

A complex network diagram with numerous nodes and connecting lines, creating a dense web of connections. The nodes are represented by small black dots, and the lines are thin, light gray. The overall appearance is that of a digital or data network.

Legal Research & Library Information

John Bolan & Alexia Loumankis

Bora Laskin Law Library

September 27, 2024

Agenda

- Important library information for first-year students
- Legal research basics
 - Westlaw, Lexis, and AI tools
 - Anatomy of a case
 - Legal citation
 - Noting up
 - Finding commentary about a case
- Case comments
 - Researching for case comments



Library Basics

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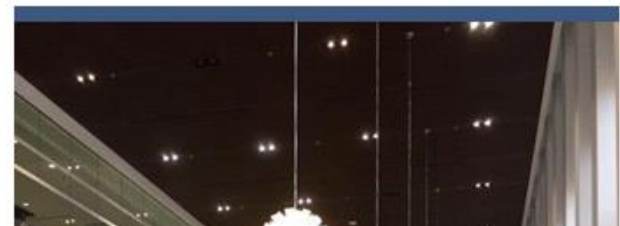
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The Bora Laskin Library, University of Toronto



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CHECK DEVICE

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A person is buried up to their chest in a massive pile of crumpled white paper. Only their right arm is visible, with the hand raised in a gesture of frustration or helplessness. In the background, a wooden desk holds a black computer monitor, several yellow sticky notes, and a telephone. Behind the desk, shelves are filled with numerous brown and grey binders and folders, suggesting a busy office or administrative environment.

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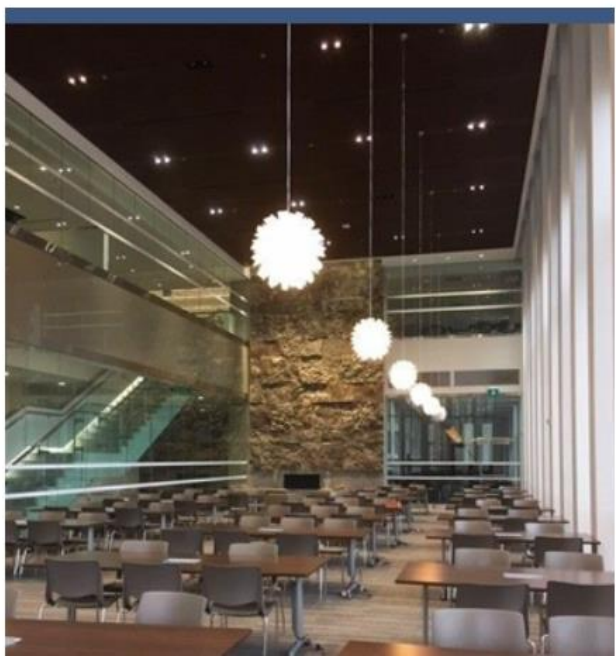
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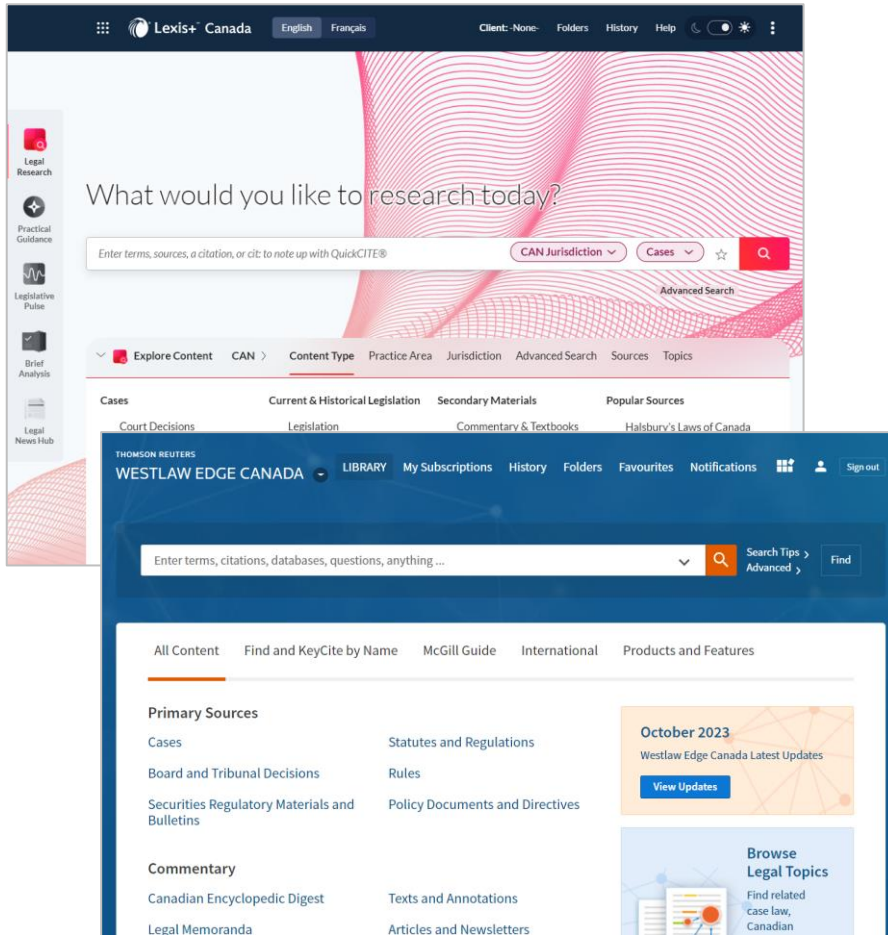
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 - Alexia Loumankis, alexia.loumankis@utoronto.ca
 - All of us, law.ref@utoronto.ca



