Library logo and navigation links: SEARCH, HELP & SERVICES, LOCATIONS & HOURS, and ABOUT US. The main content area is divided into three sections:

- Guides**
 - Legal Research Resources
 - Legal Citation
 - Legal Databases by Subject or Jurisdiction
 - Legal Research Checklist
 - Legal Research Manual
 - Moot Court Resources
 - Legislation & Court Cases
 - Canadian Legislation, Court Cases & Related Information Online
 - U.S. Legislation, Court Cases & Related Information Online
 - Commonwealth Legislation & Related Information Online
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 - Forms and Precedents
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 - For the Public: Legal Information from Community Legal Education Ontario
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 - New Law Books

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•Queen's—Legal Research Manual

<http://guides.library.queensu.ca/legal-research-manual>

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Legal Research Manual

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Introduction

This edition of Legal Research Manual builds on many previous editions. While the manual is designed principally for use by first year law students, upper year law students will also find it a useful reference.

The number of print and electronic tools available for research at law school as well as in practice is considerable. The tool or process that works best for one research issue might not be suitable for the next, and determining which sources to consult and search often depends on the nature of the question. While it is true that electronic legal research tools have made research quicker and sometimes easier, researchers are wise to be skeptical about claims by legal publishers concerning their "star" product. No matter how sophisticated the legal research tool, it never eliminates the need to think through a problem and prepare a research plan carefully. As the technology becomes more sophisticated and the number of research sources increases, the need for thorough analysis, logical organization, clear writing, and good judgment in knowing where to start and where to stop one's research remains.



•Queen's—Legal Bibliographies

<http://guides.library.queensu.ca/legal-bibliographies>

The screenshot shows a web browser window displaying the Queen's University Library website. The browser's address bar shows the URL library.queensu.ca/law/bibliographies.htm. The website header includes the text "Lederman Law Library" and "charting paths to discovery" with the Queen's University logo. Below the header, the page is titled "Lederman Law Library" and "Select Bibliographies". The main content area contains a list of legal topics, including "Aboriginal Law", "Administrative Law", "Constitutional Law", "Contracts", "Corporate & Commercial", "Criminal Law", "Dictionaries", "Employment Law", "Environmental Law", "Evidence", "Family Law", "Health Law", "Insurance Law", "Intellectual Property", "International Law", "Law Films – Educational & Documentary", "Labour Law", "Legal Systems of the World", "Military Law", "Property Law", "Remedies", "Tax Law", "Tort Law", and "Wills and Estates". A "Last Updated: 19 July 2016" notice is visible in the bottom right corner of the page content.

