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[1985] S. C. R. Statistical Analysis

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[1985] S. C. R. Statistical Analysis

[1985] S.C.R. STATISTICAL ANALYSIS[©]

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TABLE I¹
VOLUME OF WORK

			TOTAL ²
Reported Judgments ³			
Private	Public		
16	73		84
Reported Motions			
Granted	Refused	Other	
0	0	0	0
Unreported Motions			
Granted	Refused	Other	
102	343	24	469

¹ All data considered in this table derive from the [1985] *Supreme Court Reports* and the [1985] *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": *Rosen v. R.*, [1985] 1 S.C.R. 83, ("Criminal" and "Trusts & Trustees"); *British Columbia v. Tener*, [1985] 1 S.C.R. 533, ("Expropriation" and "Real Property"); *Deloitte Haskins and Sells Ltd. v. Workers' Compensation Board*, [1985] 1 S.C.R. 785, ("Constitutional" and "Bankruptcy"); *Lamb v. Lamb*, [1985] 1 S.C.R. 851, ("Constitutional" and "Maintenance & Support"); and *Vachon v. Canada (Employment and Immigration Commission)*, [1985] 2 S.C.R. 417, ("Bankruptcy" and "Unemployment").

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 From Source
	Affirmed	Reversed ³	Other ⁴	Affirmed	Reversed	Other	
Alberta	0	1	0	4	5	0	10
British Columbia	1	0	0	6	3	0	9
Manitoba	1	1	0	2	2	0	6
New Brunswick	0	0	0	0	0	0	0
Newfoundland & Labrador	0	0	0	0	1	0	1
Northwest Territories	1	0	0	0	0	0	1
Nova Scotia	1	0	0	0	3	0	4
Ontario	5	2	0	14	3	2	23
Prince Edward Island	0	0	0	0	0	0	0
Quebec	3	1	0	7	7	1	17
Saskatchewan	0	1	0	2	0	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	0	1	0	4	4	0	8
TOTAL	11	7	0	39	28	3	82

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.

The following cases, *Reference Re Section 23 of the Manitoba Act, 1870*, [1985] 1 S.C.R. 721 and *Order: Manitoba Language Rights*, [1985] 2 S.C.R. 347, are original references and are not included in this table.

² The following cases have been included under both "Private" and "Public" categories but only once under "Total From Source": *Rosen v. R.*, [1985] 1 S.C.R. 83; *British Columbia v. Tener*, [1985] 1 S.C.R. 533; *Deloitte Haskins and Sells Ltd. v. Workers' Compensation Board*, [1985] 1 S.C.R. 785; *Lamb v. Lamb*, [1985] 1 S.C.R. 851; and *Vachon v. Canada (Employment and Immigration Commission)*, [1985] 2 S.C.R. 417.

³ In the following cases, the court affirmed in part and reversed in part the decision of the lower court: *V.K. Mason Construction Ltd. v. Bank of Nova Scotia*, [1985] 1 S.C.R. 271, ("Ontario - Public") (two appeals were joined: the appeal of the Bank of Nova Scotia was dismissed, the cross-appeal of V.K. Mason Construction Ltd. was allowed, and the appeal of V.K. Mason Construction Ltd. was dismissed); and *Rousseau v. R.*, [1985] 2 S.C.R. 38, ("Quebec") (the appeal by Rousseau was allowed and the appeal by the Crown was dismissed).

⁴ The following cases have been classified as "Other": *Rosen v. R.*, [1985] 1 S.C.R. 83, (the appeal was allowed in part); *Montreal (City of) v. Arcade Amusements Inc.*, [1985] 1 S.C.R. 368, (two appeals were joined: one appeal was dismissed and the other was allowed in part); and *Krug v. R.*, [1985] 2 S.C.R. 255, (the appeal was allowed in part).

