Essential Legal Research
with the
Law Society of Saskatchewan Library

Presented on August 19, 2014, by
Melanie Hodges Neufeld, BA (Hon), LLB, LLM
Director of Legal Resources

Ken Fox, BASc, MLIS
Reference Librarian

Alan Kilpatrick, BA, MLIS
Reference Librarian
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Introduction

Prepared by Melanie Hodges Neufeld

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1. Importance of Legal Research Skills

The ability to conduct effective legal research is an essential skill for lawyers. Legal research will help you find, understand and apply the law. The Law Society of Saskatchewan’s *Code of Professional Conduct*\(^1\) also includes legal research as a required skill for a “competent lawyer”:

\[2.01 \text{(1)}\] In this rule

“Competent lawyer” means a lawyer who has and applies relevant knowledge, skills and attributes in a manner appropriate to each matter undertaken on behalf of a client and the nature and terms of the lawyer’s engagement, including:

(a) knowing general legal principles and procedures and the substantive law and procedure for the areas of law in which the lawyer practises;

(b) investigating facts, identifying issues, ascertaining client objectives, considering possible options and developing and advising the client on appropriate courses of action;

(c) implementing as each matter requires, the chosen course of action through the application of appropriate skills, including:

(i) legal research

... Insufficient research skills could result not only in censure from the Law Society and the Court, but also liability to the client.

Many recent law graduates erroneously believe they possess adequate research skills. A number of studies indicate that the information literacy of students is declining.\(^2\) That is, the ability to locate, evaluate and effectively use the needed information. Yet the confidence of students in their legal research skills has increased. Students believe “that, since they are so conversant in technology, they must naturally know how to find and evaluate sources...”\(^3\) There are several areas of concern with the research skills of recent graduates, including inefficiency, problems distinguishing among sources, preferences for easy access to sources, “satisfying” (or doing just enough research to get by), and overconfidence in their research and writing skills.

The following booklet is a primer to assist you with your legal research. The Law Society Library and website also offer numerous helpful materials as outlined throughout this booklet. If you have any questions, we are always happy to assist you over the phone, via email or in person.

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\(^3\) Ibid at 123.
Please contact us at:

- Library website: http://lawsociety.sk.ca/library.aspx
- Phone: 306-569-8020 or toll-free 1-877-989-4999
- Email: reference@lawsociety.sk.ca
- In person: Law Society Library
  Court House, 2nd Floor
  2425 Victoria Avenue
  Regina, Saskatchewan
  S4P 3M3

2. Legal Research Process

The starting point and process for each research assignment is dependent on the type of problem you are facing. However, a good rule of thumb is to begin with secondary sources to locate an overview or explanation of the area of law and then expand your research to primary sources of law.

Secondary sources include texts, journal articles and general encyclopedia such as the Canadian Encyclopedic Digest (CED) or Halsbury’s Laws of Canada. These sources can be found in our physical branches or online in the Members’ Section of our website. Please also consult the Subject Research Guides available on the Library website for resources in a particular area of law.

Primary resources include legislation and case law. More information on researching legislation and case law is contained in the following chapters.

For more information on the legal research process, please see:

- University of Toronto, Faculty of Law Legal Research Tutorial online — http://library.law.utoronto.ca/legal-research-tutorial/legal-research-process.
Part 1
Researching Saskatchewan Case Law

Saskatchewan Cases Database
Prepared by Ken Fox

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4. How to Search Saskatchewan Cases
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   4.5 Searching for Cases on a Point of Law
   4.6 Organizing/Downloading Results
5. Concluding Remarks
1. Background

Saskatchewan Cases has its origin in a long-running print publication called TWL (This Week’s Law). In 1998, staff of the Law Society of Saskatchewan Library decided to make TWL into a searchable database. In 1999, the new database was first made available to members of the Law Society via the Law Society website, under the title “Court of Appeal and Queen’s Bench Case Digests.” Provincial Court decisions were added in 2000. In 2002, the print publication of TWL was discontinued, making Saskatchewan Cases the principle source for Saskatchewan case law.

In April 2001, the library created a fulltext database of Saskatchewan judgments, with links to Saskatchewan Cases, which provided digests and indexing. Until 2009, these two databases operated in tandem, available only to members of the Law Society.

In 2009, the Benchers decided to make the Law Society’s internal research databases, including Saskatchewan Cases, available to the public via the World Wide Web. Around the same time, CanLII’s content and functionality had improved to the point that there was no reason to maintain the fulltext database. Now, most of the digests in Saskatchewan Cases, including all of these created since 1994, link to fulltext judgments in CanLII.

2. Scope and Description of Database

The Saskatchewan Cases database contains digests of all Saskatchewan court decisions for which there are written reasons:

- Court of Appeal: 1986 to date
- Court of Queen’s Bench: 1987 to date
- Provincial Court: 1989 to date

All records from 2001 to the present contain links to fulltext judgments in CanLII. Each record contains:

- Names of parties, linked to fulltext in CanLII where available
- Neutral citation and any citations to reported sources
- Location, date, docket number, length of decision in pages
- Names of judge and counsel
- Subject headings
- Digest of the decision
- Statutes, regulations and rules considered
- Cases considered

3. Using Saskatchewan Cases

Use Saskatchewan Cases to:

- Find known cases, using case name, citation, date, court, location, judge, counsel, and/or docket number

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1 Most of this information was provided by Kelly Chiu of the Law Society Library.

2 CanLII is the Canadian Legal Information Institute – see http://www.canlii.org/en/.
• Find all Saskatchewan cases citing a case from any jurisdiction
• Find all Saskatchewan cases citing a statute, regulation, or rule from any jurisdiction
• Find Saskatchewan cases that consider a certain legal concept, sort and print out list of relevant results
• Find Saskatchewan cases with particular facts, sort and print results
• Link to fulltext judgments in CanLII

This database is generally your best first search anytime you are looking for Saskatchewan case law.

4. How to Search Saskatchewan Cases

Saskatchewan cases can be accessed in the Quick Links area of the Law Society Library homepage.¹ There is also a link in the Members’ Section of the Law Society website, under the heading “Databases and Subscriptions.”

4.1 Boolean Search Commands

On the main search screen, the right-hand column lists the search commands that this database uses (see Figure 1). These commands should be reviewed every time you use this database until you know the basic commands, as you’ll get much better results if they are used correctly.

![Figure 1: Search Commands](image)

The database uses the ampersand symbol (&) and forward slash (/) for its AND and OR operators. These exact symbols must be used (never the full words and or or), or the database will misinterpret your search request. These are standard Boolean search operators, but remember that the specific commands vary among databases.

Generally, the AND (&) operator is used to separate terms that are conceptually different, so both will be included in each result – robbery & weapon, for example. The OR (/) operator usually separates groups of terms that are synonyms, so the database knows to search for...

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records containing any one of the terms, but not necessarily more than one – for example, the group weapon / armed / knife / gun / rifle.

It is crucial to good searching that the researcher is mindful of the default operation for any database; in other words, how the search engine will interpret two words with no operator joining them. The default operation for Saskatchewan Cases is phrase. That means when the database reads two words beside each other with no connectors, it searches only for records where those two words occur in the same order as they are presented in the search. So armed robbery might be an effective phrase, but the words weapon robbery would need an AND (&) connector to produce useful results.

### 4.2 Finding Particular Cases

The easiest way to find a particular decision is to search by citation. The citation search is at the very bottom of the search screen. Either a neutral citation or any valid citation to a printed report will work:

To search using the Case Name command box, enter the names of parties separated by the AND operator (&):

But what if you want to search for a case of unknown name? For example, you know you are looking for a Queen’s Bench judgment by Justice Gerein, made sometime in the last five years on arbitrary detention.

In the Keywords command box, entering the phrase arb* det* will search for the phrase “arbitrary detention” and variants. The asterisk is a truncation symbol, meaning the database will search for words beginning with “arb” and “det” with any possible ending. So arb* could be “arbitrary” or “arbitrarily,” and det* could be “detained” or “detention.” There are many other words that could begin with these letters, but we can rely on the phrasing and the other search criteria to eliminate unwanted results.

In the date range, I enter: 2011:2013. The database will only search for judgments delivered in that three-year period. For Court, I use the drop-down menu to select Court of Queen’s Bench. For the judge, I enter gerein, making sure to spell the name correctly. Figure 2 displays the search terms, and Figure 3 shows the results.
Figure 2: Search Terms

Record number: 1 of 1
Indexed as: R. v. Salter, 2011 SKQBD 153, Fulltext PDF.
Reported at: 372 Sask R 242
Court of Queen's Bench / Saskatoon / April 20, 2011 / Docket No. QDCA 5/10-JCG / 6 pages
On appeal from Provincial Court
Judge: Gerolin / Counsel: C. Paishovit, R. Piché
Subjects: Criminal Law – Defences – Charter of Rights. Section 9, Section 24
Digest:
The accused was detained in police cells for 3.5 hours following his provision of breath samples. The s 9 Rights. The Crown appealed the stay of proceedings and argued that the trial judge erred in law pertaining to the appeal. Held: The appeal was allowed, the stay of proceedings set aside and the matter remitted to the trial judge and after the investigation had been completed. There was no connection between the breach and the

Statutes Considered:
Charter of Rights, s. 9
Charter of Rights, s. 24(1)
Criminal Code RSC 1985, c. C-46, s. 203(1)(a)
Criminal Code RSC 1985, c. C-46, s. 253(1)(b)
Criminal Code RSC 1985, c. C-46, s. 255(1)

Federal Regulations Considered:
Saskatchewan Regulations Considered:

Rules Considered:
Cases Considered:
R. v. Bender 2002 SKPC 28
R. v. Fox 2007 SKPC 61, 297 Sask R 203, 157 CRR (2d) 179

Figure 3: Search Results
At the top of the record appear the case name, neutral citation and fulltext PDF link. Clicking on the case name brings you to an HTML file of the case in CanLII. The printable PDF files are also hosted by CanLII.

