



---

October 1992

## [1982] S. C. R. Statistical Analysis

John H. Kim

Follow this and additional works at: <https://digitalcommons.osgoode.yorku.ca/ohlj>

Article

---

### Citation Information

Kim, John H.. "[1982] S. C. R. Statistical Analysis." *Osgoode Hall Law Journal* 30.4 (1992) : 821-835.

DOI: <https://doi.org/10.60082/2817-5069.1703>

<https://digitalcommons.osgoode.yorku.ca/ohlj/vol30/iss4/4>

This Article is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Osgoode Hall Law Journal by an authorized editor of Osgoode Digital Commons.

---

[1982] S. C. R. Statistical Analysis

# [1982] S.C.R. STATISTICAL ANALYSIS®

## GENERAL TABLES<sup>1</sup>

I. VOLUME OF WORK .....	822
II. BREAKDOWN BY SOURCE .....	823
III. SUBJECT MATTER OF LITIGATION .....	825
IV. MAJORITY/DISSENT RATIO .....	832
V. TYPE OF WORK .....	833
VI. ACTION OF THE JUSTICES .....	834

---

© Copyright, 1992, Osgoode Hall Law Journal.

<sup>1</sup> There were no *Charter* decisions reported in the [1982] *Supreme Court Reports*.

TABLE I<sup>1</sup>  
VOLUME OF WORK

			TOTAL <sup>2</sup>
Reported Judgments <sup>3</sup>			
Private	Public		
32	89		116
Reported Motions			
Granted	Refused	Other <sup>4</sup>	
3	2	1	6
Unreported Motions			
Granted	Refused	Other	
90	306	19	415

<sup>1</sup> All data considered in this table derive from the [1982] *Supreme Court Reports* and the [1982] *Bulletin of proceedings taken in the Supreme Court of Canada*.

<sup>2</sup> The following cases have been included under both "Private" and "Public" categories but only once under "Total": *Reference Re Section 6 of the Family Relations Act, S.B.C. 1978*, [1982] 1 S.C.R. 62; *Halpenny Estate v. Paddon*, [1982] 1 S.C.R. 559; *St. Luc Hospital v. Lafrance*, [1982] 1 S.C.R. 974; *Insurance Corporation of British Columbia v. Heerspink*, [1982] 2 S.C.R. 145; and *Atco Ltd. v. Calgary Power Ltd.*, [1982] 2 S.C.R. 557.

<sup>3</sup> Appellate decisions and references are included under this heading; motions are not. A decision involving one or more appeals (including cross-appeals) or references is considered to be one case for the purpose of this category. Procedural cases are classified according to their underlying subject matter. If a case is classified under both "Private" and "Public," it is entered under each of these headings, but only once under "Total."

<sup>4</sup> In *Fee v. Bradshaw*, [1982] 1 S.C.R. 607, the appeal of the motion was held to have been abandoned.

TABLE II<sup>1</sup>  
BREAKDOWN BY SOURCE

	PRIVATE <sup>2</sup>			PUBLIC			Total From Source
	Affirmed	Reversed <sup>3</sup>	Other <sup>4</sup>	Affirmed	Reversed	Other	
Alberta	2	1	0	4	4	0	10
British Columbia	1	1	1	5	5	1	12
Manitoba	0	0	0	2	2	0	4
New Brunswick	0	0	0	2	2	1	5
Newfoundland & Labrador	0	1	0	2	0	0	3
Northwest Territories	0	0	0	0	0	0	0
Nova Scotia	1	0	0	2	1	0	4
Ontario	7	3	0	11	6	0	26
Prince Edward Island	1	0	0	1	0	0	2
Quebec	6	3	0	14	3	0	24
Saskatchewan	0	1	0	2	2	0	5
Yukon Territory	1	0	0	0	0	0	1
Court Martial Appeal Ct	0	0	0	0	0	0	0
Federal Board	0	0	0	0	0	0	0
Federal Court	1	1	1	12	5	1	20
<b>TOTAL</b>	<b>20</b>	<b>11</b>	<b>2</b>	<b>57</b>	<b>30</b>	<b>3</b>	<b>116</b>

