

SUPREME COURT OF YUKON

PRACTICE DIRECTION GENERAL-7

Casebooks and Frequently Cited Authorities

1. Casebooks of authorities must be filed when three or more cases will be relied upon.
2. Casebooks of authorities must include only the cases upon which counsel intend to rely in argument. The passages to be relied upon are to be highlighted in colour, underlined, or sidelined on the outside edge of the page, in all copies.
3. Where a party intends to rely on one of the authorities listed in Appendix A to this Practice Direction, they do not need to provide the full case. They need only include the citation and the relevant passage(s) in their casebook.
4. Where a party intends to rely on any authority that is not listed in Appendix A they must provide the full case.
5. All possible efforts should be made to ensure that the authorities provided to the Court by one party do not duplicate authorities provided by the other party or parties. Counsel are encouraged to exchange casebook indexes to avoid duplication.
6. The parties are encouraged to submit joint casebooks whenever possible.
7. Casebooks must have a cover page indicating by whom they are filed. A joint casebook must have a cover page indicating that it is a joint casebook. When filing one or two cases, there must be a cover page indicating by whom they are filed.
8. Casebooks must:
 - (a) be legibly reproduced on 8 ½ x 11 paper, single-sided or double-sided, with one page of authority upright on each page or side of a page;
 - (b) have a tab for each case (either numerical or by letters);
 - (c) include an index; and
 - (d) include page numbers of each authority, unless the page numbers are otherwise clearly shown.
9. Subject to any case management directions by a judge:
 - a) casebooks for trials, including summary trials, should be filed not later than the Friday of the week preceding the trial; and

- b) casebooks for applications should be filed not later than 24 hours prior to the commencement of the hearing.
10. Casebooks will be destroyed or returned to a party at the conclusion of the matter for which it was created (application, trial, or appeal).

A handwritten signature in black ink, appearing to read "Duncan C.J.", written in a cursive style.

Duncan C.J.
May 2, 2023

Appendix A

Civil and Administrative

Alberta (Information & Privacy Commissioner) v Alberta Teachers' Association, 2011 SCC 61, 2011 CSC 61 (judicial review/révision judiciaire)

Club Resorts Ltd v Van Breda, 2012 SCC 17, 2012 CSC 17 (*forum conveniens*, real and substantial connection/lien réel et substantiel)

Baker v Canada (Minister of Citizenship and Immigration), [1999] 2 SCR 817 (procedural fairness)

Committee for Justice and Liberty v Canada (National Energy Board), [1978] 1 SCR 369 (reasonable apprehension of bias)

Dagenais v Canadian Broadcasting Corp., [1994] 3 SCR 835 (publication bans)

Dunsmuir v New Brunswick, 2008 SCC 9 (judicial review)

Housen v Nikolaisen, 2002 SCC 33 (appellate review)

Hryniak v Mauldin, 2014 SCC 7 (summary judgment)

Hunt v Carey Canada Inc., [1990] 2 SCR 959 (strike pleadings, no reasonable cause of action)

Inspiration Management Ltd v McDermid St. Lawrence Ltd. (1989), 36 BCLR (2d) 202 (summary trial)

Kamloops v Nielsen, [1984] 2 SCR 2 (duty of care)

Queen v. Cognos Inc., [1993] 1 SCR 87 (negligent misrepresentation)

R. v Mentuck, 2001 SCC 76 (publication bans)

Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 SCR 27 (statutory interpretation)

RJR-MacDonald Inc v Canada (Attorney General), [1994] 1 SCR 311 (interlocutory injunctions)

Wewaykum Indian Band v Canada, 2003 SCC 45 (reasonable apprehension of bias)

Whiten v Pilot Insurance Co., 2002 SCC 18 (punitive damages)

Family

Bracklow v Bracklow, [1999] 1 SCR 420 (spousal support)

Gordon v Goertz, [1996] 2 SCR 27 (variation of custody/access)

Kerr v Baranow, 2011 SCC 10 (spousal support, division of assets – common law context)

Miglin v Miglin, 2003 SCC 24 (separation agreements)

Moge v Moge, [1992] 3 SCR 813 (spousal support)

DBS v SRG, 2006 SCC 37 (retroactive child support)

Aboriginal

Beckman v Little Salmon/Carmacks First Nation, 2010 SCC 53

Calder v British Columbia (Attorney General), [1973] SCR 313

Delgamuukw v British Columbia, [1997] 3 SCR 1010

Haida Nation v British Columbia (Minister of Forests), 2004 SCC 73

Mikisew Cree First Nation v Canada (Minister of Canadian Heritage), 2005 SCC 69

Rio Tinto Alcan Inc v Carrier Sekani Tribal Council, 2010 SCC 43

Taku River Tlingit First Nation v British Columbia (Project Assessment Director), 2004 SCC 74

Tsilhqot'in Nation v British Columbia, 2014 SCC 44

Criminal and regulatory

Hunter v Southam Inc, [1984] 2 SCR 145 (*Charter* s 8)

Palmer v The Queen, [1980] 1 SCR 759 (fresh evidence)

R v B (KG), [1993] 1 SCR 740 (hearsay)

R v Biniaris, 2000 SCC 15 (unreasonable verdict)

R v Gladue, [1999] 1 SCR 688

R v Grant, 2009 SCC 32 (s. 24(2) *Charter*)

R v Hall, 2002 SCC 64 (tertiary ground in bail)

R v Ipeelee, 2012 SCC 13 (*Gladue* principles)

R v Khelawon, 2006 SCC 57 (hearsay)

R v M(CA), [1996] 1 SCR 500 (proportionality)

R v Oakes, [1986] 1 SCR 103 (s 1 *Charter*)

R v Proulx, 2000 SCC 5 (conditional sentences)

R v Rowbotham (1988), 25 OAC 321 (appointment of state-funded counsel)

R v Sheppard, 2002 SCC 26 (sufficiency of reasons)

R v St-Cloud, 2015 SCC 27 (bail tertiary ground)

R v Stinchcombe, [1991] 3 SCR 326 (disclosure obligation)

R v W(D), [1991] 1 SCR 742