

# **CML 1101 : Principles of Legal Research Fall 2009**

## **Noting up and finding history using the *Canadian Abridgment***

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Law Librarians, Brian Dickson Law Library



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# Outline

- Finding cases – review
- Noting up case law – print & electronic methods
- *Canadian Abridgment* continued & review from last week
- In-class exercise
- Assignment #2: *Canadian Abridgment* handed out (10%)



# Finding Cases

Questions to ask yourself:

- Do you want the full text of a case?
- Do you just want the citation of the case?
- Do you want a summary or digest of the case?
- Do you want a reported or a not-yet-reported case?
- Do you want a list of all the cases related to your case?
- Do you want the history of your case (e.g. *appeals*)?



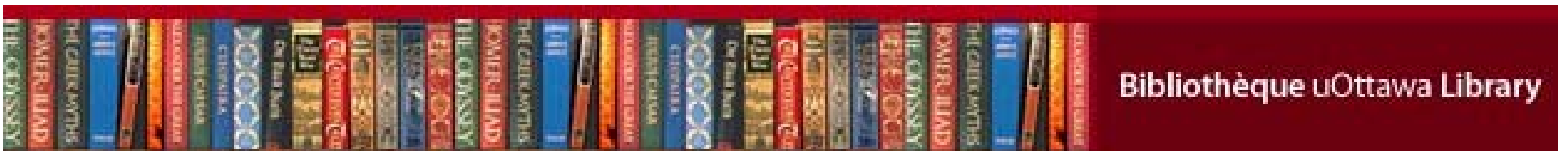
# Two main ways of finding cases

## 1. By case name (or citation)

- “known-item searching”

## 2. By subject

- “unknown-item searching”



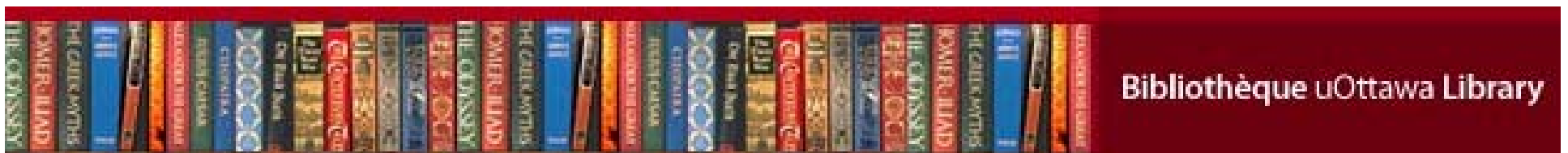
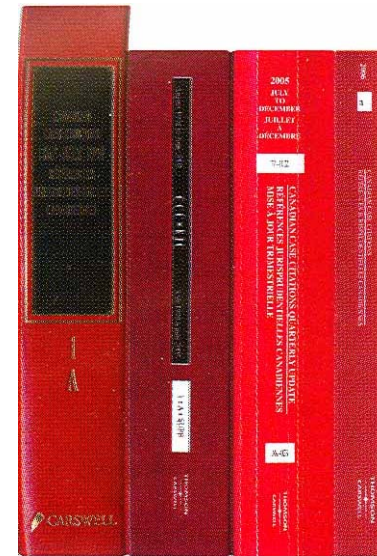
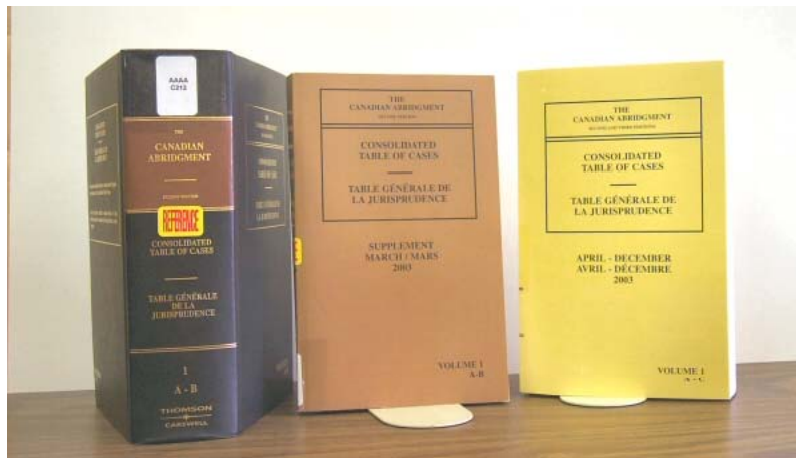
# Updating and Noting-up cases

