CASE LAW is the vast and ever-growing collection of judges’ decisions in countries, such as Canada, which are founded on the English COMMON LAW system. It is often called “judge-made law” in contrast to STATUTE LAW, the laws created by governments. Statutes and cases are the two forms of PRIMARY LAW in Canada.

This guidepost is designed to give you a basic understanding of how case law is created and published in Canada, which is vital for doing legal research. It provides a brief introduction to searching for case law in legal databases but for more detailed instructions and video tutorials about this, please see the frequently-updated research guide for Law at: http://libguides.kpu.ca/law

The Library has created a separate research guidepost for statute law.

**Contents**

Types of case law ... 2  
Legal system in Canada ... 2  
Progress of a case through the courts  
  Trial court ... 3  
  Appeal court ... 4  
  Supreme Court of Canada ... 5  
Key elements of a written case ... 6  

Sources of case law:  
  Law reports ... 7  
  Online sources ... 8  
  Case law sources at Kwantlen ... 8  
Searching for case law:  
  by case name ... 9  
  by citation ... 10  
  by topic ... 11 - 13  
Noting up cases and legislation ... 14  
Further resources ... 14

**THE PURPOSE OF CASE LAW**

Disputes which cannot be resolved between two or more parties may be taken to court to be decided by judges or juries. There are many courts in Canada, handling different types and stages of disputes. In order to ensure consistency, predictability, fairness, and efficiency, judges are guided by the common law principle of STARE DECICIS, literally meaning “to stand by things decided.” If a judge in a higher level of court in the same jurisdiction has already considered the same facts and legal questions in another case, the lower-court judge must follow this PRECEDENT, or clearly justify his/her reasons for not doing so. It is very important, then, to have a record of judges’ decisions and their reasoning in previous cases. That is the purpose of case law.

**Good to know!** You will find links to all of the resources described in this guide, plus guides on other aspects of legal research, on the Kwantlen Library’s Law Guide: http://libguides.kpu.ca/law
TYPES OF CASE LAW
There are many different types of legal cases. They can be broadly divided into two categories: criminal and civil.

Criminal Law
‘Criminal law’ involves breaches of the Criminal Code, or related criminal legislation such as the Youth Criminal Justice Act. Unlike in the United States, where each state can develop criminal laws, almost all Canadian criminal laws are created by the federal Parliament and apply equally across the country.

Civil Law
The term ‘civil law’ can have several meanings. Broadly speaking, it refers to all non-criminal cases. These include contract law, labour law, tort law, and many other areas. It is also distinct from martial (military) law. The term has a very particular meaning in Quebec. Although Quebec follows federal criminal legislation, it handles civil matters very differently than in the rest of Canada. Instead of using the common law system, it applies its own Civil Code founded on the French tradition. Decisions are based on this code, rather than judges’ interpretations of precedents established under common law. This guide discusses the common law system in Canada. It does not cover civil law in Quebec.

LEGAL SYSTEM IN CANADA
Different courts in Canada hear different types of cases.

Outline of Canada’s Court System

Chart showing the relationship between different levels of courts in Canada.

Source: Canada’s Court System (an excellent 20-page booklet from Canada’s Department of Justice). http://canada.justice.gc.ca/eng/csj-sjc/ccs-ajc/02.html
PROGRESS OF A CASE THROUGH THE COURTS

Most cases are resolved at the trial level. Some decisions, though, may be appealed to a higher court. The final court of appeal is the Supreme Court of Canada (SCC). The appeal process follows the hierarchy shown in the chart on page 2. This section briefly describes what happens at each stage. More detailed sources are listed on the last page of this guide.

**Trial Court**

A trial is the process by which a claim by one party against another is heard and decided, based on the evidence presented in court. In a civil trial, a PLAINTIFF (or ‘claimant’) brings a legal action against a DEFENDANT. Depending on the nature and seriousness of the issues involved, a trial in BC may take place at a local Provincial Court or at the province’s superior trial court, the BC Supreme Court. All of the parties are (usually) represented in court by lawyers who present evidence and provide witnesses, including expert witnesses, to support their arguments. The parties may ask and answer questions from each other as well. Trials can take days or weeks.

