

Professional Perspectives—Tools and Techniques of the Trade. The Professional Development Committee encourages members to continue to explore topics after presentations at the local, regional, and national levels. We welcome your comments and article suggestions. Please contact Susan Siebers at 312/902-5675 or susan.siebers@kmz.com.

Researching Canadian law involves the use of resources and techniques familiar to all American law librarians. As in the United States, the following types of secondary or background legal resources are an excellent starting point to research Canadian law.

Textbooks: There is a fairly competitive publishing industry in the Canadian legal market. Butterworths, Canada Law Book, Carswell, CCH Canadian, Irwin Law Book, and several other publishers dominate the print market with a variety of monographs and looseleaves that range from practitioner-oriented to academic.

Journal articles: There are two Canadian-based legal journal indexes: *The Index to Canadian Legal Literature* (available in print from Carswell and online from Silverplatter or Quicklaw, Canada's first online legal database), and the *Index to Canadian Periodical Legal Literature* (available only in print). The *Index to Legal Periodicals & Books* and *LegalTrac* also provide Canadian coverage. Full-text Canadian law journals can be found on Quicklaw, LEXIS-NEXIS, and WESTLAW.

Encyclopedias: The *Canadian Encyclopedic Digest* (Carswell) is available in print and on CD-ROM and provides coverage of Canadian legal topics in a manner similar to *American Jurisprudence* or *Corpus Juris Secundum*.

Case law finders: The *Canadian Abridgment* (Carswell) is available in print, CD-ROM, and now through an Internet subscription (law.pro). It organizes Canadian case law by topic in fairly fine detail by providing short digests of cases, along with case citations much in the same way as West's *Decennial Digest*.

Legal Dictionaries: Our equivalent of *Black's Law Dictionary* is likely *The Canadian Dictionary of Law* (2nd ed.) by Dukelow and Nuse (Carswell). There is also a "Words and Phrases" component of the *Canadian Abridgment* (Carswell) that defines terms in their legal context, as well as other dictionaries and words and phrases services.

Legal citation: Canada's *Bluebook*, called "The McGill Guide," is titled the *Canadian Guide to Uniform Legal Citation* (4th ed.) (Carswell, 1998). Citation rules between the McGill Guide and the *Bluebook* are quite similar, but there are differences.

Legislation

Canadian primary legal resources can increasingly be found online, but not as extensively as in the U.S. Like the United States, there is a division of power between the Canadian federal government and the provincial (or state) governments; matters of national interest or significance generally are exclusive federal powers. Some powers, such as control over the environment, are shared. One major difference between Canada and the United States is that, in Canada, criminal law is a federal power governed largely by the federal *Criminal Code*, R.S.C. 1985, c. C-46.

Like the States, Canada's Parliament (Congress) consists of two chambers: the House of Commons (House of Representatives) and the Senate (same name), except that in Canada, senators are appointed, not elected. Like U.S. federal bills, Canadian bills must pass through three readings in both chambers and can generally originate in either place (although most are generated by the House of Commons). Unlike the U.S. president, Canada's Prime Minister does not have veto power over federal bills, which are instead given "royal approval" by the assent of the Governor General.

The federal Parliament Web site (<http://www.parl.gc.ca/36/main-e.htm>) contains access to full-text federal bills, Hansard debates, committee reports, and other legislative material. Federal statutes and regulations are found at http://canada.justice.gc.ca/Loireg/index_en.html.

Canadian federal and provincial legislation is generally not consolidated by subject matter but is instead published in its official version in periodic revisions alphabetically by name of the statute or

regulation, unlike the United States Code and many state codes. Some Canadian legal publishers publish unofficial consolidated or annotated editions of Canadian legislation by topic.

Case law

Free Internet availability of Canadian case law is still in its infancy—with only decisions from the top court (the Supreme Court of Canada, in Ottawa), the Federal Court, and certain provincial courts (British Columbia, Alberta, and Ontario have the largest sites; see below for links to these sites). Commercial legal publishers such as Carswell and Maritime Law Book still publish a large number of case law reporters in print, but the trend in Canada is definitely towards CD-ROMs and, increasingly, online databases. There are several online databases to choose from that range in scope and pricing:

Quicklaw (<http://www.quicklaw.com>), started in 1972, has an extensive database of Canadian reported and unreported decisions, an online case law citator, full-text federal and provincial legislation for certain provinces, journals, and news databases, and most recently, full-text legal textbooks from Irwin Law.

eCarswell (<http://www.carswell.com/ecarswell/index.html>) is Carswell's site. Carswell has launched an Internet version of its *Canadian Abridgment* called law.pro. Also available are three "topical" services: family.pro, securities.pro, and insolvency.pro. Included in these services are Carswell's case law citator, full-text legislation and concordances, full-text textbooks, and other newsletters.

