Appendix B – Coding Manual

1. Case Name

* **Include**: Case name as QL cites it
* **Transfer from decision**: Cut and paste
* **Data validation**: Allows anything in this box

1. QL Citation

* **Include**: QL citation as QL cites it
* **Transfer from decision**: Cut and paste
* **Data validation**: Allows anything in this box

1. Neutral Citation
   * **Include:** Nothing
2. Registry

* **Include**: Select from drop down menu
  + 1 - Campbell River
  + 2 - Chilliwack
  + 3 - Courtenay
  + 4 - Cranbrook
  + 5 - Dawson Creek
  + 7 - Duncan
  + 8 - Fort St. John
  + 8 - Golden
  + 9 - Kamloops
  + 10 - Kelowna
  + 11 - Nanaimo
  + 12 - Nelson
  + 13 - New Westminster
  + 14 - Penticton
  + 15 - Port Alberni
  + 16 - Powell River
  + 17 - Prince George
  + 18 - Prince Rupert
  + 19 - Quesnel
  + 20 - Revelstoke
  + 21 - Rossland
  + 22 - Salmon Arm
  + 23 - Smithers
  + 24 - Terrace
  + 25 - Vancouver
  + 26 - Vernon
  + 27 - Victoria
  + 28 - Williams Lake
  + 29 - Grand Forks
  + 30 - Richmond
  + 31 - No registry info
  + 32 - Surrey
  + 33 - Fernie
  + 34 - 100 Mile House
  + 35 - Port Hardy
  + 36 - Creston
  + 37 - Invermere
  + 38 - Rossland
  + 39 - Fort Nelson
  + 40 - Oliver
* **Data validation**: Only allows the list
* **Multiple registries**: If two registries are listed, use the registry where application/motion/trial is heard. If, however, only one registry is listed and it is heard in another registry, use home registry

1. Hearing information
   * **Include**: Select from drop down menu
     + 1 – Yes
     + 2 – No
   * **Data** **validation**: Only allows the list
2. Hearing concludes

* **Include**: Date the hearing concludes. If parties provide written submissions after hearing, deem the hearing to end on the last date of written submissions (written submissions only count as one day)
* **Transfer from decision**: Cut and paste or manually enter
* **Data validation**: Allows anything in this box

1. Court days

* **Include**: How many hearing days
* **Transfer from decision**: Count days out and manually enter. For longer trials, mark in blocks on paper, then sum. If the decision includes a block of days that does not exclude weekends, then use this date calculator (https://www.timeanddate.com/calendar/?year=1979&country=27): tell the calculator to exclude weekends and holidays. If parties only provide written submissions or provide them after a hearing (e.g., to address costs), then treat them as one court day
* **Data validation**: Only allows a numerical value

1. Decision issued

* **Include**: Date court issued decision
  + At times, QL uses the word “filed” before decision *vs*. just “judgment issued”
  + Use the first date that QL provides (I am assuming the date given is the date the decision was issued. The date could have been earlier—e.g., if QL failed to include “filed”)
  + Some oral decisions are given and then filed later. Use the given date *vs*. the filed date
  + At times, no hearing date is given for oral decisions. Assume the hearing date and oral decision date were the same day (in analysis, note this point)
  + Do **not** include any other days
* **Transfer from decision**: Cut and paste or manually transfer
* **Data validation**: Allows anything

1. Days to issue

* **Include**: Nothing
* **Using formula builder**: DAYS (end\_date,start\_date)
* **Data validation**: Allows a numerical value

1. Judge

* **Include**: Judge’s name
* **Transfer from decision**: Cut & paste for the first time. Then enter name until Excel auto-populates
* **Data validation:** Allows anything