In a criminal case, government lawyers argue the case against a person charged with a crime (the ACCUSED). This is because breaches of the criminal law are considered to be violations against Canadian society as a whole, not just the individual victim(s) of a crime. These lawyers are called CROWN PROSECUTORS (or ‘Crown counsel’), because the Queen is the head of Canada’s constitutional monarchy. The government — usually through the federal or provincial Attorney General’s office — acts on her behalf to bring criminal cases to court. The Latin word for Queen is REGINA, which is abbreviated as ‘R’. That is why citations to criminal cases almost always start with R v [name of the defendant(s)].

Most trials are presided over by one judge who considers all of the information presented, consults decisions in similar cases to identify legal precedents, reviews applicable legislation, and arrives at a decision. Defendants are presumed innocent until proven guilty. In criminal cases, guilt must be proved “beyond a reasonable doubt”. The burden of proof is lower in civil cases where a decision is based on the “preponderance of evidence” (also called "balance of probabilities").

Judges must explain why they arrived at their decisions, either orally in court, or in writing. These ‘reasons for judgment’ documents are what make up the body of case law. Judges carefully CITE what pieces of legislation they CONSIDERED and which previous cases they FOLLOWED. If they disagree with a previous decision, they will justify why they did NOT FOLLOW it, or DISTINGUISH how the facts or legal questions in their case are different from those in the earlier decision. These TREATMENTS are recorded in the written case. It takes time for judges to come to a decision and prepare a written case, so it can be months before the outcome of a trial is known.

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1 For more info on legal citations, please see our Legal Citation Guidepost, available through the KPU Library’s Law guide at http://libguides.kpu.ca/law
In some circumstances\(^2\), the defendant may choose a judge and jury trial, in which case it is the jury which makes the final decision, after the judge explains to the jurors what they must decide (the jury’s ‘charge’), summarizes the evidence that’s been heard, and clarifies any questions on the facts of the case. A jury does not have to justify its decision, so there will be no written case

**Appeal Court**

Parties cannot appeal a decision simply because they don’t like the judge’s decision. Losing parties in a trial may file an appeal to the next higher level of court if they can reasonably allege that the judge has made an **error in law** or an **error in combined law and fact** during the trial\(^3\), e.g. the judge allowed certain evidence which should have been inadmissible. An appeal from a BC Provincial Court might be heard at either the BC Supreme Court or the BC Court of Appeal, depending upon the seriousness of the case. Appeals from the BC Supreme Court would go to the BC Court of Appeal.

Three judges hear each case in the BC Court of Appeal. The party bringing the appeal to court is called the APPELLANT. The other party is the RESPONDENT. The appeal court judges do not start from scratch and conduct a new trial (with new evidence, witnesses, etc.) Instead, the lawyers for each party focus on the alleged errors by the judge at the lower court.

If the three appeal court judges agree on their decision, and the rationale for it, one of the judges will usually write up the reasons on everyone’s behalf. If the decision is not unanimous, the **MAJORITY OPINION** rules. If a judge agrees with the outcome of the case, but not with all of the reasoning, he or she may write a separate opinion, which would be printed after the majority opinion. A judge who disagrees with the decision altogether may write a **DISSENTING OPINION**. These dissents are usually added at the end of the majority decision.

If the court agrees that the lower court made an error, it is said to ALLOW the appeal or find in favour of the appellant. Depending upon the circumstances and the severity of the error, the appeal court judges might then:

- reverse (overturn) the trial decision,
- quash the trial decision (meaning set it aside as if it had never existed), or
- order a new trial

If the appeal court upholds (AFFIRMS) the lower court’s decision, it is said to DENY the appeal, or find in favour of the respondent.

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\(^2\) Anyone charged with a criminal offence which carries a prison sentence of 5 years or more can elect to have a trial by judge and jury, rather than judge alone. Certain criminal cases with lower sentences, and some civil cases also allow trials by jury.

