

# Beginner's Guide to Finding Legal Information

A how-to for legal research and representing  
yourself in court in British Columbia

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# Introduction to Beginner's Guide to Finding Legal Information

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## Who this Guide is for

This guide can help if you:

- want to find out how to handle a legal problem you are having,
- need information about representing yourself in court, or
- are curious about how the law and the courts work in BC and Canada.

This guide explains how to find legal information in British Columbia. It also provides links to many more self-help resources and guides. This guide is a starting point and is not meant to be exhaustive. It explains the law and legal procedures in general, and is not intended to give legal advice on your particular legal problem.

## Acknowledgements

- *Content development:* This guide is based on a series of handouts created by former Courthouse Libraries BC librarian Rebecca Slaven. Additional content has been created by CLBC librarians Janet Freeman, Kate Sloan and Roman Lanzarotta.
- *Project coordinator:* Janet Freeman
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## Clicklaw Wikibooks

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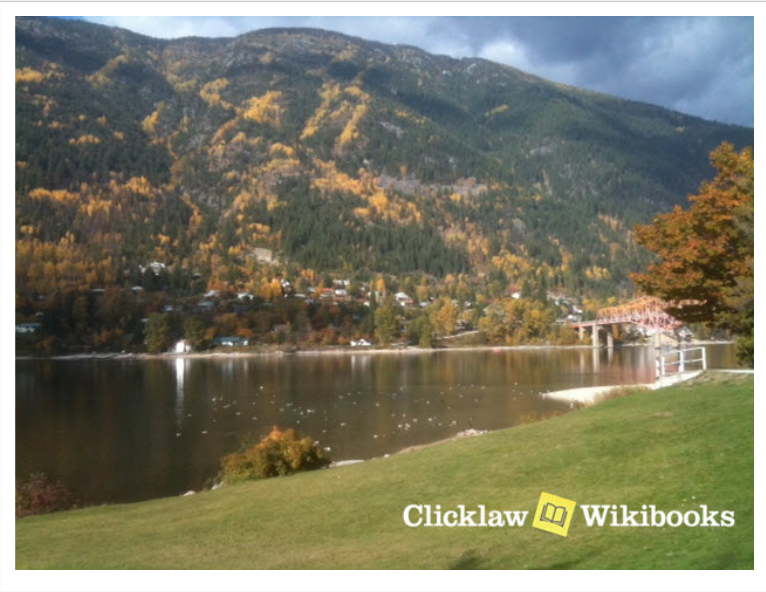
## Your comments

Your comments on the content and format of this guide are most appreciated. Please forward them to:

Courthouse Libraries BC

Phone: 1-800-665-2570

Email: [editor@clicklaw.bc.ca](mailto:editor@clicklaw.bc.ca) <sup>[1]</sup>



**References**

[1] <mailto:editor@clicklaw.bc.ca>

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# Understanding the Law

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## How the Law Works in Canada

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In Canada, our law comes primarily from two sources: legislation and case law. Legislation is made by legislative bodies and case law is made by the courts.

### What is legislation?

Often when someone talks about a law, they are referring to legislation, which are laws passed by governmental legislative bodies.

Legislative bodies include the federal parliament, provincial legislatures such as the Legislative Assembly of BC, and municipal councils such as the city of Vancouver or the village of Oliver. These legislative bodies pass laws, which are also referred to as legislation. Legislation includes laws that are referred to as *acts* or *statutes*, as well as *regulations*. Regulations outline the rules that go with specific acts. For example, the *Compassionate Care Leave Regulation* is one of the rules under the *Employment Standards Act*.

Generally, you'll want to find the most up-to-date, current versions of laws to help with your case. You can find links to current legislation on the Clicklaw page [Laws, Cases & Rules](#) <sup>[1]</sup>.

There are federal laws, which apply Canada-wide, and provincial laws, which apply only in that province. The federal government controls laws such as criminal law, banking and defence. The provincial governments control laws such as education and health. Sometimes provincial laws and federal laws overlap. For example, there are both provincial and federal laws related to family matters.

Municipalities are given power by provincial legislatures to pass bylaws about local matters such as zoning, parking and noise. Again, sometimes laws may overlap. For example, if you want to find out what the law says about prostitution in Vancouver, you need to check both the federal criminal code and the municipal anti-soliciting bylaw.

First Nations with treaties, such as Tsawwassen and Nisga'a are self-governing. They have their own constitution and laws. Indian bands which are still governed by the federal *Indian Act* can pass bylaws for their band.

Good starting points to learn more about laws include:

- The factsheets [How a Bill Becomes Law in BC](#) <sup>[2]</sup> and [How a Bill Becomes a Law in Canada](#) <sup>[3]</sup> from Courthouse Libraries BC.
- The book [Legislation Made Easy](#) <sup>[4]</sup>. It explains the legislative process in a simple, easy-to-understand manner. It is available in most public libraries.
- [A Guide to Legislation and Legislative Process in British Columbia](#) <sup>[5]</sup> from the BC Ministry of Justice. This explains the process in some depth.
- [Learning about the Law](#) <sup>[6]</sup> by the People's Law School. A source of basic legal information aimed at newcomers to Canada.
- The web page [By-laws](#) <sup>[7]</sup> from Aboriginal Affairs and Northern Development Canada.

Also see the section in this guide [How do I find the laws that concern my legal problem?](#)

## What is case law?

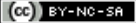
Canada (except for Quebec <sup>[8]</sup>) uses a system of law called “common law”. Common law means that courts are bound to follow the principles established by previous courts in similar cases dealing with similar facts. Finding case law similar to your own situation will help you understand how the courts may treat your own circumstances and the strength of your position in a dispute.

Case law is also referred to as “judge-made law”. Judge-made law refers to written decisions, reasons for judgment, judgments, and precedents. A case law decision reports the judge’s decision. A case law decision is not a word-for-word transcript of the entire courtroom proceedings. It does not contain any of the files from the court proceeding.

For more information on case law:

- Visit CANLII <sup>[9]</sup>, the website of the Canadian Law Information Institute. At the home page, you can select by province, e.g. British Columbia. This website provides free access to court judgments and tribunal decisions as well as statutes and regulations from all Canadian jurisdictions.
- The CanLII Primer: Legal Research Principles and CanLII Navigation for Self-Represented Litigants <sup>[10]</sup> has a chapter on “The System of Precedent”.
- Also see the section in this guide How do I find case law?.

