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[1983] S. C. R. Statistical Analysis

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[1983] S. C. R. Statistical Analysis

[1983] S.C.R. STATISTICAL ANALYSIS[©]

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TABLE I¹
VOLUME OF WORK

			TOTAL ²
Reported Judgments ³			
Private	Public		
25	65		87
Reported Motions			
Granted	Refused	Other	
0	1	0	1
Unreported Motions			
Granted	Refused	Other	
120	401	15	536

¹ All data considered in this table derive from the [1983] *Supreme Court Reports* and the [1983] *Bulletin of proceedings taken in the Supreme Court of Canada*.

² The following cases have been included under both "Private" and "Public" categories but only once under "Total": *Thorne's Hardware Ltd. v. R.*, [1983] 1 S.C.R. 106; *Co-Operative Fire & Casualty Co. v. Ritchie*, [1983] 2 S.C.R. 36; and *Mérineau v. R.*, [1983] 2 S.C.R. 362.

³ 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."

TABLE II¹
BREAKDOWN BY SOURCE

	PRIVATE ²			PUBLIC			Total
	Affirmed	Reversed ³	Other ⁴	Affirmed	Reversed	Other	From Source
Alberta ⁵	1	0	0	2	5	0	8
British Columbia	3	2	0	1	3	0	8
Manitoba	1	2	0	2	2	0	7
New Brunswick	0	0	0	1	3	0	4
Newfoundland & Labrador	0	0	0	0	0	0	0
Northwest Territories	0	0	0	0	0	0	0
Nova Scotia	1	1	0	4	2	0	5
Ontario ⁵	6	2	0	7	5	0	19
Prince Edward Island	0	0	0	0	0	0	0
Quebec	6	0	0	6	5	1	17
Saskatchewan	0	0	0	1	2	0	3
Yukon Territory	0	0	0	0	0	0	0
Court Martial Appeal Ct	0	0	0	0	0	0	0
Federal Board	0	0	0	0	0	0	0
Federal Court	2	1	0	5	10	0	16
TOTAL	20	8	0	29	37	1	87

¹ 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.

² The following cases have been included under both "Private" and "Public" categories but only once under "Total From Source": *Thorne's Hardware Ltd. v. R.*, [1983] 1 S.C.R. 106; *Co-Operative Fire & Casualty Co. v. Ritchie*, [1983] 2 S.C.R. 36; and *Mérineau v. R.*, [1983] 2 S.C.R. 362.

³ In the following cases, the Court affirmed in part and reversed in part the decision of the lower court: *Canada Cement LaFarge Ltd. v. British Columbia Lightweight Aggregate Ltd.*, [1983] 1 S.C.R. 452, ("Private"); *Co-Operative Fire & Casualty Co. v. Ritchie*, [1983] 2 S.C.R. 36, ("Nova Scotia - Private" and "Nova Scotia - Public"); *Fort Francis v. Boise Cascade Canada Ltd.*, [1983] 1 S.C.R. 171, ("Ontario - Private"); and *Quebec (A.G.) v. Grondin*, [1983] 2 S.C.R. 364, ("Quebec - Public").

⁴ The following case has been classified as "Other": *Abel Skiver Farm Cor. v. Sainte-Foy (Town of)*, [1983] 1 S.C.R. 403, (the appeal was allowed in part).

⁵ In *R. v. Moore; Oag v. R.*, [1983] 1 S.C.R. 658, multiple appeals from Ontario and Alberta were joined together and have been included twice under "Total From Source."