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	2	1-7:0 1-5:0			1 ³ 1 ⁴
Reported Motions					
APPELLATE					
(a) PRIVATE (Common Law & Civil Law)					
(i) <i>Administration & Succession</i>					
Dependent's Relief					
Devolution					
Executors & Administrators					
Wills					
(ii) <i>Commercial</i>					
Accounts					
Agency & Partnership					
Assignments					
Bankruptcy	3	2-7:0 1-6:0	1 0	1 1	0 0
Banks & Banking					
Bills & Notes					
Companies					
Contract	3	1-7:0 3-6:0 ⁵ 1-3:2	1 2 1	0 1 0	0 0 0
Debtor & Creditor					
Guarantees & Sureties					
Insurance					
Interest	1	3-6:0 ⁵	0	0	1
Sale of Goods					
(iii) <i>Family Law</i>					
Adoption					
Child Welfare, Custody & Access	1	1-6:0	1	0	0
Divorce					

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Judicial Separation					
Maintenance & Support	1	1-7:0	1	0	0
Matrimonial Property	1	1-6:3	0	1	0
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	2	2-7:0	2	0	0
(vi) <i>Torts</i>					
Assault & Battery					
Bailment					
Conspiracy & Intimidation					
Conversion & Detinue					
False Imprisonment					
Libel & Slander					
Negligence	2	1-7:0 3-6:0 ⁵	1 0	0 0	0 1
Nuisance					
Occupiers' Liability					
Trespass					
Vicarious Liability					
(vii) <i>Other</i>					
Associations					
Barristers & Solicitors					
Charities					
Choses in Action					
Conflict of Laws					
Damages	1	1-4:0	1	0	0
Maritime, Admiralty & Shipping					
Master & Servant					
Natural Resources					
Pensions					
Privilege					
Trusts & Trustees	1	1-7:0	0	0	1 ⁶
Unjust Enrichment & Restitution					

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
<hr/>					
(b) PRIVATE (Civil Law)					
Preliminary Title					
I Persons & Moral Persons					
I Marriage, Separation & Divorce					
II Property					
II Dismemberments of Property					
III Succession & Liberalities					
III Obligations	1	1-7:0	1	0	0
III Proof					
III Sale, Exchange & Lease					
III Mandate, Partnerships & Suretyships					
III Pledges, Privileges & Hypothecs					
III Registration & Prescription					
III Minor Nominate Contracts	1	1-6:0	0	1	0
IV Commercial Law & Insurance					
Civil Law - Other	1	1-7:0	1	0	0
(c) PUBLIC					
Aboriginal Rights	3	1-7:0	0	1	0
		2-5:0	2	0	0
Administrative Boards	5	4-7:0	2	2	0
		1-6:0	0	1	0
Assessment					
<i>Certiorari</i>					
<i>Charter</i>	18	2-9:0	2	0	0
		2-8:0	0	2	0
		1-6:2	1	0	0
		3-7:0	2	0	17
		1-6:1	0	1	0
		3-6:0	1	2	0
Civil Rights	4	1-9:0	1	0	0
		1-7:0	0	1	0
		1-5:2	1	0	0
		1-5:0	1	0	0
Combines					
Communications					
Constitutional	6	1-7:0	1	0	0
		1-6:1	0	1	0
		3-6:0	1	1	18
		1-5:0	1	0	0

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Criminal	28	1-9:0 1-5:4 1-6:2 23-7:0 ⁶ 1-4:3 1-6:0 1-5:0 1-7:2	1 0 1 14 1 0 1 0	0 1 0 7 0 1 0 1	0 0 0 26,7 0 0 0 0
Crown & Sovereign Immunity	1				
Elections					
Environmental					
Expropriation	1	1-7:0	1	0	0
Extradition					
Habeas Corpus	3	3-7:0	1	2	0
Human Rights					
Immigration	1	1-6:0	0	1	0
International					
Judicial Review					
Labour	5	1-9:0 3-7:0 1-6:0	1 2 0	0 1 1	0 0 0
Mandamus	2	1-6:0 1-5:0	1 0	0 1	0 0
Municipal & Planning	3	1-7:0 1-6:0 1-5:0	0 0 0	1 0 1	0 1 ⁸ 0
Prohibition					
Public Utilities					
Securities					
Statutory Interpretation	2	1-9:0 1-6:0	1 0	0 1	0 0
Taxation	3	1-7:0 1-4:3 1-6:0	1 0 0	0 1 1	0 0 0
Transportation					
Unemployment	1	1-7:0	0	1	0
(d) PROCEDURAL					
Appeal	7	6-7:0 ⁶ 1-6:0 1-5:0	1 0 1	5 1 0	0 0 0

