



Library Research

Political Science 3135 3.0 SEC.A

The Constitution and the Courts in Canada

October 30, 2009

Essay Assignment: Writing a Case Comment

During this session we will focus on the use of secondary sources for your assignment, in particular the use of the Quicklaw databases.

We will also discuss how to determine the specific subject matter of the case you are researching before going on-line.

Secondary Sources

Provide commentary and analysis to provide you with the information you need to know about a particular area of law. It is essential to use these resources before you start any legal research.

1. Canadian Encyclopedic Digest
2. Canadian Abridgment
3. Texts
4. Journals
 - Commentary (Database on Quicklaw)
 - Journal Articles and Law Reviews (Quicklaw)
5. Indexes to legal journal articles
 - Index to Canadian Legal Literature (Quicklaw)
 - LegalTrac

1. The Canadian Encyclopedic Digest is a legal encyclopedia that gives a broad overview of law related topics. (For example: Constitutional law; Criminal law.) Each topic is summarized with footnote references to relevant cases and statutes. It is available **in print** and on **Westlaw Canada**. **You cannot access the electronic version as there are limited licenses for law students but I highly recommend that you look for your case in the print.**

The Print: is a multi-volume, green, loose-leaf publication arranged alphabetically by subject title.

If you know the subject of your research, go directly to the volume on the shelf. For example Constitutional law, Criminal Law, Aboriginal law, Judges and Courts.

Note: there is a list of all the titles in the **Key and Research Guide volume**.

Each individual title has a detailed Table of Contents, Table of Cases and Table of Statutes in the front and a Subject Index at the back. Use any of these to locate the relevant paragraph within the topic.

Titles are kept up-to-date either by supplements filed in the front or by periodic revision.

If you are not sure of the title or titles in which your legal issue will be found, use the subject index in the **Key volume**. It contains numerous cross-references and may send you to a number of different volumes. **The Key** also contains a Tables of Statutes, Rules and Regulations.

Note: The best way to use the CED for this assignment is to check the **Table of Cases** in the front of your Title (for example Constitutional Law. Criminal Law, Judges and Courts, Aboriginal Law) to find how the case you selected is discussed in the context of the commentary.

2. The Canadian Abridgment Case Digests is a collection of digests of Canadian case law dating back to the 1800s. It is organized by legal issue according to a **Key Classification System** that ensures all digests on a particular issue are gathered together. The Abridgment is available both **in print in the library** and **electronically on Westlaw Canada**. **You cannot access the electronic version as there are limited licenses for law students but I highly recommend that you look for your case in the print.**

Print:

The Abridgment contains its own classification system that organizes cases into broad topics and then breaks down the topics into subsequent levels of sub-headings. These topics and sub-categories are assigned classification numbers. Finding your case in the Abridgment is an excellent way of finding where it falls in the legal hierarchy & helps you determine its specific subjects.

Access the specific case you have selected by checking the **Consolidated Tables of Cases** volumes. You will be directed to a main volume where you will find a summary of your case, its classification breakdown (see example below) and other digests that deal with the same issue.

Access the case digests by topic using the **Key & Research Guide volume** or by keyword using the **General Index volume**. Once you find the topic, you will be directed to the main volume.

Update the main volume by using the classification number to find more recent cases in the soft cover supplements.

For example: R v. Westendorp (Digest Number: CNL 24 Reis.2149) Classification Number: VII.5.c.i

Main Subject Title: Constitutional Law

VII Distribution of Legislative Powers

5. Relation between federal & Provincial powers

c. Paramouncy of federal legislation

i. General principles

3. Texts:

The York library catalogue is where you will find books, journal titles, and electronic resources. Note that it will not locate journal articles for you. If you know the exact name of a title, book or author, click on **browse search**. If you **do not** know the exact name of a title or author of a book, use **keyword search**.

4. Journals, Commentary & Books – full text

Quicklaw – To sign on

Go to York University Catalogue

York University Libraries - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address <http://www.library.yorku.ca/>

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RACER (interlibrary loan)
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Search Articles eResources Reserves Need help?

Title Quick Search

Search by title for books, journals, databases, and more.

