

**AALS Annual Meeting, January 2005**  
**Do They Shepardize in Canada? An Essential Introduction to**  
**Canadian Legal Research for U.S. Law Professors and Law Librarians**

**Danielle C. Istl**

Academic Integrity Officer, University of Windsor, Ontario  
(formerly J.D./LL.B. Legal Research and Writing  
Professor, University of Detroit Mercy)

---

**1. The Short Answer: Yes!**

- In U.S.: “shepardize” or “keycite”  
(check direct and indirect history and review citing references)
- In Canada: “update” (check judicial history)  
“note-up” (check judicial treatment); “quickcite” in Quicklaw
- Some researchers use these terms interchangeably

**2. Why Cross-Border Research Skills?**

- increased globalization
- increased mobility
- increased trade between Canada and the U.S. under NAFTA
- legal advances (e.g., recent same sex marriage decision in SCOC)
- cross-border firms or foreign/branch offices

**3. Introductory Online Sources**

The Canadian Judicial System: [http://www.scc-csc.gc.ca/AboutCourt/system/index\\_e.asp](http://www.scc-csc.gc.ca/AboutCourt/system/index_e.asp)

The Department of Justice: Canada’s Court System:  
<http://canada.justice.gc.ca/en/dept/pub/trib/index.html>

Ted Tjaden, “Introduction: The Canadian Legal System” online: Doing Legal Research in Canada <[http://www.llrx.com/features/ca\\_intro.htm#9](http://www.llrx.com/features/ca_intro.htm#9)>.

**Some Key Differences:**

- Supreme Court of Canada (court of general appellate jurisdiction)
- Quebec - Civil Law system (Quebec Civil Code)
  - See <http://www.canlii.org/qc/laws/sta/ccq/20041104/part1.html>
- Constitutional rights may be limited where justified
- Residual powers lie with the federal government
- Organization, publication, and citation of statutes
- Criminal law (federal only)

**4. Books**

**Canadian Legal System**

- F.C. DeCoste, *On Coming to Law* (Markham: Butterworths, 2001).
- Patrick Fitzgerald & Barry Wright, *Looking At Law: Canada’s Legal System*, 5th ed. (Toronto: Butterworths, 2000).
- Gerald L. Gall, *The Canadian Legal System* (Scarborough: Carswell, 1995)

### Canadian Legal Research

• Maureen F. Fitzgerald, *Legal Problem Solving: Reasoning, Research & Writing*, 2d ed.

(Markham: Butterworths, 2001)

• Ted Tjaden, *Legal Research and Writing*, 2d. ed. (Toronto: Irwin Law Inc., 2004).

• John A. Yogis, et al, *Legal Writing and Research Manual*, 5th ed. (Markham: Butterworths, 2000).

• Aleksandra Zivanovic, *Guide to Electronic Legal Research* (Markham: Butterworths, 2001).

### Canadian Legal Writing

• Margaret McCallum, Deborah A. Schmedemann, Christina L. Kunz, *SYNTHESIS: Legal Reading, Reasoning and Writing in Canada* (Toronto: CCH Canadian Limited, 2003).

### Canadian Citation

• McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 5th ed. (Toronto: Carswell, 2002).

• Why both square brackets and/or parentheses in Canadian citation for the year of the case?

### 5. Online Commercial Sites

• Quicklaw, now with LexisNexis, but separate sites for now:

• <http://www.quicklaw.com> or <http://www.lexisnexis.ca>

• Able to access same material using either Quicklaw or Lexis.com

• If using Quicklaw, note up with Quickcite

• For now, Quicklaw and Lexis.com passwords are separate

• eCarswell, now with Westlaw: <http://www.westlawecarswell.com/home>

• Note up with KeyCiteCanada

• Databases for federal and provincial case law in these materials

• Same result whether using “regular” Westlaw or WestlaweCarswell

• Same user ID and same password

### 6. Online Free Access

• The Canadian Legal Information Institute: <http://www.canlii.org/>

• Links to federal statutes, regulations, court decisions, etc.

• Links to every province’s statutes, regulations, court decisions, and decisions

of

some provincial administrative tribunals

• Links to every territory’s statutes, regulations, and court decisions

• All Provincial and Territorial Government websites

• provide statutes and regulations, but not cases

• <http://legalresearch.org/>

• <http://jurist.law.utoronto.ca/>

### 7. Court Websites

• Supreme Court of Canada decisions (from 1982) and other related documents

<http://www.lexum.umontreal.ca/csc-scc/en/index.html>

• Similar websites for provincial courts of appeals

E.g., <http://www.ontariocourts.on.ca/appeal.htm>

## *Contents*

Note: This list sets out the separate handouts that were provided to participants. Anyone wishing a copy of these materials may contact me at [istld@uwindsor.ca](mailto:istld@uwindsor.ca). I'd be happy to send them via regular mail.

- Canada's Court System (excerpt from the Canadian Department of Justice website)
- The Canadian Judicial System (excerpt from the Supreme Court of Canada website)
- Doing Legal Research in Canada by Ted Tjaden, Law Librarian, University of Toronto (excerpts from the Law Library Research Xchange (LLRX) website)
- Westlaw and WestlaweCarswell excerpts:
  - Databases for federal and provincial case law research
  - KeyCite*Canada*
- Quicklaw and LexisNexis excerpts
- Canadian Legal Information Institute (Scope of Coverage)
- Jurist Canada excerpt (showing link to Cdn. Legal Research, which leads to many more links)
- Best Guide to Canadian Legal Research by Catherine P. Best, research lawyer with the Boughton Law Firm, British Columbia
- Supreme Court of Canada (excerpts from the case-finding webpages online)
- Charts (created for students in the J.D./LL.B. program at the University of Detroit Mercy and University of Windsor, Ontario, 2001-04).