Legal Research Basics

Westlaw and Lexis



- All FOL students have individual accounts
 - Free to use in law school; expensive in practice
- You must develop proficiency with BOTH databases
- Bookmark & search these databases separately
 - Not part of our library catalogue or Google searches

Recorded training on e.Legal

- Fall 2024: **Lexis+ and Westlaw Edge** training
- e.Legal > Library Resources > [Training Recording Links](#)

The screenshot shows the Bora Laskin Law Library Resources page. The top navigation bar is dark blue with the text 'E.Legal' on the left and a series of menu items: 'MY RESOURCES', 'IT HELP DESK', 'LIBRARY RESOURCES', 'MY STUDENT PROFILE', 'MY FACULTY PROFILE', 'MY STAFF PROFILE', 'EVENTS', and 'DIRECTORIES'. An orange arrow points from the top left towards the 'LIBRARY RESOURCES' menu item, which is highlighted with an orange box. Below the navigation bar, the page title is 'Bora Laskin Law Library Resources'. A list of links is displayed, including 'Library Website', 'Legal Databases', 'Research Guides', 'Catalogue', 'Past Exam Database', and 'Links to courses on Quercus'. The 'Training Recording Links' link is highlighted with an orange box and an orange arrow pointing to it from the right.

E.Legal

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Library Resources

🏠 Bora Laskin Law Library Resources

Bora Laskin Law Library Resources

- [Library Website](#)
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- [Past Exam Database](#)
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Generative AI and Legal Research

- Follow prof's instructions before using them for an assignment
- ChatGPT, Claude, Bard, etc. can produce "hallucinations" (aka fake citations/sources) for legal research questions
- You will have to confirm the accuracy of the content the AI tools produce
- You have access to the best texts and databases (which use AI, too) so prioritize using those tools before using the free AI tools
- That being said, experiment and play around with the AI tools; these tools are here to stay

Anatomy of a Decision

- Let's break down a decision as it appears in an online database, because there is a lot of information present that you usually don't find in your casebooks and coursepacks
- You need to know what you're looking at in order to analyze and cite it correctly
- If you want to follow along, go to Westlaw and search for *Boucher v Wal-Mart Canada Corp*, 2014 ONCA 419

Neutral Citation



2014 ONCA 419

Ontario Court of Appeal

Style of Cause



Boucher v. Wal-Mart Canada Corp.

Parallel Citations



2014 CarswellOnt 6646, 2014 ONCA 419, [2014] O.J. No. 2452, 120 O.R. (3d) 481, 16 C.C.E.L. (4th) 239, 2014 C.L.L.C. 210-037, 240 A.C.W.S. (3d) 389, 318 O.A.C. 256, 374 D.L.R. (4th) 293

Meredith Boucher, Plaintiff (Respondent) and Wal-Mart Canada Corp. and Jason Pinnock, Defendants (Appellants)

Alexandra Hoy A.C.J.O., Laskin, Tulloch J.J.A.

Heard: October 7, 2013

Judgment: May 22, 2014

Docket: CA C56243, C56262

Full Name
Listing All
Parties



Judges



Court File Number



Counsel

Counsel: J. Gardner Hodder, Stefan De Smit, for Appellant, Jason Pinnock
John D.R. Craig, Christina E. Hall, for Appellant, Wal-Mart Canada Corp.
Myron W. Shulgan, Claudio Martini, for Respondent

Main Subject Headings

Subject: Civil Practice and Procedure; Public; Torts; Employment

Related Abridgment Classifications

Civil practice and procedure

XX Trials

XX.5 Jury trial

XX.5.i Functions of judge and jury

XX.5.i.ii Charge to jury

Labour and employment law

II Employment law

II.6 Termination and dismissal

II.6.c Remedies

II.6.c.i Damages

II.6.c.i.B Entitlement to specific heads of damage

Detailed Subject Headings

Labour and employment law --- Employment law — Termination and dismissal — Remedies — Damages — Aggravated, punitive or exemplary damages

Employee was promoted to assistant manager, after working for employer for 9 years — Initially, she had good working relationship with store manager — Employee's relationship with assistant manager turned sour, after incident in which employee refused to falsify temperature log — Manager then became abusive towards employee, in which he belittled, humiliated and demeaned her, continuously, often in front of co-workers — Employee complained about manager's misconduct to employer's senior management — Employer investigated complaints but told employee that complaints were unsubstantiated and that she would be held accountable for making them — Employee brought action for damages for constructive dismissal — Trial jury found that employee had been constructively dismissed and awarded her damages equivalent to 20 weeks salary, \$1.2 million for aggravated damages for manner of dismissal, \$1 million for punitive damages against employer and \$250,000 for damages for intentional infliction of mental suffering against manager as well as punitive damages — Employer and manager appealed liability finding and amount of damages for intentional infliction of mental suffering, aggravated damages and punitive damages — Employee cross-appealed — Employer and manager's appeal allowed in part; employee's cross-appeal dismissed — Appeal on punitive damages was allowed and award was reduced against manager to \$10,000 and against employer to \$100,000 — Aggravated damages against employer was justified and was not so plainly unreasonable that it ought to be reduced — With respect to manager, compensatory award alone provided retribution to employee, substantially denounced manager for his conduct and would have likely deterred manager and other senior employees in community from engaging in similar conduct — With respect to employer, although jury was justified in finding employer's misconduct sufficiently reprehensible to warrant award of punitive damages, its misconduct fell short of gravity and duration of misconduct in other cases that had attracted high punitive damages awards.