<sup>1</sup> Only appellate decisions (including references on appeal from the decision of a lower court) are included in this table. Decisions may be classified under both "Private" and "Public" due to multiple subject matters. A decision involving one or more appeals (including cross-appeals) is entered once under "Affirmed," "Reversed," or "Other" unless the lower court was both affirmed and reversed, in which case the decision is entered once under two or more of "Affirmed," "Reversed," or "Other." A decision is entered only once under "Total From Source" unless it involves multiple appeals having different origins. Procedural decisions are classified according to their underlying subject matter.

<sup>2</sup> The following cases have been included under both "Private" and "Public" categories but only once under "Total From Source": *Reference Re Section 6 of the Family Relations Act*, S.B.C. 1978, [1982] 1 S.C.R. 62; *Halpenny Estate v. Paddon*, [1982] 1 S.C.R. 559; *St. Luc Hospital v. Lafrance*, [1982] 1 S.C.R. 974; *Insurance Corporation of British Columbia v. Heerspink*, [1982] 2 S.C.R. 145; and *Atco Ltd. v. Calgary Power Ltd.*, [1982] 2 S.C.R. 557.

<sup>3</sup> In the following cases, the court affirmed in part and reversed in part the decision of the lower court: *Canadian Radio-Television and Telecommunications Commission v. CTV Television Network Ltd.*, [1982] 1 S.C.R. 530, (the appeal was allowed and the cross appeal dismissed); and *Newfoundland v. Commission Hydro-Électrique de Québec*, [1982] 2 S.C.R. 79, (one appeal was allowed and one was dismissed).

<sup>4</sup> The following cases have been classified as "Other": *Reference Re Section 6 of the Family Relations Act, S.B.C. 1978*, [1982] 1 S.C.R. 62, (the appeal was allowed in part); *R. v. Carter*, [1982] 1 S.C.R. 937, (the appeal was adjourned because no factum was filed); *Corpex (1977) Inc. v. Canada*, [1982] 2 S.C.R. 643, (the appeal was allowed in part); and *Teamsters Union, Local 938 v. Massicotte*, [1982] 1 S.C.R. 710, (the appeal was quashed).

**TABLE III<sup>1</sup>**  
**SUBJECT MATTER OF LITIGATION<sup>2</sup>**

This table indicates, first, the breakdown by subject matter of the reported cases; second, the number of cases decided by a given majority/dissent ratio within a given subject matter; and third, the number of "Appellate" cases in which the Supreme Court affirmed, reversed, or took other action with respect to the decision of the court immediately below.

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
<b>ORIGINAL JURISDICTION</b>					
References					
Reported Motions <sup>3</sup>	6	3-5:0			3
		2-3:0			2
		1-1:0			1
<b>APPELLATE</b>					
<b>(a) PRIVATE (Common Law &amp; Civil Law)</b>					
<b>(i) Administration &amp; Succession</b>					
Dependent's Relief					
Devolution					
Executors & Administrators					
Wills					
<b>(ii) Commercial</b>					
Accounts					
Agency & Partnership					
Assignments					
Bankruptcy	4	4-5:0	0	4	0
Banks & Banking					
Bills & Notes	1	1-5:0	0	1	0
Companies	1	1-4:3	0	1	0
Contract	7	2-9:0	1	1	0
		2-7:0	1	1	0
		3-5:0	1	1	1
		1-3:2	0	1	0
Debtor & Creditor					
Guarantees & Sureties	1	1-5:0	1	0	0
Insurance	3	1-6:3	0	1	0
		1-5:0	0	0	1
		1-3:2	0	1	0
Interest					
Sale of Goods					