Quicklaw Go

○ Catalogue ● eResources

Or try [our new beta catalogue interface](#).

[Ask a librarian](#)

Log in to ... Go

Libraries & collections
Today is Tuesday, November 3, 2009.

- [Scott](#): 8 am - 11 pm
- [study space](#): open all night
- [Archives](#): 10 am - 4:30 pm
- [SMIL](#): 9 am - 9 pm:
- [Map](#): 10 am - 9 pm
- [services](#): various
- [Bronfman \(business\)](#): 9 am - 10 pm
- [Frost \(Glendon\)](#): 8:30 am - 11 pm
- [Osgoode \(law\)](#): 8 am - 10 pm
- [Steacie \(science\)](#): 8 am - 11 pm

Workshops More

- [Nov 6: Web of Science, Scopus & PubMed, 11am-11:45am](#)
- [Nov 13: NCBI Databases, 11am-11:45am](#)
- [Nov 20: Systematic Reviews in the Health Sciences, 11am-11:45am](#)

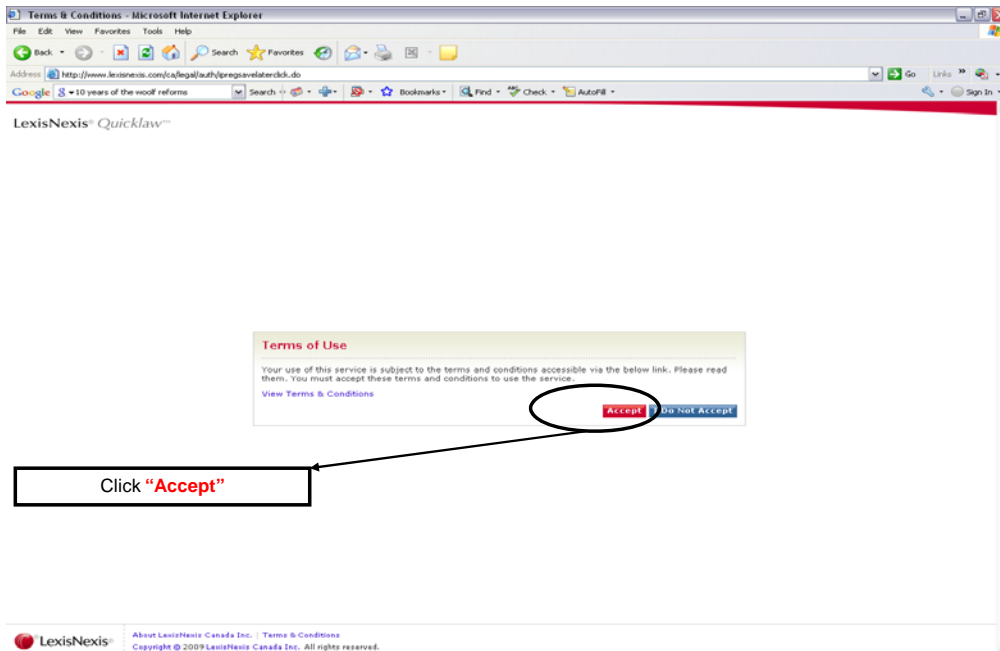
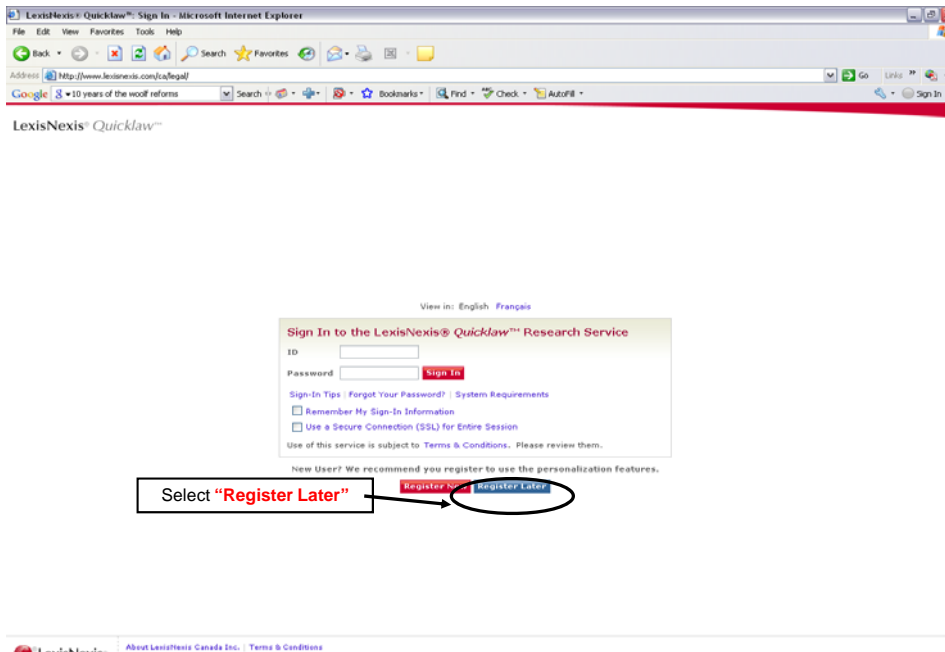
YORKwrites
YORKwrites showcases and celebrates the breadth and

