

Appendix A: Supreme Court of Canada Cases Written by Justice Bertha Wilson 1982-1991

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Appendix A: Supreme Court of Canada Cases Written by Justice Bertha Wilson 1982-1991

**Marie-Claire Belleau, Rebecca Johnson,
Christina Vinters, Andrew Tomilson***

Case	Opinions	Panel Judges	Type of Opinion	Topic
1982				
Shell Oil Co. v. Canada (Commissioner of Patents), [1982] 2 S.C.R. 536	1	5	Unanimous	Patents; Statutory Interpretation; Scope of "Newness" Required for Patents
Atco Ltd. v. Calgary Power Ltd., [1982] 2 S.C.R. 557	2	7	Dissent	Shareholders; Corporation; Ownership of Company Assets; Ownership vs. Control of Company; Takeover Bids
Smallwood v. Sparling, [1982] 2 S.C.R. 686	1	5	Unanimous	Crown Privilege; Common Law vs. Statute; Compellability of Former Minister as Witness

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Case	Opinions	Panel Judges	Type of Opinion	Topic
Beson v. Newfoundland (Director of Child Welfare), [1982] 2 S.C.R. 716	1	5	Unanimous	Appeals; Judicial Review; <i>Parens Patriae</i> Jurisdiction; Statutory Interpretation; Children; Adoption
Kwiatkowsky v. Canada (Minister of Employment and Immigration), [1982] 2 S.C.R. 856	1	5	Unanimous	Immigration; Convention Refugees; Scope of Regulator's Discretion
1983				
Abrahams v. Canada (Attorney General), [1983] 1 S.C.R. 2	1	7	Unanimous	Labour and Employment; Statutory Interpretation; Whether "regularly engaged" refers to duration or frequency of employment
Zayack v. Canada (Attorney General), [1983] 1 S.C.R. 12	1	7	Unanimous	Statutory Interpretation of s. 44(1)(c) of <i>Unemployment Insurance Act, 1971</i> , S.C. 1970-71-72, c. 48
R. v. Farrant, [1983] 1 S.C.R. 124	2	7	Dissent	Criminal Law; Criminal-Substantive; Criminal-Procedure; Conviction for Uncharged Offence; <i>Mens Rea</i> ; Constructive Murder; Second Degree Murder; First Degree Murder

Case	Opinions	Panel Judges	Type of Opinion	Topic
Miller v. Ameri-Cana Motel Ltd., [1983] 1 S.C.R. 229	1	7	Unanimous	Options to Purchase; Leases; Statutory Interpretation; Meaning of "fee"; Real Property; Common Law vs. Statute
Martin v. Chapman, [1983] 1 S.C.R. 365	2	7	Majority	Appeals; Judicial Review; Indians; Statutory Interpretation; Whether child of male band member must be "legitimate" descendant to be an Indian
R. v. Konkin, [1983] 1 S.C.R. 388	2	7	Dissent	Criminal Law; Criminal-Procedure; Criminal-Substantive; Evidence; Relevance; Sexual Assault; Admissibility of Post-Offence Sexual Conduct
Kiss Estate v. Kiss, [1983] 1 S.C.R. 623	1	5	Unanimous	Contracts; Constructive Trusts; Estates; Family Law
Racine v. Woods, [1983] 2 S.C.R. 173	1	5	Unanimous	Children; <i>De Facto</i> Adoption; Abandonment; Easement; Best Interests of the Child; Race and Culture; Meaning of "Custody"

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Giguère, [1983] 2 S.C.R. 448	3	5	Dissent	Criminal Law; Criminal-Substantive; Corporation; Government Contracts; Corruption; Statutory Interpretation; Meaning of “cooperation, assistance and exercise of influence”
R. v. Eldorado Nuclear Ltd.; R v. Uranium Canada Ltd., [1983] 2 S.C.R. 551	2	7	Partial Dissent	Criminal Law; Crown Immunity; Competition; Crown Corporation; Business <i>Ultra Vires</i>
1984				
Brown (Guardian ad litem of) v. Baugh, [1984] 1 S.C.R. 192	2	5	Concurrence	Criminal Law; Criminal-Procedure; Fingerprinting Offenders; Juvenile Offender; Indictable Offence; Statutory Interpretation
R. v. Droste, [1984] 1 S.C.R. 208	2	7	Concurrence	Criminal Law; Criminal-Substantive; Jury Charge; <i>Mens Rea</i> ; First Degree Murder

Case	Opinions	Panel Judges	Type of Opinion	Topic
Hartel Holdings Co. v. Calgary (City), [1984] 1 S.C.R. 337	1	5	Unanimous	Municipal Law; Real Property Law; Expropriation; Statutory Interpretation; Meaning of "designated"
Reference re Ownership of the Bed of the Strait of Georgia and Related Areas, [1984] 1 S.C.R. 388	3	7	Dissent	Constitutional Law; Federalism; Crown Lands; Mineral Rights
Stuart Investments Ltd. v. Canada, [1984] 1 S.C.R. 536	2	5	Concurrence	Taxation; Income Tax Corporation; Carry Forwards; Sham Transaction
James Richardson & Sons Ltd. v. Canada (Minister of National Revenue), [1984] 1 S.C.R. 614	1	7	Unanimous	Taxation; Scope of Disclosure; Statutory Interpretation
Kamloops (City) v. Nielsen, [1984] 2 S.C.R. 2	2	5	Majority	Tort; Negligence; Duty of Care
Royal Bank of Canada v. First Pioneer Investments Ltd., [1984] 2 S.C.R. 125	1	5	Unanimous	Bankruptcy; Secured Transactions; Debentures; Unsecured Creditors; Failure to Register
R. v. Perka, [1984] 2 S.C.R. 232	2	5	Concurrence	Criminal Law; Criminal-Substantive; Statutory Interpretation of <i>Narcotic Control Act</i> , R.S.C. 1970, c. N-1, s. 2; Whether <i>Narcotic Control Act</i> applies only to <i>Cannabis sativa L.</i>