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
(iii) <i>Family Law</i>					
Adoption	1	1-5:0	1	0	0
Child Welfare, Custody & Access	1	1-5:2	0	0	1 <sup>4</sup>
Divorce					
Judicial Separation					
Maintenance & Support	2	2-9:0	2	0	0
Matrimonial Property	3	2-7:0	1	1	0
		1-5:2	0	0	1 <sup>4</sup>
Family Law - Other					
(iv) <i>Intellectual Property</i>					
Copyrights					
Industrial Designs					
Patents	2	2-5:0	1	1	0
Trademarks					
Intellectual Property - Other					
(v) <i>Land</i>					
Hypothecs & Mortgages					
Landlord & Tenant					
Construction & Mechanics' Liens					
Real Property	2	2-5:0	1	1	0
(vi) <i>Torts</i>					
Assault & Battery					
Bailment					
Conspiracy & Intimidation					
Conversion & Detinue					
False Imprisonment					
Libel & Slander					
Negligence	2	1-9:0	0	1	0
		1-3:2	0	1	0
Nuisance					
Occupiers' Liability					
Trespass					
Vicarious Liability					
(vii) <i>Other</i>					
Associations					
Barristers & Solicitors					
Charities					
Choses in Action					
Conflict of Laws					
Damages	1	1-5:0	1	0	0



	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Maritime, Admiralty & Shipping					
Master & Servant					
Natural Resources					
Pensions					
Privilege					
Trusts & Trustees	1	1-7:0	1	0	0
Unjust Enrichment & Restitution	1	1-3:2	0	1	0
(b) PRIVATE (Civil Law)					
Preliminary Title					
I Persons & Moral Persons					
I Marriage, Separation & Divorce					
II Property					
II Dismemberments of Property					
III Succession & Liberalities	2	2-7:0	1	1	0
III Obligations	2	2-3:2	2	0	0
III Proof					
III Sale, Exchange & Lease	1	1-5:0	0	0	1 <sup>5</sup>
III Mandate, Partnerships & Suretyships					
III Pledges, Privileges & Hypothecs					
III Registration & Prescription					
III Minor Nominate Contracts					
IV Commercial Law & Insurance					
Civil Law - Other	3	2-5:0	2	0	0
		2-7:0 <sup>6</sup>	1	1	0
(c) PUBLIC					
Aboriginal Rights	1	1-7:0	0	1	0
Administrative Boards	8	1-9:0	0	1	0
		5-7:0 <sup>7</sup>	1	4	0
		2-5:0	0	1	1 <sup>8</sup>
Assessment					
<i>Certiorari</i>					
<i>Charter</i>					
Civil Rights	3	1-9:0	0	1	0
		1-6:3	0	1	0
		1-7:0	1	0	0
Combines	1	1-9:0	0	1	0
Communications					

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Constitutional	12	9-9:0	4	5	0
		1-6:3	0	1	0
		1-7:0	0	1	0
Criminal	35	1-5:2	0	0	1 <sup>4</sup>
		6-9:0	3	3	0
		2-7:2	0	2	0
		1-6:3	0	1	0
		2-5:4	0	2	0
		16-7:0	6	10	0
		1-6:1	1	0	0
		2-5:2	0	2	0
Crown & Sovereign Immunity	1	1-5:0	0	1	0
Elections					
Environmental					
Expropriation					
Extradition					
Habeas Corpus					
Human Rights					
Immigration	2	2-5:0	0	2	0
International					
Judicial Review					
Labour	10	1-9:0	0	1	0
		1-7:2	1	0	0
		3-7:0	2	1	0
		1-6:1	0	1	0
		4-5:0	2	1	1
Mandamus	2	2-7:0	0	2	0
Municipal & Planning	1	1-4:1	1	0	0
Prohibition					
Public Utilities	1	1-4:3	0	1	0
Securities	2	1-9:0	1	0	0
		1-5:0	0	1	0
Statutory Interpretation	4	3-7:0	1	2	0
		1-5:0	0	1	0
Taxation	7	2-9:0	1	1	0
		1-6:3	0	1	0
		3-7:0	0	3	0
		1-5:0	0	1	0

