

CML 1101: PRINCIPLES OF LEGAL RESEARCH  
:: FALL 2008 ::

# Legal Research Manual

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## INTRODUCTION

Regardless of the organization in which you'll find yourself as a lawyer, the importance of solid legal research cannot be underestimated. A lawyer must ensure that the cited legislation is up to date, that the cases mentioned correspond to the laws in question and that the argumentation used is supported by recognized experts.

The three main sources of Law - legislation, jurisprudence and commentary – are found within specialized publications, namely in volumes of statutes, law reports and legal books and journals whose presentation and organization are not always conventional, loose-leaf services being the most obvious example. Legal documentation is composed of printed sources and digitized or electronic sources, each one having a corresponding research methodology.

Information retrieval has a particular importance in Law. Library research forms an integral part of the occupation of the lawyer. The texts of laws and regulations are documents which must be published in print to have legal effect. A large number of decisions of the judicial and administrative courts are published, more particularly those which are considered jurisprudence. As for commentaries, texts written by recognized specialists and published in the form of books and of articles, while they are considered secondary material, are nevertheless an essential source of Law.

Obviously, it is necessary to have the ability to quickly and efficiently access these various documents. Therefore, you will have to gain knowledge of the relevant documentary sources and research tools to effectively fulfill your information needs.

It is within this context that the course of legal research methodology is prepared. It acts primarily as an introduction to Canadian and Ontarian sources of legislation, case law and commentary in both print and electronic formats. There will be some basic coverage of the United States and the United Kingdom as time permits. It will explain the principal sources of legal information and techniques to locate information, as well as briefly explain the importance of legal citation. Indeed, it is necessary to be able to find within a legal reference, information which will lead you to additional information on cited documentation. This will sometimes allow you to judge relevance of the source at hand.

The citation guide used within the course will be the *Canadian Guide to Uniform Legal Citation, 6th ed.* [CGULC] ([FTX Reserve & Reference KE 259 C353 2006](#)).

# I. JURISPRUDENCE

- 1. CANADIAN JURISPRUDENCE

## 1.1 Introduction

Whereas Parliament votes on laws, the courts interpret these laws during proceedings and make decisions which then form *jurisprudence* - the body of case law on a topic.

A judicial decision is always rendered by a judicial or administrative court and is always documented although not necessarily published. A decision that is published in a reporter is described as a *reported* decision whereas an *unreported* decision will not appear in a printed format in a reporter. However, unreported decisions are often available in online research services like [Quicklaw](#) or [WestlaweCarswell](#).

The criteria in deciding whether a judicial decision should be published can vary from publisher to publisher. Some considerations include whether:

- A new principle of Law is identified
- An old principle of Law is applied to new circumstances
- An old principle of Law that is reconfirmed
- A published decision is reversed or criticized
- A contradictory decision is rendered
- A decision interprets a law
- Current legal provisions are criticized
- Legal provisions are examined and presented
- There are special points of interest for the members of the profession
- It is a legal question of public interest

A short glossary of terms :

**judgment:** The official and authentic decision of a court of justice upon the respective rights and claims of the parties to an action or suit therein litigated and submitted to its determination. In a more strict sense, the term can refer to a decision from a court of first instance.

**opinion:** An evaluation or judgment based on special knowledge and given by an expert.

**adjudication:** The final and binding decision of an arbitrator or arbitration tribunal.

**style of cause :** (or title of proceedings) identifies the parties to the dispute. The names of the parties are always *italicized*. The name of the Appellant appears first and the name of the Defendant appears second, separated by v. (in English) and c. (in French).  
See *CGULC*, 6th ed., p.E-56.

## 1.2 Law reports

Once a decision is published, it can be found in a law report (a.k.a. law reporter). A law report contains the full-text of judicial decisions as well as supplementary information such as a summary of the main legal points in the decision, as well as the legislation, jurisprudence and doctrine cited in the decision.

There are two main categories of law reports :

### i. General law reports

Within general law reports, you can find court decisions of one specific court (Canada Supreme Court Reports, Federal Court Reports) or several courts within a jurisdiction (Ontario Reports, Recueil de jurisprudence du Québec), or several courts within several jurisdictions (Dominion Law Reports).

### ii. Specialized law reports

Specialized law reports include decisions which discuss specific subjects of Law, independent of the court or jurisdiction (*Canadian Environmental Law Reports, Family Law Reports, Criminal Reports*).

## 1.2.1 Law reports at the Brian Dickson Law Library

The Law Library houses a significant collection of law reports from Canada and abroad.

These journals are all listed in the library catalogue <http://orbis.uottawa.ca/search/X> as well as in a binder entitled Major Law Reports and Statutes by titles, location and abbreviations (copies located on the main floor of the library).

Made up of two parts, the first part presents the list by title, the second by abbreviation. Note that the general law reports are not classified (i.e. they do not have a call number) and are found on the 4<sup>th</sup> floor, organized by **jurisdiction**. The row number is listed in the binder. The specialized law reports are located on the 5<sup>th</sup> floor. The call numbers are listed in the binder.

The lists by title and by abbreviation can also be found at <http://www.biblio.uottawa.ca/content-page.php?g=en&s=ftx&c=src-rep-stats>

## 1.3 Introduction to the Canadian Abridgment

Published by [Thomson Carswell](#) the *Canadian Abridgment* is a comprehensive legal research tool used to locate cases, statutes, and secondary legal literature. It summarizes (digests) Canadian federal and provincial cases. Cases relating exclusively to the Québec Civil Code are included in the case and statute citations, but not in the digests. Starting in 1987 it also includes unreported cases from federal and provincial courts of appeal.

Use the Abridgment to find cases by case name; cases on a specific legal issue; cases, statutes, and words & phrases judicially considered in Canadian decisions; the legislative history of a statute or the progress of a bill; and secondary literature (books, articles, case comments, etc.) on a specific subject.

### 1.3.1 Components of the *Canadian Abridgment*

The *Canadian Abridgment* is made up of several parts and provides:

- digests (summaries) of cases organized by Subject Title, legal issue and sub-issue: *Case Digests*

**Case Digests** is a comprehensive collection of case law digests of issues decided by Canadian courts and administrative tribunals. Quebec coverage is limited to cases of national importance. *Case Digests* contain digests of virtually every reported decision of Canadian courts or administrative tribunals. Unreported court decisions from 1977 and tribunal decisions from 1997 forward are also digested.

It is an efficient tool for finding Canadian cases on an area of law, a particular legal issue or a specific fact situation. It allows you to pinpoint all relevant cases in a single search. Organized by subject according to The **Canadian Abridgment Key classification system**, its more than 100 main volumes contain more than 500,000 digests of reported decisions from the *common law provinces*, as well as *cases falling under federal jurisdiction from Quebec*.

Available in the Reference collection: REF KE 173 C32

**Canadian Current Law** consists of three parts: A biweekly update of all the research features of the *Abridgment*, including the Case Law Digests and the Consolidated Table of Cases.

Available on Reserve: [Reserve KE 173 C3212](#)

- citations and digest numbers: *Consolidated Table of Cases*

Contains case citations and digest locators for every case digested in the *Case Digests*. Digest locators for the Second Edition consist of the Second Edition volume number, followed by the digest number (e.g. "R20D Reis.2387"). Digest locators for the Third Edition include a three-letter abbreviation, indicating the subject title of the digest (e.g., "ABL 1.1234" for digest 1234 in volume 1 of the Third Edition under the subject title, "Aboriginal Law").

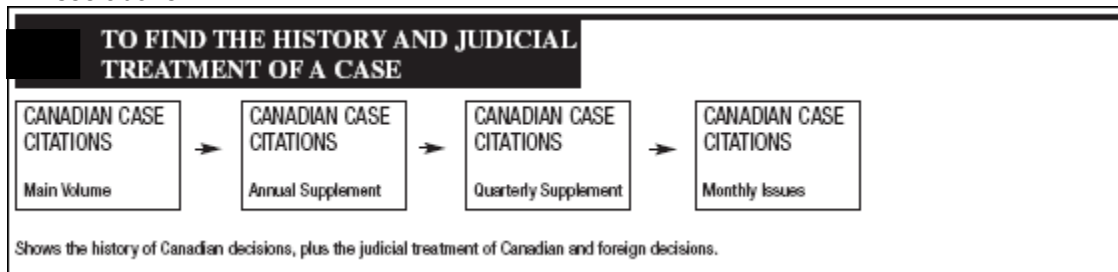
Available at: [REF KE 173 .C32142](#)

- alternate citations for cases: *Consolidated Table of Cases or Canadian Case Citations*
- the history of a case (appealed? affirmed? reversed?): *Canadian Case Citations*

Contain the citations, history, and judicial treatment of cases by Canadian courts and tribunals. Entries are arranged alphabetically by style of cause.

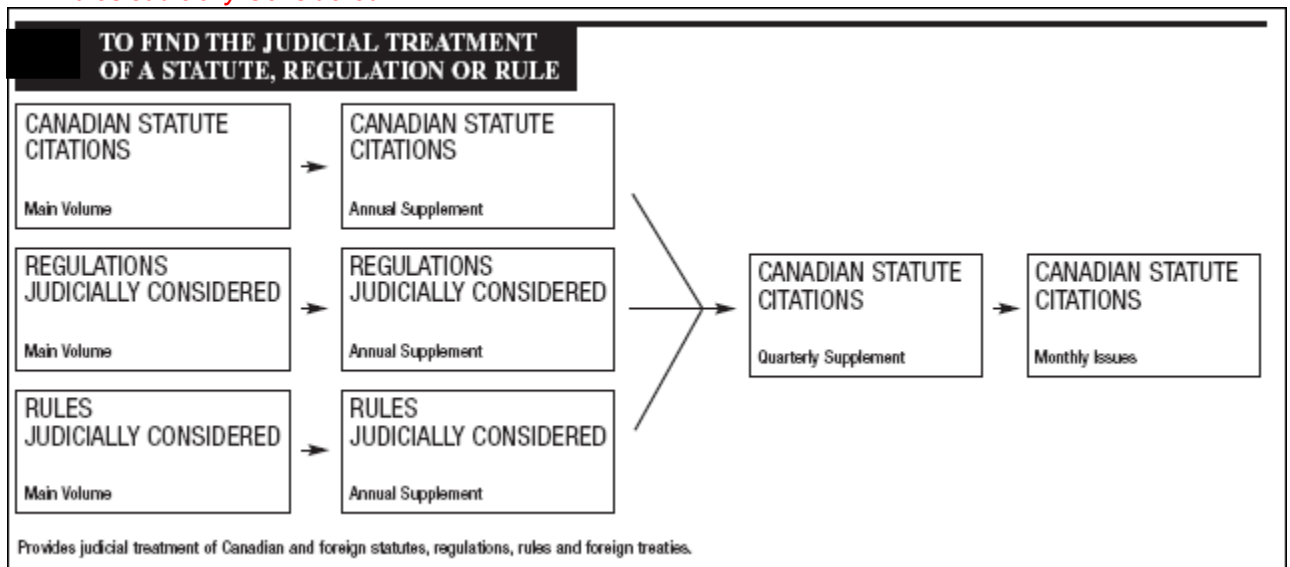
Available at: [REF KE 173 .C3235](#)

- the judicial treatment of a case (followed? distinguished?): *Canadian Case Citations*  
see above





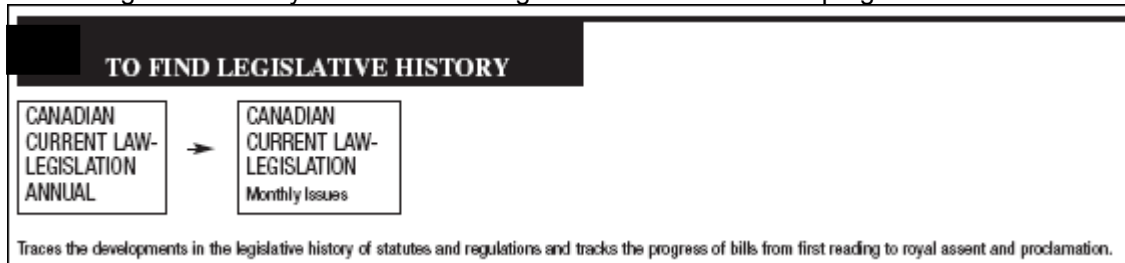
- the judicial treatment of a statute: *Canadian Statute Citations, Regulations Judicially Considered and Rules Judicially Considered*



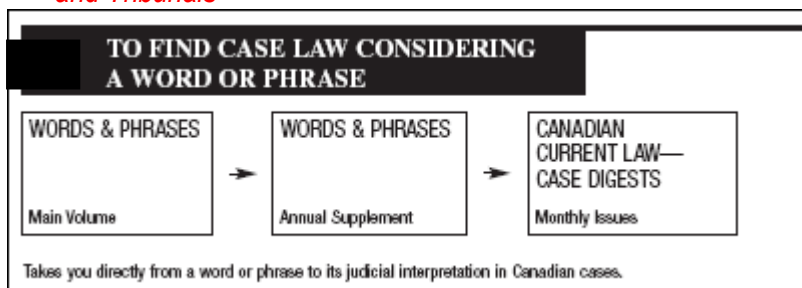
A guide to the treatment of federal and provincial statutes, treaties and conventions, and foreign statutes in Canadian cases. *Regulations Judicially Considered* and *Rules Judicially Considered* serve the same function with respect to federal, provincial, and foreign regulations and rules of practice and procedure, respectively.

Available at: REF KE 173 .C3233318 and ff.

- the legislative history of statutes and regulations and to track the progress of bills



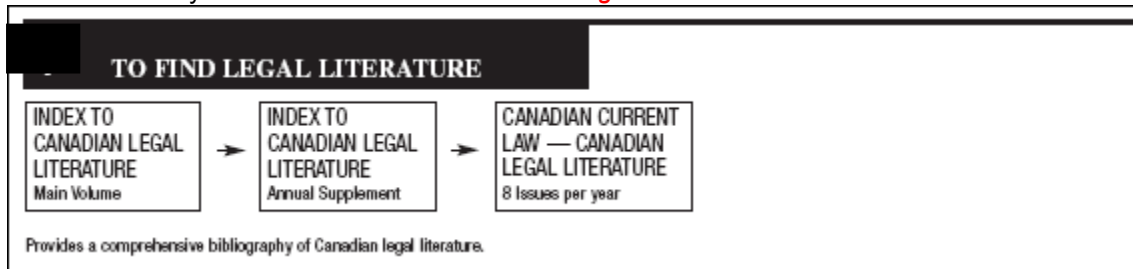
- the judicial interpretation of a word or phrase: *Words & Phrases Judicially Defined in Canadian Courts and Tribunals*



Contains judicial interpretation of words and phrases arranged alphabetically. Every entry contains a verbatim extract from the judgment in which the word or phrase was considered, as well as the jurisdiction, area of law, adjudicator, and court level. *Words & Phrases* includes judicial definitions of both statutory and common law terms.

Available at: [REF KE 173 W67](#)

- commentary on the law: *Index to Canadian Legal Literature*



Comprehensive bibliography of Canadian legal literature. It indexes books, articles, government publications, electronic sources, containing legal education materials, case comments, and annotations. It also serves as a periodical index.

\*See the Canadian Abridgment Shelving Diagram for a visual representation of all the parts that make up the Abridgment: <http://www.carswell.com/NR/rdonlyres/01376DDD-8EDA-4D5F-9261-95B98D1C73FE/0/AbridgmentSDMar07.pdf>

*A note about the Third Edition of The Canadian Abridgment Case Law Digests:*

The 112 subject titles of the **Revised Second Edition** are being consolidated into **51 Third Edition subject titles**. This makes it easier for users to find the starting point for their research. The classification scheme has been expanded to include a sixth level, which ensures that the Third Edition titles have at least the same degree of detail as the titles of the Revised Second Edition. In addition to the volume and digest numbers, Third Edition digest locators now include a three-letter abbreviation, which indicates the subject title under which the digest is classified. This allows the user to pinpoint only relevant digests.