Torts --- Intentional infliction of mental suffering — Miscellaneous

Damages — Employee was promoted to assistant manager, after working for employer for 9 years — Initially, she had good working relationship with store manager — Employee's relationship with assistant manager turned sour, after incident in which employee refused to falsify temperature log — Manager then became abusive towards employee, in which he belittled, humiliated and demeaned her, continuously, often in front of co-workers — Employee complained about manager's misconduct to employer's senior management — Employer investigated complaints but told employee that complaints were unsubstantiated and that she would be held accountable for making them — Employee brought action for damages for constructive dismissal — Trial jury found that employee had been constructively dismissed and awarded her damages equivalent to 20 weeks salary, \$1.2 million for aggravated damages for manner of dismissal, \$1 million for punitive damages against employer and \$250,000 for damages for intentional infliction of mental suffering against manager as well as punitive damages — Employer and manager appealed liability finding and amount of damages for intentional infliction of mental suffering.

Table of Authorities



Cases considered by *Laskin J.A.*:

B. (M.) v. British Columbia (2003), 2003 CarswellBC 2409, 2003 CarswellBC 2410, 2003 SCC 53, 309 N.R. 375, 18 B.C.L.R. (4th) 60, 44 R.F.L. (5th) 320, 187 B.C.A.C. 161, 307 W.A.C. 161, [2003] R.R.A. 1071, [2003] 2 S.C.R. 477, 230 D.L.R. (4th) 567, [2003] 11 W.W.R. 262, 19 C.C.L.T. (3d) 1 (S.C.C.) — referred to

Blackwater v. Plint (2005), 216 B.C.A.C. 24, 356 W.A.C. 24, 48 B.C.L.R. (4th) 1, [2005] 3 S.C.R. 3, 258 D.L.R. (4th) 275, [2005] R.R.A. 1021, [2006] 3 W.W.R. 401, 2005 SCC 58, 2005 CarswellBC 2358, 2005 CarswellBC 2359, 35 C.C.L.T. (3d) 161, 46 C.C.E.L. (3d) 165, 339 N.R. 355 (S.C.C.) — considered


Hill v. Church of Scientology of Toronto (1995), 25 C.C.L.T. (2d) 89, 184 N.R. 1, (sub nom. *Manning v. Hill*) 126 D.L.R. (4th) 129, 24 O.R. (3d) 865 (note), 84 O.A.C. 1, [1995] 2 S.C.R. 1130, 1995 CarswellOnt 396, 1995 CarswellOnt 534, (sub nom. *Hill v. Church of Scientology*) 30 C.R.R. (2d) 189, 1995 SCC 67 (S.C.C.) — considered

Housen v. Nikolaisen (2002), 10 C.C.L.T. (3d) 157, 211 D.L.R. (4th) 577, 286 N.R. 1, [2002] 7 W.W.R. 1, 2002 CarswellSask 178, 2002 CarswellSask 179, 2002 SCC 33, 30 M.P.L.R. (3d) 1, 219 Sask. R. 1, 272 W.A.C. 1, [2002] 2 S.C.R. 235 (S.C.C.) — referred to

K. (G.) v. K. (D.) (1999), 1999 CarswellOnt 1615, 38 C.P.C. (4th) 83, 122 O.A.C. 36 (Ont. C.A.) — referred to

Keays v. Honda Canada Inc. (2008), 2008 SCC 39, (sub nom. *Honda Canada Inc. v. Keays*) 2008 C.L.L.C. 230-025, 376 N.R. 196, 294 D.L.R. (4th) 577, (sub nom. *Honda Canada Inc. v. Keays*) [2008] 2 S.C.R. 362, 92 O.R. (3d) 479 (note), (sub nom. *Honda Canada Inc. v. Keays*) 63 C.H.R.R. D/247, 66 C.C.E.L. (3d) 159, 2008 CarswellOnt 3743, 2008 CarswellOnt 3744, 239 O.A.C. 299 (S.C.C.) — referred to

What the Judge Is Deciding



APPEAL by employer and store manager from jury's finding of constructive dismissal and award of \$1.2 million for aggravated damages for manner of dismissal, \$1 million for punitive damages against employer and \$250,000 for damages for intentional infliction of mental suffering against manager as well as punitive damages and CROSS-APPEAL by employee.

Start of Decision/Judgment



Laskin J.A.:

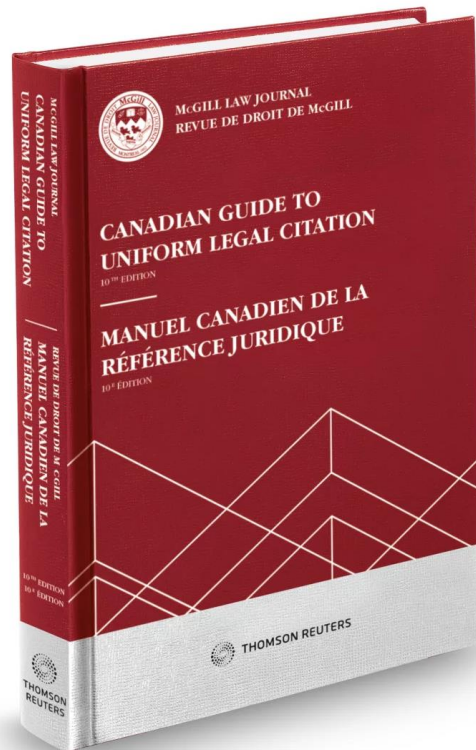
A. Overview

- 1 The respondent Meredith Boucher began working for the appellant Wal-Mart in 1999. She was a good employee. In November 2008 she was promoted to the position of assistant manager at the Wal-Mart store in Windsor. Her immediate supervisor was the store manager, the appellant Jason Pinnock.
- 2 At first Boucher and Pinnock worked well together. Their relationship turned sour, however, after an incident in May 2009 in which Boucher refused to falsify a temperature log. Pinnock then became abusive towards her. He belittled, humiliated and demeaned her, continuously, often in front of co-workers. Boucher complained about Pinnock's misconduct to Wal-Mart's senior management. They undertook to investigate her complaints. But in mid-November 2009 they told her that her complaints were "unsubstantiated" and that she would be held accountable for making them. A few days later, after Pinnock again humiliated Boucher in front of other employees, she quit. A few weeks later she sued Wal-Mart and Pinnock for "constructive" dismissal and for damages.