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Transportation Unemployment	1	1-5:0	1	0	0
(d) PROCEDURAL Appeal	7	1-9:0 1-7:2 3-7:0 1-6:1 1-3:2	0 0 0 1 0	1 1 3 0 1	0 0 0 0 0
Costs					
Declaratory Action	2	2-7:0	1	1	0
Evidence	14	4-9:0 5-7:0 5-5:0	3 1 2	1 4 2	0 0 1 <sup>5</sup>
Injunctions					
Jurisdictions	8	3-9:0 4-7:0 1-5:0	1 1 1	2 3 0	0 0 0
Limitation Period	1	1-5:0	1	0	0
Procedural - Other Procedure	5	1-9:0 1-5:4 3-7:0	1 0 1	0 1 1	0 0 1 <sup>9</sup>
Res Judicata Standing	1	1-5:0	1	0	0

<sup>1</sup> A decision involving one or more appeals (including cross-appeals), motions, or references is considered to be one case for the purposes of this table unless the results differ with respect to affirmation or reversal, or the vote or composition of majority or minority varies among the appeals, motions, or references.

Multiple entries are made if a case involves more than one subject matter of importance. Appeals from decisions on references brought before lower courts are classified according to subject matter under "Appellate."

<sup>2</sup> The following cases have been included under two or more subject categories: *Harper v. R.*, [1982] 1 S.C.R. 2, ("Criminal" and "Appeal"); *Lucierv. R.*, [1982] 1 S.C.R. 28, ("Criminal" and "Evidence"); *Korponay v. Canada (A.G.)*, [1982] 1 S.C.R. 41, ("Criminal" and "Procedure"); *Reference Re Section 6 of the Family Relations Act, S.B.C. 1978*, [1982] 1 S.C.R. 62, ("Constitutional," "Child Welfare, Custody & Access," and "Matrimonial Property"); *New Brunswick (Minister of Finance) v. Simpsons-Sears Ltd.*, [1982] 1 S.C.R. 144, ("Constitutional" and "Taxation"); *Continental Insurance Co. v. Dalton Cartage Co.*, [1982] 1 S.C.R. 164, ("Insurance" and "Evidence"); *Nova Scotia (A.G.) v. MacIntyre*, [1982] 1 S.C.R. 175, ("Criminal" and "Procedure"); *Commission des droits de la*

