



Peter JM Lown QC • Director, ALRI
• Treasurer, CALRAs

Law Reform in an Electronic Age

Commonwealth Association of Law Reform Agencies

April 11 and 12, 2015

Edinburgh



The ALRI Team

Dedicated to advancing just and effective laws through independent legal research, consultation and analysis.

Peter JM Lown QC
Director

Katherine MacKenzie
Legal Research Associate

Jenny Koziar
Assistant to the Director



Impact in Three Areas



Research



Consultation



Reports



Research in an Electronic Age



Electronic Research

- Prevalence
 - New associates at law firms spend 71% of their work week online
 - 31% of their work week is spent doing legal research
 - Figure jumps to 35% for first or second year associates



Electronic Research

- Prevalence
 - Legal research mostly done using online, paid resources (first) and online, free resources (second)
 - Less than 2 hours per week were spent consulting print resources
 - 10% of those surveyed do not use print resources at all



Electronic Research

- Prevalence
 - Another emerging trend is the increasing use of mobile devices which, in turn, signals increasing access to mobile apps
 - American Bar Association 2014 Tech Survey = 91% of respondents use a smartphone:
 - 69% use iPhone
 - 25% use Android
 - 7% use Blackberry (down 41% from 2011)



Electronic Research

- Methodology
 - Texts vs Google
 - Natural language search
 - Libraries and Librarians



Electronic Research

- Resources
 - Databases



WorldLII

World Legal Information Institute

Free, independent and non-profit access to worldwide law

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- [Treaties](#)

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- [All Categories](#)
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Last updated 27 March 2015

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- [Extraordinary Chambers in the Courts of Cambodia 2007-](#) (WorldLII)
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Latest Catalog Additions

- Research Guide to International Weapons Law
Link added: >> Military Law >> [Other Indexes](#)
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Other resources

[CanLII•Connects](#)[Commentary](#)[Other Countries](#)

About CanLII

CanLII is a non-profit organization managed by the Federation of Law Societies of Canada. CanLII's goal is to make Canadian law accessible for free on the Internet. This website provides access to court judgments, tribunal decisions, statutes and regulations from all Canadian jurisdictions.

News

2015-03-17 [CanLII Professional Users News](#)

2015-02-19 [Career Opportunity: President & Chief Executive Officer, Canadian Legal Information Institute \(CanLII\)](#)

2015-02-11 [Extend your research! Maritime Law Book provides CanLII users a path to a deeper understanding of the law](#)



Electronic Research

- Resources
 - websites



Alberta Law Reform Institute

The Alberta Law Reform Institute is the official law reform agency for the province of Alberta. It provides independent comprehensive advice to the Government of Alberta and other agencies to ensure that the law and administration of justice are kept up to date and serve Albertans to the best extent possible.

Dedicated to advancing just and effective laws through independent legal research, consultation and analysis.

Latest News

The Alberta Law Reform Institute publishes *Final Report 106 - Assisted Reproduction After Death: Parentage and Implications*

The Alberta Law Reform Institute has published *Final Report 106 - Assisted Reproduction After Death: Parentage and Implications*.

The idea of recognising parentage and inheritance rights for children born after the death of one of their genetic parents has been part of the common law for centuries. However, these provisions have only applied to children en ventre sa mère. In other words, parentage and inheritance rights are bestowed upon those children who are in utero at the time of a parent's death, provided they are subsequently born alive.

[Read more...](#)

ALRI is Looking for its Next Director

The Board of the Alberta Law Reform Institute is looking for a Director to guide the organization commencing in the fall of 2015.

ALRI Publications

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@ablawreform
We'll be at @CBAAAlberta South Charities Law Mar31 to discuss recommendations for nonprofit law reform. Register at cbapd.org/details_en.asp...

 **ablawreform** 26 Mar
@ablawreform
ALRI has just published Final Report 106: Assisted Reproduction: Parentage and Implications bit.ly/twfr106 #ab #law
Expand