Click on Quicklaw

The screenshot shows a Microsoft Internet Explorer browser window displaying the York University Library website. The address bar shows the URL: <http://www.library.yorku.ca/cm/jsp/search-eresources.jsp?query=quicklaw>. The page header includes the York University logo and the tagline "redefine THE POSSIBLE". Navigation links include "LIBRARY HOME", "CATALOGUE", "eRESOURCES", "SERVICES", "HELP WITH RESEARCH", "LIBRARY WORKS", and "YORK LIBRARIES". A search bar on the right is labeled "eResources Quick Search". The main content area displays "Search eResources By Title" with the following results:

- Result 1 - 2 of 2 for titles begin with: **quicklaw**
- Lexis Nexis Academic**
- Quicklaw**
- Type: Index/Database
- Coverage: CLICK ON "REGISTER LATER"

A black oval highlights the "Quicklaw" result. A line from the instruction box above points to this oval. At the bottom of the page, contact information for York University Libraries is provided: 4700 Keele St., Toronto, Ontario M3J 1P3, Phone: 416-736-5150.



Commentary & Journals Databases

From the Quicklaw start page, click on the **Commentary** or **Journals** tab along the top of the page.

The screenshot shows the LexisNexis Quicklaw homepage. At the top, there is a navigation bar with tabs for 'Home', 'Court Cases', 'Tribunal Cases', 'Legislation', 'Commentary', 'Journals', 'Forms', 'International', 'News & Companies', and 'General'. The 'Commentary' and 'Journals' tabs are circled in red. Below the navigation bar, there is a 'Find a Document' section with several search options: 'Find a Case by name', 'Find by citation', 'Note up with QuickCITE', 'Find Legislation', 'Find a Canadian Journal article', 'Find a definition', 'Bipartisanize a US Case', and 'Find a source'. To the right of this section is a 'My Bookshelf' section with a list of search options, including 'All Boards and Tribunals Search', 'All Canadian Court Cases Search', 'All Canadian Legal Journals Search', 'All Canadian Regulations Search', 'All Canadian Rules of Court Search', 'All Canadian Statutes Search', 'All Commentary Search', 'Canadian Legal Words and Phrases Search | Browse', 'Cour suprême du Canada, groupe de sources Search', 'LAW/NET Legal Update Service Search', 'Supreme Court of Canada, Group Source Search', and 'The Canada Digest Search'. A callout box with a black border and white background contains the text 'Select "Commentaries" or "Journals"'. The browser window title is 'LexisNexis® Quicklaw® - Homepage - Microsoft Internet Explorer'.

Commentary Database

All Commentary contains a collection of commentary and newsletter sources available on the Quicklaw service on various topics, the full text of all the journals included in "All Canadian Legal Journals", and the full text of a number of books.