TABLE III¹
SUBJECT MATTER OF LITIGATION²

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
ORIGINAL JURISDICTION					
References					
Reported Motions ³	1	1-5:0			1
APPELLATE					
(a) PRIVATE (Common Law & Civil Law)					
(i) <i>Administration & Succession</i>					
Dependent's Relief					
Devolution	1	1-5:0	1	0	0
Executors & Administrators					
Wills					
(ii) <i>Commercial</i>					
Accounts					
Agency & Partnership	1	1-7:0	1	0	0
Assignments					
Bankruptcy					
Banks & Banking	2	2-5:0	2	0	0
Bills & Notes	1	1-5:0	1	0	0
Companies					
Contract	4	3-7:0	2	1	0
		1-5:0	0	1	0
Debtor & Creditor					
Guarantees & Sureties					
Insurance	5	4-5:0	3	1	0
		1-4:1	1	0	0
Interest					
Sale of Goods					
(iii) <i>Family Law</i>					
Adoption	1	1-5:0	0	1	0
Child Welfare, Custody & Access	2	2-4:1	0	2	0
Divorce					
Judicial Separation					

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Maintenance & Support	1	1-4:3	1	0	0
Matrimonial Property					
Family Law - Other					
(iv) <i>Intellectual Property</i>					
Copyrights					
Industrial Designs					
Patents					
Trademarks					
Intellectual Property - Other					
(v) <i>Land</i>					
Hypothecs & Mortgages					
Landlord & Tenant					
Construction & Mechanics' Liens					
Real Property	1	1-7:0	1	0	0
(vi) <i>Torts</i>					
Assault & Battery					
Bailment					
Conspiracy & Intimidation	2	1-5:0	1	1	0
Conversion & Detinue					
False Imprisonment					
Libel & Slander	1	1-5:0	1	0	0
Negligence	4	1-7:0	1	0	0
		3-5:0	1	2	0
Nuisance					
Occupiers' Liability					
Trespass					
Vicarious Liability					
(vii) <i>Other</i>					
Associations					
Barristers & Solicitors					
Charities					
Choses in Action					
Conflict of Laws	1	1-5:0	1	0	0
Damages					
Maritime, Admiralty & Shipping	2	2-5:0	2	0	0
Master & Servant	1	1-5:0	0	1	0
Natural Resources					
Pensions					
Privilege					
Trusts & Trustees					
Unjust Enrichment & Restitution					

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
(b) PRIVATE (Civil Law)					
Preliminary Title					
I Persons & Moral Persons	1	1-5:0	1	0	0
I Marriage, Separation & Divorce	1	1-4:3	1	0	0
II Property					
II Dismemberments of Property					
III Succession & Liberalities					
III Obligations					
III Proof					
III Sale, Exchange & Lease					
III Mandate, Partnerships & Suretyships					
III Pledges, Privileges & Hypothecs					
III Registration & Prescription					
III Minor Nominate Contracts					
IV Commercial Law & Insurance					
Civil Law - Other	4	1-7:0 3-5:0	1 3	0 0	0 0
(c) PUBLIC					
Aboriginal Rights	2	1-7:0 1-4:3	0 0	1 1	0 0
Administrative Boards	6	2-7:0 1-6:1 1-5:2	0 1 0	2 0 1	0 0 0
Assessment	2	2-5:0	2	0	0
Certiorari			1	1	0
Charter					
Civil Rights					
Combines					
Communications					
Constitutional	12	1-9:0 8-7:0 2-6:1 1-5:2	0 3 1 1	1 5 1 0	0 0 0 0
Criminal	29	3-9:0 1-5:4 14-7:0 1-6:1 2-5:2 1-4:3 6-5:0	0 0 5 0 1 1 5	2 1 9 1 1 0 1	1 ⁴ 0 0 0 0 0 0

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Criminal (cont'd)		1-4:1	1	0	0
Contempt of Court	1	1-5:0	0	1	0
Crown & Sovereign Immunity	3	1-7:0	1	0	0
		1-5:2	1	0	0
		1-5:0	0	1	0
Elections					
Environmental					
Expropriation	1	1-5:0	0	1	0
Extradition					
Habeas Corpus	1	1-9:0	0	0	1 ⁴
Human Rights					
Immigration					
International					
Judicial Review					
Labour	7	2-7:0	0	2	0
		1-5:2	0	1	0
		4-5:0	2	2	0
Mandamus					
Municipal & Planning	2	2-5:0	0	1	1 ⁵
Police	2	2-7:0	1	1	0
Prohibition					
Public Utilities					
Securities					
Statutory Interpretation	12	1-8:1	0	1	0
		3-7:0	1	2	0
		1-4:3	0	1	0
		6-5:0	4	2	0
		1-4:1	1	0	0
Taxation	3	1-7:0	0	1	0
		2-5:0	1	0	1 ⁵
Transportation					
Unemployment	3	2-7:0	0	2	0
		1-5:0	1	0	0
(d) PROCEDURAL					
Appeal	7	3-7:0	2	1	0
		3-5:0	3	0	0
		1-4:1	0	1	0
Costs					
Declaratory Action					
Evidence	9	1-5:4	0	1	0