\(^3\) “**Questions of law** are questions about what the correct legal test is. **Questions of fact** are questions about what actually took place between the parties. And **questions of mixed law and fact** are questions about whether the facts satisfy the legal tests”’. SCC Justice Iacobucci, quoted in Duhaime’s Legal Dictionary: [http://www.duhaime.org/LegalDictionary/O/QuestionofFact.aspx](http://www.duhaime.org/LegalDictionary/O/QuestionofFact.aspx)
Supreme Court of Canada

Since 1949⁴, The Supreme Court of Canada (SCC) has been the highest, and final, court of appeal from all other courts in Canada. Its judges hear about 75 cases each year which are mostly criminal or constitutional in nature.

Except in particular criminal cases⁵, parties have to request ‘leave to appeal’ to the SCC. The SCC selects only those cases which it deems to be of great legal significance and public importance. The Court does not publish its reasons when it refuses cases.

The number of judges hearing a case can range from five to nine. The Chief Justice makes this decision based on the complexity of each case. Roughly one-quarter of cases have five judges; these tend to be civil cases from Quebec, and criminal cases that are heard as-of-right (see footnote 5). Seven-member panels are the most common: about 40% of cases. The full panel of nine judges hears the most important cases (about 25%), which tend to be Charter cases, and those involving interveners.⁶ The Chief Justice will also use a full panel if there is any concern that there might be a split vote and the number of judges could affect the outcome of the appeal.⁷

Lawyers for each party have one hour to present their arguments to, and answer questions from, the Supreme Court judges. The judges then meet to briefly discuss the case. In a small number of cases, the judges are in complete agreement, and they make an oral decision immediately. Usually, however, they take time to thoroughly review the background on the case, and the arguments presented. They consult with one another to discuss the key legal issues in the case, and to gauge whether they are unanimous (about 75% of the time), or if there are dissenting opinions.⁸ As at the provincial appeal court, one judge is selected to write the majority opinion. Individual judges may agree with the outcome of the majority decision, but not with all of the legal reasoning. They may write up separate CONCURRING opinions. Judges who disagree with the outcome usually write a DISSENTING opinion, which appears at the end of the written case. This process typically takes at least two months, but can take longer.

A note on appeals: One case may be heard by several levels of court, on appeal. Each court will write up its own decision. So, there can be several separate decisions with the same case name. This is important to remember when you are searching for cases, a topic that is covered later in this guide (pp. 9-13).

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⁴ Prior to 1949, the British Privy Council was the court of last resort.
⁵ Accused persons in criminal cases have an automatic “right of appeal” to the SCC when a judge at the highest provincial court of appeal dissented with the majority decision on a point of law.
⁸ Ibid., p. 89.
The judge’s decision begins at the paragraph numbers. This will be identical in any published version of the case.

[1] The Claimant Marjorie McLean brought this action against the Defendants after she was bitten twice by a wolf-dog hybrid ("wolf hybrid") named Harley, owned and kept as a pet by Tanya Thompson (then Knowles) and Ryan Thompson ("the Thompsons"). The bites occurred on August 27, 2006, at the home of Raymond and Sharon Thompson ("the Thompsons Sr.") in Ashcroft, British Columbia. Raymond and Sharon Thompson are the parents of Ryan Thompson.

[2] The claim is brought on three grounds: that the Defendants are strictly liable in *scienter* for the injuries caused to the Claimant without proof of negligence as Harley is argued to be a member of an inherently dangerous class of animals; that the Defendants are liable alternatively in negligence; and that the Defendants Raymond and Sharon Thompson are also liable under the provisions of the *Occupiers Liability Act*, [R.S.B.C. 1996] ch. 337. The purpose of this hearing is to determine the issues relating to liability, with the issue of damages to be addressed later, if necessary.

<Paragraphs 3 - 48 have been omitted. In about 6 pages, Judge Harrison documents his reasons for arriving at his decisions on each of the three claims, based on listening to arguments from all parties; summarizing and evaluating evidence from witnesses and experts; defining legal terms (e.g. ‘scienter’); as well as identifying and interpreting relevant legislation and previous cases. That is why decisions are also called “Reasons for judgment.”>

The Result

[49] The Claimant has succeeded in establishing the claim in *scienter* against Tanya and Ryan Thompson, but has not established a claim against them in negligence. The claim against Raymond and Sharon Thompson has not been established in *scienter*, negligence or under the provisions of the *Occupiers Liability Act* and is accordingly dismissed.