A little farther down, you see information about parallel citations, court, location, date, docket, judge and counsel. Below that are subjects, the case digest and considerations. Subjects can be useful for narrowing results, as will be demonstrated below.

### 4.3 Noting Up Cases

The database can search for Saskatchewan judicial considerations of cases from any jurisdiction, as well as statutes, regulations and rules.

For example, has the Court of Appeal’s 2012 decision in *R v Gunn* ever been considered by a Saskatchewan court?

First, enter the case name in the “Cases Considered” field.

This search yields 50 results, more than one would expect when searching for considerations of a 2012 decision. The first hit shows the search terms (the name of the correct *R v Gunn* case) in bold type in the list of Cases Considered:

On further inspection, you notice that the first few *R v Gunn* decisions noted in these digests reference the correct case, the Court of Appeal’s 2012 decision, but farther down there are other *R v Gunn* decisions mixed in. Is there a way to improve these results?

Go to one of the “good” hits, and select the neutral citation of the correct *R v Gunn* — and enter it into the Cases Considered search box:

This search returns 20 case digests, all of which reference the Court of Appeal ruling we are interested in.
4.4 Noting Up Statutes

All legislation mentioned in Saskatchewan case law is indexed in the database, including federal, extra-provincial and international. Here is the Statutes Considered area of one record, showing statutes from different jurisdictions:

Statutes Considered:
- Income Tax Act RSC 1965, c. 1 (6th Supp), s. 73(3)
- Land Titles Act RSS 1978, c. L-5
- Land Titles Act, 2000 SS 2000, c. L-5.1
- Pre-judgment Interest Act SS 1984-85-86, c. P-22.2
- Statute of Frauds, 1677 (U.K.), 29 Cha. 2, c. 3, s. 4
- Statute of Frauds, 1677 (U.K.), 29 Cha. 2, c. 3, s. 7

All of the searches in Saskatchewan Cases follow the same basic search commands discussed above. So to search for all of the cases that cite section 17 of The Administration of Estates Act, for example, enter the short title of the statute as a phrase, with the section number as a separate term:

Statutes Considered (criminal code B.200)

AND ▼ administration of estates & 17

In the results, the search terms appear in bold type:

Statutes Considered:
- Administration of Estates Act SS 1998, c. A-4 1, s. 17
- Wills Act 1996 SS 1996, c. W-14 1, s. 17
- Wills Act, 1996 SS 1996, c. W-14 1, s. 37

Note that the number “17” appears in bold not only in association with The Administration of Estates Act, but as section 17 of The Wills Act as well. The database was only searching for the term “17,” not section 17 of a particular act. This leads to the possibility of invalid results. For example, a case that mentions section 17 of The Wills Act, along with any section of The Administration of Estates Act (not necessarily section 17) would be included in the results.

Is there a way to eliminate these false hits? Sometimes, but not always. You could try to use the “preceding” operator, which takes the form [p# = preceded by # of words]. But remember the following rule (from the search commands on display):

A phrase cannot be combined with a proximity search:
- wills act & 14
- net: wills act w10 14
So for the present example, try:

This search produced the same three valid hits, with an additional invalid one: a case citing section 17 of *The Motor Vehicle Administration Act*.

Is it possible to note up a subsection of an act? Yes, but with some limitations. We can only successfully search for what has been accurately entered in the database, and even then, only within the capabilities of our available search commands.

For example, has section 4(1)(a)(i) of *The Administration of Estates Act* ever been considered in a Saskatchewan court? Searching for subsections (and sub-subsections) is a phrase search – leave out parentheses, and enter the subsection numbers without any connectors. In this case, we might try:

This search returns no records (and obviously, adding sub (i) would not help). So we scale back, and try:

And now we have two records, one good one citing the correct subsection, and one false one that cites section 17 of the act and section 4(1) of a different act:

Note that section 4(1) of the *Administration of Estates Act* has no meaning without its sub-subsections. In fact, the court quoted section 4(1) in full, and the smaller subdivisions were not individually indexed (as this would create complicated, messy records). But if section 4(1)(a)(ii), for example, was cited alone in the judgment without any other part of section 4, then likely all of the subdivisions – (1) and (a) and (ii) – would be indexed. In some cases, searching for subsections of statutes can be very useful, especially for statutes that are cited frequently in court.

**4.5 Searching for Cases on a Point of Law**

Here is a search scenario that will require keywords searching: *The home of a divorcing couple stands to increase significantly between the date of application and the date of trial – which is the correct valuation date?*
No researcher can construct a keyword search on the first attempt that will return the optimum results. Construction of effective search strings is always a trial-and-error process. In what follows, I will show most of the actual steps I went through in finding what I think are the best results for the above scenario.

I know from past research that the phrase “matrimonial home” is likely to appear in any relevant case law, and I add in the other two key factors, “valuation” and “date”, separated by ampersands (&):

<table>
<thead>
<tr>
<th>Keywords (punitive will damages &amp; contract)</th>
</tr>
</thead>
<tbody>
<tr>
<td>matrimonial home &amp; valuation &amp; date</td>
</tr>
</tbody>
</table>

This returns 45 hits, which is a few more than I would like to see as a final result. Researchers differ, but generally between 5 and 15 relevant hits is a good target.

Saskatchewan Cases does not have a relevance ranking – the results are always listed by date, with the most recent cases at the top of the list. This creates both a challenge and an opportunity for the researcher. Simply looking at the first few “best” hits is not an option. You are forced to play with your search terms to improve the general results. But by doing so, you will likely end up with much better results at the end of the process than you would if you were to simply rank the first 45 by relevance, and only look at the first 10 or so.

Getting good final results from a search always involves examining the intermediary results, and analyzing which parts of your search are working and which ones are not. Look at the “bad” results, and ask yourself why these records were included in the search. Can you reconstruct the search in a way where they won’t be included, but the relevant information you were trying to retrieve will turn up?

With these questions in mind, I examine a few of my 45 records and notice that there are some highly relevant cases, and many irrelevant ones. As is my habit after a first search, I turn my attention to Subjects. Subject headings make valuable keywords because they are phrases or terms that have been entered into the database consistently over time. Among the highly relevant cases, I note the persistence of two headings: Division of Family Property and Division of Matrimonial Property:

**Subjects:**
Family Law – Family Law – Child Support – Arrears
Family Law – Division of Family Property – Appeal – Unequal Division

**Subjects:**
Family Law – Division of Matrimonial Property – Matrimonial Home

Of course, subject headings are not 100 percent consistent. In this case there are two similar headings that reflect a change in language when *The Family Property Act* was passed, and the old *Matrimonial Property Act* repealed.

As my search deals with family property, I can reduce the unwanted results by including these phrases in my search.
The phrases are separated by the “OR” slash because I am looking for records with one or the other heading but not necessarily both. I enclose these terms in parentheses to logically separate them from the others to follow.

For the moment, I wonder if the phrase “matrimonial home” is overly restrictive. So instead of that phrase, I decide to search for phrases that join the concepts of “home” and “value.” But as there are too many possible phrasings of those terms to include in one search, I decide to use a proximity command – this time the “within” (w) operator. The expression \((\text{valu* w5 home})\) will search for the words “valu*” and “home” within five words of each other, in either order. I truncated “value” so it will include both “value” and “valuation.” Because these terms are a logical group, I will enclose them in parentheses also.

This search returns 38 records. The number of hits has decreased slightly from the first search, but I am a bit suspicious of these results. A number of cases of little relevance have appeared, diluting a block of highly relevant, recent cases I had noticed in the first search. I conclude that the phrase “matrimonial home” was key to getting strong results.

I also notice, when looking at some of the “bad” records, something wrong with the term “date.” I used the word “date” in my search because I am interested in the valuation date of a home – but in most of these records, “date” is used in ways that have nothing to do with valuation. I conclude that “date” needs to be in proximity to the word “valu*” in order to be helpful, and that having “valu*” and “home” in proximity to each other is not particularly helpful, as many cases talk about the value of the family home, but not the date of valuation. I could do a proximity search such as \((\text{valu* w3 date})\), but instead decide to try the phrases (\text{date of valuation / valuation date}), as I can see from the search results that the highly relevant cases all include one or both of those phrases.