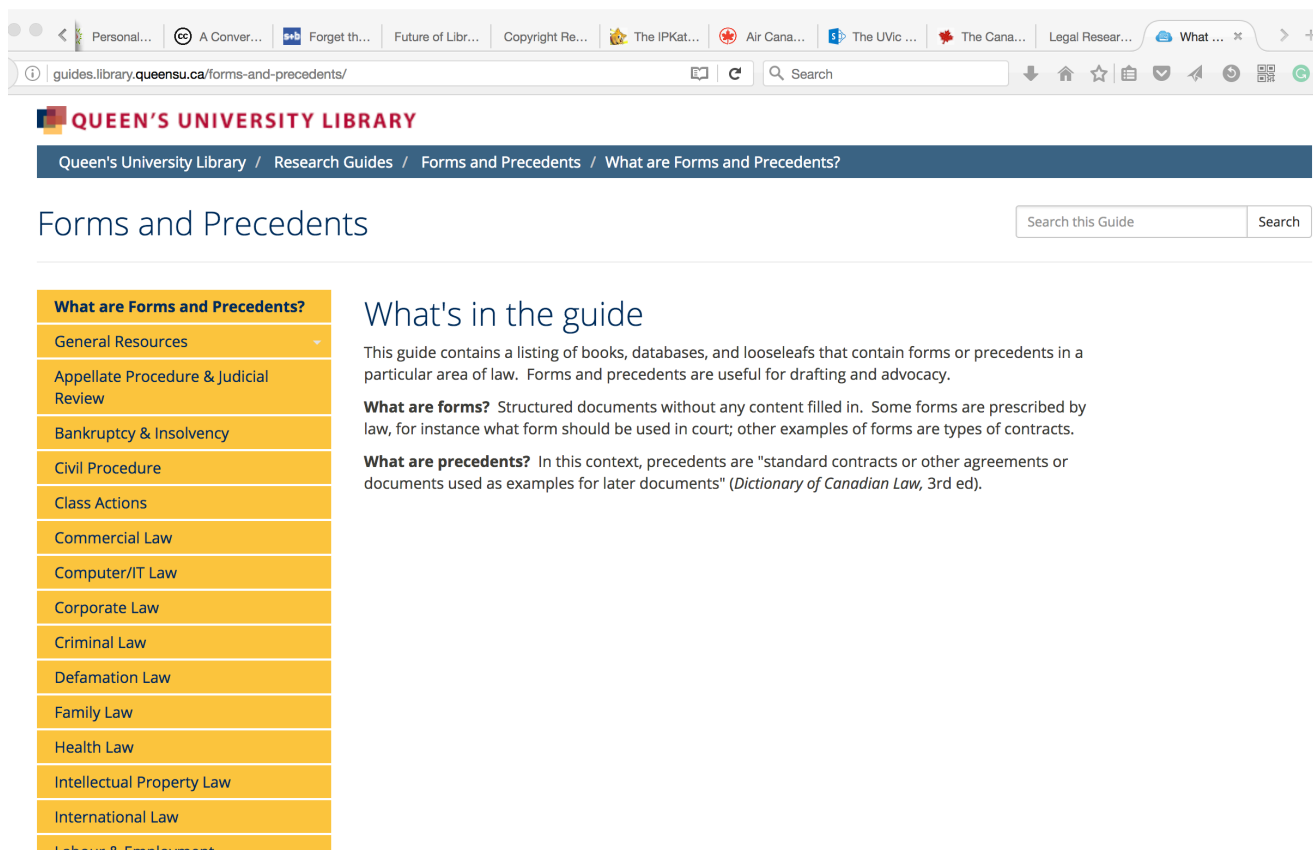
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•Queen's—Forms and Precedents

<http://guides.library.queensu.ca/forms-and-precedents>



The screenshot shows a web browser window with the URL guides.library.queensu.ca/forms-and-precedents/. The page header includes the Queen's University Library logo and a breadcrumb trail: Queen's University Library / Research Guides / Forms and Precedents / What are Forms and Precedents?. Below the header is a search bar labeled 'Search this Guide' and a 'Search' button. The main content area is titled 'Forms and Precedents' and features a sidebar with a list of legal topics. The 'What are Forms and Precedents?' section is highlighted in yellow. The main text area contains the following information:

What's in the guide

This guide contains a listing of books, databases, and looseleaves that contain forms or precedents in a particular area of law. Forms and precedents are useful for drafting and advocacy.

What are forms? Structured documents without any content filled in. Some forms are prescribed by law, for instance what form should be used in court; other examples of forms are types of contracts.

What are precedents? In this context, precedents are "standard contracts or other agreements or documents used as examples for later documents" (*Dictionary of Canadian Law*, 3rd ed).

What are Forms and Precedents?

- General Resources
- Appellate Procedure & Judicial Review
- Bankruptcy & Insolvency
- Civil Procedure
- Class Actions
- Commercial Law
- Computer/IT Law
- Corporate Law
- Criminal Law
- Defamation Law
- Family Law
- Health Law
- Intellectual Property Law
- International Law
- Labour & Employment

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UVic Law Library—Legal Research & Writing