Anatomy of a Decision

- Case information (contents will depend on the publisher):
 - Style of Cause / case name
 - Parallel citations
 - Court
 - Date of hearings (sometimes) and date of decision
 - Judges and counsel
 - History of case (if appeal case)
- Authorities
 - List of cases, legislation, and secondary sources cited and considered by judges in making their decision (this is still not part of the judgment)
- Headnote / case summary
 - Written by publisher's editorial team; summarizes case & highlights all the key points of law considered in the case
 - Headnotes should never be quoted/cited as they are not part of the judgment
- Judgment of the court
 - The judgment is the "law"
 - The beginning of the judgement is indicated by the judge's name

Legal Citation with the McGill Guide



- U of T follows the *Canadian Guide to Uniform Legal Citation* (aka the McGill Guide)
- We use footnotes, not in-text citations
- Read chapter “General Rules” to familiarise yourself to legal citation and the McGill Guide
- Ask us for help!
- **Do NOT leave to last minute!!!**

Enter terms, citations, databases, questions, anything ...

GET STARTED:

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All Content

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Cases

Statutes and Regulations

Board and Tribunal Decisions

Rules

Securities Regulatory Materials and Bulletins

Policy Documents and Directives

Case Citations

- A case citation helps the reader locate the decision because it conveys identifying information
 - Style of cause (name of the case)
 - Year of decision
 - Court level
 - Jurisdiction
 - Where case can be found (reporter, database)
- A case with multiple citations (called parallel citations) generally conveys its importance or level of public interest:

Boucher v Wal-Mart Canada Corp, 2014 ONCA 419, 2014 CarswellOnt 6646, [2014] OJ No. 2452, 120 OR (3d) 481, 16 CCEL (4th) 239, 2014 CLLC 210-037, 240 ACWS (3d) 389, 318 OAC 256, 374 DLR (4th) 293.

Noting up

- Noting up: finding both the complete judicial history of a case **and** subsequent cases that cited it in order to assess the precedential value of a case
 - Both aspects necessary to assess precedential value
 - The ‘finding’ part is straightforward, thanks to the online tools

Noting up – the online tools

- Noting up tools are called “citators”
 - Lexis– *QuickCite*
 - WestlawNext Canada – *KeyCite Canada*
- Scope and features of each citator varies so consider checking results on both for important situations

Noting up

Boucher v. Wal-Mart Canada Corp.

2014 ONCA 419, 2014 CarswellOnt 6646 · Ontario Court of Appeal · Ontario · May 22, 2014 (Approx. 30 pages)

Document

History (0)

1

Citing References (253) ▾

Cited With (2,208)

Legal Memos (40)



2

Cases and Decisions (114)

Quantums (1)

CED or International (3)

Secondary Sources (129)

Practical Law (6)

Counsel

Abridgment Classification

Headnote

Table Of Authorities

 Opinion

Universal Structural Restorations Lt

Bouche

All Content

1987 1 scr 265

R. v. Collins

1987 CarswellBC 94 - Supreme Court of Canada - British Columbia - April 9, 1987 (Approx. 23 pages)

Document

History (3)

Citing References (5,062)

Legal Memos (11)

Court Docs (0)

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KeyCite Canada History (3) Graphic: Hide Reset - +

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Select All

A **1. R. v. Collins**
 1982 CarswellBC 814, B.C. Co. Ct., Oct. 05, 1982
 (Judicially considered 1 time)
Affirmed by

B **2. R. v. Collins**
 1983 CarswellBC 678, B.C. C.A., Mar. 22, 1983
 (Judicially considered 111 times)
Reversed by

C **3. R. v. Collins**
 1987 CarswellBC 94, S.C.C., Apr. 09, 1987
 (Judicially considered 4,524 times)

Supreme Court or Privy Council

Appeal Court

Appellate Court or Board or Tribunal

C

R. v. Collins
 1987 CarswellBC 94
 Apr 09, 1987
 S.C.C.
 reversing **B**

B

R. v. Collins
 1983 CarswellBC 678
 Mar 22, 1983
 B.C. C.A.
 affirming **A**

A

R. v. Collins
 1982 CarswellBC 814
 Oct 05, 1982
 B.C. Co. Ct.



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Sorting keeps all items, but rearranges them

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Content types Filters

Content type: Cases and Decisions (114)