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Costs					
Declaratory Action					
Evidence	9	3-9:0	3	0	0
		5-7:0	3	2	0
		1-6:1	0	1	0
Injunctions	2	2-6:0	0	2	0
Jurisdictions	10	1-9:0	1	0	0
		8-7:0	5	3	0
		1-6:0	1	0	0
Limitation Period	1	1-5:0	0	1	0
Procedural - Other					
Procedure	3	1-7:0	1	0	0
		1-6:0	1	0	0
		1-5:0	0	1	0
Res Judicata	1	1-5:4	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 categories: *Aetna Financial Services Ltd. v. Feigelman*, [1985] 1 S.C.R. 2, ("Injunction" and "Appeal"); *Rosen v. R.*, [1985] 1 S.C.R. 83, ("Criminal" and "Trusts & Trustees"); *Skoke-Graham v. R.*, [1985] 1 S.C.R. 106, ("Criminal," "Constitutional," and "Statutory Interpretation"); *Singh v. Canada (Minister of Employment and Immigration)*, [1985] 1 S.C.R. 177, ("Charter" and "Immigration"); *V.K. Mason Construction Ltd. v. Bank of Nova Scotia*, [1985] 1 S.C.R. 271, ("Contract," "Negligence," and "Interest"); *R. v. Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295, ("Charter" and "Constitutional"); *Plantation Indoor Plants Ltd. v. Alberta (A.G.)*, [1985] 1 S.C.R. 366, ("Charter" and "Injunction"); *Montreal (City of) v. Arcade Amusements Inc.*, [1985] 1 S.C.R. 368, ("Municipal" and "Constitutional"); *Staranchuk v. R.*, [1985] 1 S.C.R. 439, ("Charter" and "Evidence"); *Operation Dismantle Inc. v. R.*, [1985] 1 S.C.R. 441, ("Charter," "Jurisdictions," and "Procedure"); *Towne Cinema Theatres Ltd. v. R.*, [1985] 1 S.C.R. 494, ("Criminal" and "Evidence"); *British Columbia v. Tener*, [1985] 1 S.C.R. 533, ("Expropriation" and "Real Property"); *Bell v. R.*, [1985] 1 S.C.R. 594, ("Evidence" and "Jurisdictions"); *Syndicat des professeurs du collège de Lévis-Lauzon v. C.E.G.E.P. de Lévis-Lauzon*, [1985] 1 S.C.R. 596, ("Labour" and "Administrative Boards"); *R. v. Therens*, [1985] 1 S.C.R. 613, ("Charter" and "Criminal"); *Deloitte Haskins and Sells Ltd. v. Workers' Compensation Board*, [1985] 1 S.C.R. 785, ("Constitutional" and "Bankruptcy"); *Grdic v. R.*, [1985] 1 S.C.R. 810,