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## References

- [1] <http://www.clicklaw.bc.ca/content/lawscases>
- [2] <http://www.courthouselibrary.ca/training/HowToGuides/BCLegGuide/BCBillBecomesLaw.aspx>
- [3] <http://www.courthouselibrary.ca/training/HowToGuides/FedLegGuide/HowABillBecomesLawInCanada.aspx>
- [4] [https://www.crownpub.bc.ca/Product/Details/7610003430\\_S](https://www.crownpub.bc.ca/Product/Details/7610003430_S)
- [5] <http://www.clicklaw.bc.ca/resource/2485>
- [6] [http://wiki.clicklaw.bc.ca/index.php/Learning\\_about\\_the\\_Law\\_Wikibook](http://wiki.clicklaw.bc.ca/index.php/Learning_about_the_Law_Wikibook)
- [7] <https://www.aadnc-aandc.gc.ca/eng/1421864597523/1421864622917#bylaws>
- [8] <http://www.justice.gouv.qc.ca/english/sujets/glossaire/code-civil-a.htm>
- [9] <https://www.canlii.org>
- [10] <http://www.clicklaw.bc.ca/resource/2986>

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# Understanding Your Legal Problem

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## What Is My Legal Topic and What Are My Rights?

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Understanding your legal problem will help you find legal information that is specific to your situation. Once you define the problem and what you'd like the outcome to be, you can figure out what area of law applies to your situation and how to proceed.

One way to get started is to look for your topic on the website Clicklaw<sup>[1]</sup>. You can look for your topic by using the search box, or by looking for your topic in the list of topics. Clicklaw will then point you to a list of resources that can help explain the proper legal terms for your topic and possible courses of action to solve the problem. You may want to search for more than one legal topic that concerns your situation.

Let's say that you are looking for information on what rights you have as a tenant when you are being evicted. You can begin your search by:

- Entering a relevant keyword in the search box, like "eviction".
- You can look at the range of resources from this search:
  - Clicklaw common questions,
  - HelpMap<sup>[2]</sup> services in or near your community, and
  - Online publications that discuss eviction.
- You might also want to look through all the resources listed under the topic "Your daily life - Housing, tenancy & neighbours" on the Clicklaw home page<sup>[1]</sup>.

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## References

[1] <http://www.clicklaw.bc.ca/>

[2] <http://www.clicklaw.bc.ca/helpmap>

# Which Area of Law Does My Problem Fall Under?

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This section provides an overview of the different areas of law: civil, family, and criminal.

Generally, law is described as either criminal or civil. All civil matters fall into one of two categories: general civil law and family law.

## General civil law

General civil law deals with disputes between people or organizations. This includes disputes about contracts, wills, property, and personal injury. An example of a civil dispute is when one person owes another person money. One good starting point to learn more is the section on civil law on the Courts of BC website <sup>[1]</sup> from the Justice Education Society of BC.

General civil law also includes administrative law, which deals with a legal action between a person or organization and a government agency such as the Residential Tenancy Branch, or the Labour Relations Board of BC. Some administrative law cases ask for a review of a decision at a hearing in front of a special board called an *administrative tribunal*.

Good starting points to learn more about administrative law include:

- Administrative Law BC <sup>[2]</sup>. This website explains what administrative law is and provides a directory of over 100 tribunals and agencies, as well as directions for further help.
- The Clicklaw common question I'm preparing for a tribunal. Where can I find out what to do? <sup>[3]</sup>

## Family law

Family law generally involves issues that have to be decided when an intimate relationship breaks down, and can also involve issues about the care of children. Examples of family law issues include how to divide property between separating spouses, where the children will live, and how family members will be financially supported.

Good starting points to learn more about family law include:

- Introduction to Family Law <sup>[4]</sup> from the Canadian Bar Association. It gives an overview of topics such as common problems, related laws, and words and phrases.
- Introduction to the Legal System for Family Matters <sup>[5]</sup> in the Clicklaw wikibook JP Boyd on Family Law. It provides information on the courts of British Columbia, including the types of claims heard in each court.
- Family Law in BC <sup>[6]</sup>. This website from Legal Services Society includes a wide range of family law information from basic fact sheets to self-help kits to complete court forms.

## Criminal law

Everyone in Canada must obey Canadian criminal laws, most of which are found in the Criminal Code of Canada. If someone breaks one of these laws, they can be charged with a criminal offence. The government, usually referred to as "the Crown," takes them to court. An example of a criminal offence is shoplifting.

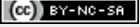
The criminal law process is very different from civil law. To learn more about the criminal law process, good starting points include:

- Criminal Law <sup>[7]</sup> from the Justice Education Society. It provides a brief overview of criminal law.



- Charging Someone with a Criminal Offence <sup>[8]</sup>, from the Canadian Bar Association, and If You are Charged with a Crime <sup>[9]</sup> from the Legal Services Society. Both provide basic information on criminal law procedure.
- Representing Yourself in a Criminal Trial <sup>[10]</sup> from the Legal Services Society. It provides legal information for people who are defending themselves in criminal court.

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- [1] <http://www.clicklaw.bc.ca/resource/1360>
- [2] <http://www.clicklaw.bc.ca/resource/2561>
- [3] <http://www.clicklaw.bc.ca/question/commonquestion/1136>
- [4] <http://www.clicklaw.bc.ca/resource/2376>
- [5] <http://www.clicklaw.bc.ca/resource/2655>
- [6] <http://www.clicklaw.bc.ca/resource/1927>
- [7] <http://www.courtsofbc.ca/criminal-law.php>
- [8] <http://www.clicklaw.bc.ca/resource/1315>
- [9] <http://www.clicklaw.bc.ca/resource/1046>
- [10] <http://www.clicklaw.bc.ca/resource/1068>

# How Do I Find the Laws That Concern My Legal Problem?

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Finding and reading applicable laws can help you understand your legal situation. This section gives you an overview of how to find legislation and use it for your own situation.

Legislation refers to the laws passed by governmental legislative bodies, such as the Legislative Assembly of BC. A legislative law is also referred to as an *act* or a *statute*. *Regulations* are rules or laws, made under the authority of a specific statute, and are also considered legislation. Regulations may include information about fees, procedures and forms. An example is the *Hunting License Regulation* under the *BC Wildlife Act*.

## Searching for the law on a specific topic

Our law comes from legislation and also from decisions made by the courts, known as case law (outlined in How the Law Works in Canada). Because our law comes from more than one source, it can be tricky to find the law that applies to a specific subject area.

