



## RESEARCH GUIDE

# personal injury damages

This research guide on personal injury damages includes reference to some legislation; other legislation may apply. Case law is important in this area.

### legislation

*Insurance Act*, R.S.A. 2000, c. I-3

[http://www.qp.alberta.ca/574.cfm?page=I03.cfm&leg\\_type=Acts&isbncln=9780779740208](http://www.qp.alberta.ca/574.cfm?page=I03.cfm&leg_type=Acts&isbncln=9780779740208)

*Minor injury regulation*, Alta. Reg. 123/2004

[http://www.qp.alberta.ca/574.cfm?page=2004\\_123.cfm&leg\\_type=Regs&isbncln=0779751159](http://www.qp.alberta.ca/574.cfm?page=2004_123.cfm&leg_type=Regs&isbncln=0779751159)

In a February 8, 2008 judgment, the Court of Queen's Bench struck down the *Minor Injury Regulation* on the basis that it is unconstitutional (see *Morrow v. Zhang*, 2008 ABQB 98). The case is under appeal.

### case law

*Canadian abridgment*. 3<sup>rd</sup> ed. Carswell, 2003-.  
"Remedies"

I Damages  
5 Damages in tort  
a Personal injury

Digests of Canadian cases are organised under this classification in vol. 99 and vol. 100 in print and available electronically through LawSource.

CanLII (Canadian Legal Information Institute)

<http://www.canlii.org>

CanLII provides searchable full-text access to Canadian case law. The scope of coverage varies by jurisdiction and court. Boolean operators, proximity connectors, phrases and date restrictions can be incorporated into your query. Using the [Advanced Search] feature, you can select one or more jurisdictions to be searched, limit your search to appellate decisions, and restrict your search by type of tribunal. You can also use CanLII to retrieve cases by citation or name.

*Alberta decisions : civil and criminal cases*. Western Legal Publications, 1973-2008.

Digests of written reasons are included under the topical heading "Personal injury damages - quantum for specific injuries".

*Alberta law reports*. Carswell, 1908-

Cases are digested under "Damages - Damages in tort - Personal injury".

*Alberta reports*. Maritime Law Book, 1979-

Cases are indexed under the heading "Damage awards" in the index volumes. There are sub-headings for specific injuries.

LawSource, LexisNexis *Quicklaw* and Maritime Law Book provide electronic subject search access to legislation, case law and topical material. LexisNexis *Quicklaw* groups topical information under the source [Quantum of Damages in Personal Injury Law Cases - Topical]. Maritime Law Book classifies case law under the topical heading "Damage awards" and specifies injuries to body parts.

For further assistance, call 403.297.6148 (Calgary) or 780.422.2342 (Edmonton) or contact your local ALSL branch.

## encyclopedia

*Canadian encyclopedic digest (Western)*. 3<sup>rd</sup> ed. Carswell, 1979-

Title 44 : "Damages"

IV Damages in tort

1 Negligence

c Personal injury

Discussion of this area of law with annotations to legislation and cases is located in vol. 11 in print and available electronically through LawSource. This title is current to 2007.

## texts

Legal Education Society of Alberta. *Personal injury: insurance reform (Bill 53)*. The Society, 2004.

[KF 1257 A5 P456 2004](#)

This LESA seminar publication discusses amendments to the Insurance Act introduced by Bill 53 including the cap on minor injury damages and related regulations.

### Quantum

Carlson, John R. and Carlson, Karen D. P. *Personal injury damages*. Butterworths, 2004-

[KF 1256 C37](#)

This annually updated publication provides outlines of decisions by province and injury since 2000.

Goldsmith, Immanuel and Reinhart, Marshall. *Goldsmith's damages for personal injury and death in Canada : consolidated tables of damages*. Carswell, 1989-

[KF 1256 A75 G642](#)

An index of judges is included in the text.

Macleod Dixon (Firm). *A decade of whiplash decisions in Alberta 1992-2002*. Macleod Dixon, 2003.

[KF 1257 M32 2003](#)

McAra, E. A. *Personal injury damage assessments in Alberta*. Butterworths, 1980-

[KF 1256 A8 M3](#)

Russell, Duane E. ed. *Quantum of damages in Alberta whiplash cases*. Litigation Consultants Corp., 1990-

[KF 1257 Q82](#)

In addition to quantum data, the volume contains sample forms.

### Basic principles

Cassels, Jamie. *Remedies : the law of damages*. 2<sup>nd</sup> ed. Irwin Law, 2008.

[KF 9010 C37 2008](#)

Cooper-Stephenson, Kenneth D. *Personal injury damages in Canada*. 2<sup>nd</sup> ed. Carswell, 1996.

[KF 1257 C66 1996](#)

Waddams, S. M. *The law of damages*. Canada Law Book, 1991-

[KF 446 W34 1991](#)

### Calculating the award

Brown, Cara L. *Damages: estimating pecuniary loss*. Canada Law Book, 2001-

[KF 1256 A8 B76 2001](#)

Bruce, Christopher J. *Assessment of personal injury damages*. 4<sup>th</sup> ed. Butterworths, 2004.

[KF 1257 B78 2004](#)

For further assistance, call 403.297.6148 (Calgary) or 780.422.2342 (Edmonton) or contact your local ALSL branch.

Smith, Ronald T. and Sefton, Cynthia R. C. *Accounting for damages : a framework for litigation support*. 2<sup>nd</sup> ed. Carswell, 1993-1996.

KF 1251 S552 1993

## Practice

Gluckstein, Bernard L. et al. *Personal injury practice manual*. Butterworths, 1999-

KF 8925 P4 G5 1999

Oatley, Roger G. *Addressing the jury : achieving fair verdicts in personal injury cases*. 2<sup>nd</sup> ed. Canada Law Book, 2006.

KF 8925 P4 O27 2006

Wunder, Martin H. *The conduct of a personal injury action : the case of the plaintiff*. 2<sup>nd</sup> ed. Carswell, 1980.

KF 8925 P4 W86 1980

## journals

Search the *Index to Canadian legal literature* in print or electronically on LawSource using the headings "Personal injuries" and "Damages" to identify subject-specific articles.

Additional full-text articles are available electronically through

- HeinOnline, a database providing full-text access to Canadian and international law reviews and legal journals which may be searched at no charge in ALSL branches;
- LawSource, which contains a collection of Canadian journals and law reviews, as well as all articles and case comments appearing in Carswell law reports; and
- LexisNexis *Quicklaw's* [Quantum of Damages in Personal Injury Law Commentary - Topical], a collection of journal articles, research papers and newsletters.

## seminars

Legal Education Society of Alberta (LESA) seminar materials and papers from bar association meetings are searchable by [Keyword] through the ALSL catalogue, [www.lawlibrary.ab.ca](http://www.lawlibrary.ab.ca). Detailed information on the Table of Contents is found under the [Table of Contents] display option.

## internet resources

Brown Economic Consulting Inc.

<http://www.browneconomic.com>

This site includes five different economic loss calculators, and references to articles. Access to some sections of the site is fee-based.

Economica

<http://www.economica.ca>

This site includes calculation tables for inflation adjustment and for pre-judgment interest, as well as articles related to personal injury litigation.

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