Case	Opinions	Panel Judges	Type of Opinion	Topic
Guerin v. Canada, [1984] 2 S.C.R. 335	3	9	Concurrence	Aboriginal Land Title; Fiduciary Duties; Breach of Trust; Surrender of Aboriginal Lands
R. v. Abbas, [1984] 2 S.C.R. 526	3	7	Majority	Criminal Law; Criminal-Substantive; <i>Mens Rea</i> ; Deeming Provision
1985				
R. v. Skoke-Graham, [1985] 1 S.C.R. 106	2	7	Concurrence	Criminal Law; Criminal-Substantive; Statutory Interpretation; Elements of Offence; Disturbing Religious Worship
Janiak v. Ippolito, [1985] 1 S.C.R. 146	1	5	Unanimous	Damages; Duty to Mitigate; Thin Skull Principle
Singh v. Canada (Minister of Employment and Immigration), [1985] 1 S.C.R. 177	2	7	Concurrence in Plurality	Constitutional Law; Civil Rights; Immigration; Convention Refugee; Charter s. 7
V.K. Mason Construction Ltd. v. Bank of Nova Scotia, [1985] 1 S.C.R. 271	1	7	Unanimous	Contracts; Negligent Misrepresentation; <i>Interest Act</i> s. 4; Estoppel
R. v. Big M Drug Mart Ltd., [1985] 1 S.C.R. 295	2	7	Concurrence	Constitutional Law; Charter; Religion; <i>Lord's Day Act</i>

Case	Opinions	Panel Judges	Type of Opinion	Topic
Operation Dismantle Inc. v. Canada, [1985] 1 S.C.R. 441	2	7	Concurrence	Constitutional Law; Charter s. 7; Civil Procedure; Pleadings; Cause of Action Not Made Out on Statement of Claim
R. v. Towne Cinema Theatres Ltd., [1985] 1 S.C.R. 494	4	7	Concurrence in Plurality	Criminal Law; Criminal-Substantive; Statutory Interpretation; Meaning of "Obscenity"
British Columbia v. Tener, [1985] 1 S.C.R. 533	2	7	Concurrence	Statutory Interpretation; Statutory Right to Damages; Mineral Rights; Permits
Deloitte Haskins & Sells Ltd. v. Alberta (Workers' Compensation Board), [1985] 1 S.C.R. 785	3	9	Concurrence in Plurality	Constitutional Law; Federalism; Bankruptcy; Priority
R. v. Grdic, [1985] 1 S.C.R. 810	2	9	Dissent	Criminal Law; Criminal-Procedure; Issue Estoppel
Oakwood Development Ltd. v. St. Francois Xavier (Rural Municipality), [1985] 2 S.C.R. 164	1	5	Unanimous	Administrative Law; Relevance
R. v. Germain, [1985] 2 S.C.R. 241	4	9	Concurrence	Criminal Law; Criminal-Substantive; Statutory Interpretation; Meaning of "Obscenity"

Case	Opinions	Panel Judges	Type of Opinion	Topic
Canada v. Imperial General Properties Ltd., [1985] 2 S.C.R. 288	2	7	Dissent	Shareholders; Shareholder Voting Rights; Winding Up Corporation; Ownership vs. Control of Company; Taxation; Income Tax Corporation
Reference re B.C. Motor Vehicle Act, [1985] 2 S.C.R. 486	3	7	Concurrence	Constitutional Law; Charter s. 7; Charter s. 8; Meaning of "principles of fundamental justice"; Strict Liability Offence
Bhinder v. Canadian National Railway Co., [1985] 2 S.C.R. 561	3	7	Concurrence in Plurality	Employment; Duty to Accommodate; Civil Rights
1986				
Canada v. Golden, [1986] 1 S.C.R. 209	2	7	Concurrence	Taxation; Income Tax; Statutory Interpretation of <i>Income Tax Act</i> , S.C. 1970-71-72, c. 63, s. 68; Assessment; Computation of Income; Meaning of "something else"
B.D.C. Ltd. v. Hofstrand Farms Ltd., [1986] 1 S.C.R. 228	2	5	Concurrence	Tort; Duty of Care; Economic Loss
R. v. Hill, [1986] 1 S.C.R. 313	5	9	Dissent	Criminal Law; Criminal-Substantive; Provocation; Reasonable Person Test; Jury Charge

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Clarkson, [1986] 1 S.C.R. 383	2	7	Majority	Constitutional Law; Criminal Law; Criminal-Procedure; Confessions; Charter s. 10(b); Charter s. 24(2)
R. v. Gombosh Estate, [1986] 1 S.C.R. 415	1	7	Unanimous	Criminal Law; Criminal Procedure; Search and Seizure; Restoration Procedure
Bilodeau v. Manitoba (Attorney General), [1986] 1 S.C.R. 449	2	7	Dissent	Constitutional Law; Federalism; Language Rights
MacDonald v. Montreal (City), [1986] 1 S.C.R. 460	3	7	Dissent	Appeals; Jurisdiction; Constitutional Law; Language Rights
Société des Acadiens du Nouveau-Brunswick Inc. v. Assn. of Parents for Fairness in Education, [1986] 1 S.C.R. 549	3	7	Concurrence	Constitutional Law; Language Rights; Courts; Inherent Jurisdiction; Charter s. 19(2)
Dubé v. Labar, [1986] 1 S.C.R. 649	2	5	Concurrence	Tort; Negligence; Impaired Driving; "Volenti Non Fit Injuria" Defence; Contributory Negligence
R. v. Mezzo, [1986] 1 S.C.R. 802	3	9	Concurrence	Criminal Law; Criminal-Procedure; Police Procedure; Directed Verdict of Acquittal; Sexual Assault; Identification of Accused