For example, you may want to see the law about child support. This is complicated because a federal act, provincial act, and federal regulation all cover this topic. There are also many variables discussed in case law. This means it's not possible to look at one law and know everything that applies to child support issues. And this is why when you're looking for the law on a specific area, it's best to look at secondary resources first because they will describe any relevant legislation as well as suggest sources of further help. See the section in this guide Secondary resources and how to find them.

## Searching for a known law

You will generally want to find the most up-to-date laws, which are available on the site BC Laws <sup>[1]</sup> for BC legislation, and Justice Laws <sup>[2]</sup> for federal legislation.

To search for a current law on BC Laws:

- Go to BC Laws <sup>[1]</sup>.
- Click on Laws of British Columbia <sup>[3]</sup>.
- Click on the first letter of the act you're looking for, e.g. "E" for Employment Standards Act.
- Now you can look at the act, some of the regulations and past versions of the act.

To search for a current federal law:

- Go to Justice Laws.
- Use the Search Box on the front page to find the law, or check "Frequently Accessed Acts" and "Frequently Accessed Regulations."
- If you cannot find the law you are looking for, click on "Basic search" in the menu on the left and use a keyword.

## Finding a law as it read on a certain date

You might need to see what the law was at a certain point in time. For example, if you need to see how the *Strata Property Act* looked in 2012 when you bought your condominium, you can go to the CanLII site <sup>[4]</sup>.

At CanLII, select "British Columbia." Look under "Legislation" and select "Statutes and Regulations".

- Click on the first letter of the act you're looking for, e.g. "S" for *Strata Property Act*.
- Now you can look at the act, some of the regulations, and past versions of the act. You will find the version of the act that was in force in 2012.

If you are having trouble finding older versions of laws, you can contact Courthouse Libraries BC <sup>[5]</sup> for help.

To find municipal bylaws, go to your municipal website or Legaltree – BC Bylaws <sup>[6]</sup>.


You can get copies of Indian band by-laws by contacting the band office. For self-governing First Nations, check their website, such as Tsawwassen <sup>[7]</sup> and Nisga'a <sup>[8]</sup>.

## How to read a statute

Statutes usually follow the same structure:

- *Table of Contents* – you can see at a glance the main headings and scope of the act. Online versions have links to each section of the act.
- *Definitions* – these are usually at the beginning of the act or at the beginning of each section in a long act. They will help you understand how the act uses certain words. Different acts may use different definitions for the same term.
- *Body of the act* – here you will find the main contents of the act. Lengthy acts are divided into parts and divisions.
- Other important information that acts may contain include:
  - which government ministry or body is responsible for administering the act and regulations,
  - how to appeal, and
  - date of "in force" or when the act comes into effect.

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## References

- [1] <http://www.bclaws.ca/>
- [2] <http://laws.justice.gc.ca/eng/>
- [3] <http://www.bclaws.ca/civix/content/complete/statreg/?xsl=/templates/browse.xsl>
- [4] <https://www.canlii.org/en/index.html>
- [5] [http://wiki.clicklaw.bc.ca/index.php/Resource\\_List\\_for\\_Legal\\_Help\\_for\\_British\\_Columbians#Courthouse\\_Libraries\\_BC](http://wiki.clicklaw.bc.ca/index.php/Resource_List_for_Legal_Help_for_British_Columbians#Courthouse_Libraries_BC)
- [6] <http://www.legaltree.ca/node/97>
- [7] <http://tsawwassenfirstnation.com/>
- [8] <http://www.nisgaanation.ca/>

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# Taking Action

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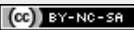
## Do I Need to Go to Court?

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Legal issues can sometimes be resolved in a number of ways outside of court. Depending on your particular circumstances, you may not need to go to court. Good starting points to learn more about alternatives to court include:

- Alternatives to Going to Court <sup>[1]</sup>. This guidebook from the Justice Education Society explains how most lawsuits filed with the court are resolved without going to trial.
- Who can help you reach an agreement? <sup>[2]</sup> This fact sheet from the Legal Services Society explains who can help you come to a family law agreement.
- Hold on for a minute, do you really have to go to court? <sup>[3]</sup> This section in the Clicklaw wikibook JP Boyd on Family Law outlines some issues to consider before going to court.

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[1] <http://www.clicklaw.bc.ca/resource/1497>

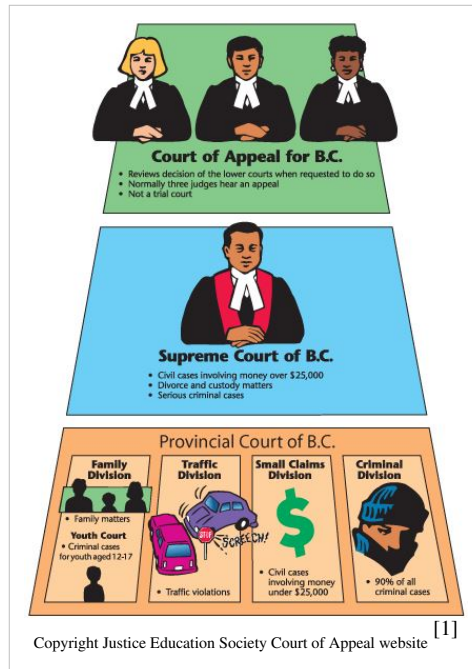
[2] <http://www.clicklaw.bc.ca/resource/1642>

[3] [http://wiki.clicklaw.bc.ca/index.php/Resolving\\_Family\\_Law\\_Problems\\_in\\_Court#Hold\\_on\\_for\\_a\\_minute.2C\\_do\\_you\\_really\\_have\\_to\\_go\\_to\\_court.3F](http://wiki.clicklaw.bc.ca/index.php/Resolving_Family_Law_Problems_in_Court#Hold_on_for_a_minute.2C_do_you_really_have_to_go_to_court.3F)

# Which Court Do I Need to Go to?

If you decide to begin a court action, you need to find out which court is appropriate.

There are both federal and provincial courts. Each province has its own court system. In BC we have the Provincial Court, the Supreme Court, and the Court of Appeal, as illustrated by this chart:



The Provincial Court and the Supreme Court of BC handle general civil and family law matters, as well as criminal matters.

The BC Court of Appeal is the highest court in the province and hears appeals from the lower courts. An appeal is when judges review the decision of a case from the court a level below. Decisions of the Court of Appeal may be appealed to the Supreme Court of Canada.