Thus, my third attempt looks like this:

\[
\text{Keywords (punitive w3 damages & contract)} \]
\[
(\text{division of matrimonial property / division of family property)} \& \text{date & (valu* w5 home)}
\]

The phrase “matrimonial home” is not fully visible in the screen capture because the actual search field is longer than what the screen can display.

This search returns 13 records, a perfect number of cases to go through, and at a glance, most of them are highly relevant. It is very tempting to end the search at this point, download the best cases of the 13 and move on.

But looking at these results, I notice that a couple of digests include the phrase “family home” – obviously a variant on “matrimonial home” – and I recognize that this phrase may sometimes be used to the exclusion of “matrimonial home,” a very valuable search term. Furthermore, this alternative phrase reflects the same change in language discussed earlier regarding “family property,” so the cases that may be missing from my results are likely as relevant, and more current, than the existing ones.
Therefore, my final search looks like this:

(division of matrimonial property / division of family property) & (valuation date / date of valuation) & (matrimonial home / family home)

This minor modification returns an additional seven (mostly good) digests, for 20 in total, slightly more than I wanted to go through, but for this scenario I think it is the minimum number I need to read and still be sure than I am not missing something good, and the maximum number I need to look at and still be confident that the number of irrelevant records is minimal. I believe these are the best results for this search.

One weakness in the final results is that searching for “valuation date” and “date of valuation” did not weed out digests that said that the parties agreed on the date — so there is no judicial ruling on what is the appropriate date. But generally speaking, this type of negative result is an inherent hazard in keyword searching. If a judgment says that “concept A is not relevant to this case,” then a search for Concept A will bring up that case. It would take an extremely sophisticated search engine to know not to include it in the results. So there is little we can do about these false, negative hits, but weed them out individually when we are reviewing our results.

Now that I have optimized my keyword search, the next step is to select the best (most relevant, recent, authoritative) cases, and note them up, because not even the optimum search will net 100% of relevant cases. This is particularly true when searching digests, as opposed to full decisions. There is always the possibility that a key decision slipped through your search net.

Note that the final search follows this classic “Advanced Search” formula:

(Concept 1 OR synonym OR synonym OR synonym) AND (Concept 2 OR synonym OR synonym) AND (Concept 3 OR synonym OR synonym)

where concept 1 = (division of matrimonial property / division of family property); concept 2 = (valuation date / date of valuation); and concept 3 = (matrimonial home / family home).

You will find in constructing keyword searches that they often take this form, once you have worked out what the best terms are.

### 4.6 Organizing/Downloading Results

Now that we have our results, what is the best way to organize them? There is no one right way — every researcher can develop their own strategy. One simple technique is to identify a good case, then click on the case name in the top line of the record:

Indexed as: Schimelfenig v. Schimelfenig, 2013 SKQB 359, Fulltext PDF

which connects you to the full judgment in CanLII. Then you might select the Citation information in CanLII:

Citation: Schimelfenig v. Schimelfenig, 2013 SKQB 359 (CanLII), <http://canlii.ca/t/g1s9x> retrieved on 2014-03-05
and paste this information into a word processing document, which can easily be later downloaded, printed or copied into a legal brief or report. In most word processors, placing the cursor right after the URL (the web address enclosed in brackets) and hitting “return” will create an instant hyperlink.

Another alternative is to click on the words “Fulltext PDF” in the index line, which takes you directly to a printable PDF format in CanLII. From there the case can be printed out or saved to your computer.

If suitable to the researcher, Saskatchewan Cases provides its own tool to organize results. At the upper right corner of each record, you will see a small tick-box beside the words “Mark Record”:

![Mark All Records View Marked List Clear Marked List](access-no-gb13365-mark-record.png)

and near the top of the search results, there is a “View Marked List” button. Click on the tick-box to make a checkmark, and select all of the cases you wish to save. The database will produce a new list of results, including only the records you selected yourself. At this point, a new link appears at the top right corner of each record, allowing you to “Print All Results.” Alternatively, you may save the results list to your computer.

5. Concluding Remarks

Saskatchewan law librarians from decades past were a bit ahead of their time – and for that reason we have, among other things, a case law database with rigorously indexed fields and almost 30 years of consistent, quality data. The Law Society Library will continue to look for better ways to search and access case law, but where Saskatchewan courts are concerned, we have a solid foundation to work from. This database will continue to be an excellent source for finding case law, provided it is used with a few basic, sound techniques.
Part 1
Researching Saskatchewan Case Law

CanLII

Prepared by Alan Kilpatrick

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3. Why Should You Use CanLII?
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   6.2 Case with a Common Name
   6.3 Noting Up a Case
   6.4 Legislation Within a Case
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   6.6 Case Law on a Point of Law
1. What is CanLII?

The Canadian Legal Information Institute, often referred to as CanLII, is a non-profit organization funded by the Law Societies of Canada and managed by the Federation of Law Societies of Canada. CanLII provides free online access to Canadian law through its website. CanLII endeavors to support lawyers, the practice of law and the Canadian public by providing an accessible, searchable and free source of law.

CanLII was first envisioned in 2000 by the National Virtual Law Library Group to fill the emerging demand for online legal resources and to become “the best place to consult Canadian law.” Supported by the Federation of Law Societies of Canada and partnered with Lexum, CanLII quickly grew into the outstanding legal resource it is today.

2. Scope

CanLII provides access to more than one million Canadian court cases and thousands of statutes, regulations and tribunal decisions from every legal jurisdiction and court in Canada. CanLII’s aim is to provide comprehensive coverage of Canadian case law from 2000 to the present and as comprehensive as possible from dates earlier than this.

CanLII provides full coverage of Saskatchewan case law as follows:

- Court of Appeal: 1994 to present
- Court of Queen’s Bench: 2001 to present
- Provincial Court: 2001 to present

CanLII provides partial coverage of Saskatchewan case law for these courts from approximately 1980 to the present and access to a variety of Saskatchewan tribunal decisions:

<table>
<thead>
<tr>
<th>Saskatchewan (10)</th>
<th>1994 - 2014-02-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>SKCA</td>
<td>Court of Appeal for Saskatchewan</td>
</tr>
<tr>
<td>SKQB</td>
<td>Court of Queen’s Bench for Saskatchewan</td>
</tr>
<tr>
<td>SKPC</td>
<td>Provincial Court of Saskatchewan</td>
</tr>
<tr>
<td>SKAI</td>
<td>Automobile Injury Appeal Commission</td>
</tr>
<tr>
<td>SKIPC</td>
<td>Information and Privacy Commissioner</td>
</tr>
<tr>
<td>SKLA</td>
<td>Labour Arbitration Awards</td>
</tr>
<tr>
<td>SKLSS</td>
<td>Law Society of Saskatchewan</td>
</tr>
<tr>
<td>SKSEC</td>
<td>Saskatchewan Financial Services Commission</td>
</tr>
<tr>
<td>SKHR</td>
<td>Saskatchewan Human Rights Commission</td>
</tr>
<tr>
<td>SKLRB</td>
<td>Saskatchewan Labour Relations Board</td>
</tr>
</tbody>
</table>

1 “CanLII”. Available at: http://canlii.org.
2 “About CanLII”. Available at http://www.canlii.org/en/info/about.html.
3 Ibid.
4 “Scope of CanLII’s Databases”. Available at http://www.canlii.org/en/databases.html.
5 “CanLII”. Available at http://developer.canlii.org/.
7 “Scope of CanLII’s Databases”. Available at http://www.canlii.org/en/databases.html.
The Law Society of Saskatchewan Library has been working with CanLII to increase coverage of Saskatchewan case law. Over the past year, more than 13,000 Saskatchewan cases have been added to CanLII, and we continue to fill in the gaps in coverage. This provides an almost complete record of reported Saskatchewan case law from 1909 to the present.

3. Why Should You Use CanLII?

A 2012 study by CorbinPartners Inc. explored CanLII use among the Canadian legal community. The study discovered approximately nine in ten lawyers use CanLII for legal research and that 99 percent of users are satisfied with the website. The study indicated CanLII is a frequent source for case law and is often identified as a first stop for legal research. Some of the reasons for using CanLII for research include:

- Ease of use
- Convenient access
- Favorable cost
- Depth of case law collection

CanLII has certain advantages over the Saskatchewan Cases database: it allows searches for case law outside of Saskatchewan and is fulltext searchable, while the Saskatchewan Cases database is limited to searching summaries of cases.

However, it is important to note that CanLII’s noteup feature may be less reliable and consistent than the same from the Saskatchewan Cases database.

4. Using CanLII to Search for Case Law

CanLII provides a user-friendly search interface and is simple and intuitive to use. It is easy to sort search results and to locate relevant case law. CanLII can be accessed from the “Quick Links” area of the Law Society of Saskatchewan Library homepage. Alternatively, http://canlii.org/ can be typed into your browser’s address bar.

CanLII can be used to:

- Locate known cases
- Quickly locate a case with a common name
- Note up a case and identify decisions citing a particular decision
- Note up legislation and identify decisions citing a particular act
- Locate Saskatchewan tribunal decisions
- Locate Saskatchewan case law on a point of law
- Identify related decisions, legislation cited and decisions cited

The CanLII main screen appears as follows:

---

CanLII can be searched in three primary ways:

- Keyword search
- Known item search by case name, legislation, citation or docket
- Noteup search by cited case or cited legislation

The three methods of searching CanLII correspond to the three CanLII search boxes available from the main screen.