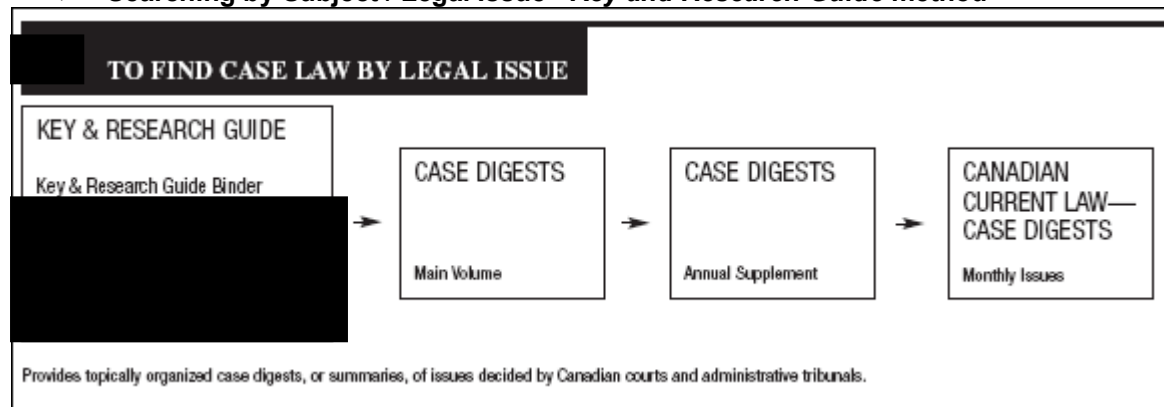
### Finding Tools

- The Key and Research Guide* contains The **Canadian Abridgment classification scheme**. It is published in looseleaf form for easy updating. The *Key* is updated whenever an existing subject title is revised or a new subject title is published. Available at [REF KE 173 C3218](#).
- The General Index* is a **topical** index to the case digests. It is published in looseleaf form for easy updating. Locate the topic headings and sub-headings most relevant to your research. Beside each subheading are key numbers that will direct you to the relevant digests in the main work of the *Canadian Abridgment*. Available at [REF KE 173 C3217](#).

### 1.3.1.1. Using the *Canadian Abridgment*

The following are various procedures for finding cases in the *Canadian Abridgment*<sup>1</sup>.

#### ➤ Searching by Subject / Legal Issue - *Key and Research Guide* method



The organizational scheme of the *Canadian Abridgment* makes this kind of search relatively straightforward. Each case in the *Canadian Abridgment* is designated one or more key numbers, according to the subject headings and subheadings under which the case is classified. Cases with the same key number are grouped together in the main work.

To conduct a search using the *Key and Research Guide*, follow these steps:

1. Turn to the "Subject Titles Table" at the beginning of the Key. Scan the list of titles and try to find the subject title most relevant to your topic.
2. Once you have found an appropriate title, turn to that title in the *Key and Research Guide*. You can now narrow your search by finding more specific sub-titles. The 'Scope Note' at the beginning of each title will tell you what issues are included in the title and where related issues may be found.
3. Make a note of the key number that corresponds to the title and subtitles you have located.

For example, under the Criminal Law title of the *Abridgment*, "test for obscenity in films and videotapes" is classified as key number VII.2.c.v:

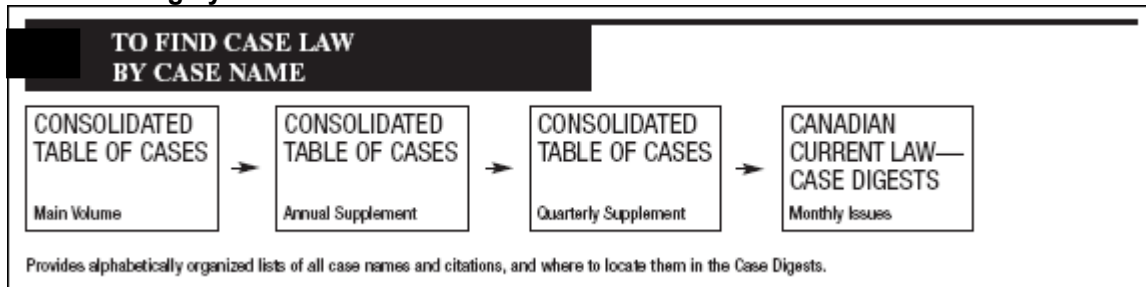
Criminal Law (the general area of law) (Volume R9) public morals and disorderly conduct (VII) obscenity (2) test for (c) films and videotapes (v)

Go to this key number in the main work of the *Abridgment*. You will find cases addressing the specific legal issue you are researching. The fact that cases addressing a certain issue are grouped together will help to ensure that your search is comprehensive.

4. Check the soft cover supplement to the volume you are using, to see if any recent cases have been digested under your key number. Repeat this process using *Canadian Current Law*.
5. Check the "Key Supplement" (on the yellow pages at the beginning of the key section), if there are any, under the relevant title for any changes in the classification system.

<sup>1</sup> Excerpted from University of Toronto's Bora Laskin Law Library *Guide to Legal Research*, online: <<http://www.law-lib.utoronto.ca/Resguide/chapt4a.htm#4.5%20Canadian%20Case%20Law>>.

➤ **Searching by Case Name**



Look up the style of cause in the *Consolidated Table of Cases* .

After the style of cause you will find citations to the reporters in which the full-text version of the case can be found and, at the end of the entry, references to digests of the case in the *Abridgment*. For example:

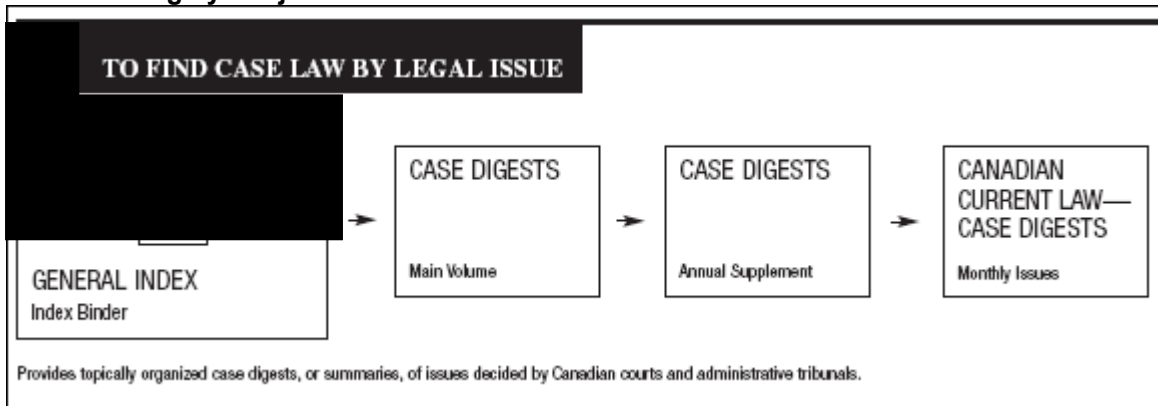
<i>R. v. Barr</i>	(1967), 64 W.W.R. 57 (Alta. Dist. Ct.)	R11C Reis.	28779
Style of Cause	Citation to those law reports that carry the full-text decision of the case	Volume of the Abridgment in which a digest of the case can be found. More than one volume can be listed. R=Reissue, Supp=Softcover Supplement, CCL=Canadian Current Law	Paragraph number within the volume indicated, at which a digest of the case can be found. When more than one paragraph is listed for a volume, it means that the case was digested more than once within that volume

**Note:** When digests of a case appear in several different volumes of the *Canadian Abridgment*, it could mean that the case raises more than one legal issue. You should remember that not all digests of a single case will be the same - different digests will focus on different legal issues.

You should conduct your search of the *Consolidated Table of Cases* in the following order:

1. Hard cover index volumes. If there is a listing, make sure it refers to a volume of the main work dated 1995 or earlier (check the spine of the volume for its date). If the volume has been reissued since 1995, the reference you find will not be accurate. You will have to use the soft cover index volumes to find the updated listing.
2. Soft cover index volumes. These volumes, replaced every year, list cases appearing in volumes of the main work published after 1995, as well as cases appearing in the soft cover supplements to the main work.
3. *Canadian Current Law*. Cases that post-date both the main work and its supplements will be found in *Canadian Current Law*. Each issue of *Current Law*, up to the most recent issue, should be checked. There is a Table of Cases at the front of each issue, which will refer you to the location of the case within that issue of *Current Law*.

➤ **Searching by Subject - *General Index* method**



1. Locate the *General Index* binder of the *Abridgment* and look under the section entitled "General Index." Locate the topic headings and sub-headings most relevant to your research. Beside each subheading are key numbers that will direct you to the relevant digests in the main work of the *Canadian Abridgment*.
2. Consult the yellow pages at the end of the "General Index" to see if there is a supplementary index. The supplementary index directs you to digests in the soft cover supplements to the main work.
3. To ensure that your search is completely up to date, you should consult the indexes in issues of *Canadian Current Law* that were released after the publication of the supplementary index. *Canadian Current Law* publishes a cumulative edition four times a year. Begin with the most recent cumulative supplement, then consult individual issues that post-date its publication.

➤ **Searching by Word or Phrase**

At some point, you may need to determine how a word or phrase is legally defined. To search for a word or phrase in the *Abridgment*, you can use the following tools:

1. The *Words and Phrases (Revised)* volumes of the *Abridgment* are comprised of an alphabetical list of words and phrases that have been judicially considered. The volumes excerpt portions of judgments, and provide references to applicable case digests in the main work.
2. The *General Index*'s Words and Phrases Table may contain more current information. The table is divided into two sections, the first of which lists words and phrases alphabetically and cites relevant digests in the main work. The second section is organized by subject title, listing words and phrases considered under each title.

Whether you use *Words and Phrases (Revised)* or the *General Index*, it is important to ensure that the information you find is current. To do so, consult the "Words and Phrases" Table in the most recent cumulative edition of *Canadian Current Law*. Then, consult the same table in issues of *Current Law* that post-date the publication of the cumulative edition.



The *Abridgment* is also accessible online through LawSource in [WestlawCarswell](http://www.westlaw.com)

Westlaw CARSWELL

FIND KEYCITECANADA DIRECTORY SITE MAP HELP SIGN OFF

Preferences Alert Centre Research Trail

LawSource CriminalSource FamilySource InsolvencySrc SecuritiesSrc Westlaw Add/Remove Tabs

**LawSource**

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Cases

Canadian Abridgment Digests

Legislation

Canadian Encyclopedic Digest (CED)

Law Reports Articles and Journals

Index to Canadian Legal Literature (ICLL)

All LawSource Content

Find/KeyCite a Document

## 1.4 Other sources of case law digests

### ➤ All Canada Weekly Summaries (3rd series) (A.C.W.S.)

Published by Canada Law Book, the A.C.W.S. is a weekly digest of unreported civil cases from across Canada. The series consists of hard cover volumes and a binder containing current issues. A soft cover index is issued every six weeks. Cases can be accessed by case name using the consolidated Table of Cases, or using the table of cases found at the beginning of each volume. Cases can be accessed by subject using either the Consolidated Index or the indexes to individual volumes. The All Canada Weekly Summaries is available through LexisNexis Quicklaw. Using the source “All-Canada Weekly Summaries & Judgments”, you can retrieve full-text versions of recent cases. Available in print at : KE 132.2 .A44 and ff.

The A.C.W.S. serve as a sort of preliminary service for the *Dominion Law Reports* (D.L.R.), which contain full text, plus headnotes, of leading civil cases from the common law provinces of Canada, cases of general interest from Quebec, and decisions from the Supreme Court of Canada. Note however that the *Dominion Law Reports* do not necessarily publish all decisions from the A.C.W.S. Some cases remain unreported.



The D.L.R.s are available online through LexisNexis Quicklaw.

### ➤ Weekly Criminal Bulletin (W.C.B.)

Specializing in criminal law and also published by Canada Law Book, the W.C.B. is organized like the A.C.W.S. and acts as a preliminary service for the specialized law reporter, Canadian Criminal Cases (C.C.C.)

Available in print at REF KE 8806.22 .W44 and ff.



Online availability through LexisNexis Quicklaw. Also via Quicklaw, you can access the source “Weekly Criminal Bulletin & Judgments” which includes unedited full-text judgments and headnotes of all available criminal cases from courts across Canada since the 1970's.

### ➤ Canadian Labour Arbitration Summaries (C.L.A.S.)

Specializing in labour law, it emphasizes in particular arbitration awards. The C.L.A.S. acts as a preliminary service to a specialized reporter entitled Labour Arbitration Cases (L.A.C.).

Available in print at [REF KE 8618 .A6 C34](#).



Online availability through LexisNexis Quicklaw. Also via Quicklaw, you can access the source “Canadian Labour Arbitration Summaries & Judgments”. Included are unedited full-text judgments and headnotes of all available labour grievance and arbitration awards from all Canadian jurisdictions, including the important French language awards, since 1986.



## 1.5 Online sources for Canadian jurisprudence

**\$ FEE-based** databases: [WestlawCarswell](#) & [LexisNexis Quicklaw](#)

Note: There are specific legal databases for Quebec. The principal ones are: Droit civil en ligne (DCL) / Répertoire électronique de jurisprudence du Barreau (REJB) [[Editions Yvon Blais](#)] and [AZIMUT \(SOQUIJ\)](#).

➤ [WestlawCarswell](#)

**Database contents:** WestlawCarswell represents the merger of two large legal database suppliers owned by Thomson Publishing, to provide Canadian and U.S. materials through an integrated interface. Law Source provides full text Canadian case law as well as law reviews and journals. The Westlaw tab provides access to US primary materials from State and Federal levels. Materials from the European Union, the Organization of American States, the *ad hoc* International Criminal Tribunals, the U.K., Australia, New Zealand, and Hong Kong are also accessible.

➤ [LexisNexis Quicklaw](#)

**Database contents:** LexisNexis Quicklaw is a legal database service which has over 1000 searchable databases and bulletin boards of full text judgments from all court levels and many administrative tribunals in Canada, as well as full text databases of legislation, tax and news. This database also provides comprehensive coverage of American case law and legislation as well as limited coverage of materials from Britain, the European Community, the Commonwealth, Asia, Africa, Australia & Oceania, Central America & the Caribbean. There is also some international coverage.

