Discovering Canadian Law

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One of the most attractive aspects of our location here at Pepperdine Law School is that the weather in Malibu is lovely and temperate pretty much the entire year. Because of this, lots of people who live in colder places want to spend as much time here as they can. One of those people is the law school’s Distinguished Jurist in Residence, The Honorable Allen Linden. Justice Linden, who recently retired from serving on the Federal Court of Appeal in Canada, has been wintering in Malibu and teaching classes at Pepperdine for many years. He is also considered to be the leading expert on Canadian tort law, and is the main author of a major treatise on this subject.

I have been working as a reference librarian at Pepperdine Law School since I earned my JD from here in 2007. As I am the librarian who is mainly interested in FCIL research, I have been tasked with providing research help for Justice Linden. As it turns out, he has become one of my best customers. He is always amazed at what I am able to find for him, and is effusively thankful whenever I help him with a project. Recently, he told me that he was a bit worried because he had been asked to produce a new edition of his Canadian torts treatise. “I don’t know how I’m going to do the research,” he said. “When I was on the court, my clerk helped me with that, but now that I’m retired I don’t have a clerk anymore.” I assured him that he should not worry, and that I would help him with whatever research he needed for his treatise.

Since that time, I have been learning about Canadian law and Canadian legal research. Our LexisNexis representative arranged for us to get a trial subscription to LexisNexis QuickLaw, which is their Canadian law database. I enjoyed using this resource quite a bit. In terms of user interface and searching, it is more like LexisNexis Academic than the legal LexisNexis database. I found it to be fairly intuitive, and I used it to find summaries of all of the torts cases issued during the last several years by Canadian courts. I also found that our Westlaw subscription includes a substantial Canadian case law database, which is covered by Westlaw’s excellent KeyCite citator service. I also used the Hein Online law review database to find relevant Canadian law review articles for this topic. Justice Linden, who is definitely not a computer guy, commented frequently on how remarkable he thought this was – he said his normal routine is to use the Canadian Abridgment and the Dominion Law Reports, in print, to do this research.

As his confidence in my Canadian legal research skills grew, Justice Linden asked me to help with other projects. One of the most enjoyable for me was to find all of the intellectual property opinions that he had written while he served on the Federal Court
of Appeal. I had never read an opinion that was written by someone I knew personally before, and I was glad for the opportunity to learn more about Justice Linden’s judicial persona. While there certainly are similarities between U.S. and Canadian judicial opinions, I found that Canadian judges (of which Justice Linden is a fine example) use our common language so eloquently. In addition, I noticed that the dissenting opinions to lack some of the rancor that is too often apparent in American decisions.

As it turns out, because of the work I have done for Justice Linden, I started to gain a bit of a reputation as the librarian who could research Canadian law, and I have started to receive Canadian legal research requests from other members of the faculty. I have also compiled what I have learned into a Canadian legal research guide for our law library.

I suppose, in a way, gaining some Canadian law expertise was somewhat inevitable for me. I play ice hockey as a hobby, and I have been to several women’s hockey tournaments in many cities throughout Canada. I have really enjoyed the country and its people every time I have gone there. Canadian law definitely reflects the civility of Canadian society. I am grateful to have had the opportunity to learn more about Canada by researching its laws and legal system, and hope for additional opportunities in the future.