The screenshot shows a web browser window with the URL `libguides.uvic.ca/c.php?g=256753&p=1714243`. The page header includes the University of Victoria Libraries logo and a search bar. The main content area is titled 'Legal research and writing' and features a navigation menu on the left with options like Home, First steps, Secondary sources, Legislation, Case law (selected), Digests, Finding case law, Judicial treatment, Legal writing, Research guides, and Citation help. The main content is divided into three sections: 'About case law', 'Authority of case law', and 'Accessing case law'. The 'About case law' section explains that case law is a primary source of legal information, collected in case reporters and online databases. The 'Authority of case law' section discusses the principle of *stare decisis* and the binding nature of case law. The 'Accessing case law' section provides entry points to case law through secondary sources like treatises, encyclopedias, and digests.

libguides.uvic.ca/c.php?g=256753&p=1714243

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Legal research and writing

Search this Guide Search

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First steps

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About case law

Like [legislation](#), case law is a primary source of legal information. Case laws are decisions of courts, tribunals and other adjudicative bodies that are responsible for rendering a decision on a matter put before them or between parties.

Cases are collected in case reporters. Reporters can be based on topic, region, court or tribunal level.

Cases also are collected in online databases that are arranged by topic, region, court or tribunal. Some of these databases are freely available on the web; others are edited and available by subscription.

Authority of case law

Case law is mandatory authority and may establish the law in areas not governed by statute and may also establish judicial interpretations of legislation. Case law forms precedent for other courts to apply, in accordance with principle of *stare decisis*: In general, lower courts are bound by decisions of higher courts on the same point of law in similar or comparable circumstances. Decisions of the same level or from other jurisdictions are of persuasive authority. Sometimes, an appellate court will consider itself bound by another decision of the same appellate court on the same point, but not always.