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<input type="checkbox"/> Treatment	Title	Date	Type	Depth	Abridgment Classifications
<input type="checkbox"/> Recently added (treatment not yet designated)	...are rationally required to punish the defendant and to meet the objectives of retribution, deterrence, and denunciation when added to an award for compensatory damages: Boucher v. Wal-Mart Canada Corp., 2014 ONCA 419 at para. 79 Whiten 2002 SCC 18 at paras. 36, 94 25 In Whiten, the leading case...	Sep. 05, 2024	Cases and Decisions	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	
<input type="checkbox"/> Recently added (treatment not yet designated)	2. Wilds v. 1959612 Ontario Inc.	June 14, 2024	Cases and Decisions	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	
<input type="checkbox"/> Recently added (treatment not yet designated)	...committed an actionable wrong independent of the underlying claim for damages for breach of contract. Punitive damages are the exception rather than the rule. See Boucher v. Wal-Mart Canada Corp., 2014 ONCA 419 at paras. 79-80 and Whiten v. Pilot Insurance Co., 2002 SCC 18 at paras. 36, 94...	Mar. 22, 2024	Cases and Decisions	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	
<input type="checkbox"/> Recently added (treatment not yet designated)	3. LF v. Canada (Canada Mortgage and Housing Corporation)	Mar. 22, 2024	Cases and Decisions	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	
<input type="checkbox"/> Distinguished in	...\$45,000 was appropriate. The Adjudicator held that CMHC's conduct was not "egregious" nor "extreme," ruling out the highest level of awards granted by the jurisprudence (Boucher v Walmart, 2014 ONCA 419 at para 72 [T] 'azt'en First Nation v Joseph, 2013 FC 767 at paras 30-41 [CMHC then relies on other...	Dec. 09, 2022	Cases and Decisions	<div style="width: 100%; height: 10px; background-color: #ccc;"></div>	HUM.III.15 LAB.II.6.a.i.D IAR II 6 h vi R

How *Bercovici* treated *Boucher*, the case we're noting up

How *Bercovici* was treated by other cases

Boucher v. Wal-Mart Canada Corp.
2014 ONCA 419, 2014 CarswellOnt 6646 · Ontario Court of Appeal · Ontario · May 22, 2014 (Approx. 24 pages)

Document History (0) **Citing References (253)** Cited With (2,208) Legal Memos (40) Court Docs (11) Experts (0) Powered by KeyCite

KeyCite Canada **Citing References (114)** 1-100 > Sort By: Treatment type

Content types **Filters**

Content type: Cases and Decisions (114)

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resulting from the defendant's outrageous conduct. See, generally, *Boucher v. Wal-Mart Canada Corp.* (2014), 120 O.R. (3d) 481, 2014 ONCA 419 (Ont. C.A.), at para. 41; *Prinzo v. Baycrest Centre for Geriatric Care* (2002), 60 O.R. (2d) 474 (Ont. C.A.).

<input type="checkbox"/> Considered in	51. Bercovici v. Attorney General of Canada	Apr. 29, 2019	C D
	2019 ONSC 2610, 2019 CarswellOnt 6359, 304 A.C.W.S. (3d) 719, 55 C.C.E.L. (4th) 150 (Ont. S.C.J.) (Judicially considered 1 time)		
	...2) calculated to produce harm(3) resulting in a visible and provable injury.51 In addition, as stated in <i>Boucher v. Wal-Mart Canada Corp.</i> , 2014 ONCA 419 (Ont. C.A.) (at para. 44):44 The plaintiff cannot establish intentional infliction of mental suffering by showing only that the defendant ought to...		
<input type="checkbox"/> Considered in	52. Kang v. MB	Apr. 05, 2019	C D










If we click on *Bercovici*, and check it's history..

←   **Bercovici v. Attorney General of Canada** 

2019 ONSC 2610, 2019 CarswellOnt 6359 · Ontario Superior Court of Justice · Ontario · April 29, 2019 (Approx. 21 pages)

Document History (2) Citing References (8) Cited With (2) Legal Memos (1) Court Docs (4) Experts (0) Powered by **KeyCite Canada**

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Counsel

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Headnote

Table Of Authorities

+ Opinion

Disposition

Most Negative Treatment: Reversed in part
Most Recent Reversed in part: [Bercovici v. Attorney General of Canada](#) | 2020 ONSC 164, 2020 CarswellOnt 1423, 61 C.C.E.L. (4th) 288, 314 A.C.W.S. (3d) 717 | (Ont. S.C.J., Jan 16, 2020)

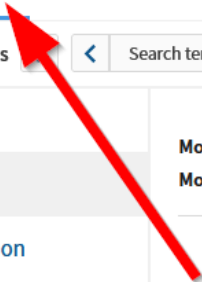
2019 ONSC 2610
Ontario Superior Court of Justice

Bercovici v. Attorney General of Canada

2019 CarswellOnt 6359, 2019 ONSC 2610, 304 A.C.W.S. (3d) 719, 55 C.C.E.L. (4th) 150

Vivian Bercovici v. Attorney General of Canada

Master Graham








We can see that it was reversed in part

Bercovici v. Attorney General of Canada



2019 ONSC 2610, 2019 CarswellOnt 6359 · Ontario Superior Court of Justice · Ontario · April 29, 2019 (Approx. 18 pages)

Document **History (2)** Citing References (8) ▾ Cited With (2) Legal Memos (1) Court Docs (4) Experts (0) Powered by KeyCite Canada

KeyCite Canada **History (2)** Graphic: No items selected     

Direct History (2)

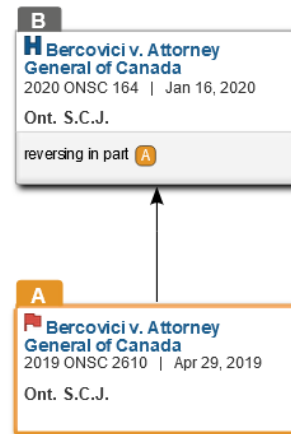
Select All

A  **1. Bercovici v. Attorney General of Canada** 
2019 ONSC 2610, Ont. S.C.J., Apr. 29, 2019
(Judicially considered 1 time)