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Evidence (cont'd)		3-7:0	1	2	0
		2-4:3	2	0	0
		3-5:0	3	0	0
Injunctions	2	1-7:0	1	0	0
		1-5:0	0	1	0
Jurisdictions	6	4-7:0	3	1	0
		1-5:2	1	0	0
		1-5:0	0	1	0
Limitation Period					
Procedural - Other	8	1-8:1	0	1	0
		3-7:0	1	2	0
		4-5:0	3	1	0
Procedure					
Res Judicata	1	1-5:0	0	1	0
Standing					

¹ 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."

² The following cases have been included under two or more subject categories: *Abrahams v. Canada (A.G.)*, [1983] 1 S.C.R. 2, ("Unemployment" and "Statutory Interpretation"); *Zayack v. Canada (A.G.)*, [1983] 1 S.C.R. 12, ("Unemployment" and "Statutory Interpretation"); *Costello v. Calgary (City of)*, [1983] 1 S.C.R. 14, ("Municipal" and "Expropriation"); *Westendorp v. R.*, [1983] 1 S.C.R. 43, ("Constitutional" and "Criminal"); *Nova Scotia (A.G.) v. Burke*, [1983] 1 S.C.R. 55, ("Constitutional" and "Administrative Boards"); *General Motors of Canada Ltd. v. Naken*, [1983] 1 S.C.R. 72, ("Procedure" and "Statutory Interpretation"); *Thorne's Hardware Ltd. v. R.*, [1983] 1 S.C.R. 106, ("Administrative" and "Maritime, Admiralty & Shipping"); *Canada Labour Relations Board v. Paul L'Anglais Inc.*, [1983] 1 S.C.R. 147, ("Jurisdictions," "Constitution," and "Labour"); *Sacobie v. R.*; *Stevenson v. R.*, [1983] 1 S.C.R. 241, ("Criminal" and "Procedure"); *Canada Labour Relations Board v. Halifax Longshoremen's Association, Local 269*, [1983] 1 S.C.R. 245, ("Labour" and "Administrative Boards"); *Titus v. R.*, [1983] 1 S.C.R. 259, ("Criminal" and "Evidence"); *Triglav v. Terrasses Jewellers Inc.*, [1983] 1 S.C.R. 283, ("Constitutional" and "Maritime, Admiralty & Shipping"); *R. v. Turgeon*, [1983] 1 S.C.R. 308, ("Evidence," "Appeal," and "Criminal"); *Canadian Broadcasting Corp. v. R.*, [1983] 1 S.C.R. 339, ("Criminal" and "Crown & Sovereign Immunity"); *R. v. Terrence*, [1983] 1 S.C.R. 357, ("Criminal" and "Statutory Interpretation"); *Martin v. Chapman*, [1983] 1 S.C.R. 365, ("Aboriginal Rights" and "Statutory Interpretation"); *R. v. Konkin*, [1983] 1 S.C.R. 388, ("Criminal" and "Evidence"); *Abel Skiver Farm Corp. v. Sainte-Foy (Town of)*, [1983] 1