[50] The trial will proceed on the issue of damages as against Tanya and Ryan Thompson …

S. R. Harrison, Provincial Court Judge

There is only one judge in provincial court cases, so there will be no dissenting opinions. In appeal cases, you would find such opinions at the end.
SOURCES OF CASE LAW

A fundamental principle of common law systems is that judges base their decisions on precedents set in previous cases. In order to consult previous decisions, legal researchers must first be able to find them. There are a number of tools to help with this, including printed law reports and online collections of court decisions. Although computers have made it much easier to locate legal cases than in the past, it is still important to understand how legal decisions were -- and still are -- published in order to decode case citations and search for cases effectively.

Law reports

Until about 20 years ago, judges’ decisions were only available either at the courthouse where the case was decided, or in published collections of cases called LAW REPORTS (also called ‘law reporters’).

Law reports share several features:

1. Defined scope:
   Each reporter covers a clearly defined range of cases. Some may only cover one court (e.g. Supreme Court Reports). Others may cover a specific area of law (e.g. Canadian Criminal Cases), or region of the country (e.g. Western Weekly Reports).

2. Selectivity:
   Since it is very expensive to publish (and purchase) bound volumes, the editors of law reports only publish cases that they think are particularly significant. Essentially, these are curated collections of important cases.

3. Continuity:
   Since new decisions are made in courthouses every weekday, new volumes must be published to keep up with changes in the law. That’s why you see long rows of these impressive-looking tomes on library and law firm shelves.

4. Enhancements:
   Editors usually add HEADNOTES to each case. They summaries are similar to a journal article abstract. They may also add CATCHWORDS which are keyword summaries of the main points of law discussed. Law reports also provide indexes so that you can look up cases that have cited specific legislation or other cases, as well as topics. Sometimes, law reports include critical commentary on cases by experts in the area as well.

The following print law reports are available at the Surrey campus library:

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCC</td>
<td>Canadian Criminal Cases</td>
</tr>
<tr>
<td>CR</td>
<td>Criminal Reports</td>
</tr>
<tr>
<td>DLR</td>
<td>Dominion Law Reports</td>
</tr>
<tr>
<td>SCR</td>
<td>Supreme Court Reports</td>
</tr>
<tr>
<td>WWR</td>
<td>Western Weekly Reports</td>
</tr>
</tbody>
</table>

You will often find the same decision in several reporters; these are called PARALLEL CITATIONS. The judge’s words should be identical in all of them, but they will have different legal citations and different ‘bonus features’. Most of the judges’ decisions published in law reports will also be available in online legal databases, but they may not include the extra ‘value-added’ material found in the law reports, such as expert comments, and keyword summaries.
Online sources

Almost every Canadian court now has a website with links to its judgments. In addition, most law reports are available online, as well as in print format. There are also some online collections which try to be as comprehensive as possible, and include cases from many courts, e.g. CanLII and LawSource.

The advantage to these big databases is that they include many more cases than you will find in any one law reporter or court website. That is also their main disadvantage, however; they include ALL decisions, not just the most important ones. It’s easy to get overwhelmed by the number of cases you find when you’re searching in legal databases.

There is no single database that includes all Canadian cases. It’s important to keep in mind that most online sources only include decisions from the past 20 years or so. Earlier cases may still only be available in print format.

CASE LAW DATABASES AVAILABLE AT KWANTLEN

Kwantlen students have access to the following law reports and legal databases. For more detailed descriptions of each, please see the Library’s Law libguide, under ‘Case Law’.

CanLII
- Free online collection of cases from Canadian courts’ websites.

CriminalSource
- Comprehensive coverage of Canadian criminal law. Includes Canadian Criminal Cases (CCC) and Criminal Reports (CR) law reports, and annotated legislation such as Martin’s Annual Criminal Code. Also includes many scholarly texts like Canadian Criminal Code Offences, Canadian Criminal Procedure, Watt’s Manual of Criminal Evidence, Youth Criminal Justice Act Manual and many more. Stay updated with Criminal Law Quarterly and the Annual Review of Criminal Law.