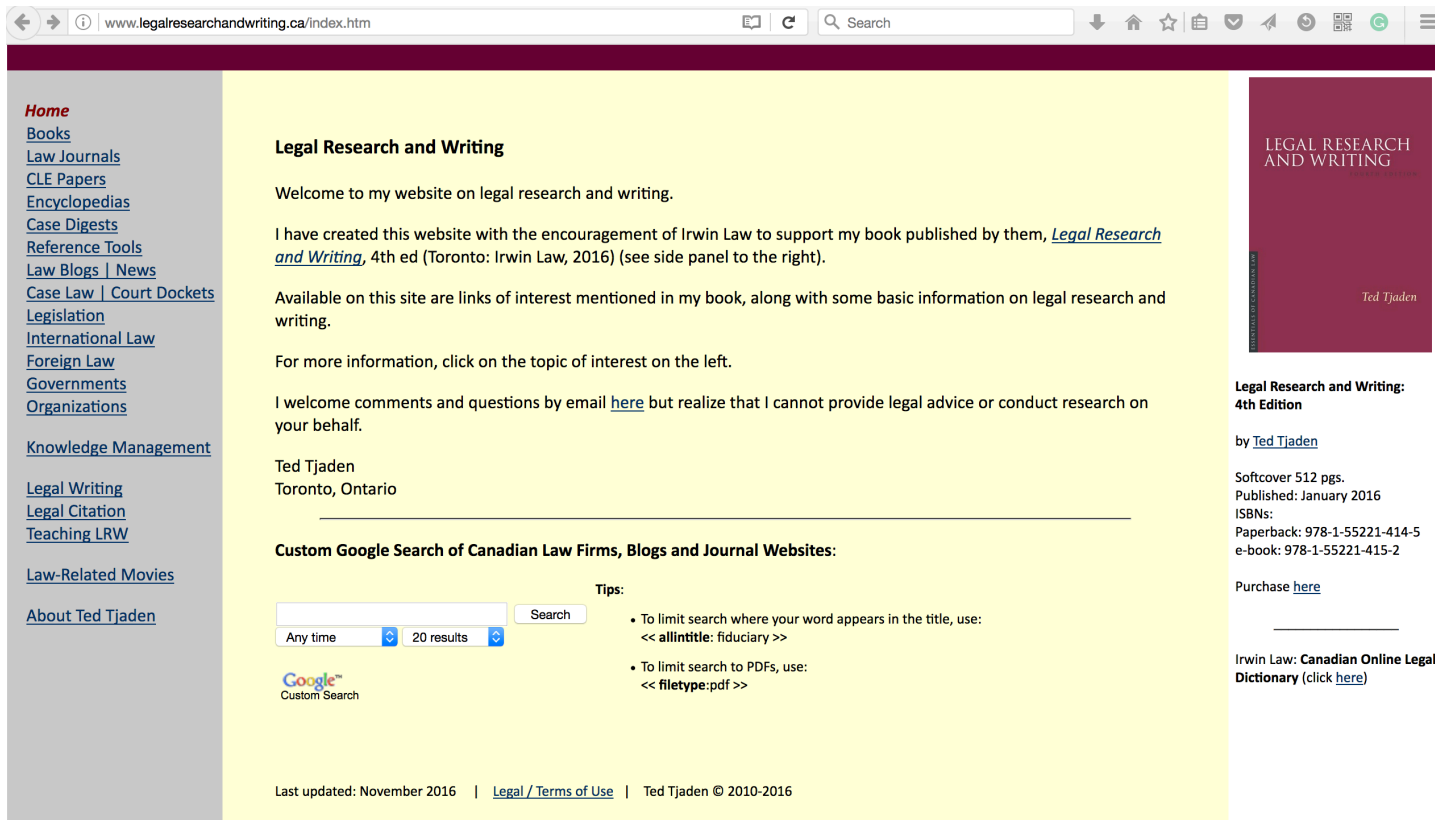
Accessing case law

Entry points to the immense body of case law are often found with [secondary sources](#):

- discussions of leading cases in [treatises and textbooks](#)
- subject-classified [encyclopedia](#) commentary with case references
- subject-classified [digests](#) of case law



Legal Research and Writing, Ted Tjaden



The screenshot shows a web browser window with the URL www.legalresearchandwriting.ca/index.htm. The page has a dark red header and a light yellow main content area. On the left is a grey sidebar with navigation links. The main content area contains the title "Legal Research and Writing", a welcome message, information about the book's creation, and a custom Google search box. On the right is a vertical panel with a book cover image and publication details.

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[About Ted Tjaden](#)

Legal Research and Writing

Welcome to my website on legal research and writing.

I have created this website with the encouragement of Irwin Law to support my book published by them, [Legal Research and Writing](#), 4th ed (Toronto: Irwin Law, 2016) (see side panel to the right).

Available on this site are links of interest mentioned in my book, along with some basic information on legal research and writing.

For more information, click on the topic of interest on the left.

I welcome comments and questions by email [here](#) but realize that I cannot provide legal advice or conduct research on your behalf.

Ted Tjaden
Toronto, Ontario

Custom Google Search of Canadian Law Firms, Blogs and Journal Websites:

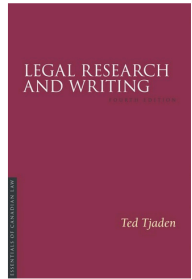
Any time 20 results

Google Custom Search

Tips:

- To limit search where your word appears in the title, use: << **allintitle:** fiduciary >>
- To limit search to PDFs, use: << **filetype:**pdf >>

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**Legal Research and Writing:
4th Edition**

by [Ted Tjaden](#)

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e-book: 978-1-55221-415-2

Purchase [here](#)

Irwin Law: [Canadian Online Legal Dictionary](#) (click [here](#))

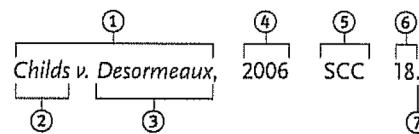
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Neutral citation

Figure 5.5 Components of a Neutral Case Citation



- ① The case name identifies the parties to the case. It is either italicized or underlined.
- ② The plaintiff's name is listed first.
- ③ The defendant's name is listed second. On appeal, the case name used to change if the defendant appealed the lower court decision. Under such circumstances, the defendant would be listed first as the appellant, and the plaintiff would become the respondent. If the plaintiff at trial appealed the decision, there would be no change in the order of the parties. This practice is no longer followed. Now, the case name remains the same, with no changes to the order in which the parties' names appear, regardless of how many appeals are involved.
- ④ Year of the decision: The year that the decision was rendered.
- ⑤ Court or tribunal identifier: The abbreviation for the court or tribunal that rendered the decision.
- ⑥ The ordinal number attributed to the decision.
- ⑦ The citation ends with a period. In this example, there are no