1. Applicant/Appellant/Plaintiff
   * **Include**: Select from drop down list
     + 1 – Government
       - Include: municipal, provincial, federal government; board or agency or government association; sheriff; assessor; regulatory agency (e.g., college of dentists, physicians, *etc*.)
     + 2 – Society
       - Include: law society
       - Does not include: entities labeled as associations or societies
     + 3 – Corporation
       - Include: hospitals, unions, stratas, associations, co-operatives, universities, ICBC, crown corporations, federations, established trusts, societies
     + 4 – Individual
       - Include: representative plaintiffs; estates responding to claims from individual plaintiffs or the government; trustees
     + 5 – Aboriginal
       - Include: Indigenous individuals (if clear); Indigenous bands; representative Indigenous individuals who represent an Indigenous band, e.g., a chief or council member
     + 6 – Other
       - Include: Any combination of the above; plaintiff’s carrying on business as; bankruptcy trustee; an entity that does not fit into another category; political parties
     + 7 – None
       - Include: No plaintiff/applicant or respondent/defendant
   * **Data validation**: only allows the list
   * **Notes**:
     + Code using the style of cause for civil and family proceedings
     + Code for the moving party in criminal, bankruptcy, and creditor proceedings (if clear)
     + When two actions are combined, combine the plaintiff and defendants when coding; if they do not match, use other
     + Combine third parties and defendants; if they do not match, use other
2. Respondent/Defendant
   * **Include**: Select from drop down list
     + 1 – Government
       - Include: municipal, provincial, federal government; board or agency or government association; sheriff; assessor; regulatory agency (e.g., college of dentists, physicians, *etc*.)
     + 2 – Society
       - Include: law society
       - Does not include: entities labeled as associations or societies
     + 3 – Corporation
       - Include: hospitals, unions, stratas, associations, co-operatives, universities, ICBC, crown corporations, federations, established trusts, societies
     + 4 – Individual
       - Include: representative plaintiffs; estates responding to claims from individual plaintiffs or the government; trustees
     + 5 – Aboriginal
       - Include: Indigenous individuals (if clear); Indigenous bands; representative Indigenous individuals who represent an Indigenous band, e.g., a chief or council member
     + 6 – Other
       - Include: Any combination of the above; plaintiff’s carrying on business as; bankruptcy trustee; an entity that does not fit into another category; political parties
     + 7 – None
       - Include: No plaintiff/applicant or respondent/defendant
   * **Data validation**: only allows the list
   * **Notes**:
     + Code using the style of cause for civil and family proceedings
     + Code for the moving party in criminal, bankruptcy, and creditor proceedings (if clear)
     + When two actions are combined, combine the plaintiff and defendants when coding; if they do not match, use other
     + Combine third parties and defendants; if they do not match, use other
3. Self-Rep

* **Include**: Select from drop down list
  + 1 – No – All parties represented
    - Include: no parties self-rep (even if one party does not attend)
  + 2 – One self rep
    - Include: one party is self-rep
  + 3 – All self rep
    - Include: both parties are self-rep
  + 4 – Other
    - Include: More than one self-rep, but some parties have counsel
  + 5 – No information given
    - Include: When information is included for one party but not for the other
* **Data validation**: only allows the list
* Assume when it says no one appears that it means the party and counsel did not show up