LabourSource
- Covers Canadian labour law and issues. Includes Labour Arbitration Cases and Brown & Beatty’s Canadian Labour Arbitration text.

LawSource
- Excellent source of case law and legislation. Visualize case history with KeyCite note-up tool. Includes Criminal Reports (CR) and Western Weekly Reports (WWR). Also includes Canadian Encyclopedic Digest (CED), and Canadian Abridgment Digests. Some full-text legal journals.
SEARCHING FOR CASE LAW: By case name

The **name of a case** is a short version of the names of the parties involved in the case. In ‘legalese’, the name of a case is called the **‘style of cause’** and it is written in *italics*.

<table>
<thead>
<tr>
<th>Case Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mustapha v Culligan</td>
<td>This is the name of a civil case brought by Mustapha (the Plaintiff) against Culligan (the Defendant); the ‘v’ is short for <em>versus</em>.</td>
</tr>
<tr>
<td>R v Latimer</td>
<td>This is the name of a criminal case. The ‘R’ is an abbreviation for Regina, which is Latin for Queen. The names of criminal cases almost always start with R v [name of the defendant(s)].</td>
</tr>
<tr>
<td>R v M (L)</td>
<td>Some case names are abbreviated to protect identities. If the accused party was named Larry Martin, the case name might be shown as R v L M or R v M (L).</td>
</tr>
</tbody>
</table>

The current Canadian legal citation standard⁹ does not use periods after abbreviations. However, you will come across many cases which were released before 2010 that use the older punctuation format. Some courts still use the older style as well.

Example of old case name format, with periods: R. v. M. (L)

**TIPS:** It is **much** more efficient to search for a case by its *citation* rather than its name. Many cases could include the same names (*e.g.* R v Smith), but case citations are unique. If you have citation information, use that instead of searching by case name. See the next page for tips on searching by case citation.

Generally, it is best to use the **old format** (with periods) to search for case names in online databases.

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⁹ *Canadian Guide to Uniform Legal Citation, 8th ed.* (Commonly called the “McGill Guide”.) Reference copies available at each campus library. Shelved at: REF KE 259 C35 2014
SEARCHING FOR CASE LAW: By citation

The **citation** for a case provides the information that you need to locate a copy of the decision. Citations are very brief and full of abbreviations; the goal is to precisely identify the location of a decision as succinctly as possible. **Unlike case names, every citation is unique.** The exact form of a citation depends on the source of the case. The standard Canadian legal citation style guide -- commonly called the ‘McGill guide’¹⁰ -- shows how to format different case citations. **NOTE:** The ‘McGill guide’ changed significantly in 2010 and no longer uses periods after most abbreviations. You will come across many citations to cases in the older punctuation format.

The word **citation** sometimes refers to a full legal reference, including the case name. Usually, however, it means only that part of the complete citation that comes **after the comma**, indicating the unique ‘published’ location of the case. **This is what you use to search for cases by citation.**

**Types of case citations:**

The format of a citation may change depending on which type of law report includes the decision, or it may have no connection to the published location of the case. The three most common citation forms are shown below. Each example refers to the **same** Supreme Court of Canada (SCC) decision.

1. **Neutral Citation**

   **Eg: Mustapha v Culligan, 2008 SCC 27.**

   This is the new standard form which is recommended by the “McGill Guide”

   **This was the 27th decision released by the Supreme Court of Canada (SCC) in 2008.**

   Courts now assign a ‘neutral citation’ to every decision to provide a unique locator, whether the case is ‘reported’ or not. Very few cases are selected for publication in law reports. A neutral citation includes the year of the decision and the abbreviation of the court’s name. Decisions are numbered in sequence each year upon release.

2. **Case Published in a ‘Series’ Law Report**

   **Eg: Mustapha v Culligan (2008), 293 DLR (4th) 29 (SCC).**

   Volumes are numbered consecutively over many years, into ‘series’. The year of the decision is in round brackets (parentheses), and it comes **before** the comma. You don’t need to know the date of a decision to locate a case in a series.

   **This case was published in volume 293 of the fourth series of the Dominion Law Reports (DLR), starting on page 29.** The court’s abbreviated name was added to the end of the citation because it was not obvious from the rest of the citation.