("Criminal" and "Res Judicata"); *Lamb v. Lamb*, [1985] 1 S.C.R. 851, ("Constitutional" and "Maintenance & Support"); *Rousseau v. R.*, [1985] 2 S.C.R. 38, ("Criminal" and "Appeal"); *Fraternité des policiers de la Communauté urbaine de Montréal Inc. v. Communauté urbaine de Montréal*, [1985] 2 S.C.R. 74, ("Labour" and "Administrative Boards"); *R. v. Jewitt*, [1985] 2 S.C.R. 128, ("Criminal," "Jurisdictions," and "Appeal"); *Winnipeg School Division No. 1 v. Craton*, [1985] 2 S.C.R. 150, ("Civil Rights" and "Statutory Interpretation"); *Oakwood Development Ltd. v. St. François Xavier (Rural Municipality of)*, [1985] 2 S.C.R. 164, ("Mandamus" and "Municipal & Planning"); *Libman v. R.*, [1985] 2 S.C.R. 178, ("Criminal" and "Jurisdictions"); *Fanjoy v. R.*, [1985] 2 S.C.R. 233, ("Criminal" and "Appeal"); *Spencer v. R.*, [1985] 2 S.C.R. 278, ("Evidence" and "Charter"); *Dick v. R.*, [1985] 2 S.C.R. 309, ("Aboriginal Rights," "Constitutional," and "Appeal"); *Jack v. R.*, [1985] 2 S.C.R. 332, ("Aboriginal Rights," "Civil Rights," and "Criminal"); *Dubois v. R.*, [1985] 2 S.C.R. 350, ("Charter" and "Evidence"); *Vachon v. Canada (Employment and Immigration Commission)*, [1985] 2 S.C.R. 417, ("Bankruptcy" and "Unemployment"); *Grabowski v. R.*, [1985] 2 S.C.R. 434, ("Criminal" and "Evidence"); *John v. R.*, [1985] 2 S.C.R. 476, ("Appeal," "Criminal," and "Evidence"); *Reference Re Section 94(2) of the Motor Vehicle Act, R.S.B.C. 1979*, [1985] 2 S.C.R. 486, ("Criminal" and "Charter"); *Schuldt v. R.*, [1985] 2 S.C.R. 592, ("Appeal" and "Criminal"); *R. v. Miller*, [1985] 2 S.C.R. 613, ("Habeas Corpus," "Jurisdictions," and "Evidence"); *Cardinal v. Director of Kent Institution*, [1985] 2 S.C.R. 643, ("Administrative Boards," "Habeas Corpus," and "Jurisdictions"); *Morin v. National Special Handling Unit Review Committee*, [1985] 2 S.C.R. 662, ("Habeas Corpus" and "Jurisdictions"); and *Valente v. R.*, [1985] 2 S.C.R. 673, ("Charter" and "Jurisdictions").

³ In *Reference Re Section 23 of the Manitoba Act, 1870*, [1985] 1 S.C.R. 721, the Court answered four constitutional questions.

⁴ In *Order: Manitoba Language Rights*, [1985] 2 S.C.R. 347, the Court made an order to give effect to a consent agreement pursuant to *Reference Re Section 23 of the Manitoba Act, 1870*, *ibid.*

⁵ In *V.K. Mason Construction Ltd. v. Bank of Nova Scotia*, [1985] 1 S.C.R. 271, two appeals were joined: the appeal of the Bank of Nova Scotia was dismissed, the cross-appeal of V.K. Mason Construction Ltd. was allowed, and the appeal of V.K. Mason was dismissed.

⁶ In *Rosen v. R.*, [1985] 1 S.C.R. 83, the appeal was allowed in part.

⁷ In *Krug v. R.*, [1985] 2 S.C.R. 255, the appeal was allowed in part.

⁸ In *Montreal (City of) v. Arcade Amusements Inc.*, [1985] 1 S.C.R. 368, two appeals were joined: one appeal was dismissed and the other was allowed in part.

⁹ In *Rousseau v. R.*, [1985] 2 S.C.R. 38, the appeal by Rousseau was allowed and the appeal by the Crown was dismissed.