1. Subject

* **Include**: Select from drop down list
  + 1 – Administrative
    - Include: any judicial review; reviews of assessment boards; tax set-aside proceedings; umpire review; statutory “appeals” of administrative decision-makers; reviews of arbitration decisions & leave to appeal of arbitration decisions; reviews of orders-in-council; motions related to ongoing administrative proceedings (e.g., for delay) or for pending proceedings; reviews of regulatory decisions; administrative remedies (e.g., *mandamus*); stated-case proceedings from administrative proceedings or regulatory statutes; injunctions to stop administrative processes
  + 2 – Constitutional
    - Include: division of powers disputes; questions of *vires* and jurisdiction
  + 3 – Civil procedure
    - Include: any civil procedure issue, including pleadings, discovery, limitations, costs, taxation, motions-to-strike (including for jurisdictional purposes); summary judgment; summary trial; contempt; applying to appoint an arbitrator; security for costs; applications to set aside orders; applications to reaffirm original decision; applications for direction; applications for proceedings on point of law; applications to amend orders; applications to compel medical examinations; applications for default judgment and any related default judgment issues; applications for special cases on procedural and limitation issues; applications related to contingency agreements; applications to enforce foreign judgments; applications over evidentiary issues during trial; applications over jurisdictional disputes (e.g., *forum non conveniens*); applications for no or insufficient evidence; applications for leave to reopen judgment afterreserve (if during trial, use subject matter code); applications for want of prosecution; applications related to notifying interested parties; applications for summary trial suitability; applications for civil publication bans; applications to set aside based on jurisdiction; applications for disqualification; conflict of interest applications; applications to approve settlements; applications to strike out notice of appeal; applications for indigent status; applications to settle order; applications to stay proceedings; applications for restraining orders; applications for *Anton Pillar* orders; applications to have non-lawyers represent parties; applications to enforce arbitration award; applications to stay action because of arbitration agreement; applications to draw adverse inference or other trial procedure that are not subject specific; applications on what issues to put to the jury; applications to refuse to enter jury verdict; proceedings arising from the *Barristers and Solicitors Act*
  + 4 – Contract
    - Include: oral agreements; leases; guarantees; specific performance or other contractual remedies; disputes under *Sale of Goods Act*; enforcing disputed settlement agreements; actions for undue influence to unwind contract
    - Does not include: insurance disputes (Code 13) or employment contracts (Code 7)
  + 5 – Corporate/Commercial
    - Include: anything related to the *Companies Act*; oppression; winding up; shareholder disputes; securities disputes; debenture; corporate loans; corporate mortgage disputes; issues related to society’s or association’s bylaws or constitutions; joint ventures; applications to pierce the corporate veil
  + 6 – Criminal
    - Include: procedural issues; evidentiary motions; *habeas corpus*; detention under mental health or forensic grounds; extradition; mutual legal assistance; constitutional motions in criminal proceedings; civil forfeiture; criminal forfeiture; detention of property in the criminal context; applications for disclosure of retained evidence after trial/conviction; publication bans or disclosure issues related to media
    - Does not include: criminal appeals
  + 7 – Employment
    - Include: wrongful dismissal; issues related to the *Canada Labour Code*; employment contract disputes; strike and picketing issues; restrictive covenants in employment and corporate agreements
  + 8 – Environmental
    - Never occurred. Always fell into another category
  + 9 – Estate/Trusts
    - Include: applications under the *Testators’ Family Maintenance Act*; resulting trusts; will variation applications; orders regarding survivorship and death; breach of trust by trustee; fees that arise out of a will before trial; applications to deem someone incapable of managing own affairs under the *Patients Property Act*; issues related to Public Guardian and Trustee; breach of fiduciary duty; costs related to executrix duties; leave applications under the *Wills*, *Estates and Succession Act*; recommendations from Registrar before confirmation hearings; motions under the *Cremation, Interment and Funeral Services Act*; disputes over funds in lawyers’ trust accounts
  + 10 – Family Law
    - Include: all things related to family law, including all applications or petitions; protection orders; adoption; applications to confirm registrar’s recommendation; applications under the *Family Relations Act* and the *Family Relations Act Interim Rules*; custody; injunctions under the *Family Relations Act*; variations under the *Interjurisdictional Support Orders Act*
  + 11 – Human rights
    - Never occurred. Always fell into another category
  + 12 – Insolvency
    - Include: bankruptcy; trustee’s motions related to their role in the proceedings; taxation of trustee’s fees
  + 13 – Insurance