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Mills, [1986] 1 S.C.R. 863	4	7	Dissent	Constitutional Law; Charter s. 11(b); Charter s. 24(1); Court of Competent Jurisdiction; Retroactive vs. Prospective Application of the Charter
R. v. Carter, [1986] 1 S.C.R. 981	2	9	Concurrence	Constitutional Law; Criminal Law; Criminal-Procedure; Charter s. 11(b)
R. v. Chambers, [1986] 2 S.C.R. 29	3	7	Dissent	Criminal Law; Criminal-Procedure; Evidence; Admissibility; Police Procedure; Material Non-Disclosure
R. v. Jones, [1986] 2 S.C.R. 284	4	7	Dissent	Constitutional Law; Education; Charter s. 2(a); Charter s. 7
Potash v. Royal Trust Co., [1986] 2 S.C.R. 351	1	5	Unanimous	Mortgage; Right of Prepayment of Mortgage; Statutory Interpretation
Canada v. Ensite Ltd., [1986] 2 S.C.R. 509	1	5	Unanimous	Taxation; Income Tax International; Corporation; Foreign Investment Income; Income from Business vs. Income from Property

Case	Opinions	Panel Judges	Type of Opinion	Topic
Canada v. Canadian Marconi, [1986] 2 S.C.R. 522	1	5	Unanimous	Taxation; Income Tax Corporation; Income from Business vs. Income from Property; Investment Business; Corporate Powers and Objects; Business <i>Ultra Vires</i>
Bank of Montreal v. Wilder, [1986] 2 S.C.R. 551	1	5	Unanimous	Guarantee; Discharge of Surety; Family Business; Breach of Agreement
RWDSU v. Dolphin Delivery Ltd., [1986] 2 S.C.R. 573	3	7	Concurrence	Constitutional Law; Charter s. 2(b); Charter s. 32(1); Freedom of Expression; Labour and Employment
R. v. Edwards Books and Art Ltd., [1986] 2 S.C.R. 713	4	7	Partial Dissent	Constitutional Law; Federalism; Charter s. 1; Charter s. 2(a); Charter s. 7; Charter s. 15; Charter s. 27; Charter s. 32; Religion; Right to Liberty
1987				
Kosmopoulos v. Constitutional Law Insurance Co., [1987] 1 S.C.R. 2	2	7	Majority	Corporation; Business Associations; Insurance; Sole Shareholder; Lifting the Corporate Veil

Case	Opinions	Panel Judges	Type of Opinion	Topic
PSAC v. Canada, [1987] 1 S.C.R. 424	4	7	Dissent	Constitutional Law; Collective Bargaining; Labour and Employment; Civil Rights; Charter s. 2(d)
RWDSU v. Saskatchewan, [1987] 1 S.C.R. 460	4	7	Dissent	Constitutional Law; Charter s. 2(d); Labour and Employment
Canada v. Schmidt, [1987] 1 S.C.R. 500	3	7	Concurrence	Constitutional Law; Extradition; Jurisdiction; <i>Habeas Corpus</i> ; Double Jeopardy; Charter s. 7; Charter s. 11(h); Charter s. 32
Argentina v. Mellino, [1987] 1 S.C.R. 536	3	7	Concurrence	Constitutional Law; Extradition; Jurisdiction; Charter s. 7; Charter s. 11(b); Charter s. 32
United States v. Allard, [1987] 1 S.C.R. 564	3	7	Concurrence	Jurisdiction; Extradition; Court of Competent Jurisdiction; Charter s. 7; Charter s. 11(b); Charter s. 32
R. v. Rahey, [1987] 1 S.C.R. 588	4	9	Concurrence in Plurality	Constitutional Law; Charter s. 11(b); Charter s. 24(1); Court of Competent Jurisdiction
Pelech v. Pelech, [1987] 1 S.C.R. 801	2	7	Majority	Family Law; Divorce; Variation; Maintenance Agreement; Jurisdiction; Appeals

Case	Opinions	Panel Judges	Type of Opinion	Topic
Richardson v. Richardson, [1987] 1 S.C.R. 857	2	7	Majority	Family Law; Divorce; Maintenance; Variation
Caron v. Caron, [1987] 1 S.C.R. 892	2	7	Majority	Family Law; Divorce; Variation; Separation Agreement
R. v. Robertson, [1987] 1 S.C.R. 918	1	9	Unanimous	Criminal Law; Criminal-Substantive; Mistake of Fact; Sexual Assault; Jury Charge; Evidence; Admissibility; Similar Fact Evidence
R. v. Smith, [1987] 1 S.C.R. 1045	5	7	Concurrence in Plurality	Constitutional Law; Charter s. 12
Reference re Bill 30, An Act to Amend the Education Act (Ont.), [1987] 1 S.C.R. 1148	3	7	Majority	Constitutional Law; Federalism; Education; Religion; <i>Constitution Act, 1867</i> s. 93
Frame v. Smith, [1987] 2 S.C.R. 99	2	7	Dissent	Family Law; Torts; Custody and Access; Children
Holt v. Telford, [1987] 2 S.C.R. 193	1	5	Unanimous	Real Property; Mortgage; Foreclosure; Priority; Land Swap; Legal Set Off; Equitable Set Off