To access: Click on the Commentary tab on the top of the page

The screenshot shows the LexisNexis Quicklaw Commentary Search page. The interface includes a search bar, a search button, and a list of sources. Annotations are provided to guide the user:

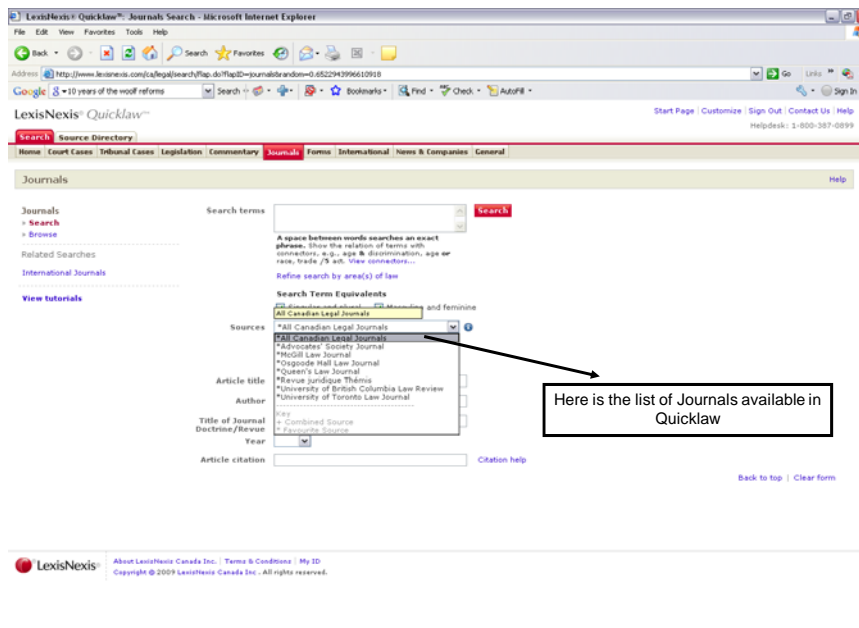
- An arrow points to the search bar with the text: "Type in your search words in this box and hit the search button".
- An arrow points to the search button with the text: "Type in your search words in this box and hit the search button".
- An arrow points to the "Sources" list with the text: "The following is a list of legal commentaries available in Quicklaw for your search.".
- An arrow points to the "Sources" list with the text: "Quicklaw uses connectors, if you click on view connectors you will find a set of guidelines that will help you make your search more effective.".

The search bar contains the text "A space between words searches an exact phrase. Show the relation of terms with connectors, e.g., * or &". The search button is labeled "Search". The "Sources" list includes:

- *All Commentary
- *Administrative Law Commentary - Topical
- *Intellectual Property Law Commentary - Topical
- *Employment Law Commentary - Topical
- *Administrative Law Commentary - Topical
- *Civil Evidence Commentary - Topical
- *Civil Procedure Commentary - Topical
- *Commercial Law Commentary - Topical
- *Constitutional Law Commentary - Topical
- *Criminal Law Commentary - Topical
- *Family Law Commentary - Topical
- *Labour Law Commentary - Topical
- *Quantum of Damages in Personal Injury Law Comm...
- *Tort Law and Civil Liability Commentary - Topical
- *Wills, Estates & Trusts Law Commentary - Topical
- *Workplace Health, Safety & Compensation Law Comm...

Journals Database All Canadian Legal Journals contains the full text of about 30 academic journals that deal with in-depth treatment of issues. As the number of journals included is limited, it is not very comprehensive and it is imperative to use the Index to Canadian Legal Literature (ICLL) in addition to this source.

To Access: Click on the Journals Tab on the top of the page



Search Examples for Commentary and Journals databases

For R v Westendorp decision:

Relation! /3 "federal and provincial powers"

Click on down arrow in view box - search terms in context

For R v. Hauser decision

(drug or narcotic) and hauser

Click on down arrow in view box - search terms in context

For Labatt Breweries decision

Labatt and lite

Index to Canadian Legal Literature – Journals and Texts (Database on Quicklaw)

Available under **Legal Indices & Tables** through the **Source Directory** on [Quicklaw](#)