Other recommended freely available resources

- Law Reform body sites and publications
 - Understand reform goals or prior ills informing new or revised legislation
 - Compare legislative developments, harmonization efforts across Canadian jurisdictions
 - See UVic LRW guide links to Canadian and provincial law reform bodies, along with searchable database
- Canadian Law Blogs List
 - <http://www.lawblogs.ca/>
 - Law blogs from across the country, categorized and browsable by multiple facets including practice area, jurisdiction, topic, author type (firm, library, law school, etc)
- Paul-André Crépeau Centre for Private and Comparative Law
 - <http://www.mcgill.ca/centre-crepeau/>
 - Contains Private Law Dictionaries Online—searchable collection of three private law bilingual dictionaries or lexicons published by the Centre



•Law reform bodies—sites and search

The screenshot shows a web browser window with the URL libguides.uvic.ca/c.php?g=256753&p=1715056. On the left is a navigation menu with the following items: Law reform commissions (highlighted), Blogs and website secondary sources, Legislation, Case law, Legal writing, Research guides, and Citation help. The main content area is divided into three sections:

- Selected Canadian resources**
 - [Law Commission of Canada](#) / [Commission du droit du Canada](#) / [Law Commission of Canada](#)
Ceased in 2007. Final version of website captured 6 December 2006.
 - [Uniform Law Conference of Canada](#)
The Conference was founded in 1918 to harmonize the laws of the provinces and territories of Canada and, where appropriate, federal laws as well. It also makes recommendations for changes to federal criminal legislation based on identified deficiencies, defects or gaps in the existing law, or based on problems created by judicial interpretation of existing law.
 - [Federation of Law Reform Agencies of Canada](#)
Cooperative of the five provincial law reform bodies.
- Selected provincial resources**
 - [British Columbia Law Institute](#)
 - [Alberta Law Reform Institute](#)
 - [Law Reform Commission of Saskatchewan](#)
 - [Manitoba Law Reform Commission](#)
 - [Law Commission of Ontario](#)
 - [Law Reform Commission of Nova Scotia](#)
 - [Quebec Research Centre of Private and Comparative Law](#)
A research centre based at McGill Faculty of Law and directed to study of Quebec's private law systems.
- Selected U.S. resources**
 - [Uniform Law Commission](#)
The National Conference of Commissioners on Uniform State Laws
 - [California Law Revision Commission](#)



• Canadian Law Blogs List—lawblogs.ca

The screenshot shows the website www.lawblogs.ca/browse-by-practice-area/. The page features the Lawblogs.ca logo, which includes a red maple leaf. Below the logo, it states "Created and Maintained by stem". A navigation menu includes links for Home, About, Submit Your Site, and Contact Us. A search bar is located in the top right corner. The main content area is titled "Browse by Practice Area" and lists various categories with their respective counts. To the right, there are two columns of "SUBSTANTIVE LAW" and "OTHER INDUSTRY CATEGORIES" with their respective counts. A blue banner at the top of the main content area indicates the last blog was added on Tuesday, December 20th, 2016, and includes a search bar for the blog list.

www.lawblogs.ca/browse-by-practice-area/

Lawblogs.ca
Created and Maintained by stem

The **Canadian Law Blogs List** is an open directory with free listings available to blogging lawyers, law librarians, marketers, IT professionals or paralegals in Canada.