- **Updating:** Finding the history of the case. Has it been appealed or overturned?
- **Noting-up:** Checking the judicial treatment of the cases. Have they been considered in other cases, and have these cases overruled them or followed them, etc.?
  - These terms are sometimes used interchangeably....



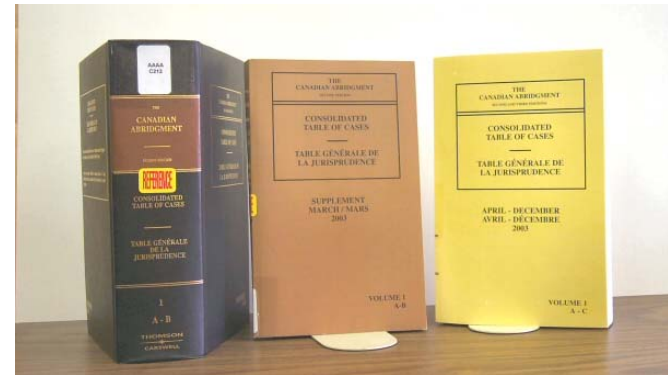
# Updating and noting up using the *Canadian Abridgment*

- Consolidated Table of Cases
- Canadian Case Citations

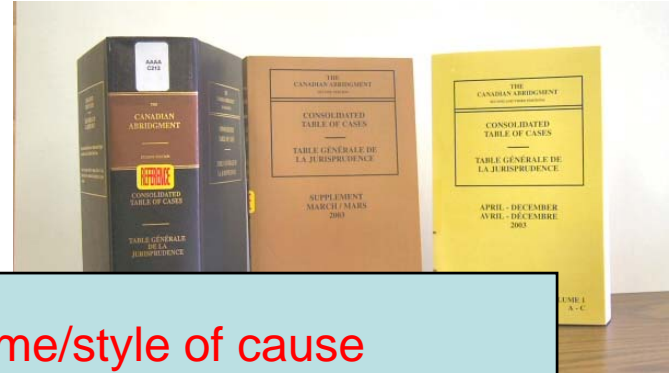


# Consolidated Table of Cases

- Case name
- Citation: where to find full text of a decision
- History: prior or subsequent developments
- Locator: where the digest(s) of the case can be found in the *Canadian Abridgment*



# Consolidated Table of Cases: Sample Entry



## SAMPLE ENTRY:

**Enriquez v. Rosario** (1990), 40 C.P.C. (2d) 18,  
64 Man. R. (2d) 151 (C.A.), reversing in part  
(1990), 64 Man. R. (2d) 153 (Q.B.)  
**R31D Reis.** 17033; **R31I Reis.** 37466

case name/style of cause

history

Parallel  
citations

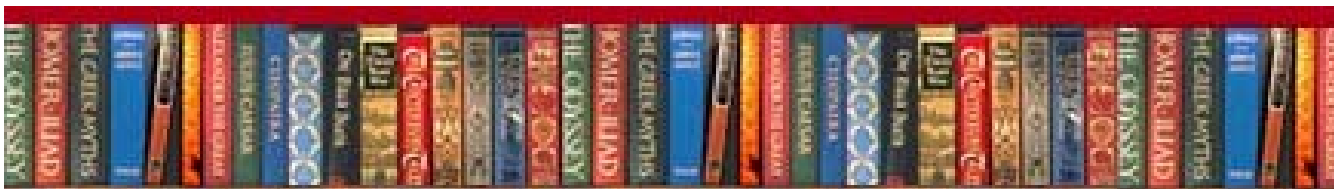
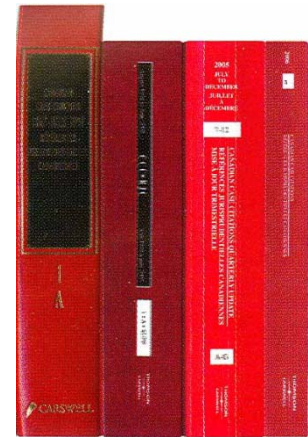
locator