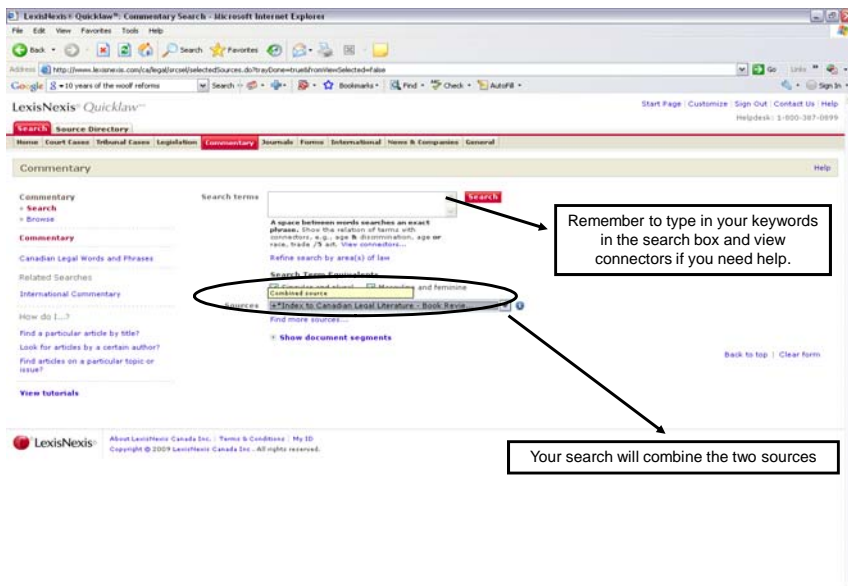
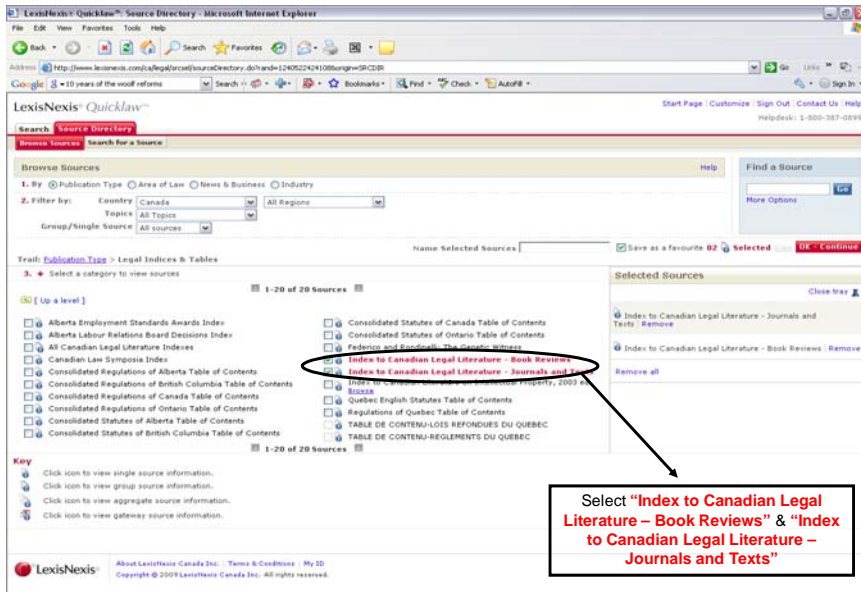
Index to Canadian Legal Literature (ICLL) is an index and bibliography providing thorough coverage of Canadian legal sources. It indexes journal articles, books, book reviews, government publications, audio-visual materials and case comments.

Each item contains subject indexing with as many subjects as is appropriate.

Note: If you find a journal article on point, click on the subject headings to lead you to other relevant articles.

Full text of many, but not all, of the articles will be available.

