

Research Guide to Case Law

Definition of case law:

Cases are legal opinions handed down by courts. Case law refers to the reported opinions of judges. In case law, judges either interpret statutory law or apply the common law. Reported cases form a body of jurisprudence that is distinct from statutes and other sources of law.

Citing case law:

The rule for case law is to cite to the printed reporter. This may be followed by a neutral citation to an on-line source as a parallel citation. If only the neutral citation is available, it may be used alone. Only cite to an electronic service if no neutral citation exists. (See the handout titled: *Guide to Legal Citation*.)

Locating cases:

Not all cases heard in Canada are reported. Most decisions of superior courts are reported, as are lower court judgments that raise interesting points of law. Reported cases can be found through various means.

- 1. Traditional printed case law reporters (D.L.R., C.C.C., B.C.L.R.)**
These are the best sources for older cases, and in many instances are still considered the official source.
- 2. Web sites of individual courts (British Columbia Superior Courts, Supreme Court of Canada and others)**
Useful for recent cases.
- 3. Electronic case law services (CanLII, DLR Plus)**
Some of these are free, but most require a subscription.
- 4. Secondary sources (Martin's Annual Criminal Code and others)**
Useful in specialized areas of law such as the *Charter of Rights and Freedoms*.

Accessing case law sources at Douglas College Library:

- 1. Traditional printed case law reporters**
 - ***Dominion Law Reports, 1912 to present (cited D.L.R.)***
The *Dominion Law Reports* includes decisions on all branches of the law from all jurisdictions of Canada. The older volumes from 1912 to 1968 are in storage at the New Westminster Campus Library and should be requested at the Information Desk.
Volumes from 1969 to the present day are on the main floor of the Coquitlam Campus Library in the Reference area at call number REF KE 132 D65.
D.L.R. is also available on-line to Douglas College students and employees as *DLR Plus* (see **3. Electronic law services** below).

- ***Canadian Criminal Cases, 1898 to present (cited C.C.C.)***

The *Canadian Criminal Cases* include decisions in criminal cases from all jurisdictions of Canada. Volumes from 1898 to the present day are on the main floor of the Coquitlam Campus Library in the Reference area at call number REF KE 8805.8 C351.

- ***British Columbia Law Reports, 1976 to 2002 (cited B.C.L.R.)***

The *British Columbia Law Reports* include selected cases from the British Columbia Court of Appeal, other British Columbia courts and decisions from the Supreme Court of Canada emanating from British Columbia. Volumes from 1976 to the present day are on the main floor of the Coquitlam Campus Library in the Reference area at call number REF KEB 104 B75.

2. Web sites of individual courts

The Web sites of individual courts provide recent case law on-line. They can be located at <http://library.douglas.bc.ca/resource_crim.html#Law>.

- ***Supreme Court of Canada Decisions, 1985 to present (neutral citation)***

Supreme Court of Canada Decisions on-line are provided through a joint project between the Supreme Court of Canada and the University of Montreal.

- ***Federal Court of Canada Decisions, 1992 to present (neutral citation)***

Federal Court of Canada Decisions on-line include decisions rendered from 1992 to the present day.

- ***Provincial Court of British Columbia Judgment Database, 1999 to present (neutral citation)***

The Provincial Court is the first level of court in British Columbia. Its jurisdiction includes criminal, family, child protection, small claims, and traffic cases. Most of the entries currently on the database are judgments delivered in written form and posted at the discretion of the presiding judge. Many of the Court's judgments are delivered orally and are not on the Web site. It is expected that with time greater numbers of decisions, both oral and written, will be placed on the database; however, the decision to post decisions on-line remains with individual judges.

- ***British Columbia Superior Courts Reasons for Judgment Database, 1996 to present (neutral citation)***

There are three levels of court in British Columbia: the Provincial Court, the Supreme Court and the Court of Appeal. This Web site contains the reasons for judgment of the two superior courts of the province, the Supreme Court and the Court of Appeal. The Court of Appeal hears appeals from the Supreme Court of British Columbia and in some criminal matters, from the Provincial Court.

- ***British Columbia Human Rights Decisions, 1997 to present (neutral citation)***

The British Columbia Human Rights Tribunal is an independent, quasi-judicial body created by the British Columbia Human Rights Code.

3. Electronic law services

The Web sites of electronic law services can be located at
<http://library.douglas.bc.ca/resource_crim.html#Law>

- ***CanLII - Canadian Legal Information Institute (cited as CanLII)***

The Federation of Law Societies of Canada developed *CanLII*, Canada's main source of free access to primary legal material. *CanLII* contains statutory and case law material from Canada and all the provinces and territories.

- ***DLR Plus -Dominion Law Reports on-line, 1912 to present (cited D.L.R.)***

This on-line version of the *Dominion Law Reports* is available to Douglas College students and employees.

4. Secondary sources

- ***Canadian Charter of Rights Annotated, 1982 to present***

This six volume loose-leaf service is updated seven times a year. It provides a comprehensive annotating service of case law regarding the *Canadian Charter of Rights and Freedoms*.

Available at New Westminster Campus Library in the Reference area at call number REF KE 4381 A29 C36.

- ***Drug Offences in Canada. Third edition***

This one volume loose-leaf service is regularly updated. It provides a comprehensive analysis of drug law in Canada.

Available on the main floor of the New Westminster Campus Library in the Reference area at call number REF KE 9050 M433.

- ***Key Legal Decisions Concerning Aboriginal Rights in Canada, 1850-1995***

This one volume loose-leaf service has not been updated since 1995. However it is an excellent source of aboriginal law in British Columbia, beginning with the Douglas Treaties of 1850-1854.

Available on the main floor of the New Westminster Campus Library in the Reference area at call number REF KE 7706 K485.

- ***The Law of Evidence in Canada. Second edition 1999.***

This text is a comprehensive treatment of the Canadian law of evidence.

Available on the main floor of the New Westminster Campus Library in the Reference area at call number REF KE 8440 S664 1999.

- ***Martin's Annual Criminal Code***

Martin's is updated and reissued annually. It provides a comprehensive annotating service of case law (in the 2003 volume) regarding the *Criminal Code*, *Canada Evidence Act*, *Canadian Charter of Rights and Freedoms*, *Controlled Drugs and Substances Act* (which repealed the *Narcotic Control Act*), *Crimes Against Humanity and War Crimes Act* and the *Young Offenders Act* (to be superseded by the *Youth Criminal Justice Act*).

Available at the New Westminster and Coquitlam Campus Libraries in the Reference area and in the stacks at call number KE 8813 1955 A5.

- ***Sentencing. Fifth edition 1999.***

This text is a comprehensive treatment of the Canadian law of sentencing in criminal trials.

Available on the main floor of the New Westminster Campus Library in the Reference area at call number REF KE 9355 R82 1999.

- ***Sexual Harassment in the Workplace. Third edition 2000.***

This text is a comprehensive treatment of the Canadian law of sexual harassment.

Available on the main floor of the New Westminster Campus Library in the Reference area at call number REF KE 8928 A832 2000.