**FREE CANLI:** This resource also includes links to case law from several federal and provincial courts and tribunals.



See the link to **Canadian Resources on the Web** for specific links to courts or tribunals:

<http://www.biblio.uottawa.ca/wide-content-page.php?g=en&s=ftx&c=src-legis-c>

### 1.5.1 Using WestlawCarswell

**hint:** Check the WestlawCarswell Directory to find relevant databases to search:

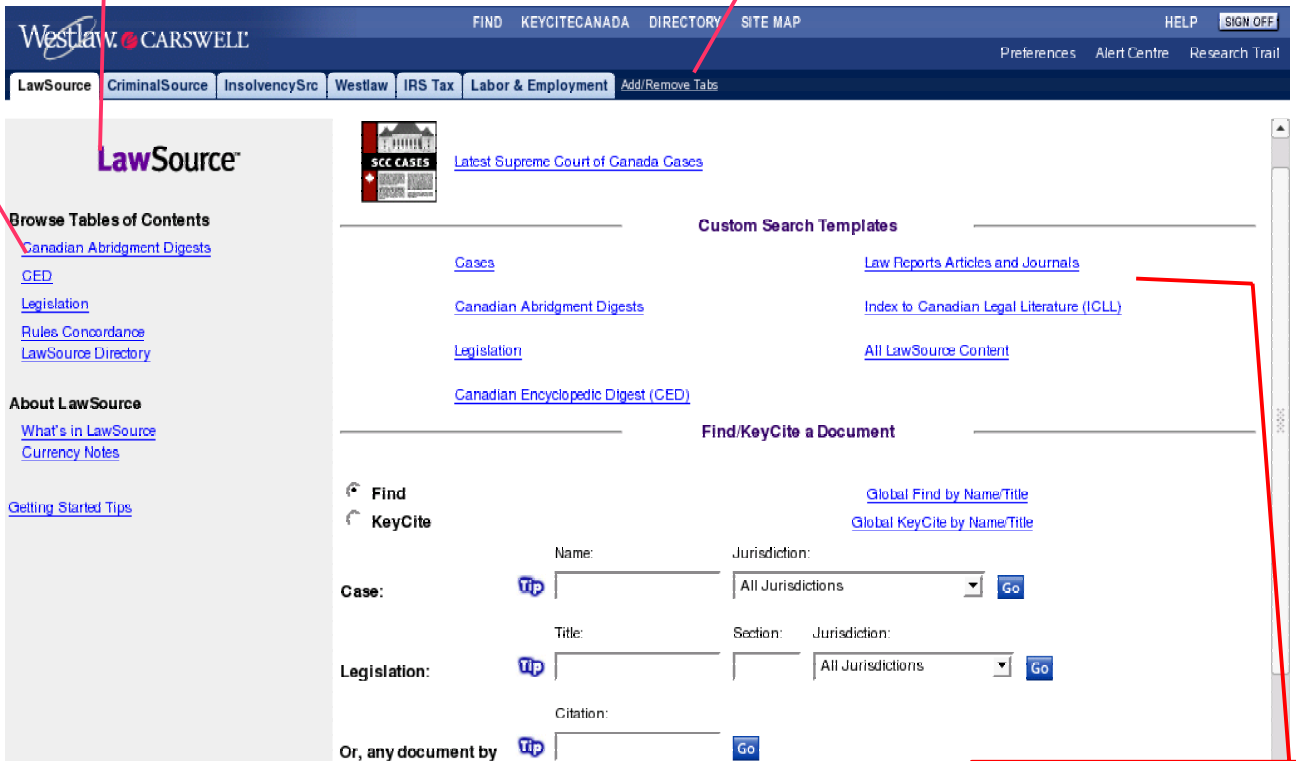
The screenshot shows the WestlawCarswell Directory search interface. The search term "human rights" is entered in the search box. The search results list several databases, including "Hastings Race and Poverty Law Journal", "United Kingdom Current Awareness - HumanRights", "National Journal of Constitutional Law", "Yale HumanRights and Development Law Journal", "Hate Crimes Law", and "HumanRights". A "Find a Database Wizard" dialog box is open, asking "The wizard will suggest databases for you to search. What are you trying to find?". The options are: "Publication or other source" (selected), "Case, statute or legal text or periodical", "Specific court or agency materials", "Practice or research area materials", "Geographic area materials", "Definition of a term or phrase", "News and current events", and "Other".

Or use the "Find a Database Wizard" (found under the "Directory" heading) which will suggest databases for you to search

Search **LawSource** for Canadian content including:

- legislation
- latest Supreme Court Cases
- the Canadian Encyclopedic Digest
- law report articles
- the Canadian Abridgment
- case law
- KeyCite Canada (note up cases, statutes and rules)

Click **Add/Remove Tabs** to customize the tabs that appear when you sign-on.



If a **'Table of Contents'** option is available, you can 'drill-down' to find the document you need instead of searching using the **custom search templates**.

Use these **Search Templates** which are customized for the various types of documents and services.

Figure 1: Default search page - WestlawCarswell



## The Find a Document Page

On the Find a Document page, you can click **Publications List** in the left frame to view a complete list of publications and abbreviations that can be used with Find.

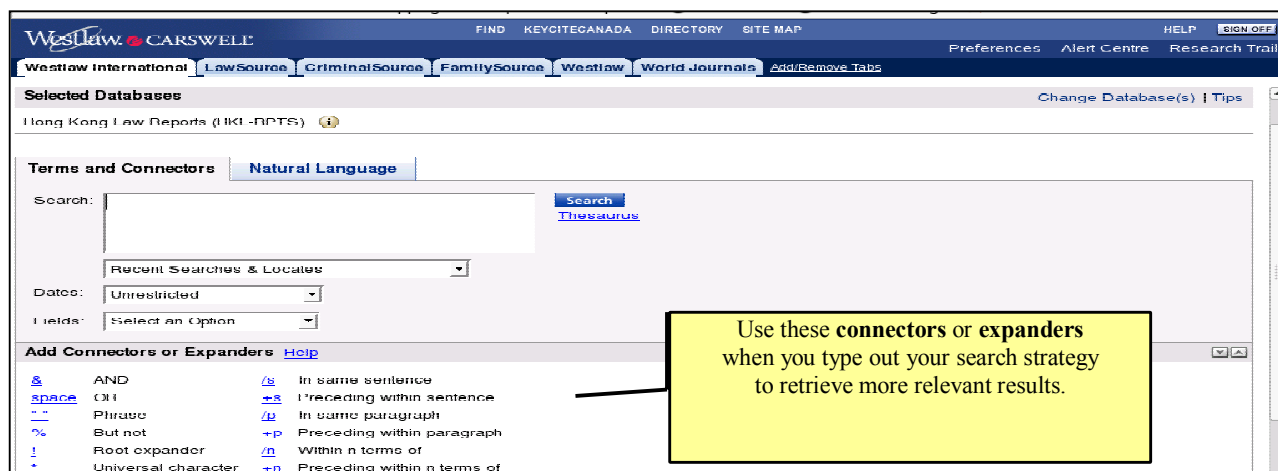
The same publication abbreviations used in one country may also be used in other countries. To specify the jurisdiction from which you want to retrieve documents, select a country from the *Publication Country* drop-down list.

Click **Find Tips** in the left frame of the Find a Document page for additional information on Find.



In the right-hand frame, you can find a document by name or title. Enter full or partial names or titles, choose the jurisdiction in the drop-down menu, then click 'Go'.

## Connectors



In WestlaweCarswell, Boolean operators are represented by these symbols: & = AND; space = OR; % = But not. The truncation symbol in WL is called the 'root expander' and is symbolized by the exclamation mark (!).

Try using the other symbols called **proximity connectors** to expand your search. For example, if you want to find terms within a few words of each other, use the **/n** where 'n' represents a number. Or use the **/s** connector if you want to find terms within the same sentence or **/p** to find words in the same paragraph.

#### Examples:

**personal /3 jurisdiction** will find:

"her voluntary submission to the authority of the court has founded **jurisdiction** in a **personal** action in that court"

**child /s custody** will find:

"Stretching the boundaries in **child** access, **custody** and guardianship in Canada."

**hearsay /p utterance** will find:

"Perhaps to give this doctrine a more modern and shiny patina, senior counsel for the pursuer preferred to refer to such statements as "excited **utterances**" and pointed out that in many other jurisdictions **hearsay** evidence of such spontaneous **utterances** is admissible."

[**Note:** WL automatically retrieves plurals when you enter the singular form of a term. You can turn off plurals of a particular term by placing the # symbol in front of the term. To retrieve *damage* but not *damages*, type **#damage**.]

You can also combine several connectors and expanders, like in this example:

**willful! /s misconduct /s disqualif! /s "unemployment compensation"** will find:

"The court also found that the employee's refusal to enter the rehabilitation program was a **willful** violation of his agreement with his employer, constituting the kind of **misconduct** that **disqualified** an employee from receiving **unemployment compensation**."

### **Noting Up Cases using KeyCiteCanada**

KeyCiteCanada provides the following information:

- Direct appellate history of a case.
- Positive and negative citing references of a case.
- Citing references to cases and secondary sources on WestlaweCARSWELL that have cited a case.
- Citing references to cases that have cited a federal, provincial or international statute, or a Supreme Court of Canada, Federal Court, territorial or provincial rule.
- A status flag or other icon will appear on a decision, when applicable, to advise that history or other citing references are available for that case.
- A status flag or other icon will appear on a section of legislation, when applicable, to advise that citing references are available for that section.





KeyCiteCanada for **cases** includes the full history of all Canadian reported cases back to 1867, plus judicial treatments of Canadian and foreign cases discussed in Canadian decisions that fall within the following coverage:

- a) Selective coverage or reported cases prior to 1977
  - b) Comprehensive coverage of reported cases since 1977
  - c) Comprehensive coverage of unreported cases since 1986
- Citing references to cases found in secondary sources are also available on WestlaweCARSWELL.

KeyCiteCanada for **legislation** includes judicial treatment of Canadian and foreign statutes in Canadian decisions that fall within the following coverage:

- a) Selective coverage or reported cases prior to 1977
  - b) Comprehensive coverage of reported cases since 1977
  - c) Comprehensive coverage of unreported cases since 1986
- KeyCiteCanada also includes judicial consideration of the Rules of Court of the Supreme Court of Canada, the Federal Court, the territories, and each province with the exception of Quebec.

**KeyCiteCanada status flags and other icons advise that history or other citing references are available for your document.**

	A <b>red flag</b> warns that a case may not be good law, indicating that the decision has been reversed, or has not been followed within the same jurisdiction or by the Supreme Court of Canada.
	A <b>yellow flag</b> warns that a decision has some negative history or treatment, but has not been reversed or overruled. A yellow flag is also displayed if a treatment has been recently added, and has not yet been editorially analyzed.
	A blue H indicates that the decision has some direct history but it is not known to be negative history.
	For cases, a green C indicates that the decision has no direct history, but there are treating cases or other citing references to the decision. A green C for a statutory provision indicates there are cases or other citing references to this provision.

### Accessing KeyCiteCanada

There are several ways to access KeyCiteCanada:

- At the top of any page, click the KEYCITECANADA link to display the KeyCiteCanada page.
- On the Home page, in the Find/KeyCite a Document section, click the KeyCite radio button. Type a citation in Citation box and click Go.
- In the document header of a displayed case, or section of legislation, or in a citation list, click the KeyCiteCanada status flag, if available, or click Related Info tab in the left frame to access KeyCiteCanada links.

## 1.5.2 Using LexisNexis Quicklaw

**hint:** Check the LexisNexis Quicklaw Source Directory to search or browse relevant sources.

LexisNexis® Quicklaw™

Start | Client

Search Source Directory History & Alerts

Browse Sources Search for a Source

Browse Sources

1 By  Publication Type  Area of Law  News & Business  Industry

2 Filter by: Country: Canada Topics: All Topics All Regions

Trail: Publication Type

3 Select a category to view sources

- Administrative Boards & Tribunals
- Cases
- Commentary
- Country & Region Reports
- Intellectual Property Records
- Legal Indices & Tables
- Legal News
- News
- Scientific Materials
- Administrative Materials & Regulations
- Citators & Digests
- Companies & Organizations
- Industries & Markets
- Law Directories
- Legal Journals
- Legislation
- Statutes
- More...
- People
- Treaties & International Agreements

## Searching LexisNexis Quicklaw

There are various ways to search from this default home page:

LexisNexis® Quicklaw™

Start Page | Client: ctellis | View (0) | Preferences | Sign Out | Contact Us | Help

Helpdesk: 1-800-387-0899

My Start Page

Search Source Directory History & Alerts

General Court Cases Tribunal Cases Legislation Commentary Services Journals News & Companies

History & Alerts

Recent Searches

Links

- Recent Decisions
- LexisNexis Quicklaw website
- Source Information

View tutorials

- Overview
- Searching
- Selecting Sources
- Working with Results

What's New

Find a Document

Find a Source Searches Source Name Go Citation help

General Search

Enter search terms Search

A space between words searches an exact phrase. Show the relation of terms with connectors, e.g., age & discrimination, age or race, trade /5 act. View connectors...

Refine search by area(s) of law

Search Term Equivalents

- Singular and Plural
- Masculine and Feminine

Sources  \*All Canadian Court Cases Find more sources...

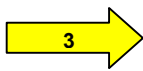
or

- Cases
- Legislation
- Commentary

1) The first way is by using the **Find a Document** option which gives you quick access to commonly required items. Here you can find a case by name (use one or more of the party names) or citation; note up a case (find parallel citations, history and judicial treatment of a case) or note up a statute; find legislation; or find a Canadian journal article (using the title of the article). You can also find a definition, Shepardize a US case and find a source.

2) In the middle of the page, there's a general search box. To create a search, type in your terms and phrases then select the source in which you'd like to search. Remember, you'll be in the **General Search** when you log-in. If you want to search for a particular type of document, use one of the content-type search pages (e.g. **Court Cases, Commentary, Journals**, etc.).

3) At the bottom of this page, **My General Search Sources** give you instant access to your frequently used General Search sources. This section can be customized to include or remove sources.



[Hide](#) | [Help](#)

Click to search or browse your frequently used General Search sources. [Add/remove sources](#)

**Case Law**

- [All LexisNexis Canadian Judgments Search](#)
- [Canadian Case Summaries Search](#)
- [Supreme Court of Canada, Group... Search](#)
- [Cour suprême du Canada, groupe... Search](#)
- [LAW/NET Legal Update Service Search](#)

**Forms and Precedents**

No Sources Selected. Click [Customize](#) to select sources.  
[Add Sources](#)

**Legislation**

- [All Canadian Statutes Search](#)

**Commentary**

- [All Commentary Search](#)
- [Canadian Legal Words and Phrases Search | Browse](#)

**Tribunal Cases**

- [All Boards and Tribunals Search](#)

**Journals**

- [All Canadian Legal Journals Search](#)

In some sections of Quicklaw, you are given the option to browse a table of contents instead of searching a source. For example, we can browse the International Journals listed here:

**Search**
Source Directory
History & Alerts

General
Court Cases
Tribunal Cases
Legislation
Commentary
Services
Journals

Search
**Browse**
International Journals

Sources contained within "[All Australian Journals]"

NOTE: Click any active link to browse an individual source.

- [Australian Journal of Corporate Law](#)
- [Australian Journal of Family Law](#)
- [Australian Journal of Labour Law](#)
- [Australian Property Law Journal](#)
- [Competition and Consumer Law Journal](#)
- [Insurance Law Journal](#)
- [Torts Law Journal](#)

Click on the **Browse** tab to review the content of a specific resource

### Connectors

Like WestlawCarswell, you can use connectors and expanders in Quicklaw as well as very specific commands. There is very detailed information on QL's connectors and commands in the Help menu but

**Search Connectors and Commands**

**Related Topics**

[> Developing a Search](#)

AND	OR	/n	ATLEAST
AND NOT	PRE/n	/p	ALLCAPS
NOT /n	NOT /seg	/seg	CAPS
NOT /para	NOT /sent	/s	NOCAPS
! (Truncation)	CONNECTOR ORDER		SINGULAR/PLURAL
* (Wildcard)			MASCULINE/FEMININE

below I've highlighted some of the very unique ones:

- **Using the /seg Connector**

The /seg connector tells the service to find documents in which both of your search words appear within the same segment. Words joined with /seg can occur together in any segment.

For example, the search below finds documents in which "opec" and "gasoline" are in the same segment:

**opec /seg gasoline**

/seg is slightly more restrictive than the [AND connector](#). In the example above, a document in which "opec" is in the headline and "gasoline" is in the text would not be found by this search, because the words are not in the same segment.

/seg is primarily useful for searching files of highly segmented information, such as annual reports. If you want to find annual report footnotes that mention unitary taxation, your search might look like this:

**tax! /seg unitary**

- **Using the ALLCAPS Command**

Using the ALLCAPS command, you may restrict your Boolean search to find words in which all letters are capitalized.

Example: **allcaps (obca)** finds documents referencing the Ontario Business Corporations Act (OBCA).

- **Using the ATLEAST Command**

Use ATLEAST to require that a word or words appear "at least" so many times in a document. Use ATLEAST when you want only documents that contain an in-depth discussion on a topic rather than just a mention.

For example, to find documents that contain an in-depth discussion of the Charter, the Canadian Charter of Rights and Freedoms, enter:

**atleast10(charter)**

This search requires "charter" to appear in every document at least 10 times. You can use any number from 1 to 255 with the ATLEAST command.

- **Using the NOCAPS Command**

Using the NOCAPS command, you may restrict your Boolean search to find words in which none of the letters are capitalized.

For example, to search on documents about foreign aid, but not the disease AIDS, use

**nocaps (aid)**

The documents this search request finds may also include references to AIDS, but only incidentally.

- **Using Masculine/Feminine**

By selecting the Masculine/Feminine box when searching in French, the research service will automatically look for both the masculine and feminine forms of your words. For example, if you type "instructeur" and select the box, the research service will automatically look for "instructrice" as well. However, the reverse is not true. Typing the feminine form will not find the masculine.