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Lyons, [1987] 2 S.C.R. 309	3	7	Partial Dissent	Constitutional Law; Criminal Law; Criminal-Procedure; Sentencing; Dangerous Offender; Indeterminate Detention; Charter s. 7; Charter s. 9; Charter s. 11(f); Charter s. 12
R. v. Béland, [1987] 2 S.C.R. 398	3	7	Dissent	Evidence; Admissibility; Credibility; Polygraph; Rule Against Oath-Helping
Keneric Tractor Sales Ltd. v. Langille, [1987] 2 S.C.R. 440	1	5	Unanimous	Contract; Remedy; Damages; Breach of Chattel Lease
R. v. Milne, [1987] 2 S.C.R. 512	3	7	Partial Dissent	Constitutional Law; Criminal Law; Criminal-Procedure; Sentencing; Dangerous Offender; Indeterminate Detention; Charter s. 7; Charter s. 9; Charter s. 11(f); Charter s. 12; Effect of Amendment to <i>Criminal Code</i>

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Wigglesworth, [1987] 2 S.C.R. 541	2	7	Majority	Constitutional Law; Criminal Law; Criminal-Procedure; Criminal-Substantive; Double Jeopardy; Charter s. 11(h); Charter s. 24(1); Similar Offence in Two Statutes; Statutory Interpretation; RCMP Disciplinary Proceeding
Burnham v. Metropolitan Toronto Police, [1987] 2 S.C.R. 572	1	7	Unanimous	Constitutional Law; Charter s. 11(d); Police Procedure
Trumbley v. Metropolitan Toronto Police, [1987] 2 S.C.R. 577	1	7	Unanimous	Constitutional Law; Criminal Law; Criminal-Procedure; Criminal-Substantive; Double Jeopardy; Charter s. 11(d); Similar Offence in Two Statutes; Statutory Interpretation; Police Disciplinary Proceeding

Case	Opinions	Panel Judges	Type of Opinion	Topic
Trimm v. Durham Regional Police, [1987] 2 S.C.R. 582	1	7	Unanimous	Constitutional Law; Criminal Law; Criminal-Procedure; Criminal-Substantive; Double Jeopardy; Charter s. 11(h); Charter s. 24(1); Similar Offence in Two Statutes; Statutory Interpretation; Police Disciplinary Proceeding
R. v. Paré, [1987] 2 S.C.R. 618	1	7	Unanimous	Criminal Law; Criminal-Substantive; Sexual Assault; First Degree Murder; Statutory Interpretation; Meaning of "while committing"
Calgary (City) v. Northern Construction Co., [1987] 2 S.C.R. 757	2	5	Concurrence	Contract
1988				
R. v. Morgentaler, [1988] 1 S.C.R. 30	4	7	Concurrence in Plurality	Constitutional Law; Federalism; Jurisdiction; Criminal Law; Criminal-Substantive; <i>Constitution Act, 1867</i> s. 91(27); <i>Constitution Act, 1867</i> s. 96; Charter s. 2(a); Charter s. 7; Charter s. 12; Abortion

Case	Opinions	Panel Judges	Type of Opinion	Topic
Washington (State) v. Johnson, [1988] 1 S.C.R. 327	2	7	Majority	Extradition; Extradition Treaty; Double Criminality Rule; Listed vs. Unlisted Offences; Fraud
Molchan v. Omega Oil and Gas Ltd., [1988] 1 S.C.R. 348	2	5	Dissent	Business Associations; Partnership; Limited Partnership; Partnership Property; Corporation; Corporate Partner; Breach of Fiduciary Duty; Breach of Statutory Duty; Financial Distress; Ordinary Business; Right to Accounting
R. v. Keyowski, [1988] 1 S.C.R. 657	1	7	Unanimous	Criminal Law; Criminal-Procedure; Abuse of Process; Jury Deadlock; Multiple Trials; Stay of Proceedings
R. v. Stevens, [1988] 1 S.C.R. 1153	2	9	Dissent	Constitutional Law; Criminal Law; Criminal-Substantive; Statutory Sexual Assault; Juvenile Offender; Mistake of Fact; Retroactive vs. Prospective Application of the Charter; Timing of Offence

Case	Opinions	Panel Judges	Type of Opinion	Topic
Crocker v. Sundance Northwest Resorts Ltd., [1988] 1 S.C.R. 1186	1	7	Unanimous	Tort; Personal Injury; Intoxication; Inherently Dangerous Activity; Duty of Care; Nonfeasance
R. v. Kowlyk, [1988] 2 S.C.R. 59	2	5	Dissent	Criminal Law; Criminal-Substantive; Breaking and Entering; Theft; Doctrine of Recent Possession; Possession of Recently Stolen Property
Forget v. Quebec (Attorney General), [1988] 2 S.C.R. 90	4	9	Dissent	Constitutional Law; Appeals; Administrative Law; Regulations; Professions; Labour and Employment; Discrimination; Subdelegation; Charter s. 10; Mootness
R. v. Chesson, [1988] 2 S.C.R. 148	2	5	Concurrence	Criminal Law; Criminal Procedure; Evidence; Admissibility; Police Procedure; Police Surveillance; Intercepted Communication; Conspiracy

Case	Opinions	Panel Judges	Type of Opinion	Topic
Mattabi Mines Ltd. v. Ontario (Minister of Revenue), [1988] 2 S.C.R. 175	1	7	Unanimous	Taxation; Income Tax Corporate Taxation; Carry Forward; Capital Cost Allowance; Investment Tax Credit; Retroactive Legislation
Brossard (Town) v. Quebec (Commission des droits de la personne), [1988] 2 S.C.R. 279	2	7	Concurrence	Municipal Law; Civil Rights; Anti-Nepotism Policy; Hiring Policy; Conflict of Interest; Labour and Employment; Wrongful Discrimination; Quebec <i>Charter of Human Rights and Freedoms</i> , s. 10; Quebec <i>Charter of Human Rights and Freedoms</i> , s. 20
R. v. Morin, [1988] 2 S.C.R. 345	2	7	Concurrence	Criminal Law; Evidence; Relevance; Proof of Identity; Expert Witness; Criminal-Procedure; Jury Charge; Burden of Proof; Reasonable Doubt