*personne v. Canada (A.G.)*, [1982] 1 S.C.R. 215, ("Constitutional" and "Administrative"); *Italy v. Piperno*, [1982] 1 S.C.R. 320, ("Mandamus" and "Evidence"); *Rubis v. Gray Rocks Inn Ltd.* [1982] 1 S.C.R. 452, ("Negligence" and "Appeal"); *R. v. Geauvreau*, [1982] 1 S.C.R. 485, ("Appeal" and "Criminal"); *Cardinal v. R.*, [1982] 1 S.C.R. 508, ("Statutory Interpretation" and "Aboriginal Rights"); *Hobbins v. R.*, [1982] 1 S.C.R. 553, ("Criminal" and "Evidence"); *Halpenny Estate v. Paddon*, [1982] 1 S.C.R. 559, ("Bankruptcy" and "Securities"); *Bolduc v. Quebec (A.G.)*, [1982] 1 S.C.R. 573, ("Criminal" and "Mandamus"); *Goodman v. Rompkey*, [1982] 1 S.C.R. 589, ("Taxation" and "Appeal"); *Équipements Rocbec Inc. v. M.N.R.*, [1982] 1 S.C.R. 605, ("Taxation" and "Appeal"); *Fee v. Bradshaw*, [1982] 1 S.C.R. 609, ("Taxation" and "Jurisdictions"); *Paul v. R.*, [1982] 1 S.C.R. 621, ("Criminal" and "Statutory Interpretation"); *Ruttan v. Ruttan*, [1982] 1 S.C.R. 690, ("Maintenance & Support" and "Jurisdictions"); *Teamsters Union, Local 938 v. Massicotte*, [1982] 1 S.C.R. 710, ("Administrative" and "Labour"); *Denis-Cossette v. Germain*, [1982] 1 S.C.R. 751, ("Real Property" and "Res Judicata"); *Descôteaux v. Mierzwinski*, [1982] 1 S.C.R. 860, ("Criminal" and "Evidence"); *R. v. Carter*, [1982] 1 S.C.R. 938, ("Criminal" and "Evidence"); *Carnañ Construction Ltd. v. Canadian Pacific Railway Co.*, [1982] 1 S.C.R. 958, ("Contract" and "Negligence"); *St. Luc Hospital v. Lafrance*, [1982] 1 S.C.R. 974, ("Administrative" and "Associations"); *Reference Re Exported Natural Gas Tax*, [1982] 1 S.C.R. 1004, ("Constitutional" and "Taxation"); *Hawrish v. Peters*, [1982] 1 S.C.R. 1083, ("Limitation Periods" and "Guarantees & Suretyships"); *R. v. Abbey*, [1982] 2 S.C.R. 24, ("Criminal" and "Evidence"); *Lowden v. R.*, [1982] 2 S.C.R. 60, ("Criminal" and "Jurisdictions"); *Newfoundland v. Commission Hydro-Électrique de Québec*, [1982] 2 S.C.R. 79, ("Jurisdictions," "Declaratory Action," and "Contract"); *Insurance Corporation of British Columbia v. Heerspink*, [1982] 2 S.C.R. 145, ("Civil Rights" and "Insurance"); *Multiple Access Ltd. v. McCutcheon*, [1982] 2 S.C.R. 161, ("Constitutional" and "Securities"); *Newfoundland and Labrador Corporation v. Newfoundland (A.G.)*, [1982] 2 S.C.R. 260, ("Constitutional" and "Taxation"); *Canada (A.G.) v. Law Society of British Columbia*, [1982] 2 S.C.R. 307, ("Jurisdictions," "Combines," and "Civil Rights"); *R. v. Gardiner*, [1982] 2 S.C.R. 368, ("Appeal" and "Criminal"); *A.N. Bail Co. v. Gingras*, [1982] 2 S.C.R. 475, ("Bankruptcy" and "Contract"); *Atco Ltd. v. Calgary Power Ltd.*, [1982] 2 S.C.R. 557, ("Companies" and "Public Utilities"); *Arnou v. Canada (Minister of Employment and Immigration)*, [1982] 2 S.C.R. 603, ("Immigration" and "Evidence"); *Smallwood v. Sparling*, [1982] 2 S.C.R. 686, ("Evidence" and "Crown Immunity"); and *Beson v. Newfoundland (Director of Child Welfare)*, [1982] 2 S.C.R. 716, ("Adoption" and "Jurisdictions").

<sup>3</sup> Motions were disposed in the following manner: *Fee v. Bradshaw*, [1982] 1 S.C.R. 607, (the appeal was held to be abandoned); *Fee v. Bradshaw*, [1982] 1 S.C.R. 608, (motions for extension of time for hearing and to inscribe granted); *Innisfil (Township of) v. Vespra (Township of)*, [1982] 1 S.C.R. 1107, (motion to vary minutes of judgment granted); *Corpex (1977) Inc. v. R.*, [1982] 2 S.C.R. 674, (motion granted and judgment varied); *Association canadienne-française de l'Ontario v. Québec (A.G.)*, [1982] 2 S.C.R. 789, (application for leave to appeal dismissed, leave to intervene granted); and *Reference Re Grand Council of the Crees of Quebec*, [1982] 2 S.C.R. 791, (application for leave to appeal dismissed, leave to intervene granted).

<sup>4</sup> In *Reference Re Section 6 of the Family Relations Act, S.B.C. 1978*, [1982] 1 S.C.R. 62, the appeal was allowed in part.

<sup>5</sup> In *Denis-Cossette v. Germain*, [1982] 1 S.C.R. 751, one of the appeals was allowed in part.

<sup>6</sup> In *Newfoundland v. Commission Hydro-Électrique de Québec*, [1982] 2 S.C.R. 79, Newfoundland's appeal was allowed while Churchill Falls' appeal was dismissed.