Reversed in part by

B **H 2. Bercovici v. Attorney General of Canada**
2020 ONSC 164, Ont. S.C.J., Jan. 16, 2020

Non-appeal Court or Board or Tribunal



Treatment indicators - limitations

- Cases can contain multiple issues, threads of reasoning and conclusions of law. **Treatment indicators can't reflect this complexity – they reduce 'treatment' to a single symbol or word**
 - You are judged on your ability to grapple with the reasoning of cases, which will never be communicated by a treatment indicator
- Assessing the precedential value of the cases: the noting up tools only gather the cases, they do not 'assess' them in depth
 - Rely on the online noting-up tools to organize search results and guide you to relevant cases.
 - They can helpfully filter by jurisdiction and court level, which are important considerations for you, however...
 - To assess the precedential value of a case you must read the case yourself and engage with its reasoning

Finding commentary about a case

- The citator tools in WL and Lexis also point to secondary sources - books and other legal publications - that cite a case. This is a quick way to finding writings about a case.
 - Limitation: these tools find only material in their own database, so their reach is limited. But it's a good way to start!
 - Let's look at how we do that...

←   **Boucher v. Wal-Mart Canada Corp.** 

2014 ONCA 419, 2014 CarswellOnt 6646 · Ontario Court of Appeal · Ontario · May 22, 2014 (Approx. 31 pages)

Document

History (0)

Citing References (253) ▾

Cited With (2,208)

Legal Memos (40)

Court Docs (11)



Cases and Decisions (114)

Quantums (1)

CED or International (3)

Secondary Sources (129)

Practical Law (6)



Counsel

Abridgment Classification

Headnote

Table Of Authorities

[Universal Structural Restorations Ltd.](#) | 2022 ONSC 6979, 2022

2014 ONCA 41

Ontario Court of A

Boucher v. Wal-Mart (

All Content

Enter terms, citations, databases, questi

Boucher v. Wal-Mart Canada Corp.

2014 ONCA 419, 2014 CarswellOnt 6646 - Ontario Court of A

Document History (0) Citing References (253)

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Part I. The Law

Chapter 9. Awarding Damages

I. Introduction

§ 9:1. General

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§ 9:4. Valuation of Benefits

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§ 9:9. --Contractual Condition Precedents

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§ 9:13. Compulsory Share Sales

§ 9:14. Stock Options

§ 9:70. Damages for Mental Distress—Intentional Infliction of Nervous Shock

Legal Topics

[LAB.II.6.c.i.S Labour and employment law—Employment law—Termination and dismissal—Remedies—Damages—Miscellaneous](#)

[LAB.II.6.c.ii Labour and employment law—Employment law—Termination and dismissal—Remedies—Damages for mental distress arising from dismissal \(Wallace damages\)](#)

The courts have been developing new remedies for awarding damages to employees who have been substantially mistreated. Employees may sue their former employers for “intentional infliction of nervous shock”. To be successful, the employee must demonstrate that the employer knowingly sought to cause the employee emotional stress. The employee also must show that he or she suffered actual damages. ¹ One Ontario decision cited the “three-part test to establish the tort of intentional infliction of mental suffering as set out ... in [Boucher v. Wal-Mart Canada Corp., 2014 ONCA 419 at para. 41](#)”. The court held that the plaintiff was not entitled to damages because “the actions of [the defendant] and its employees do not rise to the level of ‘flagrant and outrageous’ conduct, nor were they calculated to cause the type of harm that the Plaintiff suffered.” ²

In [Boothman v. Canada](#), ³ the employee's supervisor had used coarse language and physical intimidation which created an apprehension of immediate harm or offensive conduct on the part of the employee. On one occasion, her supervisor actually used physical force. The supervisor harassed, humiliated, insulted and manipulated the employee on a regular basis. The plaintiff was awarded \$5,000 due to pain and suffering, \$20,000 for loss of earnings and \$10,000 for exemplary damages, all of which resulted from the intentional infliction of nervous shock. The court also held that since the supervisor was acting in the course of his employment, the defendant was liable.

Finding discussion of a case in a book

- Most print law books have Tables of Cases, and the quickest way to find discussion of a case is to use that (eg to follow)
 - Online books usually lack a table of cases: instead, you can use their search option
- Alternatively, use the book's Table of Contents an/or Index to locate your topic
- Here's what a table of cases looks like...