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Simmons, [1988] 2 S.C.R. 495	3	9	Concurrence in Plurality	Constitutional Law; Right to Counsel; Search and Seizure; Customs; Strip Search; Narcotics; Charter s. 8; Charter s. 10(b); Evidence; Admissibility
R. v. Jacoy, [1988] 2 S.C.R. 548	4	9	Concurrence	Constitutional Law; Right to Counsel; Search and Seizure; Customs; Narcotics; Evidence; Admissibility; Bringing the Administration of Justice into Disrepute; Charter s. 8; Charter s. 10(b)
TWU v. British Columbia Telephone Co., [1988] 2 S.C.R. 564	2	5	Majority	Judicial Review; Jurisdiction; Arbitration; Labour and Employment; Error in Law
R. v. Gamble, [1988] 2 S.C.R. 595	2	5	Majority	Constitutional Law; Retroactive vs. Prospective Application of the Charter; Charter s. 7; Declaratory Relief; <i>Habeas Corpus</i> ; Jurisdiction; Prerogative Writs; Parole; First Degree Murder

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Quin, [1988] 2 S.C.R. 825	3	9	Concurrence in Plurality	Criminal Law; Criminal-Substantive; <i>Mens Rea</i> ; Specific and General Intent; Intoxication; Breaking and Entering; Indictable Offence
R. v. Bernard, [1988] 2 S.C.R. 833	4	9	Concurrence in Plurality	Constitutional Law; Criminal Law; Criminal-Substantive; <i>Mens Rea</i> ; Specific and General Intent; Intoxication; Sexual Assault; Charter s. 7; Charter s. 11(d)
R. v. Strachan, [1988] 2 S.C.R. 980	3	9	Concurrence	Constitutional Law; Criminal Law; Criminal-Procedure; Search Warrants; Right to Counsel; Search and Seizure; Evidence; Admissibility; Bringing the Administration of Justice into Disrepute; Charter s. 8; Charter s. 24(1); Charter s. (2); Police Procedure

Case	Opinions	Panel Judges	Type of Opinion	Topic
1989				
R. v. Duguay, [1989] 1 S.C.R. 93	2	7	Majority	Constitutional Law; Appeals; Jurisdiction; Judicial Opinion; Evidence; Admissibility; Bringing Administration of Justice into Disrepute; Arbitrary Detention; Appeals; Charter s. 9; Charter s. 24(2); Police Procedure
Andrews v. Law Society of British Columbia, [1989] 1 S.C.R. 143	3	7	Concurrence in Plurality	Constitutional Law; Charter s. 15
Sobey's Stores Ltd. v. Yeomans, [1989] 1 S.C.R. 238	2	9	Majority	Constitutional Law; Federalism; <i>Constitution Act, 1867</i> , s. 96; Jurisdiction; Employment Law; Administrative Law; Provincial Tribunal
Roberts v. Canada, [1989] 1 S.C.R. 322	1	5	Unanimous	Constitutional Law; Aboriginal Land Title; Jurisdiction; Legal Pluralism; Meaning of "Laws of Canada"
Greater Montreal Protestant School Board v. Quebec (Attorney General), [1989] 1 S.C.R. 377	2	7	Concurrence	Constitutional Law; Federalism; Education; Religion; <i>Constitution Act, 1867</i> s. 93

Case	Opinions	Panel Judges	Type of Opinion	Topic
Hunter Engineering Co. v. Syncrude Canada Ltd., [1989] 1 S.C.R. 426	3	7	Partial Dissent	Contract; Breach; Fundamental Breach; Exclusion Clause; Warranty; Statutory Liability; Trust; Trust Fund; Constructive Trust
R. v. Potvin, [1989] 1 S.C.R. 525	2	5	Majority	Constitutional Law; Criminal Law; Criminal-Procedure; Charter s. 7; Fundamental Justice; Presumption of Innocence; Evidence; Cross-examination; Litigation Strategy; Trial Procedure; Jury Charge; Testimony of Accused
Irwin Toy Ltd. v. Quebec (Attorney General), [1989] 1 S.C.R. 927 ¹	2	7	Majority	Constitutional Law; Federalism; Criminal Law; Corporation; Charter s. 2(b); Charter s. 7; Meaning of "Everyone"; Applicability of Charter to Corporations; Civil Rights; Commercial Law; Consumer Law

¹ We have included *Irwin Toy* even though the majority reasons state: "The judgment of Dickson C.J. and Lamer and Wilson JJ. was delivered by THE CHIEF JUSTICE AND LAMER AND WILSON JJ." In light of our paper and our work on collaborative decision-making, our own inclination is not to seek "the real author" for this opinion, but rather to treat it like other jointly authored decisions, and allow for judicial authorship to be attributed to all three of the judges named as having delivered the opinion.