TABLE IV¹
MAJORITY/DISSENT RATIO

Total Number of Cases Reported				84			
Unanimous Decisions				74			
Split Decisions				10			
<hr/>							
9:0	6	8:0	2	7:0	47	6:0	12
8:1	0	7:1	0	6:1	2	5:1	0
7:2	1	6:2	1	5:2	1	4:2	0
6:3	1	5:3	0	4:3	2	3:3	0
5:4	1	4:4	0				
5:0	6	4:0	1	3:0	0	1:0	0
4:1	0	3:1	0	2:1	0		
3:2	1	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	10	3	17	22	28	0
Chouinard	11	2	17	24	25	0
Dickson	13	2	20	27	25	0
Estey	11	1	15	16	24	0
La Forest	4	1	4	8	8	0
Lamer	8	3	16	24	23	0
Le Dain	4	3	10	21	16	0
McIntyre	12	1	20	26	29	0
Wilson	12	3	18	23	26	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 seventy-one cases and wrote seven majority judgments and no dissenting judgments. He concurred with the majority judgment of another justice forty-eight times and with the dissenting judgment of another justice in two cases. Further, he participated in fourteen unattributed judgments of "The Court," and concurred with the majority judgment of Chouinard J. eight times, Dickson C.J. eleven times, and so on. He concurred with the dissenting judgments of Dickson C.J. and Wilson J. once each.

Concurrences with Another Justice															
		Number of Cases		Judgments	Concurrences	The Court	Beetz	Chouinard	Dickson	Estey	La Forest	Lamer	Le Dain	McIntyre	Wilson
Beetz	Majority Dissent	71		7 0	48 2	14		8 0	11 1	8 0	2 0	6 0	5 0	8 0	1 1
Chouinard	Majority Dissent	71		8 0	50 2	11	5 0		13 1	8 0	4 0	7 0	2 0	9 0	3 1
Dickson	Majority Dissent	77		18 2	41 1	15	4 0	5 0		5 0	4 0	6 0	5 0	9 0	4 1

Concurrences with Another Justice													
	Number of Cases	Judgments	Concurrences	The Court	Beetz	Chouinard	Dickson	Estey	La Forest	Lamer	Le Dain	McIntyre	Wilson
Estey Majority Dissent	58	9 2	35 0	12	7 0	4 0	6 0		1 0	4 0	5 0	6 0	2 0
La Forest Majority Dissent	28	5 1	13 0	9	0 0	1 0	7 0	2 0		1 0	0 0	2 0	0 0
Lamer Majority Dissent	70	10 0	44 4	12	2 0	6 0	14 1	1 1	3 0		6 0	8 1	5 1
Le Dain Majority Dissent	55	7 1	34 0	13	0 0	6 0	10 0	3 0	3 0	7 0		5 0	1 0
McIntyre Majority Dissent	77	12 3	47 1	14	6 0	5 0	13 0	5 0	4 0	6 0	6 0		3 1
Wilson Majority Dissent	73	13 2	42 2	14	3 0	4 0	12 0	4 0	4 1	3 0	4 0	8 1	

In *John v. R.*, [1985] 2 S.C.R. 476, Dickson C.J. and Beetz, Chouinard, Le Dain, and McIntyre JJ. concurred with both Lamer and Estey JJ.

TABLE VII¹
SUCCESS RATE OF CHARTER CLAIMANTS²

	Number	Per cent
<i>Charter</i> Claimant Wins	8	66.7
<i>Charter</i> Claimant Loses	3	25.0
Other ³	1	8.3
Total	12	100.0

¹ "Claimant Wins" includes cases in which both the *Charter* claim and the disposition are successful. "Claimant Loses" includes cases in which both the *Charter* claim and the disposition are unsuccessful. "Other" includes cases in which the claimant wins the *Charter* argument but loses the disposition on other grounds, or the claimant loses the *Charter* argument but wins on other grounds.

² *Staranchuk v. R.*, [1985] 1 S.C.R. 439, has not been included in the tables because the *Charter* was not applied or considered in the judgment.

³ In *Krug v. R.*, [1985] 2 S.C.R. 255, the claimant won in part but not on the basis of the *Charter*.

TABLE VIII
OBJECT OF *CHARTER* LITIGATION

		Number	Per cent	Success Rate (%)
Legislation: ¹	Federal	4	33.3	75
	Provincial	1	8.3	100
	Territorial			
	Municipal			
Administrative: Decisions				
Rules				
Conduct or Decisions of Public Officials		7	58.3	57
Common Law				

¹ "Legislation" includes subordinate legislation, orders in council, and regulations. If the legislation expressly or by necessary implication authorizes the limitation of the *Charter* right or freedom, it will fall under "Legislation." If the legislation confers a broad discretion, it will be classified as an "Administrative Decision" or "Administrative Rule."