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BROWSE BY: Practice Area Province Category Latest The List

LAST BLOG ADDED ON Tuesday, December 20th, 2016

Search the Blog List GO

Browse by Practice Area

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- [Administrative](#) (7)
- [Advertising](#) (1)
- [Animal](#) (1)
- [Appellate](#) (2)
- [Banking](#) (2)
- [Bankruptcy & Insolvency](#) (9)
- [Biotechnology](#) (4)
- [Business](#) (26)
- [Charity](#) (2)
- [Civil Litigation](#) (22)
- [Class Actions](#) (3)
- [Climate & Environment](#) (14)

SUBSTANTIVE LAW

- [Aboriginal](#) (10)
- [Administrative](#) (7)
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- [Commercial Litigation](#) (11)

OTHER INDUSTRY CATEGORIES

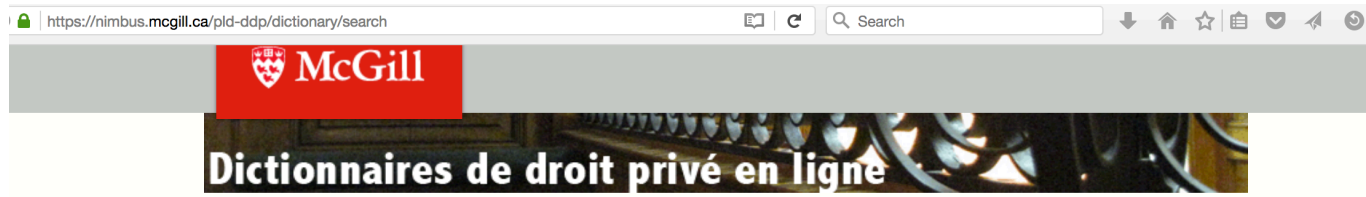
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•Private Law Dictionaries Online



Afin de faire état de la terminologie du droit privé québécois, le Centre Paul-André Crépeau de droit privé et comparé a lancé en 1981 le projet des *Dictionnaires de droit privé et lexiques bilingues*.

En exprimant le droit privé dans les langues anglaise et française, les *Dictionnaires de droit privé / Private Law Dictionaries* sont des outils de connaissance originaux qui tiennent compte du fait que le droit privé québécois évolue dans un cadre linguistique et juridique unique au monde. Ils constituent les seuls ouvrages de terminologie juridique pouvant prétendre refléter la spécificité bilingue et bijuridique de la culture juridique québécoise, en plus d'être un outil essentiel pour l'ensemble des juristes québécois, pour les traducteurs juridiques, pour les juristes de l'ensemble du Canada intéressés par le droit civil québécois et, enfin, pour les juristes œuvrant en droit comparé.

Dans cette version en ligne des Dictionnaires, vous serez à même de consulter directement le *Dictionnaire de droit privé (2ème éd.)*, le Dictionnaire de droit privé des obligations ainsi que *Le dictionnaire de droit privé de la famille*, dans leurs versions française et anglaise.

Afin de faciliter vos recherches, nous vous invitons à consulter la [page de présentation des Dictionnaires](#), qui expose les principes ayant guidé la présentation des entrées et présente les différents éléments qui forment la structure des articles. La [rubrique d'aide](#) pourra également vous être utile afin de découvrir les diverses fonctionnalités du moteur de recherche.

In 1981, the Paul-André Crépeau Centre for Private and Comparative Law initiated a project of Private Law Dictionaries and Bilingual Lexicons in order to present Quebec private law terminology.

The Dictionnaires de droit privé / Private Law Dictionaries are original knowledge tools expressing private law in French and in English, taking into account the unique linguistic and legal context in which Quebec private law evolves. They are the only works in legal terminology that can claim to reflect the bilingual and bijural specificity of Quebec's legal culture. Moreover, they are an essential tool for all jurists and translators in Quebec and in Canada who are interested in Quebec civil law, as well as for jurists in the field of comparative law.

In this online version of the Dictionaries, you will be able to consult directly the Private Law Dictionary (2nd ed.), the Private Law Dictionary-Obligations and the Private Law Dictionary of the Family, in their French and English versions.

Le projet des Dictionnaires en bref

- [Présentation des Dictionnaires](#)
- [Table des signes, abréviations et conventions](#)
- [Table des abréviations juridiques](#)
- [À propos de nous](#)



- [Guide to the use of the Dictionaries](#)
- [List of abbreviations and lexicographic symbols](#)



Thank you

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