5. Boolean Search Commands

CanLII’s Boolean search commands are displayed in a pop-up box when the cursor is placed over the question mark icon to the right of the search interface:

By default, the search engine processes a space between terms as a logical AND. The following operators allow you to change this default processing.

<table>
<thead>
<tr>
<th>Find</th>
<th>Operator (case sensitive)</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>This exact phrase</td>
<td>&quot;&quot;</td>
<td>&quot;R. v. Douglas&quot;</td>
</tr>
<tr>
<td>All these words</td>
<td>AND, and, no operator</td>
<td>permit hunting</td>
</tr>
<tr>
<td>Any of these words</td>
<td>OR, or</td>
<td>city or municipality</td>
</tr>
<tr>
<td>None of these unwanted words</td>
<td>NOT, not</td>
<td>custody not child</td>
</tr>
<tr>
<td>Words within the same paragraph</td>
<td>/p</td>
<td>levy /p probate</td>
</tr>
<tr>
<td>Words within the same sentence</td>
<td>/s</td>
<td>tax /s income</td>
</tr>
<tr>
<td>Words within n words</td>
<td>/n</td>
<td>letter /5 credit</td>
</tr>
<tr>
<td>Exclude plurals and derivatives</td>
<td>EXACT(), exact()</td>
<td>exact( translator)</td>
</tr>
</tbody>
</table>

This is crucial as every online database has its own unique set of Boolean search commands. For example, CanLII’s Boolean search commands differ significantly from those in the Saskatchewan Cases database (see page 7). It is always helpful to review a database’s Boolean search commands prior to searching.
Notes

Boolean search commands help us search more effectively and efficiently. They can easily broaden or narrow a search by combining different concepts together. Six important Boolean search commands to note prior to searching CanLII are:

<table>
<thead>
<tr>
<th>AND</th>
<th>Narrow a search by combining concepts together</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR</td>
<td>Broaden a search to include results that mention any of the keywords</td>
</tr>
<tr>
<td>&quot; &quot;</td>
<td>Narrow a search by searching for an exact phrase</td>
</tr>
<tr>
<td>( )</td>
<td>Group similar concepts together</td>
</tr>
<tr>
<td>/p</td>
<td>Narrow a search by searching within a paragraph</td>
</tr>
<tr>
<td>/s</td>
<td>Narrow a search by searching within a sentence</td>
</tr>
</tbody>
</table>

6. Case Law Search Scenarios

This section will review seven example search scenarios that will demonstrate basic use of CanLII:

6.1 Known Case Name
6.2 Case with a Common Name
6.3 Noting Up a Case
6.4 Legislation Within a Case
6.5 Tribunal Decisions
6.6 Case Law on a Point of Law
   (a) Online Defamation
   (b) Social Media as Evidence

6.1 Known Case Name

In the first search scenario, I would like to locate a 2002 Saskatchewan Court of Appeal case: R v Lewko, 2002 SKCA 121. Begin the search by entering the case name in the known item search box.

Based on the results, this search retrieved four cases. The third result appears to be the correct one: R v Lewko, 2002 SKCA 121.
Notes

The fulltext of this case is displayed when the case name is selected. CanLII displays information about the case at the top of the screen, including the case name, neutral citation, date, docket, parallel citations, an option to open the case in PDF format, and a noteup feature. The reflex record identifies the legislation and decisions that *R v Lewko* has cited.

![R. v. Lewko, 2002 SKCA 121 (CanLII)](image)

6.2 Case with a Common Name

In the second search scenario, I would like to locate a Saskatchewan Court of Appeal criminal judgment. The case involved an individual with the surname *Smith*. All I can recall is that the case took place sometime in the past fifteen years and involved drug trafficking.

Begin the search by entering a case name in the known item search box.

![Search box with case name entered](image)

Based on the results, the initial search retrieved 563 cases named *R v Smith*. The number of results needs to be reduced as there are too many cases to scan through. CanLII searches can be narrowed by jurisdiction, court level and date at the top tab.

![Search filters](image)

First, limit the search by jurisdiction so it only retrieves Saskatchewan case law. Second, limit the search by court level so it only retrieves cases from the Saskatchewan Court of Appeal. Third, limit the search by date by entering a date range: 2000 to 2014.
By limiting this search by jurisdiction, court level and date, the number of results has been reduced to 11. This is a more reasonable number of cases to read.

The final step is to scan the results to determine whether the correct case was located.
6.3 Noting Up a Case

In the third search scenario, I am conducting research on the role of expert evidence in Saskatchewan case law. I have discovered *R v Gibson* (1992), 100 Sask R 88, is a Court of Appeal case that comments significantly on this topic. I would like to note up this case.

Begin by entering the case name in the noteup search box.

Based on the results, *R v Gibson* (1992), 100 Sask R 88, has been cited 91 times.

CanLII search results can be sorted by selecting the sorting tab on the right-hand side of the screen. Results can be sorted by relevance, most recent, most cited and court level.

6.4 Legislation Within a Case

In this fourth search scenario, I am searching for case law that comments on *The Saskatchewan Administration of Estates Act*, SS 1998, c A-4.1. In particular, I would like to identify how many times section 3 of this act has been cited.

Begin by entering the legislation title in the noteup search box.
Based on the search results, 30 cases have cited this act. Next, section 3 needs to be selected from the search box on the right side of the screen.

Based on the search results, it appears six cases have cited section 3 of this act.

6.5 Tribunal Decisions

In the fifth search scenario, I would like to locate Saskatchewan Labour Relations Board decisions. In particular, I would like to review decisions from the past five years.

Begin by selecting the Saskatchewan link from the menu below the search interface.
Selecting this link displays the CanLII Saskatchewan page. This page identifies Saskatchewan legislation, courts, boards, tribunals and frequently consulted documents. Next, select the Saskatchewan Labour Relations Board link indicated below.

Selecting this link displays a Labour Relations Board search page. Decisions can be searched by keyword, case name, citation or docket. Additionally, decisions can be accessed and browsed by date. For example, select 2009 from the menu.

By selecting 2009 from the menu, all Labour Relations Board decisions from that year are displayed.
6.6 Case Law on a Point of Law

(a) Online Defamation

In the sixth search scenario, I would like to locate recent Saskatchewan case law involving defamation and damages. In particular, I am interested in online defamation.

Begin by entering keywords in the keyword search box: *defamation AND damag* . Using the Boolean AND will search for cases that mention both of these terms. The asterisk symbol is known as truncation. Placing it at the end of the word damage will enable the search to locate all variations of the word: damage, damages or damaging.

Based on the results, the search located 161 Saskatchewan cases that mention defamation and any variation of the word damage. This amount of results needs to be reduced as there are too many cases to read through.
A strategy to reduce the number of results is to add an additional search term: *defamation AND damag* AND online.

Based on the results, the new search retrieved only five cases, fewer than I expected. Additionally, the results do not appear relevant. They refer to specific online links rather than online defamation.

A strategy to increase the number of results is to think of additional synonyms for our search terms and link them together with the Boolean OR. For example, *defamation* might also be described as *libel or slander*. *Online* might also be described as *internet or web.*
Based on the results, it appears the new search located 21 cases. The results appear far more relevant than the previous search. The final step is to sort these results by date.

(b) Social Media as Evidence

In the final search scenario, I would like to locate Saskatchewan cases that have commented on the use of text messages and social media as evidence.

Begin the search by entering keywords in the keyword search box: evidence /p (“text message” OR “social media”). Phrases are placed in quotation marks. Forward slash p (/p) is a Boolean command that enables a search to look within a single paragraph. As such, this search is looking for the word evidence within the same paragraph as either phrase.

Based on the results, the search retrieved 28 cases that contain the word evidence within the same paragraph as either text message or social media.
A strategy that may make this search more precise is to search within a single sentence rather than within an entire paragraph: evidence /s (“text message” OR “social media”).

Based on the results, this new search retrieved 16 cases.

Social media is a broad concept that can be described in numerous ways. For example, social media might also be described using the words Facebook, Twitter or YouTube. By describing social media in such a broad way, this search may be missing some highly relevant cases. A new search statement reflecting additional ways to describe social media is: evidence /s (“text message” OR “social media” OR facebook OR twitter or youtube).

Based on the results, this new search located 20 cases.
Part 2

Researching Saskatchewan Legislation

A Brief Examination of Three Sources

Prepared by Ken Fox

Contents

1. Introduction
2. The Legislative Assembly
3. The Queen’s Printer
4. The Law Society Library
5. Concluding Remarks
1. Introduction

Researching legislation online is a rapidly changing enterprise. Almost daily, more historical legislative documents appear online in various places. New sources are invented, old ones are upgraded. Online sources are promoted in status, from supplementary to authoritative, from authoritative to official. This paper explores the present state of researching Saskatchewan legislation from the standpoint of three established sources: the Queen’s Printer, the Legislative Assembly, and the Law Society of Saskatchewan.