## Provincial Court of BC

The Provincial Court of BC <sup>[2]</sup> can be easier for people to use without a lawyer. The process is generally simpler and faster than the Supreme Court of BC, and there are fewer fees.

*Family:* Provincial Court hears only certain types of family disputes, such as guardianship, parenting time, and child and spousal support. In general, any matters not dealing with property or getting a divorce can be heard by the Provincial Court.

*Civil:* The Provincial Court that deals with civil matters is referred to as Small Claims Court <sup>[3]</sup>. Small Claims Court is for most disputes about debts or damages involving less than \$25,000 (with some exceptions).

## Supreme Court of BC

The court process for the Supreme Court of BC <sup>[4]</sup> is more complicated than Provincial Court and often takes longer.

*Family:* The Supreme Court of BC can hear all types of family disputes.

*Civil:* The Supreme Court of BC is for disputes over \$25,000, with some exceptions.

The Supreme Court of BC also hears appeals from the Provincial Court. An appeal is when someone applies to a higher court level to review a decision made in a lower court level. The Supreme Court of Canada hears decisions that have been appealed by provincial appeal courts.

## BC Court of Appeal

The BC Court of Appeal is the highest court in the province. It hears appeals of civil and criminal cases from the BC Supreme Court, as well as appeals of some criminal cases from Provincial Court. The Court of Appeal hears cases in Vancouver, Victoria, Kamloops, and Kelowna.

## BC Court Services

- Court registries <sup>[5]</sup> are where you go to file documents, access court file information, and get information on court processes, including how to order court transcripts.
- Court Services Online <sup>[6]</sup> is BC's electronic court registry. You can use this website to search civil and criminal court documents, and to e-file your documents. The site has a filing assistant program that allows you to fill out forms, and view daily court lists. You can also view a tutorial showing an example search for a document <sup>[7]</sup> as well as a page on search tips <sup>[8]</sup>.

## Further information about BC Courts


- Our Court System and Solving Disputes <sup>[9]</sup> Dial-A-Law script.
- How do I know which court to go to for a family matter? <sup>[10]</sup> Clicklaw common question.
- What's the difference between Small Claims Court and the Supreme Court of BC? <sup>[11]</sup> Clicklaw common question.
- What is an appeal? <sup>[12]</sup> Court of Appeal Guidebook.

## The Federal Courts

The federal level of courts includes the Federal Court of Canada <sup>[13]</sup> and the Supreme Court of Canada <sup>[14]</sup>. The Federal Court of Canada includes Federal Court, and the Federal Court of Appeal. The Federal Court holds trials for cases on federal laws, mainly in the areas of immigration, income tax, and maritime law. The Federal Court of Appeal <sup>[15]</sup> hears appeals of decisions by the Federal Court.

Based in Ottawa, the Supreme Court of Canada hears appeals from decisions of the BC Court of Appeal, from the appeal courts of other provinces, and from the Federal Court of Appeal.

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## References

- [1] <http://www.clicklaw.bc.ca/resource/2601>
- [2] <http://www.provincialcourt.bc.ca/>
- [3] <http://www.smallclaimsbc.ca/>
- [4] <http://www.supremecourtbc.ca/>
- [5] <http://www.clicklaw.bc.ca/helpmap/service/1014>
- [6] <https://justice.gov.bc.ca/cso/index.do>
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- [9] <http://www.clicklaw.bc.ca/resource/1473>
- [10] <http://www.clicklaw.bc.ca/question/commonquestion/1100>
- [11] <http://www.clicklaw.bc.ca/question/commonquestion/1155>
- [12] [http://www.courtsofappealbc.ca/appellant-guidebook/1.1-what-is-an-appeal?ct=t\(step-index-link\)](http://www.courtsofappealbc.ca/appellant-guidebook/1.1-what-is-an-appeal?ct=t(step-index-link))
- [13] <http://www.fct-cf.gc.ca/>
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## How Do I Find Court Forms?

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### What are court forms?

Court forms are official court documents that you have to use when you bring a dispute to court. If you are not sure which form to use, you may want to speak with a lawyer. See the section of this guide [Where can I find help with my legal problem?](#).

### Where can I find court forms?

Clicklaw's quicklinks to online laws, cases and rules <sup>[1]</sup> includes links to the forms for all levels of court. You can search these forms by name, or by number.

### Court forms: clarifying your question

Do you have specific information about the form you need? For example: "The registry said I need Form F51 for Supreme Court Family." In this case, go directly to the Supreme Court Family court forms <sup>[2]</sup> page to find the one you need.

Or do you have a question that requires the help of other sources? For example: "I need child support forms." In this instance, you may need to find some additional information from a source such as the Family Law in BC child support <sup>[3]</sup> page to explain different kinds of forms and procedures. In some cases, there are examples of completed forms online such as JP Boyd on Family Law, Supreme Court Forms.

The Clicklaw website will help you find resources to help you understand which forms you use in each level of court, for example going to small claims court <sup>[4]</sup>.

## What if I have limited information?

### If you have the form number:

The form number helps determine which level of court it is from since each level of court numbers forms in different ways:

Level of Court	Form Number
Small Claims Forms	SCR or COEA followed by the #:
Provincial Court Family Forms	Often PCFR followed by the #:
Supreme Court Family Forms	F followed by the #:
Supreme Court Civil Forms	Just the #:

### If you know the level of court:

Click on the appropriate court forms link and you can look through the alphabetical list. If you still cannot find the form, you may need to look at secondary resources such as summaries or guides that focus on the legal problem you are dealing with. See the section in this guide Secondary resources and how to find them.

### If you know the form name:

Look through the alphabetical list of forms for a few different levels of court. Sometimes different levels of court have forms with the same name. For example, if you are looking for a Requisition, you will need to know the level of court since nearly every level of court has a Requisition form.

### If you know the level of court but even after searching do not have the form name or form number:

You may need to find an Affidavit (sworn written statement) form. However, nearly every level of court has an Affidavit form, and some have more than one type of Affidavit form, such as an Affidavit in Support to Waive Fees. If you do not know the level of court or the form number, you may need to look at secondary resources to figure out what the correct form is. See the section in this guide Secondary resources and how to find them.

### If you are just getting started and/or you do not know which forms you need:

If you cannot find the form you're looking for or if you are just getting started, you'll need to look at secondary resources that focus on the legal problem you are dealing with. See the section in this guide Secondary resources and how to find them. You may also wish to consult with one of the legal advice services described in section Where can I find help with my legal problem?.