<sup>7</sup> In *Canadian Radio-Television and Telecommunications Commission v. CTV Television Network Ltd.*, [1982] 1 S.C.R. 530, the CRTC's appeal was allowed and CTV's cross-appeal was dismissed.

<sup>8</sup> In *Teamsters Union, Local 938 v. Massicotte*, [1982] 1 S.C.R. 710, the appeal was quashed.

<sup>9</sup> In *R. v. Carter*, [1982] 1 S.C.R. 937, the appeal was adjourned because no factum was filed.

**TABLE IV<sup>1</sup>**  
**MAJORITY/DISSENT RATIO**

Total Number of Cases Reported .....				122			
Unanimous Decisions .....				103			
Split Decisions .....				19			
9:0 .....	24	8:0 .....	0	7:0 .....	41	6:0 .....	0
8:1 .....	0	7:1 .....	0	6:1 .....	2	5:1 .....	0
7:2 .....	3	6:2 .....	0	5:2 .....	3	4:2 .....	0
6:3 .....	3	5:3 .....	0	4:3 .....	1	3:3 .....	0
5:4 .....	2	4:4 .....	0				
5:0 .....	35	4:0 .....	0	3:0 .....	2	1:0 .....	1
4:1 .....	1	3:1 .....	0	2:1 .....	0		
3:2 .....	4	2:2 .....	0				

<sup>1</sup> Both "Original Jurisdiction" and "Appellate" decisions are included in this table. A decision involving one or more appeals (including cross-appeals), motions, or references is considered to be one case for the purposes of this table unless the composition of majority and minority varies among the appeals, motions, or references. If the ratios differ, they will be included in this table but not in the "Total Number of Cases Reported." Dissenting judgments include dissents in part.

TABLE VI  
TYPE OF WORK

	Common Law	Civil Law	Constitutional	Criminal	Other Public Law	Reported Motions
Beetz	15	6	12	28	28	5
Chouinard	14	8	12	30	34	3
Dickson	19	5	11	30	32	2
Estey	20	7	11	30	35	2
Lamer	11	6	11	26	31	5
Laskin	15	3	12	27	28	0
Martland	8	1	5	9	8	2
McIntyre	19	6	12	29	35	1
Ritchie	19	2	11	27	26	2
Wilson	4	1	3	7	9	0

<sup>1</sup> Both "Original Jurisdiction" and "Appellate" decisions are included in this table. A decision involving one or more appeals (including cross-appeals), motions, or references is considered to be one case for the purposes of this table. Procedural cases and references are classified according to their underlying subject matter. Cases involving multiple subject matters may be classified under one or more of "Common Law," "Civil Law," "Constitutional," "Criminal," or "Other Public Law."

**TABLE VI  
ACTION OF THE JUSTICES**

This table indicates, first, the number of cases on which a justice sat; second, the number of cases in which a justice wrote a judgment (whether "Majority" or "Dissent"); and third, the number of cases in which a justice did not write a judgment and concurred with the judgment of another justice. For example, Beetz J. sat on ninety-two cases, and wrote nine majority judgments and no dissenting judgments. He concurred with the majority judgment of another justice in seventy-four cases and with the dissenting judgment of another justice in three cases. Further, he participated in two unattributed judgments of "The Court," and concurred with the majority judgment of Chouinard J. eleven times, Dickson J. eleven times, Estey J. eight times, and so on. He concurred with the dissenting judgments of Martland J. three times.

	Number of Cases	Judgments	Concurrences	The Court	Concurrences with Another Justice															
					Beetz	Chouinard	Dickson	Estey	Lamer	Laskin	Martland	McIntyre	Ritchie	Wilson						
Beetz	92																			
Majority		9	74	6	11	11	8	5	15	7	5	11	1							
Dissent		0	3		0	0	0	0	0	3	0	0	0							
Chouinard	98																			
Majority		15	76	6	7	15	9	4	20	5	6	10	1							
Dissent		0	1		0	0	0	0	0	1	0	0	0							
Dickson	101																			
Majority		17	79	3	3	9	8	6	22	10	8	10	3							
Dissent		2	0		0	0	0	0	0	0	0	0	0							