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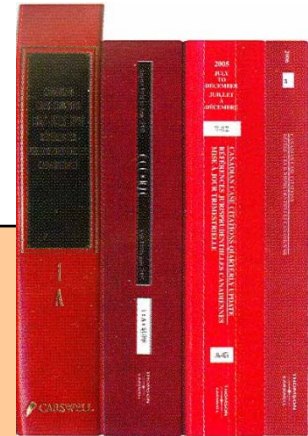
# Canadian Case Citations

- Case name
- Citation: where to find full text of decision
- History: subsequent decisions or developments in the case
- Treatment: consideration of one judicial decision in another



# Canadian Case Citations: Sample Entry

This decision can be found in all of these reporters.



## MODÈLE DE L'ENTRÉE:

### **Cuddy Chicks Ltd. v. Ontario (Labour Relations Board)**

(May 6, 1988), Doc.0310-87-R

[1998] O.L.R.B. Rep. 468, 88 C.L.L.C. 16,049, 19 C.L.R.B.R. (N.S.) 286 (Ont. L.R.B.)

**affirmed/confirmé** (November 2, 1988), Doc.469/88 (1988), 66 O.R. (2d) 284, 32 O.A.C. 7, 88 C.L.L.C. 14,053, 33 Admin. L.R. 302 (Ont. Div. Ct.)

**which was affirmed/qui a été confirmé** (September 8, 1989), Doc.CA 67/89 (1989), 39 Admin. L.R. 48, 62 D.L.R. (4<sup>th</sup>) 125, 35 O.A.C. 95 ..... (Ont. C.A.)

.....

#### **Cases citing Ont. Div. Ct.**

**(F)** B.G. (L.G.A.), Re (1989), 101 A.R. 92 (Alta. Prov. Ct.)

.....

#### **Cases citing Ont. C.A.**

**(C)** R. v. Lepage (1994), 23 C.R.R. (2d) 81 (Ont. Gen. Div.)

The Ont. Div. Court decision was followed in this case.

The Ont. Court of Appeal decision was considered in this case.

The Ont. Labour Relations Board decision was affirmed by the Ont. Divisional Court

# Noting up electronically

- Electronic sources

- QuickCITE  LexisNexis® Quicklaw™
- KeyCite  Westlaw® CANADA

- Free online: [Reflex](#) through Canlii.org

- not as comprehensive and does not assign treatment codes
- but good starting point for updating recent case law




# Noting up electronically > Quicklaw

- **QuickCITE** function in LN/QL gives you 3 ways to access history of a case and to note up



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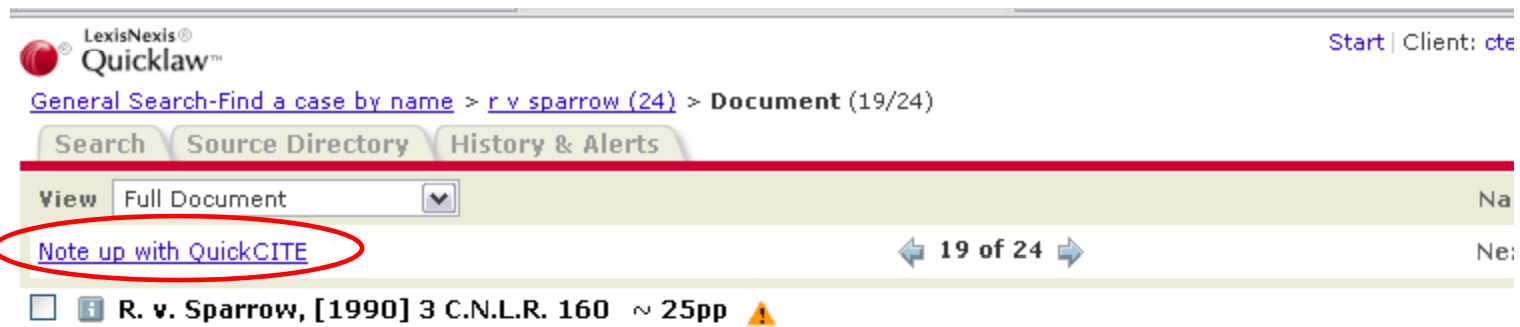
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# Quicklaw - “Noteup with QuickCITE” link while viewing a case