Wrongful Dismissal

Boldon v. Computer Innovations Distribution Inc., 1993 CarswellNB 139, 139 N.B.R. (2d) 236, 50 C.C.E.L. 263, 357 A.P.R. 236, [1993] N.B.J. No. 446 (N.B. Q.B.).....	4.36(g)(ii)
Bolton v. Avco Financial Services Canada Ltd. (1985), 7 C.C.E.L. 196, 48 C.P.C. 20, 1985 CarswellOnt 450 (Ont. H.C.)	5.4(a)
Bolton v. Hartley Bay Indian Band (November 17, 2004), File YM2707-6461 (Love).....	6.12(b)(ii)
Bomford v. Wayden Transportation Systems Inc., 2010 BCSC 1506, 2010 CarswellBC 2873 (B.C.S.C. [In Chambers]).....	10.7
Bomhof v. Eunoia Inc., 2012 ONSC 3191, 2012 CarswellOnt 6896 (Ont. S.C.J.).....	10.7
Bonair Cargo Systems Inc. v. Over, 2003 CarswellOnt 2332 (Ont. S.C.J.)	3.19A
Bonair Cargo Systems Inc. v. Over, 2003 CarswellOnt 3509 (Ont. S.C.J.)	5.1(c)
Bone v. Birdtail Sioux First Nation (October 31, 1997), Arb. Services File 4174 (Cooper)	6.15(d)
Boni v. Transx Ltd. (May 5, 1997), Arb. Services File 4088 (Johnson).....	6.15(a)(i)
Bonneville v. Integrated Paving Concepts Inc. (1994), 8 C.C.E.L. (2d) 50, 1994 CarswellBC 1160 (B.C.S.C.).....	3.18(a)
Bonneville v. Unisource Canada Inc. (2002), 18 C.C.E.L. (3d) 174, [2002] 10 W.W.R. 509, 222 Sask. R. 107, 2002 CarswellSask 472, 2002 SKQB 304 (Sask. Q.B.).....	3.13(c.1)
Bonsma v. R., 2010 TCC 342, 2010 CarswellNat 1781 (T.C.C. [Informal Procedure])	8.3(a)
Bonsma v. Tesco Corp., 2011 ABQB 620, 208 A.C.W.S. (3d) 488, 2011 CarswellAlta 1765 (Alta. Q.B.).....	10.7
Bonsma v. Tesco Corp., 2012 ABQB 413, 2012 CarswellAlta 1102, 2012 C.L.L.C. 210-042 (Q.B.)	3.4(c)
Bonsma v. Tesco Corp. (2013), 2013 ABCA 367, 2013 CarswellAlta 2094, [2014] A.W.L.D. 84, [2014] A.W.L.D. 82, [2014] A.W.L.D. 83, 233 A.C.W.S. (3d) 658 (Alta. C.A.).....	3.4(c)
Boothman v. R., 49 C.C.E.L. 109, (sub nom. Boothman v. Canada) 63 F.T.R. 48, [1993] 3 F.C. 381, 1993 CarswellNat 1328, 1993 CarswellNat 1366 (T.D.).....	5.3(g)
Borges v. Midland food Products Inc., 2014 CarswellOnt 10367 (Ont. S.C.J.).....	3.16(a), 3.23
Borisko Brothers v. Lynch (July 10, 1984) (Larouche)	6.2
Borkovich v. Canadian Membership Warehouse Ltd., 34 C.C.E.L. 42, 1991 CarswellBC 850 (B.S.S.C.)	9.9
Borsato v. Atwater Insurance Agency Ltd., 2008 BCSC 724, 66 C.C.E.L. (3d) 304, 2008 CarswellBC 1144 (B.C.S.C.).....	4.36(e)(iii)
Boryski v. Chef-Redi Meats Inc. (1983), 1 C.C.E.L. 153, 22 Sask. R. 257 (Q.B.)	3.18(d)
Boston Deep Sea Fishing Co. v. Ansell (1888), 39 Ch.D. 339, [1886-90] All E.R. Rep. 65	3.18(d)
Bouchard v. R., 2008 CarswellNat 3045 (T.C.C. [General Procedure]).....	8.1(a)
Boucher v. Black McDonald Ltd., 2016 ONSC 7220, 2016 CarswellOnt 18190 (Ont. Div. Ct.)	3.15
Boucher v. Wal-Mart Canada Corp., 2014 ONCA 419, 2014 CarswellOnt 6646, 120 O.R. (3d) 481 (Ont. C.A.)	4.45(g)
Boulay v. Grand Falls (Town), 2009 NBQB 87 (N.B.Q.B.)	2.10B(a), 2.12(b)
Boulet v. Federated Co-operatives Ltd. (2002), 170 Man. R. (2d) 9, 285 W.A.C. 9, 2002 CarswellMan 411, 2002 MBCA 114 (Man. C.A.), affirming (2001),	

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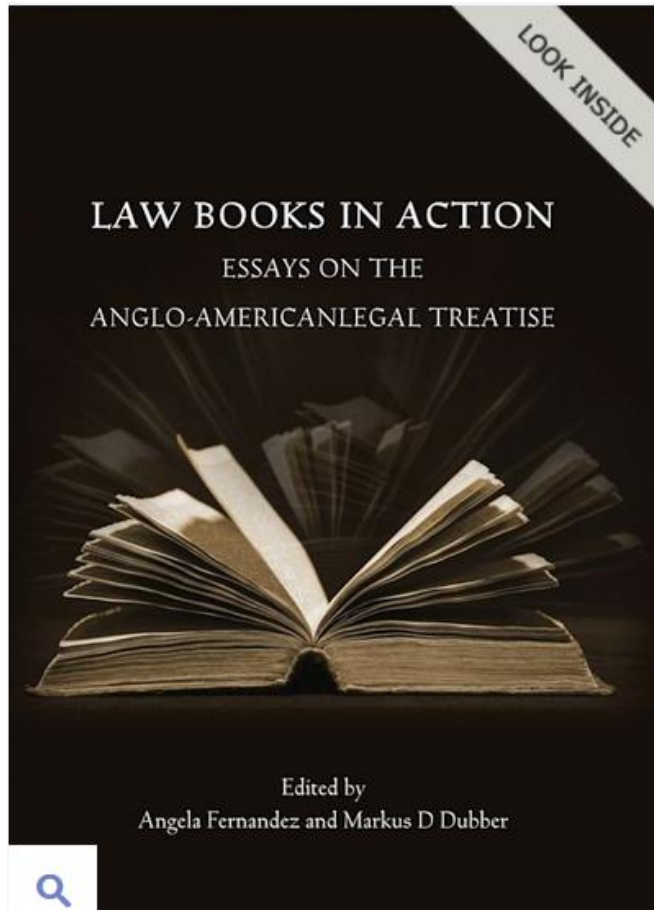
- Search the case name in journal article databases:
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 - **Hein online** (database of US, Canada, UK, Australia, NZ journals)

Treatises

- The single best resource for gaining knowledge of the law is the legal treatise ie book
- Treatises can cover huge areas of law (torts, contracts) or narrow areas (s7 of the *Charter*)
- What does a treatise provide?
 - Systematic exposition of principles of law
 - Authoritative interpretation of legal sources ¹
 - Identify and discuss leading cases and relevant legislation

What's wrong with this footnote of this book ?