Case	Opinions	Panel Judges	Type of Opinion	Topic
Vorvis v. Insurance Corp. of British Columbia, [1989] 1 S.C.R. 1085	2	7	Partial Dissent	Contract; Employment Law; Pension Law; Dismissal Without Just Cause; Aggravated Damages; Punitive Damages; Vested Rights; Appeals; Mental Distress
Canadian Pacific Air Lines Ltd. v. British Columbia, [1989] 1 S.C.R. 1133	4	7	Concurrence in Plurality	Constitutional Law; Federalism; <i>Constitution Act, 1867</i> s. 92(2); Taxation; Provincial Taxation; Assessment Airlines; Charter s. 7
Air Canada v. British Columbia, [1989] 1 S.C.R. 1161	4	7	Partial Dissent	Constitutional Law; Federalism; <i>Constitution Act, 1867</i> s. 92(2); Taxation; Provincial Taxation; Direct vs. Indirect Taxation; Airlines; Charter s. 7
R. v. Turpin, [1989] 1 S.C.R. 1296	1	7	Unanimous	Constitutional Law; Criminal Law; Criminal-Procedure; Trial by Jury; Charter s. 15; Charter s. 11(f); First Degree Murder

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Tutton, [1989] 1 S.C.R. 1392	3	9	Concurrence in Plurality	Criminal Law; Criminal-Substantive; Criminal Negligence; Manslaughter; Familial Relations; Religion; Faith Healing; Children; <i>Mens Rea</i>
R. v. Waite, [1989] 1 S.C.R. 1436	3	9	Concurrence in Plurality	Criminal Law; Criminal-Substantive; Criminal Negligence; Impaired Driving; <i>Mens Rea</i>
United States of America v. Cotroni; United States of America v. El Zein, [1989] 1 S.C.R. 1469	3	7	Dissent	Constitutional Law; Extradition; Narcotics; Location of Offence; Charter s. 6
R. v. Kalanj, [1989] 1 S.C.R. 1594	3	7	Dissent	Constitutional Law; Charter s. 11(b); Meaning of "person charged with an offence"; Police Procedure; Appeals
R. v. Provo, [1989] 2 S.C.R. 3	1	5	Unanimous	Criminal Law; Jurisdiction; Appeals; Kienapple Principle; Sexual Assault; Incest; Substituted Verdict

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Black, [1989] 2 S.C.R. 138	1	5	Unanimous	Constitutional Law; Criminal Law; Criminal-Procedure; Police Procedure; Evidence; Confessions; Charter s. 10(b); Charter s. 24(2)
Alberta Government Telephones v. Canada (Canadian Radio-television and Telecommunications Commission), [1989] 2 S.C.R. 225	2	9	Concurrence	Constitutional Law; Federalism; Corporation; Regulation; Unincorporated Association; Interprovincial Work or Undertaking; Telecommunications; Crown Immunity; Statutory Interpretation; Meaning of "Her Majesty"
IBEW v. Alberta Government Telephones, [1989] 2 S.C.R. 318	2	9	Dissent	Constitutional Law; Federalism; Interprovincial Work or Undertaking; Labour Relations; Telecommunications; Crown Immunity
R. v. Leaney, [1989] 2 S.C.R. 393	3	5	Partial Dissent	Criminal Law; Appeals; Trial Procedure; Evidence; Proof of Identity; Similar Fact Evidence; Videotape

Case	Opinions	Panel Judges	Type of Opinion	Topic
Lac Minerals Ltd. v. International Corona Resources Ltd., [1989] 2 S.C.R. 574	4	5	Concurrence in Plurality	Commercial Law; Confidentiality; Breach of Fiduciary Duty; Breach of Respecting Confidence; Joint Venture; Corporation; Intellectual Property; Trade Secrets; Constructive Trust
MacKeigan v. Hickman, [1989] 2 S.C.R. 796	5	7	Partial Dissent	Constitutional Law; Evidence; Judicial Privilege; Commissions
R. v. Docherty, [1989] 2 S.C.R. 941	1	7	Unanimous	Criminal Law; <i>Mens Rea</i> ; Criminal-Substantive; Probation; Impaired Driving
CAIMAW v. Paccar of Canada Ltd., [1989] 2 S.C.R. 983	4	7	Dissent	Administrative Law; Jurisdiction; Judicial Review; Appeals; Standing; Administrative Tribunals; Labour and Employment
R. v. Debot, [1989] 2 S.C.R. 1140	3	5	Concurrence	Constitutional Law; Criminal Law; Criminal-Procedure; Search and Seizure; Right to Counsel; Frisk; Narcotics; Charter s. 8; Charter s. 10(b); Charter s. 24(2)

Case	Opinions	Panel Judges	Type of Opinion	Topic
Tock v. St. John's Metropolitan Area Board, [1989] 2 S.C.R. 1181	3	7	Concurrence in Plurality	Tort; Nuisance; Public Body; Defence of Statutory Authority; Municipal Law; Strict Liability; Environment; <i>Rylands v. Fletcher</i>
Rothfield v. Manolakos, [1989] 2 S.C.R. 1259	3	7	Partial Dissent	Tort; Negligence; Municipal Law; Real Property; Duty of Care; Building Permit
Edmonton Journal v. Alberta (Attorney General), [1989] 2 S.C.R. 1326	3	7	Concurrence in Plurality	Constitutional Law; Charter s. 2(b); Charter s. 32(1); Freedom of Expression; Media
R. v. Lee, [1989] 2 S.C.R. 1384	3	7	Dissent	Criminal Law; Criminal-Procedure; Trial Procedure; Trial by Jury
1990				
Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission), [1990] 1 S.C.R. 425	5	5	Dissent	Constitutional Law; Self-incrimination; Derivative Evidence; Combines Investigation; Corporation; Competition; Price Discrimination; Disclosure of Documents; Charter s. 7