    - Include: declarations of death; workers’ compensation eligibility; issues of ownership of vehicles in car accidents
  + 14 – IP
    - Include: theft of an idea; passing off; trademark
  + 15 – Municipal
    - Include: petitions related to bylaws; land registry disputes; land use contracts; applications brought under the *Municipal Act*; municipal statutory injunctions
  + 16 – Personal Injury
    - Include: car accident; slip and fall; snow clearing; occupier’s liability; claims for death under the *Family Compensation Act*
    - Does not include: other torts. Do not include any injury arising from professional negligence, e.g. against a doctor; instead use Code 21
  + 17 – Public Law
    - Include: crown grant of land; provincial election issues; cabinet confidences
  + 18 – Property
    - Include: replevin orders for property; partition orders; petitions to approve sale; setting aside conveyances; aboriginal title and other property related issues (otherwise use Code 26); modifying charge registered against property; restrictive covenants; easements; bailment; remedies under the *Land Titles Act*; remedies under the *Fraudulent Conveyances Act*; orders for detention, custody, or preservation of property (including under the *Supreme Court Civil Rules*); petitions under the *Commercial Tenancy Act* (including application to set hearings); issues under the *Property Law Act*; damages for improper filing of *lis pendens*; disputes under the *Condominium Act*; bailment; strata disputes; *Partition of Property Act* proceedings; issues related to property co-ops; expropriation, including costs of those proceedings
  + 19 – Regulatory
    - Include: applications to become notaries; applications relating to the *Mobile Home Act*; applications under the *Hospital Act* relating to doctor’s privileges; *Law Society Act* proceedings; *Motor Vehicle Act* proceedings; *Legal Profession Act* & *Legal Society Act* proceedings; applications under the *Health Profession Act* and *Midwives Regulation* (including injunctions); *Freedom of Information and Protection of Privacy Act* requests; *Health Professional Act* proceedings; *Notaries Act* proceedings
  + 20 – Appeal
    - Include: any civil or criminal appeal from provincial court, master, or registrar; leave to appeal for lower than BCSC (including the Civil Resolution Tribunal)
    - Does not include: family appeals
  + 21 – Tort
    - Include: assault; negligence arising from professional duties; conversion, battery; negligent, fraudulent, or innocent misrepresentation; negligent misstatement; trespass; bullock orders after judgment; fraud; conversion; libel; nuisance; breach of trust
    - Does not include: personal injury (Code 16)
  + 22 – Creditor debtor
    - Include: sheriff seizures; foreclosure; remedies on personal covenant; garnishment; order *nisi*; statutory liens; setting aside mortgaged property sale; discharge of mortgage; remedies under the *Fraudulent Preference Act*; rates of interests related to mortgages in foreclosure proceeding; plan of arrangement for creditors; remedies under *Companies’ Creditors Arrangement Act*; repossession; setting aside liens; appointment of a receiver; remedies under the *Court Order Enforcement Act*; applications for certificates of pending litigation (and variance)
  + 23 – Tax
    - Include: disputes over funds linked to tax implications; order for property tax exemption; rectification motions with tax implications
  + 24 – Equitable
    - Include: injunctions; applications to set aside injunctions; *quantum meruit*; unjust enrichment; damages arising from injunctions; applications under the *Law and Equity Act*; mareva injunctions; breaching confidentiality of agreements that require an injunction; claims for rectification; rescission
    - Does not include: family law injunctions or employment related injunctions
  + 25– Class action
    - Include: applications to certify class; applications related to settling the class agreement (including costs); interventions in class proceedings; pre-certification applications relating to the certification (e.g., document production)
  + 26 – Aboriginal
    - Include: any land disputes involving Indigenous litigants and the government or constitutional disputes
  + 27 – OPCA
    - Include: any free-people-of-the-land type litigation
* **Data validation**: only allows the list
* **Notes**:
  + If a decision addresses multiple causes of action, attempt to choose the one that occupies the majority of the decision

1. Word count

* **Include**: Word count from beginning of decision until end
* **Transfer from decision**: Manually enter or cut and paste
* **Do not include**: Any schedules to decision or addendums
* **Notes**:
  + Use google chrome embedded tool (Word Counter Plus).[[1]](#footnote-1) After right clicking the selected text of all the text in the paragraphs, use that number for the word count
  + For 1980, subtract the paragraph numbers from word count. The original decisions did not have paragraphs

1. Headings

* **Include**: Select from drop down list
  + 1 – Headings
  + 2 – No headings
* **Data validation**: only allows list

1. Appeal

* **Include**: Select from drop down list
  1. 1 – No appeal
  2. 2 – Appeal granted
  3. 3 – Appeal denied
  4. 4 – Appeal (no info)
  5. 5 – Leave to appeal denied
* **Data validation**: only allows drop down list

1. “Word Counter Plus”, online: <https://chrome.google.com/webstore/detail/word-counter-plus/fpjegfbcdijjfkceenlfoehpcakfgldj?hl=en>. [↑](#footnote-ref-1)