S.C.R. 403, ("Municipal & Planning" and "Taxation"); *R. v. Buchinsky*, [1983] 1 S.C.R. 481, ("Master & Servant" and "Negligence"); *Zodiac International Productions Inc. v. Poland*, [1983] 1 S.C.R. 529, ("Contract" and "Appeal"); *Evans v. Public Service Commission Appeal Board*, [1983] 1 S.C.R. 582, ("Labour" and "Administrative"); *Engineered Homes Ltd. v. Mason*, [1983] 1 S.C.R. 641, ("Contract" and "Res Judicata"); *Zidle v. Canadian Imperial Bank of Commerce*, [1983] 1 S.C.R. 654, ("Appeal" and "Banks & Banking"); *Bank of Commerce v. Riddell Stead & Co.*, [1983] 1 S.C.R. 656, ("Appeal" and "Banks & Banking"); *R. v. Moore*; *Oag v. R.*, [1983] 1 S.C.R. 658, ("Criminal" and "Habeas Corpus"); *Paonessa v. R.*, [1983] 1 S.C.R. 660, ("Criminal" and "Evidence"); *Novic v. Novic*, [1983] 1 S.C.R. 696, ("Appeal" and "Child Welfare, Custody & Access"); *McEvoy v. New Brunswick (A.G.)*, [1983] 1 S.C.R. 704, ("Constitutional" and "Appeal"); *R. v. Covin*, [1983] 1 S.C.R. 725, ("Criminal" and "Statutory Interpretation"); *Fruitman v. Scott*, [1983] 1 S.C.R. 732, ("Libel & Slander" and "Appeal"); *Northern Telecom Canada Ltd. v. Communication Workers of Canada*, [1983] 1 S.C.R. 733, ("Constitutional" and "Jurisdictions"); *Ontario Nurses' Association v. Haldimand-Norfolk Regional Health Unit*, [1983] 2 S.C.R. 6, ("Labour" and "Administrative Boards"); *Leblanc v. Curbera*, [1983] 2 S.C.R. 28, ("Statutory Interpretation" and "Procedure"); *Co-operative Fire & Casualty Co. v. Ritchie*, [1983] 2 S.C.R. 36, ("Insurance" and "Statutory Interpretation"); *Century Insurance Co. of Canada v. Case Existological Laboratories Ltd.*, [1983] 2 S.C.R. 47, ("Insurance" and "Maritime, Admiralty & Shipping"); *Topey v. R.*, [1983] 2 S.C.R. 59, ("Criminal" and "Evidence"); *Bisaillon v. Keable*, [1983] 2 S.C.R. 60, ("Constitutional," "Evidence," and "Administrative Board"); *R. v. Commisso*, [1983] 2 S.C.R. 121, ("Criminal" and "Evidence"); *Dowson v. R.*, [1983] 2 S.C.R. 144, ("Criminal" and "Procedure"); *Buchbinder v. R.*, [1983] 2 S.C.R. 159, ("Criminal" and "Procedure"); *Phillips v. R.*, [1983] 2 S.C.R. 161, ("Criminal" and "Jurisdictions"); *Canada (A.G.) v. Canadian National Transportation, Ltd.*, [1983] 2 S.C.R. 206, ("Constitutional" and "Criminal"); *R. v. Wetmore*, [1983] 2 S.C.R. 284, ("Constitutional" and "Criminal"); *C.U.P.E. v. Nova Scotia (Labour Relations Board)*, [1983] 2 S.C.R. 311, ("Administrative Boards" and "Labour"); *Mérineau v. R.*, [1983] 2 S.C.R. 362, ("Crown & Sovereign Immunity" and "Negligence"); *Quebec (A.G.) v. Grondin*; *L'Atelier 7 Inc. v. Babin*, [1983] 2 S.C.R. 364, ("Constitution" and "Jurisdictions"); *R. v. Savage*, [1983] 2 S.C.R. 428, ("Taxation" and "Statutory Interpretation"); *R. v. Giguère*, [1983] 2 S.C.R. 448, ("Criminal" and "Statutory Interpretation"); *Bell v. R.*, [1983] 2 S.C.R. 471, ("Criminal," "Statutory Interpretation," and "Procedure"); *Northern Pipeline Agency v. Perehinec*, [1983] 2 S.C.R. 513, ("Jurisdictions" and "Agency"); *R. v. Eldorado Nuclear Ltd.*; *R. v. Uranium Canada Ltd.*, [1983] 2 S.C.R. 551, ("Criminal" and "Crown & Sovereign Immunity"); and *Wilson v. R.*, [1983] 2 S.C.R. 594, ("Evidence" and "Procedure").