Case	Opinions	Panel Judges	Type of Opinion	Topic
Stelco Inc. v. Canada (Attorney General), [1990] 1 S.C.R. 617	5	5	Dissent	Constitutional Law; Self-incrimination; Derivative Evidence; Combines Investigation; Corporation; Competition; Price Discrimination; Disclosure of Documents; Charter
R. v. McKinlay Transport Ltd., [1990] 1 S.C.R. 627	4	5	Concurrence in Plurality	Constitutional Law; Taxation; Search and Seizure; Income Tax; Charter s. 8; Statutory Interpretation; Investigation
R. v. Lavallee, [1990] 1 S.C.R. 852	2	7	Majority	Criminal Law; Criminal-Substantive; Evidence; Admissibility; Battered Woman; Self-defence; Expert Witness; Expert Evidence Based on Inadmissible Evidence; Familial Relations
R. v. Horseman, [1990] 1 S.C.R. 901	2	7	Dissent	Indians; Hunting Rights; Hunting Without a Licence; Treaty 8 Indians; Statutory Interpretation

Case	Opinions	Panel Judges	Type of Opinion	Topic
Reference re ss. 193 and 195.1(1)(c) of the Criminal Code (Man.), [1990] 1 S.C.R. 1123	3	7	Dissent	Constitutional Law; Statutory Interpretation; Vagueness; Criminal Law; Prostitution; Advertising; Charter s. 7; Charter s. 2(b); Charter s. 1
R. v. Stagnitta, [1990] 1 S.C.R. 1226	3	7	Dissent	Constitutional Law; Statutory Interpretation; Vagueness; Criminal Law; Prostitution; Advertising; Charter s. 7; Charter s. 2(b); Charter s. 1
R. v. Skinner, [1990] 1 S.C.R. 1235	3	7	Dissent	Constitutional Law; Criminal Law; Prostitution; Advertising; Charter s. 2(b); Charter s. 2(d); Charter s. 1
R. v. B. (G.), [1990] 2 S.C.R. 3	1	5	Unanimous	Criminal Law; Evidence; Criminal Procedure; Child Testimony; Corroboration
R. v. B. (G.), [1990] 2 S.C.R. 30	1	5	Unanimous	Criminal Law; Criminal-Substantive; Timing of Offence; Sexual Assault
R. v. B. (G.), [1990] 2 S.C.R. 57	2	5	Majority	Criminal Law; Appeals; Criminal-Procedure

Case	Opinions	Panel Judges	Type of Opinion	Topic
Mitchell v. Peguis Indian Band, [1990] 2 S.C.R. 85	3	7	Concurrence in Plurality	Indians; Debt; Personal Property; Reserve; Garnishment; Meaning of "Her Majesty"; Nowegijick Principle; Statutory Interpretation
R. v. Hebert, [1990] 2 S.C.R. 151	3	9	Concurrence	Constitutional Law; Police Procedure; Self-incrimination; Confessions Rule; Jailhouse Informant; Right to Silence; Charter s. 7; Charter s. 1; Charter s. 24(2); Bringing Administration of Justice into Disrepute
National Trust Co. v. Mead, [1990] 2 S.C.R. 410	2	7	Majority	Mortgage; Contract; Corporation; Individual; Assignment; Secured Transaction; Assumption Agreement; Personal Covenant; Novation
Central Alberta Dairy Pool v. Alberta (Human Rights Commission), [1990] 2 S.C.R. 489	2	7	Majority	Civil Rights; Labour and Employment; Duty to Accommodate; Religion

Case	Opinions	Panel Judges	Type of Opinion	Topic
Clarke v. Clarke, [1990] 2 S.C.R. 795	1	7	Unanimous	Family Law; Pension Law; Divorce; Statutory Interpretation; Meaning of "Matrimonial Asset"
R. v. Penno, [1990] 2 S.C.R. 865	4	7	Concurrence in Plurality	Criminal Law; Criminal-Substantive; Intoxication; Impaired Driving; Specific or General Intent Offence; Charter s. 7; Charter s. 1; Presumption of Innocence
R. v. Hess; R v. Nguyen, [1990] 2 S.C.R. 906	3	7	Majority	Constitutional Law; Sexual Assault; Statutory Sexual Assault; Absolute Liability; <i>Mens Rea</i> ; Charter s. 7; Charter s. 15; Charter s. 1
Hunt v. Carey Canada Inc. [1990] 2 S.C.R. 959	1	7	Unanimous	Civil Procedure; Cause of Action Not Made Out on Statement of Claim; Pleadings; Tort; Conspiracy
R. v. Thompson, [1990] 2 S.C.R. 1111	3	7	Dissent	Criminal Law; Police Procedure; Surveillance; Authorization; Evidence; Proof of Resorting to a Place; Meaning of "a place"; Statutory Interpretation; Search and Seizure; Charter s. 8; Charter s. 24(2)

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Askov, [1990] 2 S.C.R. 1199	5	9	Concurrence	Constitutional Law; Charter s. 11(b)
National Corn Growers Assn. v. Canada (Import Tribunal), [1990] 2 S.C.R. 1324	2	7	Concurrence	Administrative Law; Judicial Review; Tribunals; Statutory Interpretation; GATT; International Trade Law; International Law; Customs; Imports; Subsidy; Commercial Law
R. v. Francella, [1990] 2 S.C.R. 1420	1	5	Unanimous	Criminal Law; First Degree Murder; Murder during Commission of Other Offences; Jury Charge
R. v. Wong, [1990] 3 S.C.R. 36	3	7	Dissent	Constitutional Law; Search and Seizure; Police Procedure; Police Surveillance; Charter s. 8; Charter s. 1; Charter s. 24(2); Bringing the Administration of Justice into Disrepute; Evidence; Admissibility; Criminal Law; Criminal-Procedure