1 Fernandez, Angela & Markus Dubber, *Law Books in Action: Essays on the Anglo-American Legal Treatise* (Oxford: Hart, 2012).



- Collection of essays on legal treatises edited by Professors Fernandez & Dubber
- 1 Angela Fernandez & Markus Dubber, *Law Books in Action: Essays on the Anglo-American Legal Treatise* (Oxford: Hart, 2012).

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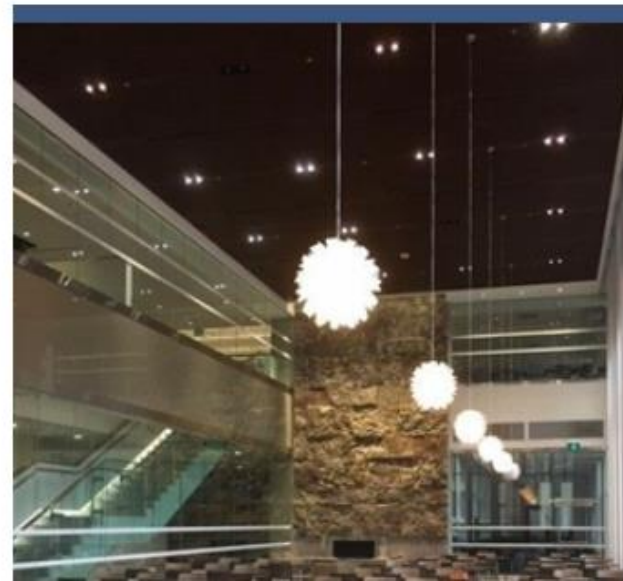


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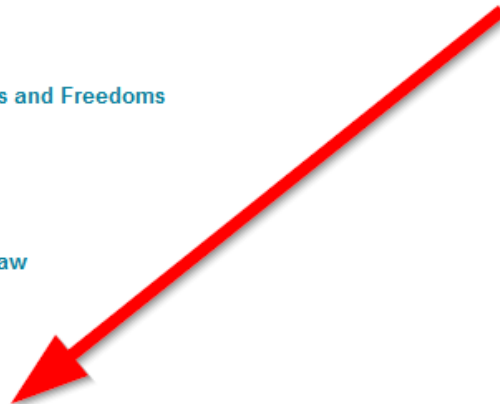
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Core Texts

Canadian Employment Law by Stacey Reginald Ball

Available online to Faculty of Law

Employment Law in Canada by Geoffrey England, Roderick Wood

Available online to Faculty of Law

Individual Employment Law by Geoffrey England

Call Number: KE3247 .E53 2008 Course Reserves

Also available **online** to the U of T community.

Accommodation and Discrimination

Accommodation Issues in the Workplace by Filion Wakely Thorup Angeletti LLP

Call Number: KE3254 .F55 2014 Stacks

The Duty to Accommodate in Employment by Kevin D. MacNeill

Call Number: Online

Illness and Disability in the Workplace by James A. D'Andrea

Available online to the Faculty of Law

Understanding Discrimination in Employment Law by Susan Chapman

Call Number: KE3254 .C43 2017 Stacks

Dismissal

Just Cause: The Law of Summary Dismissal in Canada by Randall Scott Echlin, Matthew L.O.

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The Law of Dismissal in Canada by Howard A. Levitt

Available online to the Faculty of Law.

Wrongful Dismissal by David Harris

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Wrongful Dismissal Handbook by The Honourable Mr. Justice John R. Sproat

Call Number: KEO658 .S688 2018 Course Reserves



Case Comments

What is a case comment

A short essay that describes and critically analyses a decision.

A case comment in law school requires complete citations, in footnotes, unless your instructor tells you otherwise.

It can be supported by research into:

jurisprudence

commentary

Structure of a case comment

- **Facts:** very brief recitation of *relevant* facts
- **Holding:** Summary of the judgment, and history of the case (if any)
 - Point of law: perhaps summarize how the holding fits into the larger context (of case law)
- **Analysis! The most important – and least standardized – part of a case comment.**
 - **Your** analysis.
 - Informed by your research, but not a recitation or summary of your research
- Review your assignment for the structure your instructor wants!!!

Case comment vs research paper

- Although case comments require research, the comment should focus on **your own analysis**—not a survey of existing commentary with a few of your own comments added in.
- Much of the research around your case comment should cover the state of the jurisprudence on the issues, so you can analyze how your case fits in

Research for a case comment?

- Cases: note up the case. Consult treatises to identify leading cases on the issue.
- Writing/commentary:
 - You can start via noting up > secondary sources
 - Check treatises for any commentary on your case **and** for commentary on the legal issue (use research guides)
 - Check articles databases, perhaps

Finding commentary to support a case comment

- Even when you are not specifically tasked with finding commentary for your assignment it can be extremely helpful to:
 - Orient you to the law in the area
 - Synthesize the case law on the topic
 - Provide the author's perspective on the law

Allows you to understand the case in context

Articles: searching articles databases

- To search many journals and case reporters at once: go to **WL Canada journals database (or Lexis' equivalent database or HeinOnline)**
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