Clicklaw has common questions and links to guides that provide information about the forms required for certain legal procedures:

- Our marriage is over; do we have to go to court? <sup>[5]</sup>
- I'm applying for probate; where can I find the forms required? <sup>[6]</sup>
- Varying support orders <sup>[7]</sup>.



## Court forms: examples/guides

Staff at Courthouse Libraries BC <sup>[8]</sup> can help you find resources to find forms, but cannot help clients fill in court forms. However, there are a number of guides and examples that may help with filling in court forms. Some of the most used resources include the following:

### Affidavits

All levels of court in BC use affidavits. The following resources can help you get started:

- A Guide to Preparing Your Affidavit <sup>[9]</sup>. Explains the purpose and requirements of an affidavit and gives examples and places to go for further help.
- How Do I Prepare an Affidavit? <sup>[10]</sup> Gives tips and explanations of affidavits and how to tell your story.
- Tips for drafting an affidavit <sup>[11]</sup>. Provides information for how to fill out a family law affidavit.

### Family Forms (Supreme & Provincial)

- The Clicklaw wikibook JP Boyd on Family Law <sup>[12]</sup> has clearly laid out pages linking to blank and completed example family court forms. From the home page, scroll down to the *Court Forms & Documents* section.
- Family Law in BC Court Forms <sup>[13]</sup> page includes descriptions of how each form is used.
- How Do I Draft a Final Order in an Undefended Divorce? <sup>[14]</sup> A short guide on one of the most common divorce forms.

### Small Claims Forms

- Small claims court forms <sup>[15]</sup> are available online from the provincial government. The forms are in a PDF format that you can fill out and print.
- The Small Claims Court Filing Assistant <sup>[16]</sup> is designed to help you complete small claims court forms online.

### Civil Forms

- Supreme Court of BC Civil Court Forms <sup>[17]</sup>. Civil forms are available online from the provincial government, along with helpful notes. The forms are in a PDF format that you can fill out and print.
- Evin Ross' Guide to Civil Litigation <sup>[18]</sup>. This is a helpful print resource that provides detailed instructions about forms and procedures. It is available at branches of Courthouse Libraries BC, and some public libraries.

### Court of Appeal Forms

The Court of Appeal BC Online Help Guide <sup>[19]</sup> website has guides for people who are appealing civil/family and criminal matters.

## Probate Forms

- Supreme Court Probate Forms <sup>[20]</sup>. The Probate forms are available in PDF format to download, fill out and print.
- Evin Ross Guide to Wills and Estates <sup>[21]</sup> contains a breakdown of each of the forms and other useful probate and estate information.

## What if you are having technical trouble filling in your form?


Filling in the PDF version of the forms can be quite tricky and frustrating. The Ministry of Justice site has a guide for tips on how to use the forms <sup>[22]</sup>. However, if you are still having trouble with the online forms, contact one of the services listed in the section Where can I find help with my legal problem?

The PDF forms are subject to several web browser restrictions. The Supreme Court has the following guidelines for making sure the forms function properly on your computer:

- Adobe Reader Required - You will require the latest version of Adobe Reader in order to use the forms. If you need to update your Reader software, please ensure you remove the old version of Reader before installing the new one. You may also want to be sure that your computer is not starting Adobe Acrobat instead of Reader when opening the forms and check your computer settings to make sure the CSB Smart Forms website is added as a trusted site.
- Google Chrome and Firefox Users - If you are using Google Chrome or Firefox as your browser you will need to do a onetime configuration on your browser before using the forms. You can find the steps for configuring your browser here <sup>[23]</sup>.
- Apple and Mac Users - Currently, the forms are not compatible with Apple products, including Mac computers, iPads, etc. If you are using a Mac computer, you can download the desired document form the website by following the instructions here <sup>[24]</sup>.

You can also use the forms by saving them to your hard drive. To do this, right click on the form you wish to use and save it to your computer.

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- [2] [http://www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index\\_family.htm](http://www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_family.htm)
- [3] [http://www.familylaw.lss.bc.ca/resources/fact\\_sheets/child\\_support.php](http://www.familylaw.lss.bc.ca/resources/fact_sheets/child_support.php)
- [4] <http://www.clicklaw.bc.ca/global/search?f=Courts+%26+tribunals%7c1121&so=v>
- [5] <http://www.clicklaw.bc.ca/question/commonquestion/1006>
- [6] <http://www.clicklaw.bc.ca/question/commonquestion/1112>
- [7] <http://www.clicklaw.bc.ca/question/commonquestion/1144>
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- [11] <http://www.clicklaw.bc.ca/resource/2752>
- [12] [http://wiki.clicklaw.bc.ca/index.php/JP\\_Boyd\\_on\\_Family\\_Law](http://wiki.clicklaw.bc.ca/index.php/JP_Boyd_on_Family_Law)
- [13] <http://www.clicklaw.bc.ca/resource/1773>
- [14] <http://www.courthouselibrary.ca/ItemDetails.aspx?Source=Asked+%26+Answered&ID=27b0d6ec-fe53-607b-975f-ff0000fad974>
- [15] <http://www.clicklaw.bc.ca/resource/1686>

- [16] <http://www.clicklaw.bc.ca/resource/1688>
- [17] <http://www.supremecourtbc.ca/supreme-court-civil-forms>
- [18] <http://opac.courthouselibrary.ca/Catalogues/CatView.aspx?id=5440&noAuthRedir=1>
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- [23] <http://www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/ConfiguringFireFoxGoogleChrome.pdf>
- [24] <http://www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/ConfiguringMacComputers.pdf>

## How Do I Find Case Law?

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Case law gives you an idea of what the courts have decided in circumstances similar to your own. It's best to find recent case law (the last 10 years) from BC courts. Related case law will also help your argument since the courts look to past cases on the same legal topic for guidance in making decisions. Case law contains what is called the "reasons for judgment," also known as the decision.

Finding relevant case law requires time and research. Each case is different and so there is no simple answer for how to find cases most similar to yours.

Before looking for case law you may want to look at more general information resources. These information resources may provide you with useful legal keywords that help you find case law. Information resources may also provide a list of relevant case law, along with relevant BC legislation, or court rules. For example, the Clicklaw wikibook JP Boyd on Family Law <sup>[1]</sup> frequently refers to case law.