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Kirkness, [1990] 3 S.C.R. 74	2	7	Dissent	Criminal Law; Single Transaction Principle; Manslaughter; Attempt; Break and Enter; Sexual Assault; Aiding and Abetting; Jury Charge
Fletcher v. Manitoba Public Insurance Co., [1990] 3 S.C.R. 191	1	5	Unanimous	Tort; Negligence; Government; Duty of Care; Disclosure; Insurance; Appeals; Costs
McKinney v. University of Guelph, [1990] 3 S.C.R. 229	5	7	Dissent	Constitutional Law; Applicability of Charter; Public vs. Private Institution; Labour and Employment; Mandatory Retirement Policy; Charter s. 15; Charter s. 24(1); Charter s. 32; Charter s. 1
Harrison v. University of British Columbia, [1990] 3 S.C.R. 451	6	7	Dissent	Constitutional Law; Applicability of Charter; Public vs. Private Institution; Labour and Employment; Mandatory Retirement Policy; Charter s. 15; Charter s. 24(1); Charter s. 32

Case	Opinions	Panel Judges	Type of Opinion	Topic
Stoffman v. Vancouver General Hospital, [1990] 3 S.C.R. 483	5	7	Dissent	Constitutional Law; Applicability of Charter; Public vs. Private Institution; Labour and Employment; Mandatory Retirement Policy; Charter s. 15; Charter s. 32
Douglas/Kwantlen Faculty Assn. v. Douglas College, [1990] 3 S.C.R. 570	4	7	Concurrence in Plurality	Constitutional Law; Applicability of Charter; Public vs. Private Institution; Labour and Employment; Mandatory Retirement Policy; Charter s. 15; Charter s. 24(1); Charter s. 32
R. v. Kuldip, [1990] 3 S.C.R. 618	2	7	Dissent	Constitutional Law; Evidence; Criminal Law; Criminal-Procedure; Self-incrimination; Retrial; Prior Inconsistent Statements; Charter s. 13; Charter s. 1
W.W. Lester (1978) Ltd. v. United Assn. of Journeymen and Apprentices of the Plumbing and Pipefitting Industry, Local 740, [1990] 3 S.C.R. 644	3	9	Dissent	Administrative Law; Judicial Review; Jurisdiction
United Transportation Union v. Central Western Railway Corp., [1990] 3 S.C.R. 1112	2	9	Dissent	Constitutional Law; Federalism; Labour and Employment; Corporation; Jurisdiction; Railways

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. Chaulk, [1990] 3 S.C.R. 1303	5	9	Concurrence in Plurality	Criminal Law; Disease of the Mind Defence; <i>Mens Rea</i> ; Statutory Interpretation; Meaning of "wrong"; Jury Charge; Trial Procedure
1991				
R. v. Ratti, [1991] 1 S.C.R. 68	4	7	Concurrence in Plurality	Constitutional Law; Criminal Law; Criminal-Procedure; Trial Procedure; Criminal-Substantive; Disease of the Mind Defence; Insanity; <i>Mens Rea</i> ; Evidence; Expert Evidence; Jury Charge
R. v. Romeo, [1991] 1 S.C.R. 86	4	7	Concurrence	Criminal Law; Criminal-Procedure; Trial Procedure; Trial by Jury; Jury Charge; Presumption of Innocence; Evidence
Reference re Young Offenders Act (P.E.I.), [1991] 1 S.C.R. 252	3	7	Concurrence in Plurality	Constitutional Law; Courts; Jurisdiction; Young Offenders; Youth Court; Superior Court; Provincial Court; <i>Constitution Act, 1867</i> , s. 92; <i>Constitution Act, 1867</i> , s. 96

Case	Opinions	Panel Judges	Type of Opinion	Topic
R. v. F. (J.T.), [1991] 1 S.C.R. 285	3	7	Concurrence in Plurality	Constitutional Law; Jurisdiction; Provincial Courts; Young Offenders; <i>Constitution Act, 1867</i> s. 96
R. v. W. (D.A.), [1991] 1 S.C.R. 291	3	7	Concurrence in Plurality	Constitutional Law; Courts; Jurisdiction; Young Offenders; Youth Court; Superior Court; Provincial Court; <i>Constitution Act, 1867</i> , s. 92; <i>Constitution Act, 1867</i> , s. 96
R. v. Swain, [1991] 1 S.C.R. 933	4	7	Concurrence in Plurality	Constitutional Law; Jurisdiction; Federalism; Criminal Law; Criminal-Procedure; Criminal-Substantive; Arbitrary Detention; Disease of the Mind Defence; Insanity; Charter s. 7; Charter s. 9; Charter s. 15; Charter s. 1
Cuddy Chicks Ltd. v. Ontario (Labour Relations Board), [1991] 2 S.C.R. 5	2	9	Concurrence	Constitutional Law; Administrative Tribunals; Jurisdiction; Court of Competent Jurisdiction; Charter s. 24(1); Statutory Interpretation

Case	Opinions	Panel Judges	Type of Opinion	Topic
Osborne v. Canada (Treasury Board), [1991] 2 S.C.R. 69	4	7	Concurrence in Plurality	Constitutional Law; Public Service Employees; Charter s. 2(b); Charter s. 1; Anti-Nepotism Policy; Labour and Employment
Lavigne v. Ontario Public Service Employees Union, [1991] 2 S.C.R. 211	4	7	Concurrence in Plurality	Constitutional Law; Contracts; Applicability of Charter; Charter s. 2(d); Collective Agreement; Labour and Employment
Geffen v. Goodman Estate, [1991] 2 S.C.R. 353	3	5	Concurrence in Plurality	Trust; Undue Influence; Validity of Trust Instrument; Capacity; Costs; Real Property; Wills and Estates