*Indexed as:*

## **R. v. Sparrow**

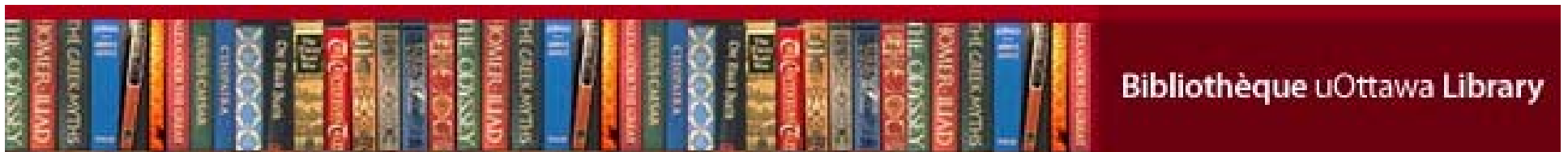
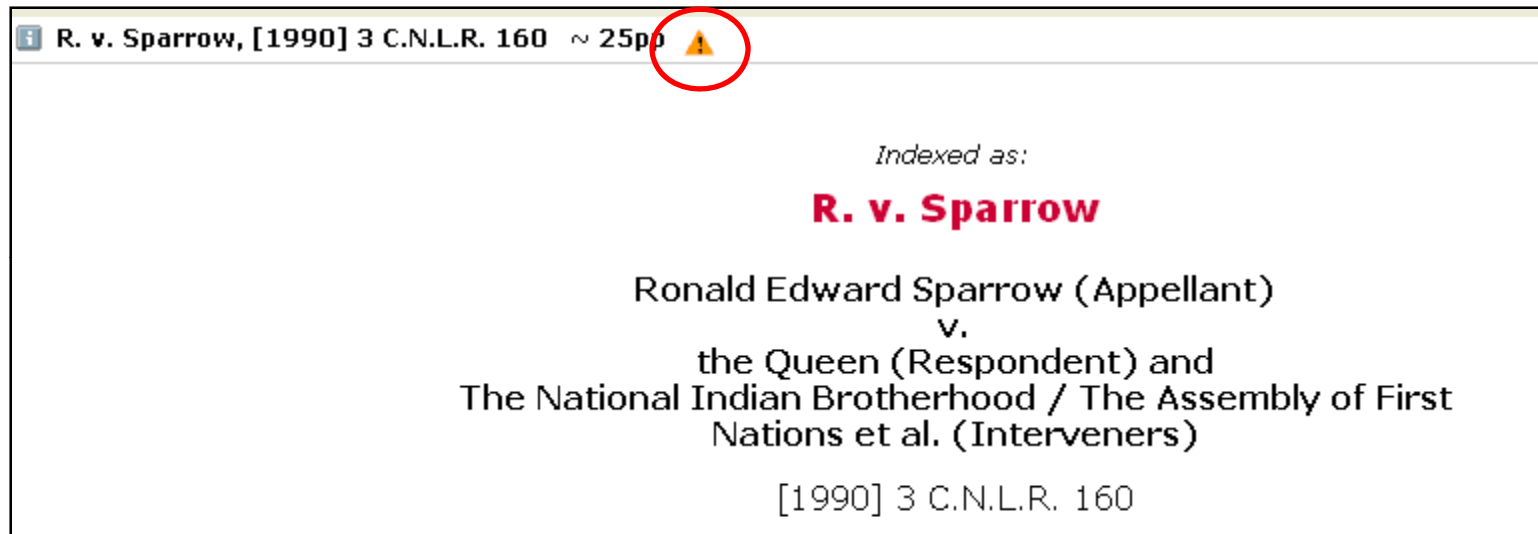
Ronald Edward Sparrow (Appellant)  
v.  
the Queen (Respondent) and  
The National Indian Brotherhood / The Assembly of First  
Nations et al. (Intervenors)