### **Noting up cases using QuickCITE**

The **QuickCITE case citatory** is used to validate the authority of your case using the case history and treatment coverage available in Quicklaw's online case citator. The coloured case treatment indicators located throughout the Quicklaw service tell you at a glance which cases in your search results to examine first. They reveal how cases have subsequently been treated by the courts and provide links to QuickCITE™ records.

- **Citator Information Icon**

Click this link to view more information on this citation.

- **Positive Treatment Icon**

The case has positive history (affirmed, judicial review denied, or leave to appeal refused by a higher court) or positive treatments (followed or followed in a minority opinion of a subsequent court).

- **Cautionary Treatment Icon**

The case has been distinguished by a subsequent court.

- **Negative Treatment Icon**

The case has negative history (judicial review allowed, reconsideration allowed, reversed, quashed, or varied by a higher court) or negative treatments (not followed or questioned by a subsequent court).

- **Neutral Treatment Icon**

The case has neutral treatments (mentioned, explained, or cited in a dissenting opinion).

#### **History Treatment Icon**

The case has history (abandoned, abated, leave to appeal granted, reconsideration denied, related proceeding, same case, or supplementary reasons by a subsequent court), but the citing court does not comment on the case.

#### **No Treatment Icon**

The case has no known history or treatments.

## ***Other Jurisdictions***



### **2. ENGLISH (UK) JURISPRUDENCE**

The Law Library currently receives three series of UK law reports. They are:

i. [\*The All England Law Reports\*](#) (SLR 4-30)

*The All England Law Reports* has its own indexing system, namely the *Consolidated Tables and Index* and the *Current Tables and Index*.

ii. *The Law Reports* (SLR 4-32)

The official set of law reports published by the Incorporated Council of Law Reporting for England and Wales. *The Law Reports* have an elaborate indexing system. Since 1951, they have published not only a revised index every 10 years, but also indexes published every trimester which allows you to locate decisions based on the style of cause or by the subject of the decision.

N.B. These reports not only index decisions published in the *The Law Reports* but also judgments indexed in other law reports including *The All England Law Reports* and *Lloyd's Law Reports*.

iii. [The Weekly Law Reports](#) (SLR 4-34)

Also published by the Incorporated Council of Law Reporting for England and Wales, these reports are published in four volumes - Volumes 1a and 1b contain the cases which do not merit inclusion in The Law Reports, while Volumes 2 (January to June) and 3 (July to December) cover the cases which will subsequently be published in The Law Reports together with a note of counsel's argument. This series of reports helps to keep you up-to-date with cases heard in the Superior and Appellate Courts.



### 2.1 Online sources for U.K. jurisprudence<sup>2</sup>

**FREE** [BAILII](#) contains an easily searchable and growing number of case law databases,

**FREE** [House of Lords judgments](#) are available on the web from 1996, and within 2 hours of the decision.

**FREE** Her Majesty's Court Service (HMCS) contains a database of [selected recent judgments](#) from the Court of Appeal and the High Court.

**\$ Subscription-based** [LexisNexis Quicklaw](#) contains The Law Reports of England and Wales 1865- and the All England Law Reports Reprints 1558-. It also includes unreported cases from England and Wales, Northern Ireland and Scotland (various coverage).

**\$ Subscription-based** [WestlawCarswell](#) contains The Law Reports 1865- [Database Identifier: LAW-RPTS] and several other series as well, including Weekly Law Reports [Database Identifier: WLR-RPTS] and Criminal Appeal Reports [Database Identifier: CRA-RPTS].

The screenshot shows the Westlaw UK website. At the top, there is a navigation bar with links for 'FIND', 'KEYCITECANADA', 'DIRECTORY', and 'SITE MAP'. Below this is a tabbed interface with 'Westlaw UK' selected. A sidebar on the left lists 'Shortcuts' and 'Quick Searches' with links to 'Case Locators', 'Cases (full text)', 'UK Legislation', and 'UK Legislation Locators'. The main content area is titled 'Welcome to Westlaw UK' and features a 'Case Locator' section with a search box labeled 'Search by Party Name(s):' and a 'Go' button.



## 3. UNITED STATES JURISPRUDENCE

When looking for cases in the United States you may consult these print sources:

<sup>2</sup> Excerpted & revised from Sarah Carter's *A Guide to the UK Legal System* (November 2005), online: <[http://www.nyulawglobal.org/globalex/United\\_Kingdom.htm#caselaw](http://www.nyulawglobal.org/globalex/United_Kingdom.htm#caselaw)>.



### United States Reports [U.S.]

This edition is issued by the U.S. Supreme Court and the Superintendent of (U.S.) Documents, thus explaining the "U.S." citation and its place above all other parallel citations. As this edition is issued slowly, currently three years in arrears, other sources are often used. Available online through University of Ottawa's subscription to [HeinOnline](#).

### United States Supreme Court Reports, Lawyers' Edition [L.Ed.] & [L.Ed.2d]

This reporter includes annotations on issues decided by the Supreme Court. Note that in American legal parlance, *Certiorari Granted* or *Certiorari Denied* means that an appeal to the Supreme Court can or cannot be lodged. [[FTX Law Reports SLR 4-55](#)]

### National Reporter System [F., F. Supp., N.E., P., etc]

This is the most user-friendly way to find American case law. It has two collections of Federal case law and seven collections of Regional Reporters; that is state case law grouped geographically. Cases can be traced with [West's Key Number System](#) and use of the Decennial digests. The reporter system is also available on [Westlaw](#). [FTX Law Reports SLR 4 (41 - 54)]

### American Law Reports [A.L.R.]

This reporter is much more selective than the National Reporter System and provides annotations to specific cases. A.L.R. Annotations are memos on the pith, substance and specific legal issues raised by a case. At the time of its release, an ALR case can settle a point of legal ambiguity or controversy. Its annotations are not doctrinal works but marshal all relevant materials around and about a legal question so that the user can analyze it. [FTX Law Reports SLR 4-41]



## 3.1 Online sources for U.S. jurisprudence

**FREE** [Legal Information Institute \(LII\)](#): Here you can find links to U.S. Supreme Court Opinions, other Federal court opinions, NY Court of Appeals Opinions as well as all other states' opinions.

**\$ Subscription-based** Both [WestlawCarswell](#) and [LexisNexis Quicklaw](#) offer a wide range of U.S. jurisprudence, including materials from all 50 states. Note that the default search for both databases is for Canadian content.

To search U.S. sources in LexisNexis Quicklaw, click on the "Source Directory" and browse or search for a source.

LexisNexis® Quicklaw™ Start | Client: dtellis |

Search Source Directory History & Alerts

Browse Sources Search for a source

Browse Sources

1 By  Publication Type  Area of Law  News & Business  Industry

2 Filter by: Country: United States All Regions

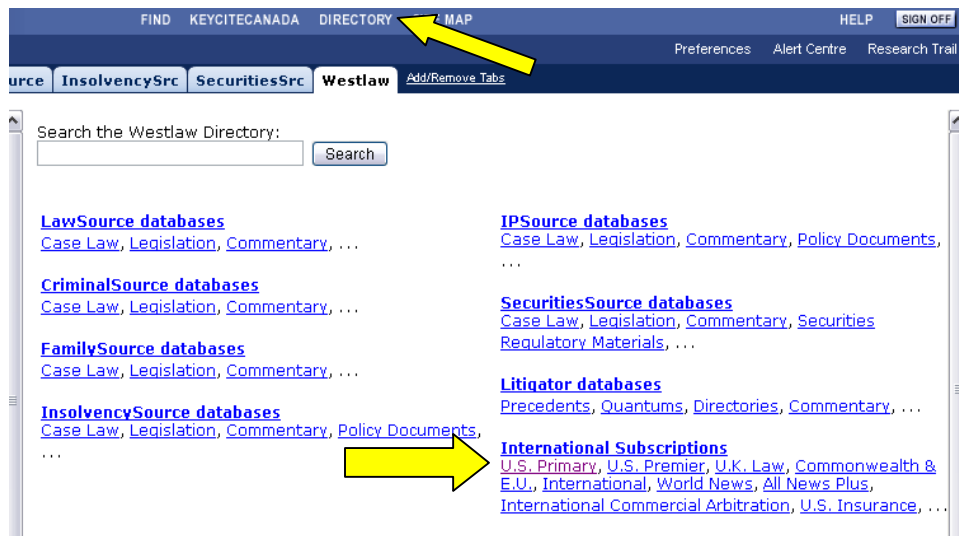
Topics: All Topics

Trail: Publication Type

3 Select a category to view sources

- Administrative Boards & Tribunals
- Cases
- Commentary
- Administrative Materials & Regul.
- Citators & Digests
- Companies & Organizations

To search U.S. sources in WestlawCarswell, click on "Directory" and search for a source using the textbox or browse the U.S. Premier or U.S. Primary databases listed under "International Subscriptions".



**\$ Subscription-based HeinOnline:** Use this database to access PDFs of U.S. Supreme Court opinions from the beginning of the Court [click on the “U.S. Supreme Court Library”].

#### 4. AUSTRALIAN JURISPRUDENCE

When looking for Australian cases you may consult these print sources:

**Australian legal monthly digest.** (Sydney: Law Book Company, 1967- )

[FTX Reference KU 17 .A33](#)

This monthly publication includes summaries of significant reported decisions, as well as recent legislative developments. Has a complement volume with title ALMD Advance, a fortnightly publication with information on recent reported and unreported decisions, as well as recent legislative developments.

**The Australian law reports.** (Sydney : Butterworths, 1974- )

[FTX Law Reports SLR 4-30](#)

The ALR includes all High Court cases, important decisions of the Federal Court, significant judgments from state supreme courts exercising federal jurisdiction, cases from the Australian Capital Territory Supreme Court, cases from the Northern Territory Supreme Court and selected decisions of federal tribunals.

**The Australian law journal.** (Sydney : Law Book Company, 1927- )

[FTX Periodicals KTA 0 .A95](#)

The pre-eminent legal journal in Australia covering important current and historical legal issues. All articles are written by legal specialists, leading academics, and prominent members of the Australian judiciary.

Australian law journal and the reports (ALJR) issued together until the publications are bound; Australian law journal reports (ALJR) bound separately under the call no. SLR 4-30 and kept in the Law Reports section.

**The Federal law reports.** (Sydney : Law Book Co. of Australasia, 1956 - )

[FTX Law Reports SLR 4-30](#)

Reports of cases decided by the federal courts (other than the high court), state courts exercising federal jurisdiction, and courts of territories.

**Australian case citator.** (Sydney : Law Books Co. Ltd., 1981- ) [REF KU 17 .A4 A87](#)

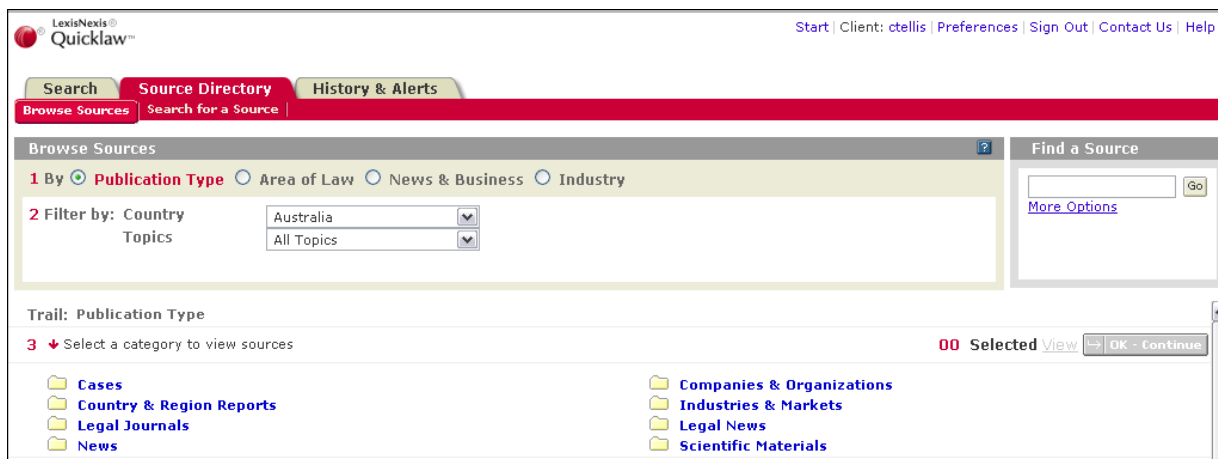
Loose-leaf service. A case citator which lists reported cases in alphabetical order, indicates where those cases have been reported and lists citations to cases that have subsequently considered the first case.

#### 4.1 Online sources for Australian Jurisprudence & Secondary Material

**FREE AustLII** is a free source for access to full text Australian case law. It contains High Court reported judgments from 1903 and also the High Court transcripts commencing 1994-. All State Supreme Court decisions are also there, with links to each of the States Court sites. The AustLII documents are not available in true PDF format, and therefore cannot be handed up in Court. [High Court of Australia Transcripts](#) are also available on AustLII from 1 January 1995 onwards.

#### **\$ Subscription-based Quicklaw**

Browse the Source Directory and select Australia from the Country drop-down menu to view the sources available.



#### **\$ Subscription-based WestlawCarswell**

Click on Directory at the top of the page then click through to > International Subscriptions > Commonwealth & EU > and finally **Australia Materials**

Westlaw CARSWELL

FIND KEYCITECANADA DIRECTORY SITE MAP

HELP SIGN OFF

Preferences Alert Centre Research Trail

LawSource CriminalSource FamilySource InsolvencySrc SecuritiesSrc Westlaw Add/Remove Tabs

Database Directory

WestlawCARSWELL Directory

All Databases New Databases

Change Directory Layout

Make Directory My Start Page

Search these databases

Directory Location: [WestlawCARSWELL Directory](#) > [International Subscriptions](#) > [Commonwealth & E.U.](#) > **Australia Materials**

Search

Search only Australia Materials  
 Search entire directory

[Australian International Commercial Arbitration - All \(AUICA-ALL\)](#) ⓘ

- [Cases](#)
- [Administration, Regulation and Compliance](#)
- [Agreements and Treaties](#)
- [Codes of Practice and Standards](#)
- [Commentary, Analysis and Interpretation](#)
- [Policy and Reports](#)
- [Business & News](#)
- [Law Reviews, Bar Journals and Legal Periodicals](#)
- [By Practice Area](#)

## II. SECONDARY MATERIAL

## 1. Introduction

A *secondary legal resource*, as the term implies, is not the law itself and is often used as a sort of “backup” to a primary source. These types of resources summarize, compile, explain, comment on, interpret, or in some other way address the law. They can be used to:

- Obtain background information on a new or unfamiliar topic; help you to define the issues; define keywords  
*Consult:* legal encyclopedias, treatises, periodicals
- Locate primary authority on a question being researched. This is often an easier route to finding the law; secondary sources are more “approachable” and less intimidating than going through indexes to statutes or regulations  
*Consult:* digests of cases, citators, annotated codes/acts
- Be relied on by the court when reaching a decision if there is no primary source governing a legal question or it is unclear how the primary source applies to the question at hand.  
*Consult:* treatises, law reviews, Restatements of the Law

## 2. Types of secondary material

### 2.1 Encyclopedias

As in all other disciplines, the encyclopedia is the work that is recommended to gather general information about a term, concept, person, or subject. Often an encyclopedia entry will include a short bibliography or references to other texts to consult.

Legal encyclopedias are especially helpful if you are unfamiliar with a specific jurisdiction or a general legal topic.

Below are a few examples of jurisdiction-specific encyclopedias:

- ✦ Canadian Encyclopedic Digest or C.E.D.
- ✦ Halsbury’s Laws of Canada
- ✦ American Jurisprudence, 2d. & Corpus Juris Secundum
- ✦ Halsbury’s Laws of England
- ✦ Halsbury’s Laws of Australia



### Canadian Encyclopedic Digest

In Canada, the main legal encyclopedia is the *Canadian Encyclopedic Digest* (C.E.D.), published by Carswell. There are, however, two versions of the encyclopedia. The Ontario edition is bound in green [[REF KEO 142 C33](#)]. The Western edition which covers the four Western provinces, is bound in brown [[REF KE 156.2 .W43](#)].

The CED is also available through the LawSource service of WestlaweCarswell.