³ The motion was disposed of in the following manner: *Novic v. Novic (No. 2)*, [1983] 1 S.C.R. 700, (the motion to quash was dismissed).

⁴ In *R. v. Moore*; *Oag v. R.*, [1983] 1 S.C.R. 658, appeals from Ontario and Alberta were joined. One appeal was dismissed and the other was allowed.

⁵ In *Abel Skiver Farm Corp. v. Sainte-Foy (Town of)*, [1983] 1 S.C.R. 403, the appeal was allowed in part.

TABLE IV¹
MAJORITY/DISSENT RATIO

Total Number of Cases Reported				88			
Unanimous Decisions				73			
Split Decisions				15			
<hr/>							
9:0	3	8:0	0	7:0	32	6:0	0
8:1	1	7:1	0	6:1	2	5:1	0
7:2	0	6:2	0	5:2	4	4:2	0
6:3	0	5:3	0	4:3	4	3:3	0
5:4	1	4:4	0				
5:0	38	4:0	0	3:0	0	1:0	0
4:1	3	3:1	0	2:1	0		
3:2	0	2:2	0				
<hr/>							

¹ 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 VI¹
TYPE OF WORK

	Common Law	Civil Law	Constitutional	Criminal	Other Public Law	Reported Motions
Beetz	6	6	11	21	24	0
Chouinard	9	6	9	26	26	1
Dickson	15	2	11	26	26	1
Estey	16	5	11	24	25	0
Lamer	10	3	8	24	21	0
Laskin	8	1	6	16	14	1
McIntyre	16	4	9	25	27	1
Ritchie	14	3	7	18	19	1
Wilson	9	4	7	21	20	0

¹ 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 fifty-eight cases, and wrote six majority judgments and one dissenting judgment. He concurred with the majority judgment of another justice in forty-six cases and with the dissenting judgment of another justice in two cases. Further, he participated in three unattributed judgments of "The Court," and concurred with the majority judgment of Chouinard J. nine times, Dickson C.J. ten times, and so on.

Concurrences with Another Justice													
	Number of Cases	Judgments	Concurrences	The Court	Beetz	Chouinard	Dickson	Estey	Laskin	Lamer	McIntyre	Ritchie	Wilson
Beetz Majority Dissent	58	6 1	46 2	3		9 0	10 1	6 0	8 0	3 0	3 0	3 0	4 1
Chouinard Majority Dissent	68	9 0	53 3	3	4 1		11 1	8 0	11 0	6 0	5 0	5 0	3 1
Dickson Majority Dissent	70	20 3	45 1	1	2 0	6 0		6 0	12 0	5 1	4 0	5 0	5 0

Concurrences with Another Justice													
	Number of Cases	Judgments	Concurrences	The Court	Beetz	Chouinard	Dickson	Estey	Laskin	Lamer	McIntyre	Ritchie	Wilson
Estey ¹ Majority Dissent	69	11 0	53 1	3	4 0	8 0	6 0		14 0	8 1	5 0	3 0	5 0
Laskin Majority Dissent	39	17 0	21 0	1	2 0	2 0	1 0	6 0		4 0	4 0	2 0	0 0
Lamer Majority Dissent	54	11 3	38 0	2	4 0	3 0	9 0	5 0	6 0		5 0	2 0	4 0
McIntyre Majority Dissent	73	11 1	58 3	0	2 0	7 0	8 0	10 0	13 0	7 2		6 0	5 1
Ritchie Majority Dissent	53	7 2	40 1	3	2 0	1 0	7 0	7 0	11 0	2 0	7 0		3 1
Wilson Majority Dissent	55	6 4	42 2	1	0 0	7 0	8 0	4 0	7 0	7 2	3 0	6 0	

¹ In *Nova Scotia (A.G.) v. Burke*, [1983] 1 S.C.R. 55, Estey J. was the sole dissenting justice but did not write a judgment.