TABLE IX
CHARTER LITIGATION BY SOURCE

Source	# of Cases	% of Cases	Lower Decisions			Claimant		
			Affirmed	Reversed	Other	Wins	Loses	Other
Alberta	4	33.3	1	1	2 ¹	4		
British Columbia	1	8.3	1			1		
Manitoba								
New Brunswick								
Newfoundland	1	8.3		1		1		
Nova Scotia								
Ontario	3	25.0	2		1 ²		2	1 ²
P.E.I.								
Quebec								
Saskatchewan	1	8.3	1			1		
N.W.T. and Yukon								
Federal Court	2	16.7	1	1		1	1	
Federal Reference								
Total	12	100.0	6	3	3	8	3	1

¹ In *Rahn v. R.*, [1985] 1 S.C.R. 659 and *Dubois v. R.*, [1985] 2 S.C.R. 350, new trials were ordered.

² In *Krug. v. R.*, *supra* Table VII ([1985] S.C.R. Charter Tables), note 3, the lower decision was reversed in part and affirmed in part.

Section	# of Cases	Claimant			Right or Freedom		Section 1		
		Wins	Loses	Other	Limited	Not Ltd	Limit	Saves	Doesn't Other
(h) Double jeopardy									
(i) Benefit of lesser punishment									
12. Treatment or Punishment									
13. Self-incrimination	1	1			1				
14. Interpreter									
15. Equality Rights									
(1) Race									
National or ethnic origin									
Colour									
Religion									
Sex									
Age									
Mental or physical disability									
Aboriginal peoples									
Other									
s. 15(1) SUBTOTAL									
(2) Affirmative action									
16. - 22. Official Languages									
23. Minority Language									
Educational Rights									
24(1) Enforcement	1		1			1			
(2) Exclusion of Evidence									
25. Aboriginal Rights									
26. Other Rights & Freedoms									
27. Multicultural heritage									
28. Rights guaranteed equally									
29. Rights respecting schools									
30. Application to Territories									
31. Legislative powers									
32. Application of <i>Charter</i>	1		1			1			
33. Exception									

¹ The categories of analysis in this table are as follows: the number of times a particular section or subsection was considered; the number of cases in which the claimant wins or loses; the number of cases decided otherwise; the number of decisions in which the *Charter* right or freedom was found to be limited or not limited; and the number of decisions in which the limit was saved or not saved by section 1, or was decided on another basis.

TABLE XI
ACTION OF THE JUSTICES

Justice	# of Cases	Judgments		Concurrences with Another Justice										
		Written for the Court Maj Diss	Co-Written for the Court Maj Diss	Concurrences with the Court Maj Diss	Beetz	Chouinard	Dickson	Estey	La Forest	Lamer	Le Dain	McIntyre	Wilson	
Beetz	9	1	2	2	4		1	1	1	1	1			
Chouinard	11		2	3	6		2	1	2	2	1	1		
Dickson ⁷	12	2	2	3	5				2	3	2	1	1	
Estey	9	2	2	2	3	1	1		1	1	1			
La Forest	2	1												
Lamer	12	3	2	3	4		2		2		1	1	1	
Le Dain	7	1	2		3				1	2				
McIntyre	12	1	2	2	4	1	2		2		1			
Wilson	11	4	2	2	3			1	2	1		1		

¹ In *R. v. Therens*, [1985] 1 S.C.R. 613, Dickson C.J. wrote a brief judgment concurring with both Le Dain J. (in finding a limit on the section 10(b) right and finding that section 1 did not apply in this case) and Lamer J. (in excluding the evidence under section 24(2)). Since Dickson C.J. did not qualify his concurrence but repeated the reasons delivered by Le Dain and Lamer JJ., he has been noted twice under "Concurrences with Another Justice" and not under "Judgments Written."