To find case law, search a legal database such as CanLII <sup>[2]</sup>, which is a free database. Other case law databases available at Courthouse Libraries BC include LawSource and Quicklaw (you must be physically in one of our Courthouse Library locations to access one of these subscription databases).

### How to search on CanLII

Go to CanLII <sup>[3]</sup> and enter in keywords related to your case in the top search box.

For example, if your neighbour keeps a beehive and the bees have damaged your property you may want to use keywords such as: **bees**, **neighbour**. Place quotation marks around any phrases that you are using as keywords, such as "property damage."

Then click on the dropdown labelled **All jurisdictions** and select **British Columbia**.

It may take some time to find a case related to your own. If you are having difficulty, substitute similar words as your keywords. For example, substitute **land** for **property**. If you are finding too many cases, add more keywords or more specific keywords. For example, substitute **roof** for **property**. If you are not finding enough cases, use more general keywords. For example, substitute **insects** for **bees**.

Once you have found a case you are interested in, click on the link at the top **Cited by**. This leads you to a list of cases that have mentioned the case you are interested in and is referred to as "noting up" a case.

Noting up a case may lead you to find other, more recent cases dealing with similar circumstances.

## Understanding how cases are reported and cited

Although all decisions are filed in a court registry, not all cases are reported. A case is usually not reported if there was a jury trial or if the judgment was delivered orally. The written decisions of judges are published on databases or in printed law reports, which are books published in a series. Newer reported cases are available online through free databases like CanLII<sup>[4]</sup> or paid databases like Quicklaw or WestlawNext Canada. Older law reports can be found both online and in print law reports, which are all available to the public at branches of Courthouse Libraries BC.

It is up to the editor of a law report to decide which written judgments are published. Law reports can be specialized and report only selected cases. A law report may report cases from a particular court level (e.g. Canada Supreme Court Reports), a geographical region (e.g. Western Weekly Reports), a province (e.g. British Columbia Law Reports), or a subject area (e.g. Reports of Family Law). A particular case can appear in more than one report.

Law reports are usually referred to by an abbreviation of the title. For example, Western Weekly Reports are referred to as W.W.R. The titles of law reports are always abbreviated in citations; these abbreviations may be identified in an abbreviations dictionary such as *Index to Legal Citations and Abbreviations* available in print, or the online Cardiff Index to Legal Abbreviations<sup>[5]</sup>.

## Understanding how cases are cited

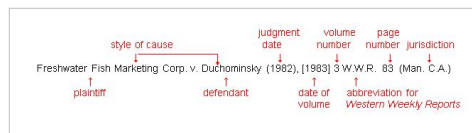
Since the late 1990s, Canadian courts have been assigning what is called a "neutral citation" to each case. A neutral citation consists of the year, an abbreviation for the province and the court, and a number assigned by the court. The citation does not include a reference to any printed series of law reports. A neutral citation is the type of citation you will see on CanLII.

For example, a neutral citation appears as follows:

*Kits v. Kits*, 2001 BCCA 284

In this case, *Kits v. Kits* was the 284th decision issued by the BC Court of Appeal in 2001.

When you are researching a case, you may find a neutral citation (as on Can LII) or you may find a citation that does refer to a printed series of law reports. Here is an example:



Freshwater Fishing Marketing Corp. is the name of the plaintiff, the person who started the legal action; Duchominsky is the name of the defendant. Together the names of both parties make up the portion of the citation known as the style of cause.

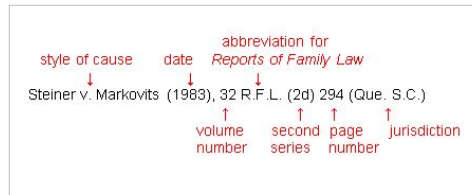
"1982" is the date the judgment was given.

"1983" is the year of the volume in which the case is reported; it is in square brackets because the year is required in the citation in order to find the case.

The "3" indicates that the case appears in the third volume of W.W.R. published that year and "83" indicates the page number on which the case starts. Only the first page of a case is given in a citation.

"Man. C.A." is an abbreviation standing for Manitoba Court of Appeal, the court which heard the decision.

A case citation may also appear this way:




## More case law resources

To learn more about searching for case law, good starting points include:

- The CanLII Primer: Legal Research Principles and CanLII Navigation for Self-Represented Litigants <sup>[6]</sup>. This extensive guide explains the Canadian legal system, the principles of precedent, binding and persuasive case law, and how to search on CanLII.
- How can I research other family law cases? <sup>[7]</sup> This web page explains a series of steps to research family law cases.

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- [3] <http://www.canlii.org/en/>
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- [5] <http://www.legalabbrevs.cardiff.ac.uk/>
- [6] <http://www.clicklaw.bc.ca/resource/2986>
- [7] <http://www.clicklaw.bc.ca/resource/2864>

# How Do I Find Out About Court Procedures?

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There are many self-help guides to help people represent themselves in court. They range from general guides to guides specific to different courts.

## General guides

- Coping With the Courtroom: Essential Information and Tips for Self Represented Litigants <sup>[1]</sup>. Includes opening and closing statements, tips for questioning witnesses, and tips for organizing documents.
- Settlement Smarts for Self Represented Litigants <sup>[2]</sup>. Includes judge-led settlement conferences, mediation and negotiation.
- The Rights and Responsibilities of the Self-Represented Litigant <sup>[3]</sup>. Includes dealing with lawyers, judges, court staff and court rules.

## BC Provincial Court

- Going To Court <sup>[4]</sup> includes information on traffic and bylaw matters, judgments, complaints, appeals, criminal, youth, family, preparing for court, and problem solving courts.

## Criminal Court, Provincial

- Representing Yourself in a Criminal Trial <sup>[5]</sup>. This booklet explains what happens when an accused person wants to plead not guilty to a summary offence.

## Small Claims Court

The Clicklaw common question, I need to take someone to small claims court <sup>[6]</sup> describes a number of resources including small claims guidebooks, and instructions on how to fill out a notice of claim, with examples.