2. The Legislative Assembly

The Legislative Assembly of Saskatchewan website\(^1\) hosts a wealth of useful research documents under the heading Legislative Business\(^2\). As the body that oversees the creation of legislation, the Assembly hosts many documents related to the legislative process. These include committee reports, legislative proceedings (Hansard), minutes, progress of bills, and the bills themselves.

All government bills, once passed second reading, are referred to a legislative committee\(^3\) for a detailed examination of the bill by legislators and lay policy experts. Amendments are proposed and reported to the Assembly, and usually reports are generated. These reports, as well as committee meeting minutes, may be of interest to practicing lawyers to better understand the legislative intent of an act, especially one that has few or no judicial considerations. The current Committee Document Archive holds documents produced by all major legislative committees from as far back as 1996.

Likewise, the second and third reading debates in the Assembly may assist attorneys in learning the rationale of legislators in creating a statute. The Assembly site provides verbatim proceedings (Hansard) for all sessions back to 1998. The best way to search the Hansard is to use the subject and speaker indices\(^4\) to find which dates a bill or topic was debated in the House, and then use the Legislative Calendar\(^5\) to connect to the proceedings from those dates. There is also a Legislative Meeting Archive\(^6\), which includes legislative documents of all types.

The Bills\(^7\) page of the Assembly site describes the legislative process, provides access to the bills themselves, and maintains some useful tables called Progress of Bills. The bills themselves can be accessed in alphabetical lists, both for the current session\(^8\) and past sessions.

Links to the lists of bills by session are located below the introductory paragraphs, as are links to the Progress of Bills\(^9\) tables. There is one table for each legislative session. For each bill, the table

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\(^1\) Legislative Assembly website: [http://www.legassembly.sk.ca/](http://www.legassembly.sk.ca/).


\(^3\) Legislative Committees: [http://www.legassembly.sk.ca/legislative-business/legislative-committees/](http://www.legassembly.sk.ca/legislative-business/legislative-committees/).

\(^4\) The indices are located below introductory paragraphs: [http://www.legassembly.sk.ca/legislative-business/debates-hansard/](http://www.legassembly.sk.ca/legislative-business/debates-hansard/).


\(^6\) Legislative Meeting Archive: [http://www.legassembly.sk.ca/legislative-business/meetings/](http://www.legassembly.sk.ca/legislative-business/meetings/).

\(^7\) Bills: [http://www.legassembly.sk.ca/legislative-business/Bills/](http://www.legassembly.sk.ca/legislative-business/Bills/).


displays the bill number, title, legislative member who introduced it, and the dates it passes through the various phases of the process:

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Member</th>
<th>1st Reading</th>
<th>Crown Recomm</th>
<th>2nd Reading</th>
<th>2nd Comm.</th>
<th>3rd Reading</th>
<th>3rd Comm.</th>
<th>Amend Date</th>
<th>3rd Reading</th>
<th>Royal Assent</th>
<th>In Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>99</td>
<td>* The Public Employees Pension Plan Amendment Act, 2013</td>
<td>Kravetz</td>
<td>2013-10-30</td>
<td></td>
<td>2013-12-02</td>
<td></td>
<td>CCA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The far right-hand column shows how the bill comes into effect, or into force. And at the top left, there is a legend that explains the symbols:

Bill comes into force on:
- A - Assent
- P - Proclamation
- SE - Specific Event

The two most common ways a bill, or any part of a bill, becomes effective is by royal assent and by proclamation. Royal assent is given to the bill by the Lieutenant Governor in the final stage of the legislative process. A proclamation is an official announcement published in *The Saskatchewan Gazette*.

Bills 102 and 103 below, *The Builders’ Lien Amendment Act* and *The Enforcement of Maintenance Orders Amendment Act*, were passed by the House and received royal assent on March 12, 2014:

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Member</th>
<th>1st Reading</th>
<th>Crown Recomm</th>
<th>2nd Reading</th>
<th>2nd Comm.</th>
<th>3rd Reading</th>
<th>3rd Comm.</th>
<th>Amend Date</th>
<th>3rd Reading</th>
<th>Royal Assent</th>
<th>In Effect</th>
</tr>
</thead>
</table>

For both Bills, the in-force (effective) date is “A”, meaning the date of their assent, March 12, 2014. Bill 104, *The Enforcement of Maintenance Orders Consequential Amendment Act*, has an “SE”, meaning it comes into effect when some Specific Event occurs – in this case when Bill 103, *The Enforcement of Maintenance Orders Act*, becomes effective. Bill 105, *The Informal Public Appeals Act*, comes into force by proclamation (P), so to learn the actual effective date, review Part 1 of the weekly *Saskatchewan Gazette* for relevant proclamations, or follow the Proclamations page on the Law Society Library site.

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11 *Ibid*.

3. The Queen’s Printer

The Queen’s Printer is the authoritative online source for Saskatchewan legislation. The Freelaw® Publications collection hosts a comprehensive menu of current Saskatchewan legislation of all types, and an ever-growing library of historical documents.

While the online documents available at Freelaw® are designated as “authoritative” by Saskatchewan’s official legislative printer, they are not currently official legislation. The website includes a note saying, “The original statutes, as published in the bound sessional and annual volumes, and the regulations, as published in Parts II and III of The Saskatchewan Gazette, should be consulted for all purposes of interpretation and application of the law.” For the time being, only the printed copies of legislation produced by the Queen’s Printer are considered official.

Freelaw® Publications can be accessed from an alphabetical menu posted on the Queen’s Printer homepage:

```
Freelaw® Publications

Acts (Consolidated Statutes) Orders in Council
Federal Legislation Point in Time Consolidations (FIT)
First Reading Bills Private Acts
French Language Versions Public Inquiry Reports
Historical Legislation Regulations
Justice Update Repealed Regulations
Legislated Forms Repealed Statutes
Legislative Tables of Acts and Rules of Court
Regulations Separate Chapters
Lloydminster Charter The Saskatchewan Gazette
Loose-leaf Releases
Miscellaneous Publications
```

The Acts (Consolidated Statutes) are the complete current statutes of Saskatchewan. They are “consolidated” in the sense that they each consist of an original chapter, some from as far back as 1978, which has been edited to include all subsequent amendments up to the present. A note on the front page says that “statute consolidations are updated within 10 business days of assignment of chapter numbers or proclamation.”

Each act has its own front page Description with the chapter numbers of the original statute and all subsequent amending acts:

---

14 Ibid.
15 Ibid.
“Consolidated” statutes are just that – amalgamations of acts passed by legislature with subsequent additions, amendments and repeals edited in. There is also a link to a Legislative Summary prepared by the Ministry of Justice that provides background information as to the rationale and intent of the act. The act itself is accessed with a grey “Free Download” button.

Each act has a head note that, again, lists the original chapter number and all amending chapters. The chapter numbers are hyperlinked for easy access to the originals. Each section of a statute also contains its own historical footnote, including references to the act of its original passing and subsequent amendments.

The original acts, as passed by the legislature, can be accessed under the heading Separate Chapters. The chapters are arranged by year. Within each year, there are three options:

- Amending, Repealing and Temporary Public Acts
- New Public Acts
- Private Acts

New Public Acts are complete statutes and are given alpha-numeric chapter numbers: 2014 c W-13.01, *The Wildfire Act*, for example. A new public statute may amend other statutes (“consequential amendments”), but an amending, repealing and temporary public act is passed specifically to change one or more existing acts. They are given numeric chapter numbers, such as *The Builders’ Lien Amendment Act, 2014*, c 1.

The Queen’s Printer’s Legislative Tables of Acts and Regulations are essential for historical research, especially for complex legislative histories. The tables track the complete history of all statutes passed since 1978, the date of the last statute revision in Saskatchewan. The tables are organized alphabetically, with a different table for each letter of the alphabet. Here is the beginning of the “A” table:

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18 See the 2014 page, for example: [http://www.publications.gov.sk.ca/deplist.cfm?d=1&c=3279](http://www.publications.gov.sk.ca/deplist.cfm?d=1&c=3279).
The table is organized first by chapter number, with the year of the statute’s passing in parentheses, and its original effective date in the right-hand column. If there is no date under the chapter number, then the statute is from the 1978 Consolidated Statutes.

Within each act, the table is organized by section, so the same amending act appears once for every section it affects. For example, 2008, c 2 above amends sections 2, 4 and 5 of The Administration of Estates Act. There is a separate entry each time a section is amended, so section 4 of The Administration of Estates Act appears twice, as it was amended by 2001, c 34, effective on May 17, 2002, and again by 2008, c 2, effective on November 1, 2008.

There are still situations where the researcher will need to rely on print sources to create a complete legislative history, especially for statutes passed before 1978. However, the available historical sources are always growing to encompass more historically remote documents.

A recent addition to the Queen’s Printer site is a section for “Historical Legislation.” This collection includes Revised Statutes of Saskatchewan from 1965, 1953, 1940, 1930, 1920 and 1909. Not all of the collections are complete as of 2014, but the collection is growing. There is also a small collection of Northwest Territories Ordinances (1905), and select Statutes of Saskatchewan (annual chapters) from 1905 to 1989. The chapters since 1989, along with the complete 1978 Revised Statutes, appear on the Separate Chapters page.