3. **Case Published in an ‘Annual’ Law Report**

   **Eg: Mustapha v Culligan, [2008] 2 SCR 114.**

   Volume numbers start over every year. It is **essential** to know the date to locate a case. The year is in square brackets, and it comes **after** the comma. This is the date the decision was published in the reporter, not necessarily the year that it was released by the court.

   **This case was published in volume 2 of the Supreme Court Reports (SCR) in 2008, starting on page 114.** No abbreviation for the court name was needed; you can tell it was an SCC decision because it was published in the SCR.

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¹⁰ Canadian Guide to Uniform Legal Citation, 8th ed. Copies are available at each campus library. Shelved at: REF KE 259 C35 2014
Parallel citations

You’ll find examples where multiple citations for the same case are joined together in one long string like this:


These are called **parallel citations**. Although they look confusing at first, they can be very helpful. They provide a researcher with more than one source for a case to improve the chances of finding a copy of the full text. This is less of a problem now that most Canadian courts freely post their decisions online. Older cases, however, are not so readily available.

<table>
<thead>
<tr>
<th>Good to know!</th>
<th>Use the <strong>old citation format</strong> (with periods) to look up case citations in CanLII.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Don’t include the abbreviation for the court in your citation when searching online databases.</td>
</tr>
</tbody>
</table>

**SEARCHING FOR CASE LAW: By topic**

It is almost always best to start a search for cases on a specific topic by using a SECONDARY SOURCE such as a book or legal encyclopedia. Secondary sources describe and explain legislation and case law, which are the primary sources. There are many excellent books in the library collection which will give you a good introduction to an area of law, and identify the most important cases. Once you have a case citation, you can easily locate the full decision (see section above). This strategy will save you hours of time.

**Types of secondary sources to help you identify key cases by topic**

1. **Encyclopedias**

   Legal encyclopedias provide a brief explanation of a wide range of topics, and typically list a small number of **key cases**. The main one is:

   *Canadian Encyclopedic Digest – Western* -- available online through [LawSource](#) database.

2. **Annotated statutes**

   Reproduce the full text of a statute, and insert explanations and **key cases** for each section. Regularly updated.

   *Martin’s Annual Criminal Code* REF KE 8804.9 M35
   *The Annotated Tremear’s Criminal Code* REF KE 8804.53 T74
   *Annotated Immigration and Refugee Protection Act of Canada (annual)* REF KE 4454 A32 C352
   *Guide to the Youth Criminal Justice Act (annual)* REF KE 9445 A323 T88

   *Note: these are both available online through the [CriminalSource](#) database.*
3. Books

The library has many books that provide an introduction to specific areas of law. Some of these may be borrowed or are available online. Some are available only for in-library use (Reference). You will find all of them by searching in the KPU library catalogue or Summon.

Start here:
If you are just starting out on a topic, check the library catalogue for a book in Irwin’s Essentials of Canadian Law series. These books will give you an excellent overview of your topic and discuss the key cases in that area. They are written by leading experts, but in plain language, not ‘legalese’.

- The Charter of Rights and Freedoms (Sharpe) KE 4381.5 S52 2013
- The Law of Torts (Osborne) KE 1232 O82 2015
- Youth Criminal Justice Law (Bala) KE 9445 B338 2012

Two specialized types of legal books can be especially helpful for locating important cases:

Legal casebooks analyze key cases on a particular topic.

- Canadian Tort Law: Cases, Notes and Materials (by Linden) KE 1232 L56 2014
- Cases and Materials on the Law of Torts (Solomon) REF 1232 S64 2015

Legal textbooks

These ‘treatises’ are lengthy, scholarly analyses of a topic. They are written by leading experts, and are often referred to by the author’s name. Here are just a few:

- Constitutional Law of Canada: Student’s Edition (Hogg) REF KE 4219 H65 2015
- Criminal Law and Procedure: Cases and Materials (Roach) REF KE 8809 C73 2015
- Sentencing (Ruby) REF 9355 R82 2012

These textbooks (and more!) are available online through the CriminalSource database:

- Canadian Criminal Code Offences (Gibson)
- Canadian Criminal Evidence (McWilliams)
- Canadian Criminal Procedure (Salhany)
- Canadian Sentencing Digest (Nadin-Davis)
- Criminal Pleadings & Practice in Canada (Ewaschuk)
- Criminal Law Evidence: Practice and Procedure (Gibson)
- Disclosure and Production in Criminal Cases (Segal)
- Drug Offences in Canada (MacFarlane, et al)
- Watt’s Manual of Criminal Evidence
- Youth Criminal Justice Act Manual (Bloomenfeld)
Another good way to find legal resources is to browse the right section of shelves. All books on the same topic will be grouped together based on their CALL NUMBER. Here are some of the most common call number areas for Canadian law:

- KE 919 Business law
- KE 1232 Tort law
- KE 2550 Media law
- KE 4219 Constitutional law
- KE 4381.5 Charter of Rights and Freedoms
- KE 4422 Freedom of the press
- KE 8809 Criminal law
- KE 8839 Criminal law defences
- KE 9260 Criminal law procedure
- KE 9355 Criminal law sentences
- KE 9445 Youth criminal law

4. **Journal articles**

Law schools usually publish a LAW REVIEW journal with in-depth articles on specific topics which will identify important cases. Some articles may focus on a single case; these are called CASE COMMENTS.

The **LawSource** database includes a collection of about 20 full-text Canadian legal journals. **CriminalSource** also includes the *Criminal Law Quarterly* journal and *Annual Review of Criminal Law*.

To find additional journal articles on Canadian law, use the **Index to Canadian Legal Literature** (ICLL), also found in **LawSource**. It covers several hundred journals ([list of journals indexed by ICLL](https://lawsource.lib.ualberta.ca/icll/)). If you find a citation to an article through ICLL that is not available through LawSource, you can use the **Journal Titles** look-up tool (on the library’s homepage), to see if the Kwantlen library subscribes to the journal.

### How to search online collections of case law by topic

If you are not familiar with a legal topic, ALWAYS use a secondary source FIRST. See pages 11-12 for tips. These will save you hours of effort pinpointing key cases. See the section above for help finding good secondary sources on your topic.

For detailed and up-to-date info on searching the online legal research databases LawSource, CriminalSource, and CanLII, please see the library’s research guide for Law. Click on the ‘Case Law’ tab where you’ll find a section on “**How to find a case by topic**” with video tutorials and tipsheets.
NOTING UP CASES AND LEGISLATION

The law does not stand still. Canadian society changes, and so does the law. New laws are passed – and existing laws amended – by the federal Parliament and provincial legislatures every year. Judges’ decisions may be overturned by a higher court. New precedents are established. To find out whether a case is still considered to be ‘good law’ - reflecting current precedents - you need to check how the case has been treated since it was decided. This process is called ‘noting up a case’.

The earlier section entitled ‘Progress of a case through the courts’ (on pages 3-5) explains how cases may be treated as they move through the courts. Most case law databases include a Note Up option; look for it at the top of the screen when you’re viewing the full decision.

**LawSource** provides an excellent tool called **KeyCITE**, which allows you to visualize the progress of a case through the court system.

For video tutorials and other guides on noting up cases in these databases and CanLII, see the section on “How to note up a case” under the Case Law tab on the library’s research guide for Law.

You can also note up legislation. This means that you can look for cases which have cited specific statutes or regulations. You’ll find a section on “How to note up legislation” under the Legislation tab on the library’s Law research guide.

FURTHER INFORMATION

**Best Guide to Canadian Legal Research** [www.legalresearch.org](http://www.legalresearch.org)
Catherine Best’s excellent online guide.

**Legal Research & Writing** by Ted Tjaden
Available in print format at Surrey, Richmond & Langley: **REF KE 250 T53 2016**
Accompanying website: [www.legalresearchandwriting.ca](http://www.legalresearchandwriting.ca)

You will find links to all of the resources described in this guide, plus guides on other aspects of legal research, on the Kwantlen Library’s **Law Libguide**: [http://libguides.kpu.ca/law](http://libguides.kpu.ca/law)

If you have any questions, please [ask a librarian](http://www.kpu.ca/library/services/askalibrarian.html). We’re here to help!