Note: The CED is not part of the Canadian Abridgment but it can accompany the Abridgment. It is also published by [Carswell](#) and resides near the Canadian Abridgment in the reference collection at.

### *Composition of the C.E.D*

**Main Work** - The C.E.D. is organized alphabetically into "Titles" which correspond to broad legal topics. Titles are further broken down into paragraphs, which deal with particular points of law. Each paragraph is accompanied by footnotes, directing the reader to relevant statutes and case law.

The main work of the C.E.D. is updated through the use of yellow supplements, which are inserted at the beginning of each title. If the title you are using has a yellow update supplement, check to see whether the paragraphs you are relying on have been updated. Match the relevant paragraph in the main work to the paragraph (if there is one) in the yellow supplement.

**Indexes** - The General Index to the C.E.D. is published in a separate volume. There are also indexes at the end of each Title.

**Key and Research Guide** - The key is a useful starting point for entry into the main work. The Key provides the following indexes:

- **Contents Key:** Lists in alphabetical order all of the subject titles in the C.E.D., along with their corresponding volume and title numbers.
- **Statutes Key:** Lists in alphabetical order every statute referred to in the C.E.D., along with the paragraphs of the main work that mention a given statute.
- **Regulations Key:** Lists in alphabetical order every regulation referred to in the C.E.D., and cites the paragraphs of the main work that mention a given regulation.
- **Index Key:** This is a good place to start research if you are unsure of the appropriate subject title under which to proceed. The index lists issues and sub-issues alphabetically. Beside each entry is the volume and title number of the general subject under which the issue is classified. The volume number appears before the hyphen, while the title number follows the hyphen. Once you have identified the appropriate title, turn to the Table of Contents or Index of that title to look up the specific sub-issue that concerns you.



### Halsbury's Laws of Canada

A recent addition to the field of legal literature published by LexisNexis Canada, this will eventually be a multi-volume encyclopedic treatment of Canadian law (some 57 volumes). As of July 2008, there are 17 volumes available: [v.1.] *Access to information and privacy* / E. Michael Power; [v.2.] *Immigration and citizenship* / Lorne Waldman; [v.3.] *Conflict of laws* / Janet Walker; [v.4.] *Environment* / Phil Langlotz -- [v.5.] *Employment* / Geoff, England; [v.6.] *Wills and estate* / Monique Shebbeare; [v.7.] *Media and postal communications medicine and health* / Jay Brecher; *Criminal offences and defences* / Alan D. Gold; [v.9.] *Patents trade secrets and industrial designs* / Roger T. Hughes; [v.10.] *Trade-marks passing off and unfair competition* / Roger T. Hughes; [v.11.] *Criminal procedure* / Alan D. Gold.; [v.12.] *Legal profession* / Jakub Adamski; [v.13.] *Negligence* / Allen M. Linden; [v.14.] *Communications* / Sunny Hands; [v.15.] *Torts* / Allen M. Linden; [v.16] *Construction* / Duncan Glaholt; [v.17.] *Discrimination and human rights*

Available at [REF KE 444 .H35](#).



### American Jurisprudence, 2d (Am.Jur. 2d.)

*American Jurisprudence 2d*, a legal encyclopedia originally published by Lawyers Cooperative Publishing and now by West Publishing, includes both procedural and substantive law organized into 83 volumes. *American Jurisprudence 2d* covers over 430 topics which are subdivided into many sections. *American Jurisprudence 2d* includes an annual, multivolume index and annual cumulative pocket supplements. *American Jurisprudence 2d* places a greater emphasis on statutory law, federal procedural rules and uniform state laws than *Corpus Juris Secundum*. As legal encyclopedias present general propositions of law in narrative form with introductory explanations and citations to case law, statutory law and other resources, these publications are excellent introductions to new areas of law and provide a starting point for research.

In print at FTX Law Reports [SLR 4-60](#).



It can be accessed through Westlaw and LexisNexis Quicklaw.



### **Corpus Juris Secundum<sup>3</sup> (C.J.S.)**

C.J.S. is an encyclopedia of U.S. law. Its full title is *Corpus Juris Secundum: Complete Restatement Of The Entire American Law As Developed By All Reported Cases (1936- )*. It contains an alphabetical arrangement of legal topics as developed by U.S. federal and state cases (1658-date).

The CJS is an authoritative 20th century American legal encyclopedia that provides a clear statement of each area of law including areas of the law that are evolving and provides footnoted citations to case law and other primary sources of law. Named after the 6th century Corpus Juris Civilis of Emperor Justinian I of the Byzantine Empire, the first codification of Roman law and civil law. (The name Corpus Juris literally means "body of the law"; Secundum denotes the second edition of the encyclopedia, which was originally issued as Corpus Juris by the American Law Book Company.)

The CJS is published by [Thomson West](#).

In print at FTX Law Reports [SLR 4-\(59-60\)](#).



It is also available on Westlaw.



### **Halsbury's Laws of England**

This is **not** a collection of English statutes but rather an encyclopedia of British Law, much like the Canadian Encyclopedic Digest. It is a complete narrative on the law of England culled from many sources. These sources include ancient common law, case law, statute law, EU directives, and regulations as well as treaties. In print at [REF KD 310 .H34](#).



### **Halsbury's Laws of Australia**

Halsbury's Laws of Australia is a concise yet comprehensive legal encyclopedia covering all Australian law. It provides definitive statements of the law supported by primary authority contained in detailed footnotes. Halsbury's covers 89 subject areas and all nine Australian jurisdictions. To help research, Halsbury's includes a consolidated index and consolidated tables of cases and statutes. Available at: [REF KU 11 .H34](#)

Halsbury's Laws of Australia should be used in conjunction with **Australian Current Law** as this monthly publication updates the content of Halsbury's Laws of Australia.


**Australian current law. Reporter.** Publisher [North Ryde, Australia] : Butterworths, 1991-  
Case digests of superior court decisions from all Australian jurisdictions, of relevant international decisions, table of sentencing decisions, table of quantum of damages, details of recent articles and books. Available at: [REF KTA 0 .A8765](#)

## **2.2 Periodical Indexes**

A resource used for finding citations to articles in periodicals (journals, magazines, newspapers). Some periodical indexes also include references to books, chapters, and other "non-periodical" literature. Many indexes give **abstracts**, or summaries, for each article.

Most are now available online and include some full-text articles. If the full-text of the article does not

<sup>3</sup> Excerpted and revised from: [http://en.wikipedia.org/wiki/Corpus\\_Juris\\_Secundum](http://en.wikipedia.org/wiki/Corpus_Juris_Secundum) [Accessed January 30, 2007]

appear, you may see this icon . Click on it to see if the article is available in full-text either electronically or in a print version of the journal.

#### **When do you use a periodical index?**

If you're looking for information on a specific topic and you've already looked for books in the catalogue, you can look in a periodical index to find journal articles, newspaper/magazine articles, commentaries, etc..

#### **Which one do I use?**

That will depend on your research, the jurisdictions in which you're interested and the type of material you'd like to find. If you're not sure where to start, feel free to consult a librarian.

Below is a list of indexes to which the library subscribes:

#### ➤ **Index to Canadian Legal Literature**

The Index to Canadian Legal Literature (ICLL), a component of the Canadian Abridgment, is a bilingual index and bibliography of English and French Canadian legal literature including articles, monographs, government publications, audio-visual materials, case comments and annotations. It is classified according to Library of Congress Subject Headings and the Répertoire de vedettes-matière. Updates to the annual volumes are available through the issues of Canadian Current Law.

ICLL is divided into five sections, enabling you to look for legal literature by subject, author, case, statute and book review.

Print volumes are available at [FTX REF KE 173 .C33](#).  
Available electronically via WestlaweCARSWELL as well as Quicklaw.

#### ➤ **Index to Canadian Legal Periodical Literature**

This title indexes articles found in legal and non-legal periodicals with coverage starting in 1961. Articles are assigned subjects according to keywords in English but an English-French table of concordance also exists.

There are quarterly updates along with an annual bound volume. In addition to journal articles, essays, case comments and book reviews are also indexed.

Available in print at [FTX REF KE173 C333](#)

**Other Indexes** include:

✦ [Doctrinal Plus](#): Bibliographical database of over 100,000 references to mostly French-language articles published in more than 200 legal periodicals.

✦ [Index to Legal Periodicals, 1982-](#): a bibliographic database that cites articles from legal periodicals and indexes law books. Periodical coverage includes law reviews, bar association journals, university publications, yearbooks, institutes, and government publications. Index to Legal Periodicals & Books covers all areas of jurisprudence, including recent court decisions, new legislation, and original scholarship.

**See related:** [Index to Legal Periodicals Full Text](#)

Bibliographic database that cites articles written since 1982 from more than 600 legal periodicals, and indexes some 2000 law books per year. Full text of over 200 select periodicals, as far back as 1994.

✦ [Index to Legal Periodicals Retrospective, 1918-1981](#): a bibliographic database that cumulates citations from print editions of Index to Legal Periodicals published between 1908–1981. Periodical coverage includes law reviews, bar association journals, university publications, yearbooks, institutes, and government



publications. Index to Legal Periodicals Retrospective covers all areas of jurisprudence, including court decisions, legislation, and original scholarship.

✦ [Index to Foreign Legal Periodicals](#): produced by The American Association of Law Libraries, provides access to legal literature worldwide, covering all forms of foreign (non-Anglo-American) law. This includes comparative law and legal systems, such as Islamic law; socialist law; public and private international law; and transnational commercial law. The data is not limited by country of publication, but rather type of publication. Thus, while publications concerning British and American law are not included, British and American publications concerning foreign law are included.

✦ [LegalTrac](#): Drawing on a wide variety of highly regarded legal publications, *LegalTrac* provides indexing for approximately 875 titles including major law reviews, legal newspapers, bar association journals and international legal journals.

#### **Periodical Indexes also reside *within* online research services:**

- ✦ Current Index to Legal periodicals in Westlaw [Database Identifier: CILP]
- ✦ Journals and Law Reviews in Westlaw [Database Identifier: JLR]
- ✦ Index to Canadian Legal Literature in WestlawCarswell [Database Identifier: ICLL] and in Quicklaw
- ✦ Index to Periodical Articles Related to Law, 1958-1994 in HeinOnline
- ✦ Legal Journals Index in Westlaw [Database Identifier: LJL]

#### **Print Indexes**

- ✦ Current Law Index, 1980-2000 [[Ref K 33 .C87](#)]
- ✦ Index to Legal Periodicals [and Books], 1908-current [[Ref Z 6453 .U5](#)]
- ✦ Public International Law, 1975-2001 [[Ref K 3150 .P82](#)]

## **2.3 Dictionaries**

There is a multitude of dictionaries available in print at the library as well as online. It's best to verify more than one dictionary to get a better understanding of the term or phrase in question.

✦ Daphne A. Dukelow, ed., *Pocket dictionary of Canadian law* (Toronto: Carswell, 2002). ([REF KE 183 .D84 2002](#)).

✦ Daphne A. Dukelow & Betty Nuse, eds., *The Dictionary of Canadian Law*, 2nd ed. (Toronto: Carswell, 2004). ([REF KE 183 D83 2004](#))

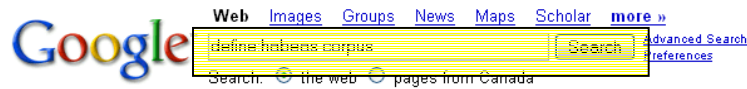
✦ John A. Yogis, ed., *Canadian law dictionary*, 4th ed. (New York: Barron's, 1998). ([REF KE 183 Y63 1998](#))

✦ Bryan A. Garner, ed., *Black's Law Dictionary*, 8th ed. (St. Paul, MN: Thomson West, 2004). ([REF KF 156 .B53 2004](#) older editions also available). This dictionary is also available through Westlaw.

Wondering how a term was defined in court? Use texts such as Carswell's, *Words & phrases judicially defined in Canadian courts and tribunals* ([REF KE 173 .W67](#)).



**Hint:** use the “define” feature in Google to search for definitions from various websites (type **define:**word or phrase). This is a convenient search to execute if you're already online, but be sure to check the reliability of the source providing the definition!



## Web

Related phrases: [writ of habeas corpus](#) [habeas corpus act 1679](#)

Definitions of **habeas corpus** on the Web:

- A writ alleging that an individual has been unlawfully detained and ordering the official having custody of the individual to purpose of determining whether the imprisonment was legal.  
[www.ncbuy.com/credit/glossary.html](http://www.ncbuy.com/credit/glossary.html)
- The name of a writ having for its object to bring a person before a court.  
[brandonclark.com/glossary.html](http://brandonclark.com/glossary.html)
- Latin for "You have the body." Most often, a writ of habeas corpus is a judicial order forcing law enforcement authorities justify the prisoner's continued confinement. A petition for a writ of habeas corpus often is filed in federal courts by state prosecutions violated federally protected rights in some way.  
[www.ncpress.com/LegalFiles/glossary.html](http://www.ncpress.com/LegalFiles/glossary.html)

## 2.4 Directories

Use for finding contact information of legal professionals, legal services (e.g. transcribers), etc.

- ✦ Canadian Law List [[KE 211. C3](#) latest edition in REF, previous copies in FTX-GEN]
- ✦ Martindale-Hubbell international law directory. [REF KF 190 .M36](#)
- ✦ Martindale-Hubbell law directory. [REF KF 190 .M357](#)



### 2.4.1 Online Directories

- ✦ Canadian Law List: <http://www.canadianlawlist.com/>
- ✦ Lawyers.com: <http://www.lawyers.com>

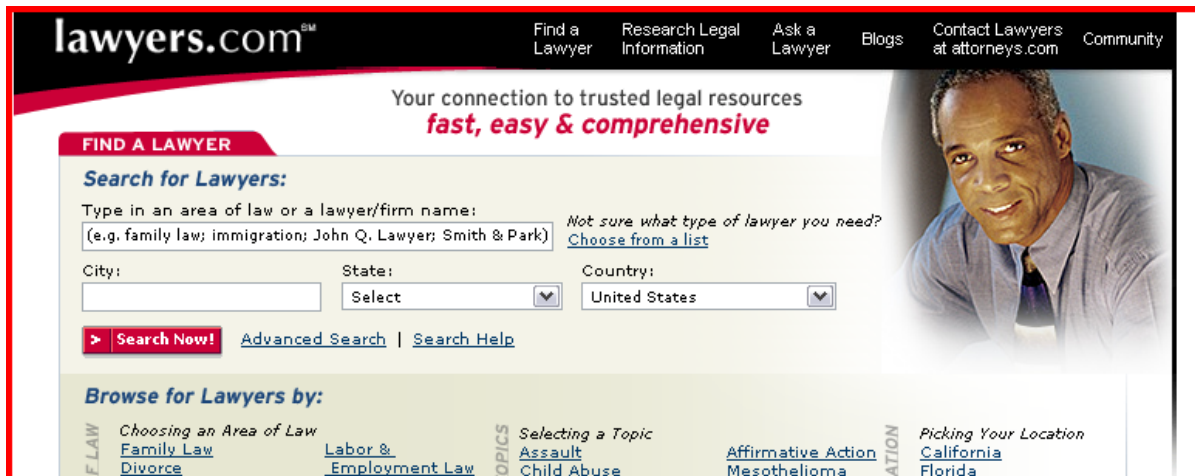


Figure 2: Lawyers.com <http://www.lawyers.com/> [Accessed August 7, 2007]

## 2.5 Restatements of the Law

Restatements are a “crypto-codification” done on an ongoing basis by the [American Law Institute](#). The authoritativeness of the *Restatements of the Law* is evidenced by their acceptance by courts throughout the United States and Canada. The *American Law Institute* is now publishing the third edition of the restatements known as “Restatement of the Law, Third”. Restatements are available in printed volumes in the Law Library and in digital form in Westlaw.

## 2.6 Festschrift

The German word *Festschrift* is now the universally accepted term in the legal academy for a published collection of legal essays written by several authors to honour a distinguished jurist or to mark a significant legal event.

See: [The Index to Common Law Festschriften](#)

## 2.7 Loose-leaf publications

Loose-leaf publications are so named because the pages can be easily removed from a binder-like holder and replaced by pages with updated information. Loose-leaf volumes are usually updated quite frequently. Some loose-leaf services contain primary material only such as legislation whereas others contain commentary and other secondary source material.