Queen’s Printer also supplies a collection of Point In Time Consolidations (PIT) on the Freelaw® website. The purpose of these consolidations is to save the research from needing to piece together an effective statute from separate chapters. For example, a researcher may be confronted with a legal situation involving The Natural Resources Act as it was in effect in 2003. Using the Legislative Tables and Separate Chapters, she would need to locate no less than six acts to get a complete 2003 version – the original 1993 act, along with amendments passed in 1994, 1996 (2), 1997, 1998 and 2003. But PIT performs the same service for the past that the

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Consolidated Statutes provide for the present: the editorial service of gathering together the disparate elements to create a complete effective version for a particular date.

The weakness in PIT is that the researcher needs to know the date of the amendment in order to easily find the correct version. Note that the final component part of the 2003 consolidation of The Natural Resources Act was a 2003 amendment, and that the description of the consolidation gives the effective point-in-time as October 1, 2003. Therefore, if the desired point-in-time was between January and September of 2003, the researcher would need to do additional work to determine which sections were affected by the final amendment, 2003, c 29.

Furthermore, if the desired point-in-time is in 2004, 2005, 2006, et al., the researcher might experience difficulty, as there are no consolidated versions of The Natural Resources Act for those years. So she would need to know ahead of time, using the Legislative Tables, that the final amendment before the time in question was effective in October 2003, and then seek out the PIT statute from the 2003 menu.

The legislative resources offered in CanLII, by way of comparison, provide a list of point-in-time consolidations for each statute, with effective date ranges that apply to each consolidation. So the researcher need only know that she is interested in The Natural Resources Act in, say, November 2003, and find that the collection includes a version of the act covering that date.

Where available, CanLII’s point-in-time collection provides a link to a high-quality PDF version of the act supplied by the Queen’s Printer. Despite its limitations in terms of searching, the Queen’s Printer Point In Time Consolidations does provide a valuable editorial service, in that the researcher does not need to look at more than one chapter in order to recreate a statute effective as of a past date.

Finding regulations on Freelaw® is for the most part analogous to statutes, with a few key differences. Regulations are laws made by government officials, pursuant to statutory authority. Like statutes, the regulations are updated within 10 business days of their publication date.

The important thing to remember about Saskatchewan regulations is that, while they are individually named, they are organized by their enabling chapter, and numbered as such. A regulation number consists of its enabling chapter number followed by “Reg” and a sequential number. For example, The Beekeepers Development Plan Regulations, passed under The Agri-Food Act, 2004, are numbered A-15.21 Reg 5. And because its enabling chapter begins with “A” – it is located in the “A” section of the A to Z list of Regulations.

The Queen’s Printer also provides a Combined Listing of acts with their associated regulations. A link is located on the Queen’s Printer homepage just above the Freelaw® Publications menu.

There are no “separate chapters” for regulations. They are published in Part II of *The Saskatchewan Gazette*[^31], also accessible through the Freelaw® menu. *The Gazette* is published weekly, so to find the original version of a regulation, you need to know its publication date in *The Gazette*. Fortunately, the Legislative Tables of Regulations[^32] are very helpful in this regard.

Again, the tables are organized by chapter number, so the researcher needs to know the name or number of the enabling statute. As with the statute tables, each regulation has a complete section-by-section history of amendments, additions and repeals:

<table>
<thead>
<tr>
<th>TABLE OF REGULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title (or description)</td>
</tr>
<tr>
<td>Active Families Benefit Act</td>
</tr>
<tr>
<td>Administration of Estates Act: Loi sur l’administration des successions</td>
</tr>
</tbody>
</table>

Instead of chapter numbers, the amendments list Gazette Dates, which can be used to find the amending regulation in Part II of *The Saskatchewan Gazette*.

4. The Law Society Library

The Law Society Library hosts two databases devoted to Saskatchewan legislation: Saskatchewan Bills[^33] and Saskatchewan Regulations[^34]. Both databases can be accessed from the Law Society Library[^35] homepage, under the heading Public Resources.

The Library has been indexing all Saskatchewan government bills since 1993, so there is now more than two decades worth of searchable data. The database is organized by statute. Every time an existing act is amended, a new record is created in the database. If a single bill affects multiple acts, then that bill will spawn multiple records in the database.

Use the Saskatchewan Bills database to find:

- all amendments to a particular statute – so for acts passed after 1993, this can be a shortcut to getting a complete legislative history
- the proclamation dates for new and amending legislation – in fact, all records in the database include information on the “in force” date of the bill, so that date will be present whether the bill is on force on assent or proclamation or on some other prescribed date
- the status of a bill – this comes in handy if you are tracking a new bill that is going through the legislative process; we provide dates for the various bill readings and royal assent
- all the bills introduced in a session or in a particular year

The Saskatchewan Bills front page (referenced above) shows the data in tabular form. This is not the database search page itself but a front page showing the data from recent bills. Viewing the data in this format is a good way to visualize how the database is organized:

<table>
<thead>
<tr>
<th>Act Amended</th>
<th>Bill No. / Title</th>
<th>Sections Amended</th>
<th>Reading</th>
<th>Royal Assent</th>
<th>In Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Act to Incorporate The Lutheran Sunset Home of Saskatoon</td>
<td>Bill 902, Twenty-Seventh Legislature</td>
<td>am: s. 2</td>
<td>1st: March 19, 2013</td>
<td>May 15, 2013</td>
<td>May 15, 2013</td>
</tr>
<tr>
<td></td>
<td>Lutheran Sunset Home of Saskatoon</td>
<td>rep: 2nd</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amendment Act</td>
<td>new: Comm: s. 5.1, 10.1</td>
<td>2013</td>
<td>April 29, 2013</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>s. 11.1</td>
<td>3rd</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>s. 14</td>
<td>4th</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>s. 15</td>
<td>2013</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remember that each record corresponds to an amendment of an existing act. A separate record is created for each existing statute that is affected by a new bill, and every time that act is amended, a new record is added to this database.

The first field is the name of the existing act. Next is the number and name of the new Bill. Then, there is a list of the sections that are affected. In this case, section 2 is amended, sections 6 and 9 are repealed, and five new sections are added. Under “Reading” are the dates that the bill passes each of its legislative milestones. Next comes the date of assent, and finally, and most importantly, the in-force date.

Note that near the top of the page are links to similar tables for past legislative sessions. And just below that is a link to the searchable Saskatchewan Bills database:

There are the four main search fields in Saskatchewan Bills. First is the name of the affected statute – searching this field will give you a complete list of amendments for a particular statute, or in some cases more than one statute, if, for example, you enter just the word family in the search. The third field down combines statute name with individual section number, so you can narrow the search to instances where a particular section has been amended.

Next is the name of the bill or number. Sometimes bill names will reflect the name of the statute you are interested in, but often the amendment is peripheral to the main effect of the bill. Unless the exact name or number of a bill is known, this field should not be used.

The Justice Update is the only field for which the data is not available in the tabular form displayed above. This is a very valuable field for keyword searching, as it allows you to search the legislative summaries provided by the Saskatchewan Department of Justice.

In the bottom section, you can limit the search by time period. To view all of the bills from a particular legislative session or year, including the ones that were never passed or are not yet in effect, use the drop-down menus to select the desired year or session, and leave the remaining fields blank.

In the right-hand column of this page are search commands. The researcher is highly encouraged to keep one eye on these operators until you are familiar with them, as the commands are not the same for every database and you will get much better results if you know some basic syntax.

As with most of our Law Society research databases, two words with no search command between them are interpreted as a phrase. If you search for the words child and support with no connector between them, the database will only search for those two words in that order.
To search a field for two words that designate two different concepts, such as child and property – or any two words that you want to see in the record, but not necessarily together – always use the ampersand (&), never the word “and.”

To search for two words that are synonyms, like child and dependant – or any two words where you need at least one of them to be present, but not necessarily both – use the “or” operator, which is the forward slash (/), never the word “or.”

As a search scenario, assume you have learned about something called the Mineral Exploration Tax Credit System. You know it is empowered by a Saskatchewan statute, and need to find out exactly which statute and when it became effective.

This type of search, for an item about which precise details are unknown, is the strength of the Saskatchewan Bills database. The required information is housed somewhere on the Queen’s Printer website, but finding it there would be extremely difficult.

Knowing only a key concept, but with no statute name or bill name or number, the best first step might be to search the Justice Update:

Another important thing to know about our Law Society Library databases is that they are very particular – this has both advantages and disadvantages. If you just enter the word mineral, the database will not automatically include the plural minerals, as some search engines will. By including the asterisk (*), the truncation operator, at the end of the term, you are asking the database to search for both variants, or for any other word beginning with the letters mineral.