TABLE XIII¹
VOTING BEHAVIOUR OF JUSTICES

Justice	Majority			Minority			Support			Section 1		
	Judgment		Concurs	Judgment		Concurs	For		For	Saves Limit	Doesn't Save	Other
	Claimant	Gov't		Claimant	Gov't		Claimant	Gov't				
Beetz ²	2	1	4	2					6	2	1	3
Chouinard	2		5	3	1				7	3	1	2
Dickson	3	1	5	2	1				8	3	1	4
Estey	3	1	1	2	2				4	3	2	
La Forest		1	1							1	1	
Lamer	5		3	3	1				8	3	1	4
Le Dain	2	1	2	1		1			4	3		1
McIntyre	4		1	3	2	2			5	5	2	3
Wilson	5	1	3	1	1				8	2	1	4

¹ "Support for Claimant" is the sum of those judgments and concurrences decided in favour of the claimant's *Charter* argument, regardless of the disposition. "Support for Government" is the sum of those judgments and concurrences decided in favour of the government's *Charter* arguments, regardless of the disposition. "Section 1" notes the number of times a justice pronounces on section 1 for each constitutional issue. Therefore, a case can be counted twice if there are multiple issues.

² In *Singh v. Canada (Minister of Employment and Immigration)*, [1985] 1 S.C.R. 177, Beetz, Estey, and McIntyre JJ. decided the case using the *Bill of Rights* and not the *Charter*. For these Justices, this case has been noted under "Support For Other."

TABLE XIII
TYPE OF CHARTER CLAIMANTS

	# of Cases	% of Cases	Claimant			Intervenors Present					
			Wins	Losses	Other	For Claimant # of Cases	Cl'nt Wins	For Gov't # of Cases	Gov't Wins	For Both # of Cases	Cl'nt Wins
Business Corporations	2	17	2					1			
Individuals	8	67	5	2	1	1	1	2	1		
Interest Groups ¹	1	8		1							
Unions ¹	1	8		1							
Other ²	1	8	1							1	1

¹ *R. v. Operation Dismantle Inc.*, [1985] 1 S.C.R. 441, has been included under both "Unions" and "Interest Groups."

² In *Reference Re Section 94(2) Motor Vehicle Act, R.S.B.C. 1979*, [1985] 2 S.C.R. 486, the constitutional reference was introduced by the Lieutenant Governor in Council of British Columbia.

TABLE XIV
MAJORITY/DISSENT RATIO

Unanimous Decisions 10			
Split Decisions 2			
9:0 1	8:0 2	7:0 3	6:0 4
8:1 0	7:1 0	6:1 1	5:1 0
7:2 0	6:2 1	5:2 0	4:2 0
6:3 0	5:3 0	4:3 0	3:3 0
5:4 0	4:4 0		
5:0 0	4:0 0	3:0 0	1:0 0
4:1 0	3:1 0	2:1 0	
3:2 0	2:2 0		

TABLE XV
LEGAL RIGHTS AND SECTION 24(2)

Legal Rights	# of Cases	Claimant			Section 24(2)			
		Wins	Losses	Other	24(2) Used	Evidence Excluded	Evidence Admitted	Other
7. General (non-distinguished)								
Life	1	1						
Liberty	3	1	2					
Security of person	4	2	2					
Principles of fund. justice	1			0				
8. Search or Seizure								
9. Detention or Imprisonment								
10. Arrest or Detention								
(a) Informed promptly of reasons								
(b) Retain & instruct counsel	3	3			3	3		
(c) <i>Habeas corpus</i>								
11. Criminal & Penal Matters								
(a) Informed of offence								
(b) Tried within reasonable time								
(c) Compelled to be a witness								
(d) Presumption of innocence,	1		1					
Fair public hearing,								
Independent impartial tribunal								
(e) Reasonable bail								
(f) Trial by jury								
(g) Time of act or omission								
(h) Double jeopardy								
(i) Benefit of lesser punishment								
12. Treatment or Punishment								
13. Self-incrimination	1	1						
14. Interpreter								