## 2.8 Annotated acts/codes

Normally only in print format, annotated acts or codes are very useful for legal research as they contain references to legislation and case law.

## 3. Interdisciplinary research – tips for finding information in non-legal sources

It is quite likely that at some point in your academic career in Law, your topic of research will cross over into another discipline or several disciplines in which case you’ll want to be aware of other resources available at the University of Ottawa’s libraries (books, databases, indexes, journals, etc.). Once you have a research topic in mind and keywords associated with that topic, you can begin your search for material in the [library catalogue](#).

The library subscribes to hundreds of electronic resources. Consult the A-Z Subject list <http://www.biblio.uottawa.ca/content-page.php?g=en&s=biblio&c=src-suj> to discover databases, e-journals, websites, etc. which may be useful to your interdisciplinary topic (e.g. [Social Work](#), [Criminology](#), [Philosophy](#)).

At any point during your research, do not hesitate to [contact a librarian](#) for assistance in locating appropriate materials.

## III. LEGISLATION

### 1. Federal statutes

#### 1.1 Legislative process

##### 1.1.1 Bills

- The bills of the current session are available on Reserve. Bills from previous sessions and legislatures are available in the Parliamentary Documents section of the library (main floor).

*Call #:* [CA1 XB B56](#)

*Location:* FTX Parliamentary Doc

*Library Has* Latest sess. kept in STATUTES.,

1st Reading: 28th Parl. 1st sess.-38th Parl. 1st sess. 1968-2005,

1st Reading: 39th Parl. 1st Sess. : no.2-7,9-37,40-48,51-59,61-62,201-449 2006-07

- Bills are numbered consecutively within each session of Parliament following the order in which they are introduced. The bills presented within the House of Commons are prefixed by “C”, while those presented in Senate begin with “S”.
- Bills originating from the government or public interest bills are numbered from 1 to 200. Those that originate from Parliament are numbered from 201-1000 and private bills are numbered from 1001 onwards.
  - N.B. A governmental or ministerial bill is introduced by the Minister responsible for the department concerned with subject of the bill. A private members’ bill is filed by a private member, including a member of the opposition.
- A session of Parliament corresponds to the period of time during which the two houses are seated (i.e. meets) between two elections. Under the terms of the Canadian Constitution, a parliament cannot last more than five years.

- A session is the term used to describe the periods of time or groupings of sittings into which a Parliament can be divided. The first session of a Parliament begins with a Speech from the Throne and ends with prorogation or dissolution of the Parliament.
- The speech from the throne is read by the general governor at the beginning of each session. The speech sets out the broad goals and directions that the government intends to present to the House of Commons and Senate.
- Prorogation of a Parliament results in the termination of a session which ends all activities and committees of Parliament.
- A bill can establish a new law or amend an already existing law. A new bill adds a law to the body of legislation, whereas an amending bill brings changes to an existing text.
- A bill can establish a new law or amend an already existing law. A new Bill adds a law to the legislative corpus, whereas a modifying bill brings changes to an existing text.
  - (a) A public bills is concerned with matters of public policy,
  - (b) A private bill benefits the named individuals or companies.
- Bills consist of clauses which are numbered sequentially from the beginning of the bill to the end, and may be grouped in parts, divisions and subdivisions. A number of related ideas will be set out in sub-clauses within a single clause.
- A bill may contain schedules that provide details that are essential to certain provisions of the bill. There are two types of schedules: those that contain material that cannot be put into the form of sections -- tables, diagrams, lists and maps -- and those that reproduce an agreement that falls within Crown prerogative, such as treaties and conventions.
- Bills are printed at the first and third readings.

**Citation standard:** See *CGULC*, 6th ed. 2.1.5 Bills, pp. E-23 – E-24.

N.B. Bills are cited by their official title as it appears on the cover page.

**Example:**

Bill C-26, *An Act to establish the Canada Border Services Agency*, 1st Sess., 38th Parl., 2005 (as passed by the House of Commons 13 June 2005).

### 1.1.2 Parliamentary documents

House of Commons Debates and Senate Debates : The official and full-text of the debates from both Houses of Parliament. These are located in the Parliamentary documents section on the main floor of the library. House of Commons Debates can be found at call number [CA1 X1 D23F](#). Senate Debates are located at call number [CA1 Y1 D32F](#).

**Citation standard:** see *CGULC*, 6th ed., Ch. 4 Government Documents, p. E107 ff.)

**Example :**

*House of Commons Debates*, No. 064 (17 May 2001) at 4175 (Hon. Elinor Caplan).

**Minutes of proceedings and evidence and committee reports.**

- For the House of Commons, the official reports and the reports are published and available on the main floor of the library in the Parliamentary Documents at call number **CA1 XC**. Note that, since January 1996, minutes of proceedings and evidence are available on microfiches (consult the cabinet of microforms located on the 4th floor, drawers 5A and 5B).
- Senate documents are available on the 4<sup>th</sup> floor at call number **CA1 YC**.
- A retrospective collection on microfiche is available in drawers 5A and 5B in the Microforms Section on the 4<sup>th</sup> floor.

**Citation standard:** (*CGULC*, 6th ed., 4.1.1.1 Minutes and 4.1.2.2 Non-Parliamentary Papers)

**Example :**

Canada, House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes and proceedings*, 33rd Parl. 1st sess., No. 22 (30 March 1995).

**1.1.3 Royal Assent**

Once a bill has passed through three readings, has been examined by a committee in both Houses of Parliament and is voted upon at the third reading, it must receive Royal Assent. At this stage, the bill becomes an Act and it is assigned a chapter number in the Annual Statutes of Canada.

An Act will always have an official title and a short title, the latter appearing at section 1.

An amending law does not have a short title, only an official title.

Citation standard: *CGULC*, 6th ed., 2.1.1 Statutes

Provide the official short title of the statute. If no official short title is provided, use the title found at the head of the statute.

Examples :

*Civil Marriage Act*, S.C. 2005, c. 41

*An Act to Amend the Insurance Companies Act*, S.C. 1999, c.1.

N.B. Under the terms of article 5 the *Interpretation Act*, the endorsement of the date of Royal Assent is an integral part of the Act.

**1.1.4 Publication of an act as a separate chapter or within the "Acts of Parliament"**

Once a bill receives Royal Assent and therefore has the status of an Act, the text of the act is published as a separate chapter in the annual volumes or as an Act of Parliament.

See the [Publication of Statutes Act, \(R.S., 1985, c. S-21, s.9\)](#).

### 1.1.5 Publication in the Canada Gazette

The *Canada Gazette* is the only official medium for the publication of all legally binding decisions of the Government of Canada, its various boards, agencies, commissions and Crown corporations.

It is composed of three parts:

**Part I** contains all formal public notices, official appointments, miscellaneous announcements relating to federal statutes and/or regulations and proposed regulations including extra editions, supplements, weekly and quarterly indexes related to Part I.

**Part II** contains statutory instruments, regulations and the consolidated index of Statutory Instruments, including extra editions and extracts related to Part II.

**Part III** contains all the Acts of Canada after they have received Royal Assent.



#### Electronic version

Since April 1, 2003, the PDF format version of Parts I, II and II is an official version, as it is marked up from the same file as the printed version.

Note that prior issues published before this date do not have this official status.

### 1.1.6 Coming-into-force

See : [http://www.pco-bcp.gc.ca/default.asp?Language=E&Page=InformationResources&Sub=Publications&doc=legislation/lmgchapter2.5\\_e.htm](http://www.pco-bcp.gc.ca/default.asp?Language=E&Page=InformationResources&Sub=Publications&doc=legislation/lmgchapter2.5_e.htm)

After its adoption by the two Houses of Parliament, a bill becomes an Act. Once it receives Royal Assent, this act becomes part of the Canadian body of law (The Law of the Land). But an act that has been assented to can not be applied until it has come into force.

Under the terms of article 5(2) of the *Interpretation Act*, an act comes in force at the date of its Royal Assent, except if another date is mentioned within the Act.

The entry into force can then be done wholly or by article.

The text of the act can foresee the date or the methods of entry into force.

The text of the act specifies that the law will come into effect on a date fixed by an Order in Council. In this case, it is up to the Cabinet and Ministry to determine the date. The Order in Council is published in the Canada Gazette, Part II, under the designation "SI" (statutory instrument: a regulation, order, commission or other instrument authorized by an Act of Parliament.).

N.B. The method of entry into force always appears within the last article of the Act.

### 1.1.7 Annual volumes

Under the terms of sections 10 and 11 of the Publication of Statutes Act, the Queen's Printer must publish at the end of each calendar year, a volume gathering all the acts in French and English adopted by the Parliament in that same calendar year. In the Annual Statutes of Canada, the laws are arranged by chapter.

**Citation standard:**

Prior to 1984, the volume was not published until the end of the session; since 1984, a volume is published at the end of each calendar year.

**Example:**

*Canada Cooperatives Act*, S.C. 1998, c. 1.

### 1.1.8 Revised Statutes of Canada

Under the terms of section 5 of the *Statute Revision Act* (Chap. S-20 of the Revised Statutes of Canada, 1985), the Statute Revision Commission, alters, revises and codifies periodically the laws that are public and of general interest. To date, there have been six editions of the revised statutes, namely 1886, 1906, 1927, 1952, 1970 and 1985.

During a revision, the chapters are newly identified using an alphanumeric system based on the first significant word of the shortened title of the act in English. For example, the *Copyright Act* is labeled as C-42 (Copyright). Note that the revised statutes, once in force, become part of the Canadian body of laws and replace preceding editions of the statutes which would no longer be in force. Parliament must vote for a law to establish that the Revised Statutes of Canada are in fact part of the Canadian legislative corpus and this law must come into effect like any other law. However, under the terms of section 3 of the *Revised Statutes of Canada Act* (1985), c. 40 of the 3rd supplement of the Revised Statutes of Canada (1985), certain texts are not repealed.

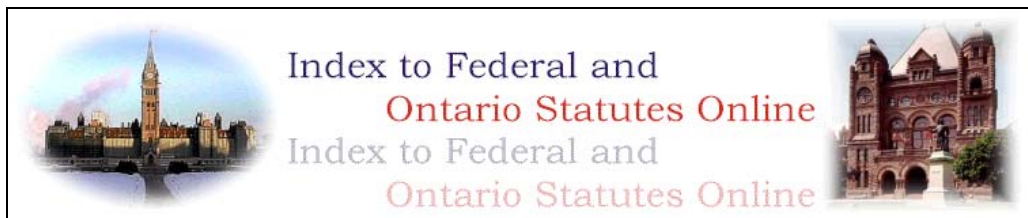
The Revised Statutes of Canada (1985) are published in a bilingual edition including 18 volumes, namely eight volumes of the federal laws of public interest from December 31, 1984, five supplements which contain the laws adopted between December 31, 1984 and December 12, 1988 (date of entry into force of the Revised Statutes of Canada (1985), as well as the *Income Tax Act* (5th suppl.), published in 1990.

Acts contained in the Revised Statutes of 1985 continue to be amended. Each year since 1987, the government has published all acts from a single calendar year in the Statutes of Canada. Eventually, a new Revised Statutes will be done, and the whole process will begin again.

A volume of appendices with Canadian constitutional texts, includes the Canadian Bill of Rights. Within this volume, in Appendix I, you can find the Schedule of Acts and portions of Acts repealed as of the coming into force of the Revised Statutes of Canada, 1985.

Two volumes of indexes, one in French and one in English, published separately, are essential tools when you are conducting a subject search.

N.B. Another index is the [Index to Federal and Ontario Statutes](#) (FTX ref. KE107 M34). Published until 2000, the index is now updated in [electronic format](#) only (but only up to June/July 2006).





See: <http://www.captus.com/statuteindex/index2/title.asp> [Accessed August 7, 2007]

#### **Citation standard:**

Under the terms of the *Interpretation Act*, R.S.C. 1985, c. I 21, s. 40(2), the reference to a revised law is assumed to include its amendments.

*Copyright Act*, R.S.C.1985, c. C-42.

However, if you must quote and/or refer to a specific section which was amended, it is then necessary to refer to this amendment. See *CGULC*, 6th ed., 2.1.1.8 Amendments, Repeals, and Re-enactments.

*Copyright Act*, R.S.C. 1985, c. C-42, s. 2, as am. by S.C. 1997, c. 24, s.1(5).

## **1.2 Finding and updating a federal statute**

### **1.2.1 Public statutes**

Consult the *Table of Public Statutes and Responsible Ministers*. Published three times a year (April 30, August 31 and December 31), this is a reference document which provides useful historical information on the acts comprising the consolidated statutes, including a chronological listing of amendments, repealed acts, years of enactment and responsible ministers.

For each amended statute, the amendments are numbered and given an exact reference. Repealed statutes are also listed.

N.B. The date of the coming into force of amendments and/or new provisions appears at the end of the list of amendments. The exact reference to the Canada Gazette is not given. However, the date and number of the order-in-council is listed.

For the acts that are sanctioned after the last edition of the *Table of Public Statutes and Responsible Ministers*, consult the latest issue of the Canada Gazette, Part III which includes a blue page at the end listing the Proclamations of Canada and Orders in Council relating to the Coming into Force of Acts.

N.B.: The *Table of Public Statutes and Responsible Ministers (1907 to August 31, 2006)* is also available online: <http://laws.justice.gc.ca/en/publaw/index.html>

For acts that are sanctioned very recently and that do not appear in the Canada Gazette, Part III:

Consult *Canadian Current Law Legislation* (FTX RESERVE [KE 173 C3233482](#)) under the heading Status of Bills

OR

Consult the *Canada Statute Citator - Weekly Bulletin Service* (green pages) which indicates the progress of bills (FTX Statutes SLR4-2)

### 1.2.2 Private Acts

Consult the *Table of Private Acts, Statutes of Canada, 1867 to December 31, 2000*, [KE 4564 .A38 2001](#) (SLR4-1)

N.B. Includes a list of all federal private acts with the exception of those that relate to divorces. These are found only in the *Index, Local and Private Acts, Dominion of Canada, 1867-1941*, [KE 4564 .A38 1942](#).

## 1.3 Provisions and limitation periods for federal laws

Several laws contain a limitation period within which one can undertake legal recourse. For laws at the federal level, see: *Federal limitation periods* ([REF KE8386 F4 J6](#))

## 2. Federal regulations

### 2.1 Introduction

**READ :** [House of Commons Procedure and Practice Online](#)

<http://www.parl.gc.ca/MarleauMontpetit/DocumentViewer.aspx?DocId=1001&Sec=Ch001&Seq=1&Lang=E>

or in print: **House of Commons procedure and practice** / [edited by] Robert Marleau, Camille Montpetit. Reference: [KE 4535 .C2995 2000](#)

### 2.2 Regulatory process

Less complex and shorter than the legislative process, it is nevertheless subjected to rules and procedures found in the *Statutory Instruments Act*, R.S.C. 1985, c. S-22.

**See :** <http://www.tbs-sct.gc.ca/ri-qr/ra-ar/default.asp@language=e&page=aboutregs&sub=process.htm#top>

### 2.3 Publication of regulations

**See:** [http://www.pco-bcp.gc.ca/default.asp?Language=E&Page=InformationResources&Sub=Publications&doc=legislation/Imgpart3\\_e.htm](http://www.pco-bcp.gc.ca/default.asp?Language=E&Page=InformationResources&Sub=Publications&doc=legislation/Imgpart3_e.htm)

Most proposed regulations are published in the Canada Gazette, Part I.

Once the prepublication stage has occurred, according to the *Statutory Instruments Act*, s.11(1) the regulation must be published in the Canada Gazette, Part II within 23 days after copies thereof are registered.

A regulation is basically structured in the same manner as a statute, i.e. a title, definitions and is organized by sections and subsections.

A regulation is always identified by the abbreviation SORS (Statutory Orders and Regulations) followed by a distinct number, the first part (e.g. 98) corresponds to the year it was registered and the second part (e.g. 000) corresponds to the chronological order in which it was registered.

Several regulations include a summary of the impact study of the regulations. All regulations include a date of registration.