There are no hard rules to creating good search statements. In this case, there is a decent chance that the words mineral tax credit will appear together as a phrase, but to cast the net slightly wider, let’s try keeping the words tax credit together and let mineral* appear on its own. So the database will call up only records where all three words appear, but only tax and credit need be together in a phrase.
From this search you get three results, and are able to quickly decide that the first two are worthless, but that the third one seems promising:

<table>
<thead>
<tr>
<th>Sections Amended</th>
<th>Sections Repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Note</td>
<td>None</td>
</tr>
</tbody>
</table>

**Amended By This Bill:**
- Mineral Resources Amendment Act, 2001
  - Bill 59, new status 35.3, 2001-02
  - (Twenty-Fourth Legislative, Second Session)

**In Force:**
- June 28, 2001

**Progress of Bill:**
- First Reading: June 04, 2001
- Second Reading: June 10, 2001
- To Committee: June 25, 2001
- Third Reading: June 25, 2001
- Royal Assent: June 28, 2001

**Legislative Summary (from Justice Update):**
This Act provides for the province to establish a 10% tax credit applied to flow-through share purchases that may be claimed by the purchaser under The Income Tax Act or Tin and before January 1, 2004. This provincial tax credit will only apply to specific mineral exploration activities carried out in Saskatchewan for investors paying Saskatchewan tax necessary to the operation of the tax credit program.

The amended statute in this case is *The Mineral Resources Act, 1985*. The table shows that no sections were amended and none were repealed, but the far right-hand column of the table (cut off from the screen capture above) shows that several new sections were added to the act:

<table>
<thead>
<tr>
<th>New Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>s. 10.1 to 10.5</td>
</tr>
</tbody>
</table>

At the bottom of the screen is the Justice Update, and a quick look shows that your search terms – tax credit and mineral – are present. It becomes clear that this bill did introduce the Mineral Exploration Tax Credit System you were looking for.

A bit farther up in the record, note the Progress of Bill area, showing how the bill moved through the legislative process. It passed through the House very quickly in June of 2001.

Just above the bill progress is the In Force date. The bill came into effect on the same day it received royal assent, on June 28, 2001.

Farther up is displayed the bill name and number alongside the chapter number in the statutes of Saskatchewan, with links to both the bill and the act. You can now link directly to the amending act and view the sections that were added to *The Mineral Resources Act*. The amending act itself (the legislative chapter that corresponds to the bill) confirms that it received royal assent on June 28, 2001, and the “Coming Into Force” provision affirms that the bill became effective on assent.
The Saskatchewan Regulations database indexes all revised and unrevised regulations published in *The Saskatchewan Gazette* since January 1, 2000. The database is structured similarly to Saskatchewan Bills, and should be consulted whenever a regulation is needed where precise details such as the regulation name and number are not known.

More specifically, use the Saskatchewan Regulations database to find:

- regulations made pursuant to a particular statute since 2000
- the “coming into force” dates for new regulations
- amendments to existing regulations since 2000

As mentioned above with regard to the Legislative Tables provided by the Queen’s Printer, the chief difference between the Bills and Regulations databases is that regulations are not published individually as separate chapters, but in Part II of *The Saskatchewan Gazette*. Thus, the database data includes Gazette dates and citations, rather than links to stand-alone bills and statutes:

As regulations do not pass through the Legislature, there is no general information about their legislative process or Justice Updates, and thus no way to search by keywords.

5. Concluding Remarks

There are no firm rules as to which source to use for legislative research. Each researcher needs to learn the strengths and limitations of each source through use. But generally, any time the chapter number or title of legislation are unknown, the use of Saskatchewan Bills (or CanLII) is advised. That is one situation where the Library’s database is the best source, but by no means the only one. In many cases, Saskatchewan Bills can provide the most convenient, readable history of a known statue, depending on the complexity of its history.

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The Queen’s Printer has the advantage of being the “authoritative” source of legislation, and provides original legislative documents to the other sources. In particular, the researcher should become comfortable using the Legislative Tables.

The Legislative Assembly site is well indexed and should be referenced to learn more about legislative intent, and to find applicable legislative debates and committee reports.

Sooner or later, it will be possible, and advantageous, to conduct legislative research completely online. The factors to overcome are the online availability of historic legislation and the unofficial status of much online legislation. Both of these factors are decidedly temporary in nature, and the astute researcher will do well to watch for content additions to historical sources with one eye, and monitor their changing status with the other.
Part 2
Researching Saskatchewan Legislation

CanLII
Prepared by Alan Kilpatrick

Contents
1. Legislation on CanLII
2. Legislation Scope
3. Using CanLII to Search for Legislation
4. Legislation Search Scenarios
   4.1 Finding Legislation on CanLII
   4.2 Point-in-time Legislation
   4.3 Noting Up a Statute
   4.4 Equivalent Legislation
   4.5 Repealed Legislation
1. Legislation on CanLII

CanLII provides access to thousands of consolidated statutes and regulations from all federal and provincial jurisdictions\(^1\), which are reproduced directly from Canada’s official legislative printers. Past versions of legislation are easily accessible through a point-in-time database feature\(^2\) and can be compared to current versions through a comparison feature. A legislation noteup feature is also available.

Note that CanLII is not an official source of legislation. Official legislative sources must be consulted to view authoritative or official legislation.

2. Legislation Scope

CanLII obtains and reproduces consolidated Saskatchewan legislation from the Saskatchewan Queen’s Printer Freelaw\(^3\) website on a weekly basis. Legislation from other jurisdictions may not be as current.

CanLII provides the following historical coverage of Saskatchewan legislation:

- Consolidated Statutes: March 2003 to present
- Consolidated Regulations: March 2003 to present

In addition to current legislation, CanLII also provides access to previous versions of legislation back to 2003. Please consult a print source in the Law Society of Saskatchewan Library if you require access to older versions of legislation.

3. Using CanLII to Search for Legislation

CanLII can be used to:

- Browse for legislation by province
- Locate known legislation
- Identify regulations enabled under a statute
- Note up legislation and identify decisions citing this legislation
- View past versions of legislation
- Compare past and present versions of legislation
- Search for equivalent legislation from another province

The CanLII search screen appears as follows:

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\(^1\) About CanLII: [http://developer.canlii.org](http://developer.canlii.org).


\(^3\) Details for Statutes and Regulations of Saskatchewan on CanLII: [http://www.canlii.org/en/sk/laws/details.html](http://www.canlii.org/en/sk/laws/details.html).
CanLII can be used to search for legislation in four primary ways:

- Keyword search
- Known item search (e.g., by legislation title)
- Noteup search (e.g., by cited legislation)
- Browse (e.g., by province)

6. Legislation Search Scenarios

This paper will review five legislation search scenarios:

6.1 Finding Legislation on CanLII
   (a) Browsing for Legislation
   (b) Searching for Known Legislation
6.2 Point-in-time Legislation
6.3 Noting Up a Statute
6.4 Searching for Equivalent Legislation
6.5 Repealed Statutes

6.1 Finding Legislation on CanLII

(a) Browsing for Legislation

In the first search scenario, I would like to browse for The Saskatchewan Farm Security Act, SS 1988-89, c S-17.1. Begin by selecting Saskatchewan from the browse menu.

Continue by selecting the statutes and regulations link from the CanLII Saskatchewan page.
A complete alphabetical list of the Consolidated Statutes and Regulations of Saskatchewan is displayed. Continue by selecting S from the statute menu.

The statute appears at the bottom of the list. An option to identify the enabled regulations appears on the right. Continue by selecting the statute.
The Saskatchewan Farm Security Act, SS 1988-89, c S-17.1, is now displayed.

There are three tabs located at the top of the screen. The Versions tab provides access to past versions of the statute. The Noteup tab locates decisions citing this statute. The Regulations tab indicates the regulations enabled under the statute. For example, two regulations are enabled here.

Located in the centre of the screen is the currency of the statute, an option to open the statute in PDF format and the proper citation of the statute.

The fulltext of The Saskatchewan Farm Security Act is available at the bottom of the screen.
(b) Searching for Known Legislation

Next, I would like to search for The Administration of Estates Act, SS 1998, c A-4.1. Begin by entering the legislation title in the known item search box.

Continue by selecting the statute from the drop-down menu that appears.

The statute is then displayed onscreen.
6.2 Point-in-time Legislation

In this search scenario, I would like to see how The Traffic Safety Act, SS 2004, c T-18.1, appeared in 2007. I would also like to compare this past version of the statute with the current version. Begin by entering the legislation title in the known item search box.

The current version of the statute is then displayed. It has been in force since May 15, 2013. Note the text located above. It states that this statute replaces SS 1986, c H-3.1; SS 1986, c M-21.2; and SS 1986, c V-2.1. CanLII often indicates what a statute has replaced.
Past versions of legislation can be accessed from the Versions tab. Past versions are organized by date and display legislation as it was in force and legally binding during the period shown. Selecting the second version will allow us to view the statute as it appeared in 2007.

The statute as it appeared in 2007 is then displayed.

Continue by comparing this past version of the statute with the current version of the statute. Place a checkmark in the compare box beside the current version of the statute.
The two versions of the statute are displayed together. Changes and variations between the two versions are highlighted.

6.3 Noting Up a Statute

In the search scenario, I would like to note up *The Family Property Act*, SS 1997, c F-6.3, and identify decisions citing this statute. In particular, I would like to note up section 22 of the statute and identify Saskatchewan Court of Appeal decisions from the past three years. Begin by entering the legislation title in the known item search box.