LEXIS-NEXIS (<http://www.lexis-nexis-canada.com>) has greatly expanded its Canadian content, which includes full-text case law, legislation, journal, and news coverage. LEXIS-NEXIS is also in the process of developing an extensive online citator for Canadian case law.

CCH iWorks (<http://www.ca.cch.com/frsub10.html>) from CCH Canadian also

A Desktop Learning Opportunity

provides an Internet subscription that mirrors its print, three-ring looseleaf binder products. Online coverage includes commentary, case law, and legislation in various topical areas, including securities law, real estate law, tax law, corporate law, and family law.

Maritime Law Book (<http://www.mlb.nb.ca>), founded in 1969, publishes a number of case law reporters, including the *National Reporter*, that are now available by subscription through its Web site.

Canada Law Book (<http://www.canadalawbook.ca>) makes available by subscription on its Web site access to its popular *Dominion Law Reports*, *Canadian Criminal Cases*, *Labour Arbitration Cases*, and other products, including its legislation services for federal and Ontario.

Noting up Canadian case law has traditionally been done using print publications such as Carswell's *Canadian Case Citations* or the "Cases Judicially Considered" tables found in the back of print case law reporters. Increasingly, noting up is done using one or more of several online citators available on each of Quicklaw, eCarswell or LEXIS.

Web-based Information

Increasingly in Canada, good quality law-related information is now available through free and subscription-based Web sites.

Canadian Law-related "Meta" Web Sites:

Guide to Canadian Legal Research
(Ted Tjaden)
<http://www.llrx.com/features/ca.htm>

Best Guide to Canadian Legal Research
(Catherine Best)
<http://legalresearch.org>

Canadian Legal Resources (Alan Gahtan)
<http://www.gahtan.com/cdnlaw>

Canadian Legal Resources (Peter Sims)
http://www.mbnet.mb.ca/~psim/can_law.html

ACJNet: Access to Justice Network
<http://www.acjnet.org/acjeng.html>

Canadian Court Judgments are available online at sites below.

Supreme Court of Canada Judgments:
<http://www.lexum.umontreal.ca/csc-scc/en/index.html>

Federal Court of Canada Judgments:
<http://www.fja.gc.ca/en/cf/>

Alberta Courts:
<http://www.albertacourts.ab.ca/webpage/jdb/jdb.htm>

British Columbia Courts:
<http://www.courts.gov.bc.ca>

Ontario Courts:
<http://www.ontariocourts.on.ca>

Differences to Be Aware Of

There are other differences between the Canadian and American legal systems. One major difference is in employment law. In Canada, "employment at will" is a concept not ordinarily recognized by Canadian courts; instead, employees in Canada are ordinarily entitled to receive either "reasonable notice" on termination or the amount of "statutory notice" set out in the applicable employment legislation. Another difference is that the Canadian federal court system, due to its limited statutory jurisdiction, is generally much less active than its American counterpart. Differences in terminology also affect legal research, such as different spellings ("labour" instead of "labor").

Ted Tjaden (ted.tjaden@utoronto.ca) is the Coordinator of Information Services at the Bora Laskin Law Library, Faculty of Law, University of Toronto, Ontario, Canada, where he maintains an extensive online guide for legal research for law librarians (<http://www.fis.utoronto.ca/>).

Fast facts on Canada

- National federal capital: Ottawa, Ontario
- Total population: 30 million (approximate)
- Official languages: English and French
- Form of government: constitutional monarchy and a federal state with a democratic Parliament (similar to the U.S. Congress), consisting of a bicameral legislature composed of elected federal politicians in the House of Commons (House of Representatives), and appointed Senators in the Senate (Senate)
- Canada has 10 provinces (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Québec, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland, and Labrador) and three territories (Yukon Territory, Northwest Territories, and Nunavut). These jurisdictions are unicameral.

Next Month's Desktop Learning Opportunity:

"Wielding the Budget Axe Without Winging Yourself"

by John Hoffman.