All regulations are examined by the Standing Joint Committee for the Scrutiny of Regulations (House of Commons & Senate):

[http://cmte.parl.gc.ca/cmte/committeelist.aspx?lang=1&parlises=381&jnt=1&selid=e20\\_&com=8991](http://cmte.parl.gc.ca/cmte/committeelist.aspx?lang=1&parlises=381&jnt=1&selid=e20_&com=8991)).

Regulations are promulgated by the appropriate government ministry bureaucrats or other bodies after varying degrees of public consultation and then most often enacted by the Lieutenant Governor or Governor General. As such, regulations are considered *subordinate* or *delegated legislation*.

## 2.4 Coming into force of a regulation

Like a statute, a regulation must come into force before it can be cited.

- A regulation can come into force according to the conditions set out in the enabling statute.
- A regulation can also come into force according to the conditions set out in the regulation itself.
- If a coming into force date is not indicated, under the terms of section 6(2) b) of the *Interpretation Act*, a regulation can come into force on the day of its registration.

## 2.5 Finding regulations

Section 14 of the *Statutory Instruments Act* sets out that there is directory of regulations published three times a year entitled the [Consolidated Index of Statutory Instruments](#).

- The publication is cumulated on March 31, June 30 and September 30.
- This Table provides a reference to regulations, statutory instruments (other than regulations) and other documents that have been made under statutory or other authority and that were in force at any time during the current calendar year.
- The instruments are listed alphabetically according to their title showing the authority under which they were made and are listed in Table II.
- For instruments no longer in force, that were published in the *Canada Gazette* Part II, reference should be made to the Consolidated Index of December 31st of the year in question.

N.B. There is no annual volume of regulations. There is however the *Consolidated regulations of Canada* (C.R.C.), 1978 which is an official compilation of regulations which were in force on December 31, 1977.

- Between the publication of the issues of the Index, you must consult each issue of the *Canada Gazette*, Part II or consult *Canadian Current Law – Legislation* which includes a section on regulations for each jurisdiction in Canada.

Other source : You can also consult the [Canada Regulations Index](#), a loose-leaf service published by Carswell and updated monthly (SLR4-3).

Citation standard: *CGULC*, 6th ed., 2.1.6. Regulations

Unrevised: *Canadian Aviation Security Regulations*, S.O.R./2000-111.

N.B. It is not necessary to include a reference to the Canada Gazette.

Revised: *Migratory Birds Regulations*, C.R.C., c.1035.



## 2.6 Online sources for Canadian legislation

**FREE** Department of Justice Canada, Laws: [Consolidated Statutes and Regulations](#): also provides access to helpful research resources and links to other related Web sites.

**FREE CANLII**: The Canadian Legal Information Institute (CanLII) provides the text of most federal and provincial **statutes** and **regulations** online; however they are not considered official versions. CANLII is a not-for-profit organization initiated by the Federation of Law Societies of Canada. CanLII's goal is to make primary sources of Canadian law accessible for free on the Internet.

**FREE LEGISInfo** (Canada) is an essential research tool for finding information on legislation currently before Parliament. This tool provides electronic access to a wide range of information about individual **bills**, such as:

- the text of the bill at various stages;
- government press releases and backgrounders (for government bills);
- legislative summaries from the Parliamentary Information and Research Service;
- important speeches at second reading;
- votes; and
- coming into force data.



See the link to **Canadian Resources on the Web** for specific links to the statutes of federal and provincial jurisdictions: <http://www.biblio.uottawa.ca/wide-content-page.php?g=en&s=ftx&c=src-legis-c>



## 3. Ontario statutes

### 3.1 Introduction

The legislative process at the provincial level is more or less the same as that of the federal level, except there is only one House at the provincial level, the Legislative Assembly. In Ontario, a bill can sometimes be amended at second reading and thus reprinted.

See: **Legislative Assembly of Ontario – Bills & Lawmaking**

[http://www.ontla.on.ca/web/go2.jsp?Page=/bills/bills\\_main&menultem=bills\\_header&locale=en](http://www.ontla.on.ca/web/go2.jsp?Page=/bills/bills_main&menultem=bills_header&locale=en)

### 3.2 Publication of Ontario Statutes

#### 3.2.1 Bills

“G” = Government Bill

“M” = Private Member’s Public Bill

“D” = Committee Bill

“PR” = Private Bill

- The presentation of the cover page is always the same and includes the dates of readings and of royal assent appear depending on the status of the bill.
- Once the bill receives Royal Assent, it is printed with a chapter number.

N.B. The short title of the law appears in the last section of the bill.

#### 3.2.2 Parliamentary publications

i. Official report of debates (Hansard) / Legislative Assembly of Ontario, ([CA2 ON X1 D23](#))

N.B. Non-bilingual publication. The texts appear in the language of communication.



Both Hansard and the Votes & Proceedings can be found online at:

[http://www.ontla.on.ca/web/house-proceedings/house\\_current.do](http://www.ontla.on.ca/web/house-proceedings/house_current.do) Coverage is from 1984 to the present.

ii. Legislative Assembly of Ontario committee reports. (CA2 ON XC and ff.)

Deliberations of committees studying various bills are published.



Some Committee Reports can be found online: [http://www.ontla.on.ca/web/committee-proceedings/committee\\_reports.do?locale=en](http://www.ontla.on.ca/web/committee-proceedings/committee_reports.do?locale=en)

#### 3.2.3 Annual volumes

- Contain public and private acts adopted by the Legislative Assembly of Ontario during the year.
- All acts are published in English and French since 1991.
- They are organized by chapter number.
- The user guide found at the beginning of the volume is very useful.
- The Statutes of Ontario can be found at [FTX Statutes, SLR 4-7](#).

- Ontario statutes are made up of sections which are then divided into subsections. Some sections and subsections also contain clauses or subclauses.

### 3.2.4 Revised Statutes of Ontario

The latest revision took place in 1990. Previous revisions took place in 1877, 1887, 1914, 1927, 1937, 1950 and every ten years since up to 1990.

The Revised Statutes of Ontario are made up of 12 volumes and an index.

The statutes are organized alpha-numerically by their title in English.

The first eleven volumes include all public acts adopted before January 1, 1991.

The twelfth volume includes a number of documents including constitutional laws, a table of repealed statutes, the date of coming into force of a revision, a table of repealed statutes, etc.

With the index, you access the statutes by subject and not just by title of the statute.

### 3.2.5 Coming-into-force

- The coming into force of Ontario statutes is governed by s. 5 of the *Statutes Act*, R.S.O. 1990, c. S.21.
- Unless otherwise stated in the Act itself, every Act comes into force and takes effect on the sixtieth day after the prorogation of the session of the Legislature at which it was passed or on the sixtieth day after the day of signification, whichever is the later date.
- Where an Act provides that it is to come into force on a day to be named by proclamation of the Lieutenant Governor, or that it is not to come into force until a day to be so named, any such proclamation may apply to the whole or any part or parts or portion or portions or section or sections of the Act, and proclamations may be issued at different times as to any part or parts or portion or portions or section or sections of the Act.
- An Act comes into force on the date it receives Royal Assent.
- Consult the *Table of proclamations* in the most recent annual volumes of statutes. This table is also available through ServiceOntario's e-Laws site at: [http://www.e-laws.gov.on.ca/html/tables/publicstatutes/elaws\\_t pu st tprocs.htm](http://www.e-laws.gov.on.ca/html/tables/publicstatutes/elaws_t pu st tprocs.htm).
- See under "Proclamations" in the biannual index of the Ontario Gazette.
- During the year, check *Canadian Current Law-Legislation*.

## 3.3 Finding and updating an Ontario statute

- Consult the *Table of Public Statutes* in the annual volumes of Ontario statutes prior to 2002. Starting from the 1990 revised statutes, the amendments or abrogations from January 1, 1991 up to December 31, 2001 are included. Also included are the new acts adopted since January 1, 1991 as well as their amendments. You can also consult various legislative tables on the e-Laws site at: [http://www.e-laws.gov.on.ca/navigation?file=leg\\_tables&lang=en](http://www.e-laws.gov.on.ca/navigation?file=leg_tables&lang=en).
- Consult the sessional bills (on Reserve) after the last annual volume and verify if they reached a third reading and received Royal Assent. Check as well the date of coming into force. N.B. You can also consult the Votes and Proceedings which lists the status of bills before the Legislative Assembly. These are also available on the website of the Legislative Assembly of Ontario at: [http://www.ontla.on.ca/web/house-proceedings/house\\_current.do](http://www.ontla.on.ca/web/house-proceedings/house_current.do)

- You can also consult *Canadian Current Law-Legislation* under the heading ‘Status of bills’ OR see the *Ontario Statute Citator - Weekly Bulletin Service* (pink pages) which lists the most recent amendments.

### 3.4 Provisions and limitation periods of Ontario statutes

See: Guide to Ontario and federal limitation periods, by Daphne Dukelow (Toronto: Carswell, 1998) (Looseleaf service) ([REF KEO 197 L56 D84](#)).



## 4. Ontario regulations

### 4.1 Introduction

Ontario regulations are governed by the *Regulations Act*, R.S.O. c. R.21.

### 4.2 Publication of regulations

Under the terms of section 5, regulations are published in the Ontario Gazette no more than one month after their deposit. The Ontario Gazette is published every Saturday. It is available online at: <http://www.ontariogazette.gov.on.ca/>

Under the terms of section 8, regulations shall be numbered in the order in which they are filed, and a new series shall be commenced each year.

The latest revision of regulations is from 1990 (nine volumes). The regulations are arranged according to their enabling statute. Here you will find regulations passed and in force prior to January 1, 1991.

### 4.3 Coming-into-force

Under the terms of section 3, a regulation comes into force and has effect on and after the day upon which it is filed, unless it is stated otherwise within the regulation.

### 4.4 Finding regulations

Consult the *Table of Regulations* found at the end of each annual volume of ACTS. This table lists all regulations included in the *Revised Regulations of Ontario, 1990* and those passed after December 31, 1990 but before January 1, 2002. This table also indicates any amendments made to regulations.

N.B. This table is no longer available as of 2002.

Consult the *Ontario Regulations Service R.R.O., 1990* (published by Carswell and available at [FTX Statutes SLR 4-7](#)) which includes a cumulative index on loose-leaf (yellow pages) since the last annual volume of acts and its Table of Regulations.

Consult the copies of the Ontario Gazette that are not indexed within the Ontario Regulations Service.

Consult as well *Canadian Current Law – Legislation* under the heading “Regulations – Ontario” ([FTX Reserve KE 173 .C3233482](#)).



## 4.5 Online sources for Ontario legislation

**FREE** See CanLII (above)

**FREE** Bills from current and previous (starting in 1985, but detailed information starts in 1999) parliaments can be found online at:

[http://www.ontla.on.ca/web/go2.jsp?Page=/bills/bills\\_main&menuItem=bills\\_header&locale=en](http://www.ontla.on.ca/web/go2.jsp?Page=/bills/bills_main&menuItem=bills_header&locale=en)

**FREE** ServiceOntario e-Laws: <http://www.e-laws.gov.on.ca/index.html>

e-Laws is a database of Ontario's statutes and regulations, both consolidated and source law.

### Other Jurisdictions



## 5. English (U.K.) Legislation

Two sources are kept up to date at the library :

- *The Law Reports Statutes* ([FTX Statutes SLR 4-13](#))

Includes acts as they were proclaimed and reproduced by an official copy from the Queen's Printer.

Note that the collection is not indexed and does not contain a table of amendments so it is therefore somewhat challenging to use. It is useful if you know the exact reference to the act and if you know that the act was not modified or repealed.

- *Halsbury's Statutes of England and Wales* (4th ed.)  
([FTX REF KD135 H34](#))

Comprises the legislation of England and Wales, grouped under an alphabetical title scheme. Each Act is annotated with cross-references, relevant cases and subordinate legislation. There are 50 volumes divided into 146 subjects. Each subject includes an introduction and the text of acts along with commentary and several references.

Start with *Halsbury's statutes : consolidated index* ([FTX REF KD 135 H343 2006-2007](#)), which refers you to the volume and pages that deal with your subject of interest.

The collection is kept up to date with a series of six loose-leaf binders containing acts that have not yet been integrated into the bound volumes.

Another binder entitled the *Noter-up Service* is another loose-leaf service that completes the set ([FTX REF KD 135 .H34 NOTER-UP](#)).

The *Is it in force?* volume (published annually and kept up to date with the *Noter-up Service* allows you to verify the coming into force of acts included in the collection ([FTX REF KD 135 .H342](#)).

N.B. For citation rules for U.K. legislation, see the *CGULC*, 6th ed., p.E-35, section 2.2.

### 5.1 Primary Legislation: Acts of Parliament<sup>4</sup>

There are two main forms of primary legislation: Public General Acts and Local and Personal Acts. The latter are of specific and limited application only. For the purposes of this survey I will concentrate on PGAs.

<sup>4</sup> Excerpted and revised from Sarah Carter's *A Guide to the UK Legal System* (GlobalLex), online: <[http://www.nyulawglobal.org/globallex/United\\_Kingdom.htm#legislation](http://www.nyulawglobal.org/globallex/United_Kingdom.htm#legislation)>. (Accessed August 5, 2007)



Depending on the legislative programme of the government, some 40-70 Acts are passed each year. The sequential numbering of each Act within each year is known as a chapter number.

Public General Acts appear in individual paper-covered volumes, cumulating into three or four annual volumes. From 1996 they have been published on the [Acts of the UK Parliament](#) website, and their coverage now extends back to 1988. Many recent Acts have useful Explanatory Notes. They are also on BAILII (see [below](#)), and the texts here contain hyperlinks to other legislation on the BAILII database.

Unamended legislation is of limited value, however, and it is always necessary to consult up to date sources. The principal printed source for statutes is Halsbury's Statutes, published by Butterworths. This is arranged by subject in 50 volumes and contains the amended text of all Acts in force with extensive annotations. It is updated by means of an annual Cumulative Supplement and a loose leaf Noter-up, both arranged like miniature versions of the work itself.

Halsbury's Statutes annotations are available on LexisNexis Butterworths (see below under Electronic sources).

Current Law Statutes, published by Sweet & Maxwell, are a chronologically arranged printed source. The texts of Acts are therefore unamended, but are annotated. This source is of particular value for finding the background to legislation, and tracing the documents (reports, white papers, etc.) and debates which preceded the Act. Some of this material has been incorporated into Westlaw (see below under Electronic Sources).

## 5.2 Delegated Legislation: Statutory Instruments

Statutory Instruments, or SIs, are regulations made under the authority of an Act of Parliament. There are up to 3500 of these published annually, and they are numbered sequentially within each year. They are important documents, which often provide the detail required for the application of the Statute, and some contain provisions for the commencement of an Act (when it comes into force). Statutory Instruments are available on the web from 1987 on the OPSI site and also on the electronic services listed below.



## 5.3 Online Sources for U.K. Legislation

Public domain sources include the Office for Public Sector Information (OPSI) which hosts legislative texts <http://www.opsi.gov.uk/legislation/>. As well as the public domain sources for legislation on the Web listed above there are several subscription services. OPSI was established in 2005 and has taken over the functions of Her Majesty's Stationery Office (HMSO)

**FREE BAILII** (British and Irish Legal Information Institute) <http://www.bailii.org/> contains the text of Acts since 1988 and Statutory Instruments since 2002.

**\$ Subscription-based** To find U.K. legislation in LexisNexis Quicklaw, click on "Source Directory" then on the "Legislation" folder.

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[Westlaw UK](#) contains consolidated Statutes and SIs in force. It also has historical versions of statutes. Access UK legislation from within WestlawCarswell by adding the Westlaw UK tab (click on "Add/Remove Tabs"). Note that our academic subscription does not give us access to all UK material.

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## 6. United States Legislation

### 6.1 Primary legislation

Statutes of the United States are *officially* published in the following forms and sequence:

First, as a bill (slip law) after being passed by Congress (both the House of Representatives and the Senate) and signed by the President of the United States (bills can be found on [GPO Access](#), from the 103rd (1993-1994) Congress forward);

Second, as Law numerically arranged in the bound *Statutes at Large of the United States* volumes;

Third, as a Law in the [United States Code](#) (USC) which is divided into 50 Titles.