## Family Law in Provincial and Supreme Courts

- Which guide should I choose? Is there a self-help guide for my situation? <sup>[7]</sup>
- Coping with the court process <sup>[8]</sup>
- Preparing to attend court <sup>[9]</sup>
- Tips for conducting your trial <sup>[10]</sup>
- What happens at a Supreme Court trial? <sup>[11]</sup>
- Resolving Family Law Problems in Court <sup>[12]</sup>

## BC Human Rights Tribunal

- BC Human Rights Tribunal Guide for Self-Represented People <sup>[13]</sup>

## Civil Litigation in Supreme Court of BC

- Supreme Court of BC online help guide <sup>[14]</sup> includes videos, online chat and court tips.
- Guidebooks for Representing Yourself for civil matters <sup>[15]</sup>. Also see the Clicklaw common question I'm trying to prepare a Supreme Court case <sup>[16]</sup>, which describes a series of guides that explain how to get started, next steps, and other actions concerning a Supreme Court case.
- Civil Case Tips Sheets <sup>[17]</sup>. Includes how to take notes during trial; how to prepare your case; and how to act in court.
- Guide to Civil Litigation in the Supreme Court of BC for Self-Represented Litigants <sup>[18]</sup>. This is an extensive guide that includes how to do pleadings, and what to know about trials.
- Bring a Friend to Court: A Guide <sup>[19]</sup>. This guide provides information on how a friend, also known as a McKenzie Friend, can assist a self-representing person in court. It explains what it is and who can be a McKenzie Friend, as well as instructions for being one.
- BC Supreme Court Information Packages <sup>[20]</sup>. Includes topics such as adoption, garnishment, costs, orders, name change, writ of seizure and sale.
- Representing Yourself in a Judicial Review - Guide <sup>[21]</sup> and Forms <sup>[22]</sup>. The guide gives an overview of the judicial review process generally, from preparing and filing your petition and affidavit to representing yourself in court.
- Representing Yourself in a Judicial Review - If You're Being Evicted <sup>[23]</sup>. This guide explains the judicial review process, and includes an appendix that specifically deals with what to do if you are being evicted from your home.

## Criminal Law, Supreme Court of BC

- How a Criminal Trial Works <sup>[24]</sup>. Provides an overview of the steps involved in a criminal trial.


## BC Court of Appeal

- Court of Appeal, Civil & Family <sup>[25]</sup>. Provides guidebooks for both appellants and respondents who need to represent themselves in civil and family law matters.
- Court of Appeal, Criminal <sup>[26]</sup>. Provides guidebooks on how to appeal your conviction and how to appeal your sentence.

## Supreme Court of Canada

- Supreme Court of Canada Resources for Self-Represented Litigants <sup>[27]</sup>. Explains what is expected of you if you are applying for a leave to appeal or if you have been named as a respondent.

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- [21] <http://www.clicklaw.bc.ca/resource/1892>
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- [27] <http://www.clicklaw.bc.ca/resource/2785>



# Where Can I Find Help with My Legal Problem?

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There are a range of services in BC that can offer assistance with your legal situation. Many of them help people with a low income.

Clicklaw's HelpMap <sup>[1]</sup> can point you to legal information and advice services in your community. It indicates if the service is free, low cost and/or dependant on proof of low income.

The following legal advice services can help you with your legal situation:


- Low Cost and Free Legal Services <sup>[2]</sup>. This Dial-A-Law script provides an extensive list of services.
- Legal Advice and Representation on a Budget <sup>[3]</sup>. This information sheet compares three services that provide legal advice: Access Pro Bono; Legal Services Society (Legal Aid); and Lawyer Referral Service.
- Legal Help and Information If You Represent Yourself in Court <sup>[4]</sup>.

This information from the Justice Education Society lists a range of legal resources you can use to get started.

- Know any good lawyers? <sup>[5]</sup> This section of the Clicklaw wikibook Legal Help for British Columbians describes the steps involved in seeking a lawyer.
- A Guide to a Successful Interview with a Lawyer <sup>[6]</sup>. This Supreme Court guidebook describes how to get the best out of your first meeting with a lawyer by preparing your information ahead of time.
- CBABC Legal Directory. Published by the Canadian Bar Association BC Branch, this annual print resource is available in most public libraries as well as at branches of Courthouse Libraries BC. It lists all lawyers in BC by region, area of law practice, and languages spoken.

If you are unable to find a service that helps with your legal problem, you might want to contact the office of your local Member of Legislative Assembly <sup>[7]</sup> or Member of Parliament <sup>[8]</sup>.

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- [8] <http://www.parl.gc.ca/Parliamentarians/en/members>

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# Using Legal Information

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## Primary Sources

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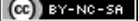
The first three chapters of this guide answer questions about understanding the legal system and going to court. This chapter gives you a more detailed approach to looking for resources to help you understand your legal issue.

Legal information materials fall into two types: *primary* or *secondary* sources.

Primary sources consist of case law, legislation, court rules and court forms. These sources contain complex information and can be difficult to understand. They generally require interpretation of some kind, which is why it's a good idea to first look through the information resources that explain them.

Information about how to find legislation, court rules and court forms is found elsewhere in this guide. See How do I find the laws that concern my legal problem?, How do I find court forms?, How do I find case law?, and How do I find out about court procedures?

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# Secondary Resources and How to Find Them

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## Secondary resources are the place to start

Secondary resources include books, websites, online guides, and pamphlets that explain the topic and provide references to case law, laws, rules, and forms.


It is generally best to start your research by looking at secondary resources. They may provide an overview in plain language. They may also save you time by pulling together a lot of the information you need in one resource.

Secondary resources range from very basic information summaries to detailed do-it-yourself guides. At the technical legal end, they also include specialist texts on various topics and lawyers' tools.

## Locations to find secondary resources

- The website Clicklaw features secondary resources. See the handout Clicklaw: 5 ways to search, and Using the Clicklaw HelpMap <sup>[1]</sup>.
- Public libraries throughout the province contain many titles in print of secondary resources, depending on the size of the library. To find a library in your community, see the BC Libraries site <sup>[2]</sup>. For lists of titles that a public library might have, see these Reading Guides <sup>[3]</sup>.
- Courthouse Libraries BC <sup>[4]</sup> offer extensive resources of specialist texts and tools for lawyers. These are described in Research resources at Courthouse Libraries BC.

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- [2] <http://www.bclibraries.ca/contacts/>
- [3] <http://www.courthouselibrary.ca/docs/default-source/lawmatters/legal-information-reading-list-2015.pdf?sfvrsn=2>
- [4] <http://www.courthouselibrary.ca/default.aspx>


# How Can I Tell If a Secondary Resource Is Reliable or If I Should Use It?

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Here are some guidelines to consider when you are looking for legal information (taken from the Settlement Workers Guide to Finding Legal Information):

- *Is the information up to date?* Good legal information will show when it was written or last updated. Laws can change at any time, so finding current information is important.
- *Who created the information?* Look for who produced the information and check their credentials.
- *What is the jurisdiction?* Make sure the information is for people in BC. For example, the law in Alberta, Ontario or the US may not be the same as in BC.
- *Is the site asking you to pay a fee?* Some websites provide legal information as a way to attract customers. The information may be limited.