The screenshot shows the LexisNexis Quicklaw Source Directory interface. The browser window title is "LexisNexis Quicklaw Source Directory - Microsoft Internet Explorer". The address bar shows the URL: "http://www.lexisnexis.com/legal/irccl/sourceDirectory.do?and=1240522421080urgovw3RCDJR". The page has a search bar at the top with "Source Directory" highlighted in red. Below the search bar, there are navigation options: "Browse Sources" and "Find a Source". The "Browse Sources" section has a tree view with categories like "Administrative Boards & Tribunals", "Cases", "Commentary", "Country & Region Reports", "Forms & Regulations", "Legal Indices & Tables", "News", and "Treaties & International Agreements". The "Legal Indices & Tables" category is highlighted in red. A callout box points to the "Source Directory" link with the text: "Select 'Source Directory' from the home page and then select 'Legal Indices & Tables'". Another callout box points to the "Legal Indices & Tables" link with the text: "Note that this button changes to red". The "Find a Source" section has a "Go" button and a "More Options" link. The "Selected Sources" section is empty. The footer contains the LexisNexis logo and copyright information: "About LexisNexis Canada Inc. Terms & Conditions My ID Copyright © 2009 LexisNexis Canada Inc. All rights reserved."



Search Examples

For R v Morgentaler

- R v. Morgentaler and 1993

- Click on down arrow in view box - search terms in context

For: **Moreau-Berube v. New Brunswick (Judicial Council)**

- “Moreau-Berube”
- Click on down arrow in view box - search terms in context

For: **Ontario (Attorney General) v. Chatterjee**

- (search or seize!) and Chatterjee
- Click on down arrow in view box - search terms in context

Using Other Indexes

6. LegalTrac is an index that gives you access to legal periodicals dating from 1980 to date. Jurisdiction coverage includes Canada, United States, United Kingdom and Australia. You are able to do simple or keyword searches using boolean terms. You can limit your search to full text or peer reviewed publications.

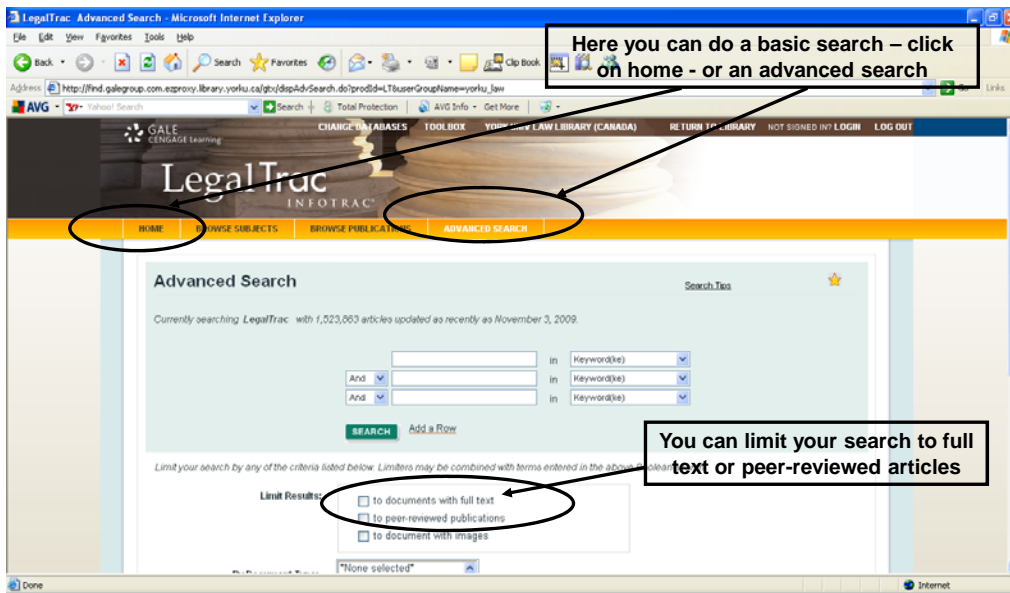
Full text of many of the articles will be available. If not, click on the **Find it @ York button** to see if it’s available through another eResource.

Using other Indexes

Start by typing
“LegalTrac” inside
the Title Quick Search
box

Click on LegalTrac

The image shows two screenshots of the York University library website. The left screenshot shows the 'Title Quick Search' box with 'LegalTrac' entered and circled. The right screenshot shows the search results page with the 'LegalTrac' link circled.



Search Examples

For R. v Morgentaler:

- “Private abortion clinics”
- Morgentaler