N.B.: The Brian Dickson Law Library has in its collection the [U.S.C.A. \(United States Code Annotated\)](#) [SLR4-14/15] which combines the official text of the U.S. Code with relevant cases, historical notes, indexes, cross-references, and other annotations to provide a solid framework for federal law research.

The first codification of federal legislation was authorized by Congress in 1866 and the publication is known as the *Revised Statutes of 1875*. A second edition was authorized in 1878 to correct errors and to include new legislation. In 1925 Congress prepared a new codification which became known as the *United States Code of 1926*. A new edition of the code is published every 6 years with cumulative supplement volumes issued between each edition.

Bills: known as Slip laws; exist as first, second and third readings for each House.

**Statutes:** The acts of the United States are found in the following series:

- *The Revised Statutes of the United States* – bound volumes
- *The Statutes at Large of the United States* – bound volumes (available through [HeinOnline](#))
- *The United States Code Congressional and Administrative news* – (unofficial edition) bound volumes + paper parts
- *The United States Code* – (official edition) bound volumes + paper parts + loose-leaf binders
- *The United States Law Week* – loose-leaf volumes

### 6.2 Secondary (subordinate) legislation

Federal regulations are made under the authority of an act and are found in the following series:

**Federal Register** – online at <http://www.gpoaccess.gov/fr/index.html> and in HeinOnline, WestlawCarswell (from 1981 onwards, Database identifier: FR) and LexisNexis Quicklaw.

The Federal Register contains the regulations made under the authority of an Act.

The **Code of Federal Regulations** – online at <http://www.gpoaccess.gov/cfr/index.html> and WestlawCarswell (Database identifier: CFR) and LexisNexis Quicklaw.

A new Code of Federal Regulations (CFR) is issued on January 1<sup>st</sup> of each year. It is a codification of the general and permanent rules and regulations published originally in the Federal Register by executive departments and agencies of the federal government. For more recent regulations one consults the issues of the Federal Register.

### 6.3 Official Records

The Congressional Record is the record of the proceedings in the Congress (House of Representatives and the Senate). Published daily it contains the debates of the House and Senate. Available at: <http://www.gpoaccess.gov/crecord/index.html>

The [Federal Register](#) reproduces the regulations which are made under the authority of an act. At the beginning of each year, the regulations are published in the Code of Federal regulations. The titles of the CFR match the 50 titles of the United States Code.



## 6.4 Online Sources for U.S. Legislation

**\$ Subscription-based** [Quicklaw](#) and [WestlawCarswell](#) provide access to federal and provincial statutes and regulations. They both also include legislative information for the United States.

**FREE THOMAS** (Library of Congress): <http://thomas.loc.gov/>

THOMAS was launched in January of 1995, at the inception of the 104th Congress. The leadership of the 104th Congress directed the Library of Congress to make federal legislative information freely available to the public.

**FREE GovTrack.us:** <http://www.govtrack.us/>

Independently tracking the United States Congress, GovTrack indexes all bills in the Congress and all roll call votes. You can search bills by name, number, and subject, and can track bills and votes by RSS feeds. The full text of legislation shows the changes made to the bill through the legislative process and includes links directly to relevant parts of the United States Code

**FREE Legal Information Institute** (Cornell Law School): <http://www.law.cornell.edu/soj.html>

From this site, you can search federal and state law. The LII is known internationally as a leading "law-not-com" provider of public legal information.

**FREE FindLaw** is another resource freely available to the public. Here you can find a listing of state laws arranged by subject: <http://public.findlaw.com/library/state-laws.html>



## 7. Australian Legislation<sup>5</sup>

The legislative powers of the Commonwealth, States and Territories are set out in the Constitution. In s. 51 of the Constitution the Commonwealth Parliament is invested with power to make laws with regard to tax; immigration; international and inter State trade; foreign affairs; defence; insurance; marriage and divorce; currency and weights and measures; post and telecommunications; and invalid and old age pensions. Exclusive powers to legislate reside with the Commonwealth as set out in ss. 52 and 90 of the Constitution. The Australian States and Territories retain legislative powers in areas not listed under the above sections such as local government, roads, hospitals and schools.

The legislative powers of the Houses in the Commonwealth Parliament, the Senate and the House of Representatives, are set out in s 53 of the Constitution which states, "Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate". Section 53 also states that the Senate may not amend certain money bills or bills imposing taxation. The Senate cannot amend bills "so as to increase any proposed charge or burden on the people", it may only send back bills to the House requesting for an amendment to be made.

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<sup>5</sup> Excerpted and revised from Petal Kinder's *A Guide to online research resources for the Australian Federal Legal System with some reference to the State Level* (August 2007), online: <[http://www.nyulawglobal.org/globalex/Australia.htm#\\_Australian\\_Legislation](http://www.nyulawglobal.org/globalex/Australia.htm#_Australian_Legislation)>.

Should there be conflict between a Commonwealth Act and State or Territory Act s.109 provides that the Commonwealth Act will prevail.

## 7.1 Primary legislation



### Making of an Act of Parliament

Generally a bill may be initiated in either House of the Parliament although in practice most bills originate in the lower House especially all financial bills. The bill drafted by the Office of Parliamentary Counsel and is introduced in the originating House by the initiating Member. Examination of the bill then proceeds through Parliament in three stages.

**First Reading** - permission is sought to introduce and proceed with the bill. Copies of the bill are circulated to members after the first reading together with copies of the Explanatory Memorandum which set out clause by clause the content and purpose of the bill.

**Second Reading** - this is the most important stage of the bill. The initiating Minister explains the purpose of the bill and the general principles. A date is set down for future debate on the bill allowing for reflection by Members and the public on the contents of the bill. At the conclusion of debate on the bill with regard to its principles a vote is taken and consideration of the bill, clause by clause, follows. Detailed debate on each clause and amendments to a clause/s may not be necessary in which case the bill then proceeds directly to a **Third Reading** stage. A motion is moved to pass the bill which then proceeds to the next House (except for Queensland which is not bicameral) where the three stages are repeated.

When both Houses have passed the bill it is presented to the Governor-General for assent at which point it becomes known as an Act of Parliament, and the previous clauses of the bill are known as sections of the Act.

### Commencement date

It is important to note that an Act may not become operative on assent, or enactment, as a particular date for commencement may be specified in the Act. If no commencement date is specified in an Act, it comes into effect on the 28th day after it receives assent.

## 7.2 Delegated (secondary) legislation (Legislative Instruments, Statutory Rules, Regulations etc)<sup>6</sup>

- Since 2005 most delegated legislation is published on the [Federal Register of Legislative Instruments \(FRLI\)](#) on ComLaw
- [Consolidated \(or reprinted\) legislative instruments on ComLaw](#)  
The most current and comprehensive site for Commonwealth delegated legislation. If the instrument you want is not here, try browsing the [numbered instruments](#) (i.e. instruments as originally passed)

<sup>6</sup> Parliament of Australia. Parliamentary Library. *Legislation (Bills, Acts, Regulations, etc.) – Delegated Legislation*, online: <<http://www.apf.gov.au/library/intguide/law/auslaw.htm#commonwealth>>.

- [Explanatory Statements to Legislative Instruments](#) 1991+. These are equivalent to Explanatory Memorandums to Bills. Click the "ES/Supp Material" tab which appears after you click on the name of each instrument.
- **AustLII** : <http://www.austlii.edu.au/>
- Other delegated legislation (such as determinations, directives, orders, proclamations etc) are usually notified (and sometimes published in full) in the [Commonwealth of Australia gazette](#). Some government departments also publish their delegated legislation on their [web sites](#). The [Administrative Arrangements Order](#) can be checked to determine the legislation administered by each department
- [Commonwealth Legislation Tools](#)  
Contains: Statutory Rules Table 1903+ (an alphabetical list of all Rules currently in force); annual Statutory Rules Tables 1992+

Material available at the Brian Dickson Law Library:

**Australian current law. Legislation.** (North Ryde, Australia: Butterworths, 1991 - ) [REF KTA 0 .A8764](#)  
Includes details of recent legislation and legislative amendments from all Australian jurisdictions, table of bills, table of proclaimed legislation, table of reprinted acts. Consolidated in an annual bound cumulation.

## 8. Legal Citation

### 8.1 Introduction

This section concerns legal citation and the citation style manual generally used in common law jurisdictions in Canada, namely the *Canadian Guide to Uniform Legal Citation* (McGill Law Journal). In Quebec, the *Guide des références pour la rédaction juridique* (Montréal: Éditions Thémis, 2000) is also consulted [[FTX Reserve KE 265 .L54 2000](#)]. The similar guide for the United States is the *Bluebook: a Uniform System of Citation*, published by the Harvard Law Review Association ([FTX Reserve KF 245 .B58](#)).

The need for accuracy in every legal document cannot be overemphasized. Correct citation style is an integral part of effective written communication. Legal citation shows how to locate, read or check a particular bill, statute, regulations, case and law review article.

Before turning to the *Canadian Guide to Uniform Legal Citation* [hereinafter the "Cite Guide"] when citing a case or citing an article, you must ensure that:

- the authority cited in what you write stands for the proposition of law for which it is cited;
- the parties' names or author's name are or is spelled correctly;
- every document must be proofread both for substantive correctness and to eliminate typographical and grammatical errors.

Then, after having gathered the elements of the citation (year, page numbers, volume, court, etc.) you must follow the style of citation prescribed in the Cite Guide.

#### Why use a guide?

Obviously, the citation system you use must be published and the rules must be uniform ones for people to be able to understand and follow to access the material cited. But in order to achieve this, the rules have to be both numerous and detailed (and at first confusing). The Cite Guide is the official authority on citation in most Canadian law schools. You will not learn 400 pages of rules. The Cite Guide is a text that should be consulted when needed, not memorized.

Understand the textual explanation of the pertinent rule; you are as capable of interpreting it as anyone. Use your common sense. The Cite Guide's raison d'être is to help you point your readers to the legal materials you cited.

### 8.2 Citation standard for case law

See *CGULC* 6th ed., 3.2.1 General form, p.E-56.

<i>Style of cause</i>	(year of decision),	Neutral citation,	[year of reporter]	volume	reporter	(series) (if any)	page	(court) (if required).
<i>Chaoulli v. Quebec (Attorney General)</i> ,		2005 SCC 35,	[2005]	1	S.C.R.		791.	

<i>R. v. Macki</i> ,		2001 BCSC 1843,		199	D.L.R.	(4th)	178.	
<i>R. v. Byfield</i>	(2005),			74	O.R.	(3d)	206	(C.A.).

### 8.3 Citation standard for secondary legal material : some examples

See Part 6 of the *CGULC* 6th ed. for guidelines to citing Secondary Sources and Other Materials.

#### Books:

Peter W. Hogg, *Constitutional Law of Canada*, 5th ed. (Toronto: Carswell, 1998) at 20.

#### Periodical Articles:

John Burrows, “*Domesticating Doctrines: Aboriginal Peoples after the Royal Commission*” (2001) 46 McGill L.J. 615.

### 8.4 Neutral citation

The current Canadian system for citation to jurisprudence (mainly the *Canadian Guide to Uniform Legal Citation*, 6th ed. in the case of common law jurisdictions) is based on references to particular printed collections in which the decisions are published. A judgment is assigned a reference only after a decision is made regarding its publication in a printed reporter.

The *CGULC* also includes references to decisions published electronically by Quicklaw. However, these particular decisions that are published and quoted are said to be “unpublished”. Although the Canadian Judicial Council recommended that no judge refutes a reference to a decision for the sole reason that it is available only electronically, lawyers and the judges nevertheless need to find and quote the printed sources when they become available.

Traditionally, court decisions were deemed “unpublished” until they were available in printed form, even if they were made available on an electronic system such as Quicklaw. The “unpublished” label was given to these judgments because they were generally not accessible and not chosen by editors as having precedential value. It’s also possible that they were not regarded as reliable. However, the electronic publication of the decisions means that they can all be easily accessible without being in a printed reporter. Furthermore, the need to rely on the editor’s choices is not a good reason to withhold a judgment before its printed publication.

It is in this context that the *neutral citation* standard began to develop in Canada. This new method of citation has three essential elements: the traditional style of cause, the core of the citation (containing the year of the decision, a court or tribunal identifier and an ordinal number attributed to the decision) as well as certain optional elements. With this new citation, for example, a court of appeal decision could be cited as follows: *Smith v. Leblanc*, 1998 BCCA 21. The most obvious advantage of this approach is that *the court or tribunal assigns this citation at the very moment the decision is rendered*. This citation is unique, complete, immediately available and permanent.

The decisions of the Supreme Court of Canada are now published with the mention of a neutral citation.

**Example :** *R. v. Lévesque*, 2000 SCC 487.

See the chart in the *CGULC*, 6th, p.E-55 which outlines which source to cite from if a neutral citation is unavailable and when it is available.



## 8.5 Parallel citations<sup>7</sup>

When a decision is published again in another reporter, it acquires a new *parallel citation*. The number of references of an unspecified decision depends on the number of times that it has been published.

- Cases may be reported in several different series, and there is no way of knowing which reporter any given reader will be able to access. For this reason parallel citations are used.
- A parallel citation simply provides "directions" to other locations where the relevant case may be found.
- Canadian law reporters are ranked in status as either **official**, **semi-official** or **unofficial**. When including parallel citations, arrange these in order from the most official to least official versions. When citing, use official and semi-official sources before an unofficial source. Refer to the *McGill Guide's* list of reporter status in Appendix G for more detailed information.

**Example:** *R. v. Carosella*, [1997] 1 S.C.R. 80, 142 D.L.R. (4th) 595, 112 C.C.C. (3d) 289.  
(This case can be located in the *Supreme Court Reports*, *Dominion Law Reports* or *Canadian Criminal Cases*)

## 8.6 Legal Abbreviations

Despite efforts to eliminate abbreviations in the field of legal documentation, the list of these abbreviations grows daily. The Cite Guide contains numerous appendices which contain tables of abbreviations. When you must decode an abbreviation, you can also turn to in-house citation lists online resources (see below) or books such as *Prince's Bieber dictionary of legal citations : a reference guide for attorneys, legal secretaries, paralegals, and law students*.

### 1. List of Major Law Reports and Statutes available at the Brian Dickson Law Library

<http://www.biblio.uottawa.ca/content-page.php?g=en&s=ftx&c=src-rep-stats>

- [List by title](#)
- [List by abbreviation](#)

### 2. Cardiff Index to Legal Abbreviations: <http://www.legalabbrevs.cardiff.ac.uk/about.jsp>

One of the most comprehensive online indexes to legal abbreviations found to date, this web-based service allows you to search for the meaning of abbreviations for English language legal publications, from the British Isles, the Commonwealth and the United States, including those covering international and comparative law.

The Cardiff Index contains over 10,500 titles and over 17,400 abbreviations drawn from 298 jurisdictions. One main advantage of this index is its ability to be searched either from abbreviation to title or from title to abbreviation.

### 3. McGill Law Journal, *Canadian guide to uniform legal citation*, 6th ed. (Toronto: Carswell, 2006). [[KE 259 .C353 2006](#) – copies in Reference and on Reserve]

While some of the lists included are not exhaustive, this is still an excellent one-stop guide to legal abbreviations. The appendices include abbreviations of countries, provinces, and states; international organizations; courts and tribunals; printed caselaw reporters; and periodicals and yearbooks.

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<sup>7</sup> Excerpted from Queen's University's Legal Research Manual, online <<http://library.queensu.ca/law/lederman/legalcit.htm>>. [Accessed August 3, 2007]

4. Mary Miles Prince, *Prince's Bieber dictionary of legal citations: a reference guide for attorneys, legal secretaries, paralegals, and law students* (Buffalo: W.S. Hein, 2001). [FTX Reference [KF 246 .B53 2001](#)]
5. Didier Lluelles, *Guide des références pour la rédaction juridique* (Montréal: Éditions Thémis, 2000). [FTX Reserve [KE 265 .L54 2000](#)]
6. Igor I. Kavass & Mary Miles Prince, *World dictionary of legal abbreviations* (Buffalo: W.S. Hein, 1991). [FTX Reference [K 85 .W67 v.1-4](#)]

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