

Facts

What are the facts of the case?

Why was this case brought to this Court level?

Briefly give the facts of the case, without every little detail, even if you find those interesting. Unless it is relevant, do not include it.

Unless this is a TRIAL DECISION (court of first instance), it is an APPEAL. Why is the case being appealed? Who won?

The decisions of the lower courts are FACTS in the case, they are not the decisions with which we are concerned.

FIDS Analysis Questions

1. Who is (are) the Plaintiff(s) in this action? (F)
2. Who is (are) the Defendants? (F)
3. What happened to give rise to this action? (F)
4. How did the trial judge decide the issue? Why? (F)
5. If applicable, how did the Court of Appeal decide? (F)

Issues

What are the questions the Court is being asked to answer?

Is the decision of a lower court being disputed? Why?

Very often these questions will begin with the word "whether", for example, in Childs v. Desormeaux, the Supreme Court was being asked whether social hosts were liable to third parties who might be injured by the actions of their guests.

There is always a legal element to be decided.

FIDS Analysis Question

6. What is the issue which the trial judge, the judges at the Court of Appeal, and the justices at the Supreme Court of Canada are being asked to decide? (I)

Decision

What did the court decide and what were its reasons for the decision? Did all the judges agree?

Here, we are concerned only with the decision of the last Court to decide -- usually this is the Supreme Court of Canada. A decision of a lower court is really part of the facts, not the decision.

Was it a unanimous decision, or a close call? If it was close, this might be an indication that the decision may not be the same the next time.

FIDS Analysis Question

7. How did the LAST Appeal Court decide the issue? What was their reasoning? (D)

Significance

What is the social significance of the decision?

What does it mean to the Canadian public?

Justify your response.

If it helps, consider what the result might have been if the Supreme Court had decided the opposite way.

FIDS Analysis Question

8. For practical purposes, what effect does the ruling in this case have on society? (S)