[1990] 3 C.N.L.R. 160



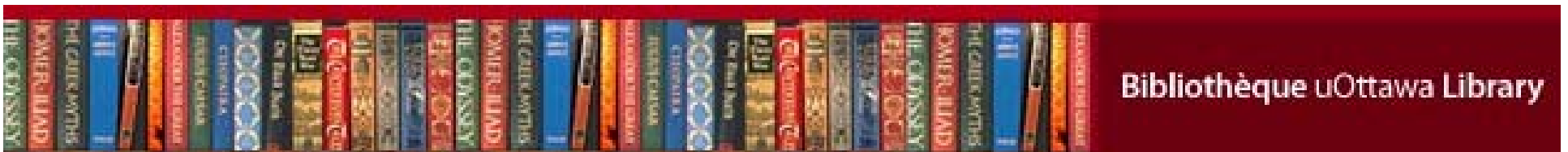
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## Quicklaw – QuickCITE status icon while viewing a case



# Noting up: electronically > Westlaw Canada

- **KeyCite Canada** function in Westlaw  
Canada gives you 3 ways to access  
history of a case and to note up



# Westlaw Canada – “KeyCite a document” search box on home page

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**Legislation:**  Title:  Section:  Jurisdiction:

**Or, any document by citation:**  Citation:

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Abridgment Digests

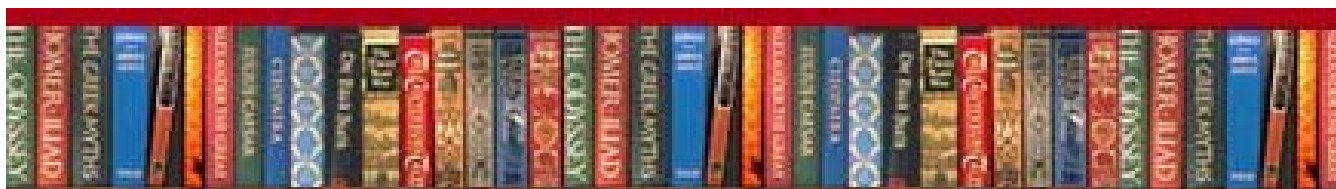
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1990 CarswellBC 105  
Supreme Court of Canada, 1990  
Subject: Criminal; Public; Constitutional (Approx. 31 pages)

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46 S.C.L.R. (2d) 1, [1990] 4 W.W.R. 410, 56 C.C.C. (3d) 263, 70 D.L.R. (4th) 385, [1990] 1 S.C. 1075, 111 N.R. 241, [1990] 3 C.N.L.R. 160, J.E. 90-851

R. v. Sparrow  
SPARROW v. R. et al.  
Supreme Court of Canada  
Dickson C.J.C., McIntyre, [\[FN\\*\]](#) Lamer, Wilson, La Forest, L'Heureux-Dubé and Sopinka JJ.  
Heard: November 3, 1988  
Judgment: May 31, 1990  
Docket: No. 20311

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# Important!

- You should be familiar with the scope of coverage of any service you use for noting up cases, and be aware of the different features offered by each citator.
- See this [comparative table](#)



# Canadian Abridgment in-class exercise

- Work in groups of 3-4 (7 groups per class)
- Work with one part of the *Abridgment* for 5-10 minutes
- Swap volumes with another group to finish up the other questions
- You won't have time to complete them all!



# Assignment #2: *Canadian Abridgment*

- Work **individually**
- Preferable that you use print version of *Canadian Abridgment*
- Worth 10%



# Summary

- Before you seek out cases, make sure you have a good grasp of area of law
  - acquired via search of secondary sources
- What are the best ways to access the cases you are looking for?
  - *e.g.*, search by name, by subject, by legislation cited, etc.
- Noting up can be done in print or electronically