✓ The above was last reviewed for legal accuracy by Courthouse Libraries BC staff, October 2015.

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## Recommended Secondary Resources

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### Clicklaw website

**Clicklaw website** is BC's primary resource for legal information. It links to a large collection of legal information resources for the public. See the handout *Clicklaw: 5 ways to search*, and *Using the Clicklaw HelpMap* <sup>[1]</sup>.

Clicklaw also includes Clicklaw wikibooks <sup>[2]</sup>, which are a series of 20 legal guides that are fully searchable, and can be downloaded in print or ePub formats. A good place to start is with the wikibook, *Legal Help for British Columbians*, which provides first steps for over 40 common legal problems.

### Legal Dictionaries and Glossaries

- **Multilingual Legal Glossary** <sup>[3]</sup>. Lists 5000 Canadian legal and court-related terms in English plain language, and their equivalents in eight other languages (Chinese Simplified, Chinese Traditional, Farsi, Korean, Punjabi, Russian, Spanish, and Vietnamese).
- **BC Supreme Court Terms** <sup>[4]</sup>. Provides brief definitions of commonly used legal terms to assist self-represented litigants with civil, non-family claims in the Supreme Court of BC.
- **JP Boyd on Family law - Terminology** <sup>[5]</sup>. Offers JP Boyd's plain-language definitions of common legal words and phrases in family law.
- **BC Laws Glossary** <sup>[6]</sup>. Found in the *Statutes and Regulations* on [bclaws.ca](http://bclaws.ca), this glossary offers further explanation of terms used in the legislation.
- **Irwin Law's Canadian Online Legal Dictionary** <sup>[7]</sup>. A dictionary of terms defined in the glossaries of Canadian law books published by Irwin Law.

- Black's Law Dictionary Free Online Legal Dictionary<sup>[8]</sup> 2nd Ed. An American resource, but can be helpful for universal legal terms.
- Public libraries<sup>[9]</sup> and Courthouse Libraries BC<sup>[10]</sup> have legal dictionaries available in print.

## Research Resources at Courthouse Libraries BC

### Handouts

- Courthouse Libraries BC: Who We Are<sup>[11]</sup>. Describes how our information services and staff can help you do your legal research.
- A Brief Guide to Finding Court Documents<sup>[12]</sup>. Contains a series of questions and answers written for public librarians to help their patrons look for court documents.
- Resources to Help with Notice of Civil Claim - Legal Basis<sup>[13]</sup>. Describes how to find information to write a legal basis for your case, including case law, BC legislation and BC Supreme Court Rules.

### Website tools

- Video tutorials<sup>[14]</sup>. Includes Legal Research Essentials: Finding Cases on Point<sup>[15]</sup>, which demonstrates how to effectively conduct case law research.
- Guides<sup>[16]</sup>. These include BC legislation and federal legislation, and recent changes to the law.
- Digital tools<sup>[17]</sup>. These are available on computers at branches of Courthouse Libraries BC.
- Asked and Answered<sup>[18]</sup>. A collection of answers to tricky legal research questions.

### Recommended books & resources in areas of law, in print only

The online catalogue<sup>[19]</sup> of Courthouse Libraries BC will show you which of our libraries contain any of the titles listed in these areas of law:


- Civil Litigation<sup>[20]</sup>
- Family<sup>[21]</sup>
- Personal Injury<sup>[22]</sup>
- Other recommended texts:
  - *Written Advocacy*. Includes sample precedents of pleadings (statements of claim, defences and counter-claims) and how to write an effective legal argument.
  - *Bullen & Leake & Jacob's Precedents and Pleadings*. Discusses how to draft pleadings and includes sample pleadings in areas such as defamation, employment law, judicial review, personal injury and privacy.
  - *McLachlin & Taylor or British Columbia Court Forms*. Comprehensive textbook that discusses drafting pleadings and provides precedents.
  - *Civil Trial Handbook*. Offers information about trial preparation and strategy. It combines legal and procedural material and gives practical information that includes objectives, pointers, and strategy.
  - *Sanagan's Encyclopedia of words and phrases, legal maxims, Canada*. Can help you find the meaning of legal words as defined by Canadian courts, and provide references to statutes or cases where words or phrases are defined.
  - *Canadian Encyclopedic Digest*. Comprehensive encyclopedia of Canadian law, which includes references to relevant statutes and case law.
  - *Halsbury's Laws of Canada*. Describes over 100 legal topics, with references to relevant statutes and case law.

## Online Guides to Legal Research

These are written for law students and lawyers to help them prepare for a case.

- Legal Research Essentials: Finding Cases on Point <sup>[23]</sup> from the Law Society of BC. This online course of videos and quizzes was developed by Courthouse Libraries BC.
- Best Guide to Legal Research <sup>[24]</sup> by Catharine Best. Includes a link to Suggested Textbooks <sup>[25]</sup>.
- Research Guide for Beginners <sup>[26]</sup> from the Bora Laskin Law Library (Ontario).

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## References

- [1] [http://www.courthouselibrary.ca/docs/default-source/lawmatters/Clicklaw\\_Handout\\_Top\\_Five\\_AND\\_HelpMap\\_12-08-28.pdf?sfvrsn=0](http://www.courthouselibrary.ca/docs/default-source/lawmatters/Clicklaw_Handout_Top_Five_AND_HelpMap_12-08-28.pdf?sfvrsn=0)
- [2] [http://wiki.clicklaw.bc.ca/index.php/Main\\_Page](http://wiki.clicklaw.bc.ca/index.php/Main_Page)
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- [6] <http://www.bclaws.ca/civix/content/complete/statreg/?xsl=/templates/browse.xsl>
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- [14] <http://www.courthouselibrary.ca/training/videos.aspx>
- [15] <http://www.courthouselibrary.ca/training/videos/FindingCasesOnPoint.aspx>
- [16] <http://www.courthouselibrary.ca/training/HowToGuides.aspx>
- [17] <http://www.courthouselibrary.ca/clientservices/digitaltools1.aspx>
- [18] <http://www.courthouselibrary.ca/training/AskedAndAnswered.aspx>
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