The statute is then displayed. Continue by selecting the Noteup tab and clicking on the search icon.
Based on the results, this statute has been cited 556 times. Continue by specifying section 22 from the drop-down menu on the right.

Section 22 of the statute has been cited 88 times.
Continue by narrowing the noteup search by jurisdiction, court level and date.

Section 22 of the statute has been cited five times by the Court of Appeal in the past three years.

6.4 Equivalent Legislation

In this search scenario, I am researching section 204(1) of *The Traffic Safety Act*, SS 2004, c T-18.1. This section states:

*Speed limits when passing emergency vehicles*

*204(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing an emergency vehicle that is stopped on the highway with its emergency lights in operation.*

I would like to determine whether traffic safety statutes from other Canadian provinces contain a similar section. Begin by conducting a keyword search for statutes that discuss passing, speed and emergency vehicles: passing /p “emergency vehicle” and speed.
The search retrieved 44 cases and 26 pieces of legislation. Continue by selecting the Legislation tab. Then select the Statutes option from the drop-down menu that appears. This ensures the search does not retrieve regulations.

The search retrieved 14 statutes that discuss passing, speed and emergency vehicles.
Ontario’s *Highway Traffic Act*, RSO 1990, c H.8, is displayed farther down the results list. Continue by selecting this statute.

The *Highway Traffic Act*, RSO 1990, c H.8, is then displayed.

The search keywords are helpfully highlighted in the text of the statute. It appears that section 159(2) of Ontario’s *Highway Traffic Act* is similar to section 204(1) of *The Traffic Safety Act*, SS 2004, c T-18.1, in Saskatchewan.
6.5 Repealed Legislation

In the final search scenario, I am researching *The Devolution of Real Property Act, RSS 1978, c D-27*. However, I just learned that this statute was repealed in the past few years. I would like to determine what replaced it. Begin by confirming this statute has been repealed. Enter the legislative title in the known item search box.

It states this statute is repealed. However, it does not indicate what replaced it.
A strategy to determine what replaced *The Devolution of Real Property Act* is to conduct a keyword search for Saskatchewan statutes that includes the phrase “devolution of real property”.

**Search**

```
"devolution of real property"
```

The search located three Saskatchewan statutes that include the phrase. The first and third results are repealed. The second result is *The Administration of Estates Act, SS 1998, c A-4.1*. The final step is to review the text of this new statute to determine that it replaced *The Devolution of Real Property Act*. 
Part 3
Products and Services for Law Society Members

Prepared by Melanie Hodges Neufeld

Contents

1. Services to Members
2. Online Resources
3. CanLII Tutorial Videos
4. Research Services Info Sheet
5. Online Resources Info Sheet
1. Services to Members

The Law Society Library supports our members’ legal research needs. Members can access books, journals, law reports, statutes and other legal reference materials in 17 locations throughout Saskatchewan.

The Library staff can also help members with their legal research. We have years of experience with print and online resources. We can quickly and efficiently find the best textbook or journal article, trace a statute section or note up a case. Please keep in mind that as librarians we are not legally trained so we cannot give legal opinions.

For more information on our reference services, please see the info sheet on page 64.

2. Online Resources

The Library maintains an electronic legal news service, a semi-monthly case law newsletter called Case Mail, and several online case law and legislative research databases. The Library also produces several useful online publications, including The Limitations Manual, The Queen’s Bench Practice Manual and The Saskatchewan Practice Checklists. Subscriptions to several other online research products are available through the Members’ Section tab on the Law Society website. For a more detailed description of these online resources, please see the following Online Resources info sheet on page 65.

3. CanLII Tutorial Videos

The library has created an online series of tutorial videos to help you navigate the research features offered on CanLII. These can be accessed from the quick links area of the Law Society of Saskatchewan Library homepage.
For any research assistance, please contact us at:

Library website:  http://lawsociety.sk.ca/library.aspx
Phone:  306-569-8020 or toll-free 1-877-989-4999
Email:  reference@lawsociety.sk.ca
In person: Law Society Library
Court House, 2nd Floor
2425 Victoria Avenue
Regina, Saskatchewan
S4P 3M3
# Reference Services

The Law Society of Saskatchewan Library offers high-quality reference services at affordable rates.

## Document Delivery

$5 per item

* Judgments, legislation, articles, forms and precedents, specifically requested by member, not as part of a subject search
* Delivered by fax, mail, pick-up, or electronically where permitted

## Legal Research

$100 per hour  
$25 minimum  
(includes printing costs)

* Subject searches that could include copies of digests, precedents, legislation, articles, or excerpts from textbooks
* Quantum (wrongful dismissal, sentencing, personal injury)
* Databases: Lexis, Law Society of Saskatchewan Library databases, CanLII, CCH products, Criminal Spectrum, Western Decisions, HeinOnline

## Book Loans

* Lawyers in Saskatchewan may borrow books for two weeks. Renewals are available unless recalled.

## Interlibrary Loans

* Any fees from lending library will be covered by the member
* $25 handling fee for complicated loans requiring the librarian to spend more than 30 minutes research to locate an item

## Research Training

$25 for 15 minutes  
$100 for one hour or as negotiated

* Pre-arranged with a librarian
* Individualized to the member’s needs; in person or by telephone, depending on location
* Law Society of Saskatchewan Library databases, CanLII, or other resources (such as doing legislative histories)

## Noting Up/Judicial Considerations

$10 per item or negotiated as research

* Cases, legislation, court rules
* Databases and tools consulted: LSSL databases, CanLII, Lexis, Canadian Case Citations, CPCs, Statutes Judicially Considered, Rules Judicially Considered

## Legislation Research

$100 per hour  
$25 minimum  
(includes printing costs)

* Statutes, regulations, court rules, provincial and federal
* CIF dates, point in time, legislative intent

## Copiers

* The self-service copiers in Regina and Saskatoon are activated with copy codes assigned to each law firm
* Copies are $0.25 per page plus GST. Copying by library staff is $1.00 per page.
* All copies are bound by restrictions under the Copyright Act

## CanLII Tutorials

* A series of free video tutorials created by the Law Society Library to aid members in searching CanLII’s updated website

## Lost Books

* A book is considered lost after 6 months
* Members are responsible for the replacement cost (or $100 if out of print) plus $50 handling fee

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**The Law Society of Saskatchewan Library**  
Court House, 2nd Floor  
2425 Victoria Avenue  
Regina, SK S4P 3M3  
Contact: (306) 569-8020  
reference@lawsociety.sk.ca
The Law Society of Saskatchewan offers numerous online resources in the Members’ Section at www.lawsociety.sk.ca.

**Online Resources**

**Library Blog**
Check out our new blog for useful research tips, interesting legal research news, book reviews, new products and much more!

http://lsslilb.wordpress.com

**Ebooks**

- **Emond Montgomery Publications**
  More than 30 titles available in the Working With the Law series.

- **Irwin Law e-Library**
  More than 100 online textbooks, including the entire Essentials of Canadian Law series.

**Databases**

- Library Catalogue
- Saskatchewan Case Digests
- Saskatchewan Court of Appeal Sentencing Digests
- Saskatchewan Bills
- Saskatchewan Regulations

**Law Society Publications**

- **Case Mail**
  Our semi-monthly online newsletter of recently digested Saskatchewan cases

- **The Limitations Manual**
  This recently updated online-only manual of all Saskatchewan statutes with limitation periods with relevant case law annotations.

- **Queen’s Bench Practice Manual**
  This companion to The Queen’s Bench Rules of Saskatchewan: Annotated, 4th edition, synthesizes the collective knowledge of seasoned practitioners from across the province.

- **Saskatchewan Practice Checklists**
  These checklists provide useful guidance to practitioners in the areas of client identification, corporate and commercial law, criminal law, family law, litigation, real estate and wills.

**Journals**

- **HeinOnline**
  Full text of over 700 legal periodicals from the United States, Canada and the Commonwealth. Includes all US Supreme Court decisions.

- **Lawyers Weekly**
  Published 48 times a year, Lawyers Weekly provides lawyers with information essential to maintaining and building a successful practice in today’s competitive business environment.

- **Saskatchewan Law Review**
  Complete issues in full text from 2013. Prior issues available on HeinOnline.

**Subscriptions**

- **CCH Online**
  An authoritative and comprehensive source for legislation, cases, commentary, forms, precedents and current events.

- **Criminal Spectrum**
  Includes several criminal law textbooks, the Canadian Criminal Cases, a comprehensive collection of fulltext unreported decisions, Weekly Criminal Bulletin case summaries, topical indexes, a case citator and search templates.

- **DART: Western Decisions**
  Digests of judgments from the Western provinces dating back to 1980, plus a number of subject indices.

- **LexisNexis Quicklaw**
  The Law Society Library’s agreement with LexisNexis Canada Inc. gives access to all law firms of 10 members or less, some conditions apply.

- **O’Brien’s Internet**
  The online version of the popular O’Brien’s Encyclopedia of Forms, a comprehensive online source of Canadian legal forms and precedents.

- **rangepindr**
  A tool to help lawyers and judges find criminal sentencing ranges in seconds instead of hours.

www.lawsociety.sk.ca