 **ablawreform** 16 Mar
@ablawreform
ALRI is looking for a Director to guide the organization commencing in the fall of 2015. Details at bit.ly/alricareers #law #ab
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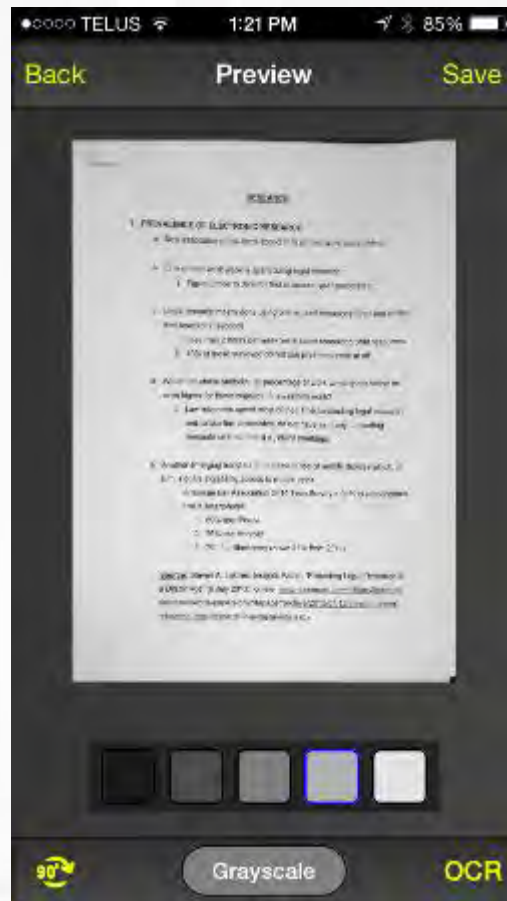
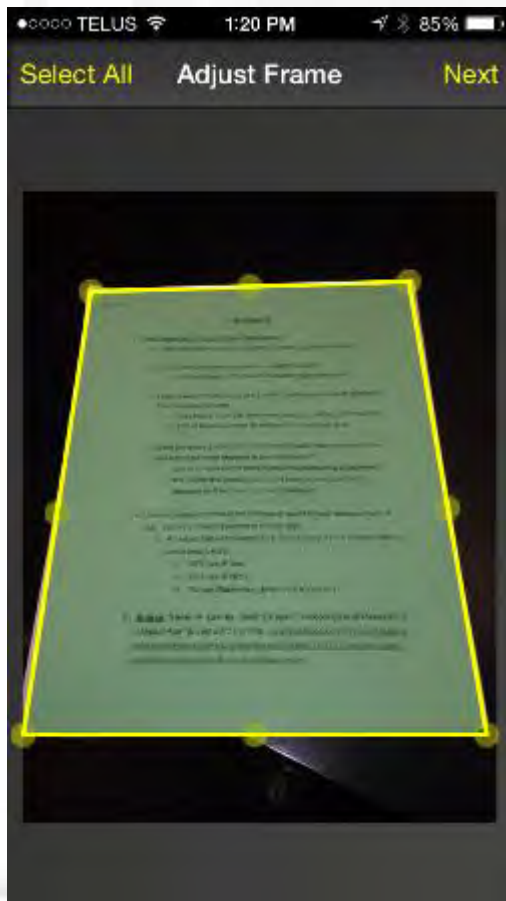
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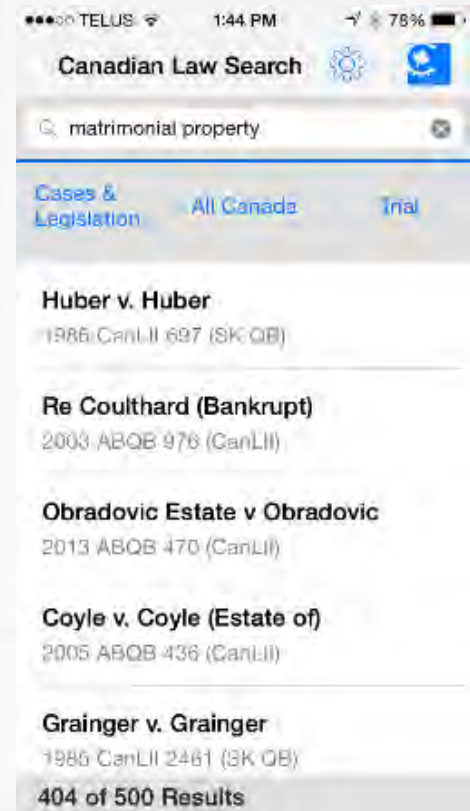
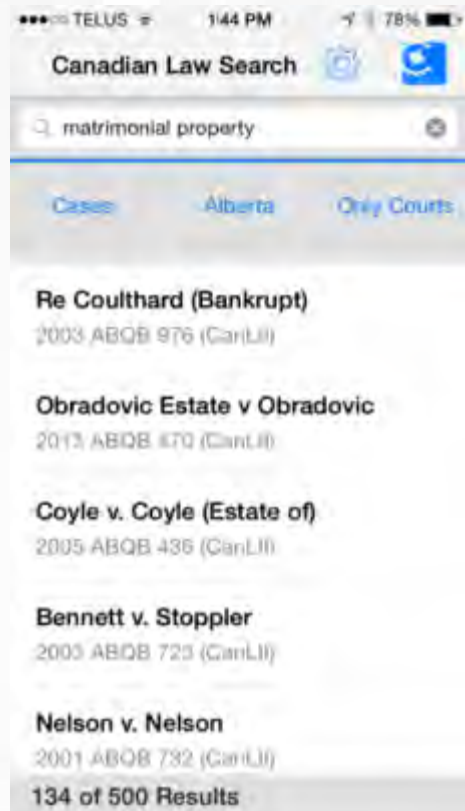
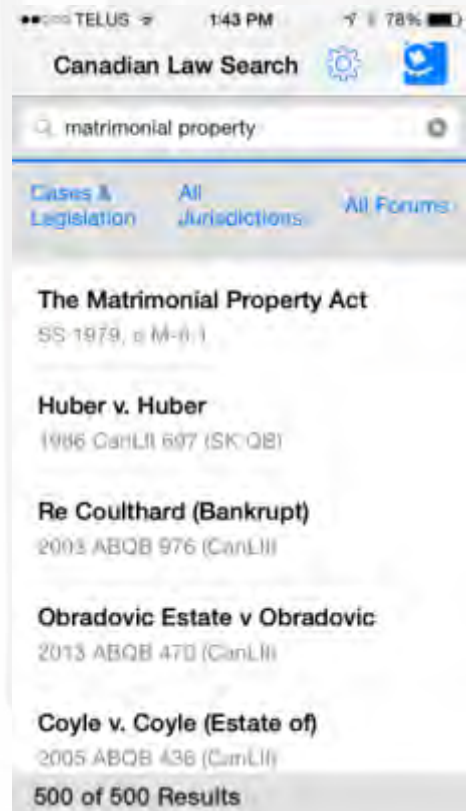
Electronic Research

- Resources
 - Apps

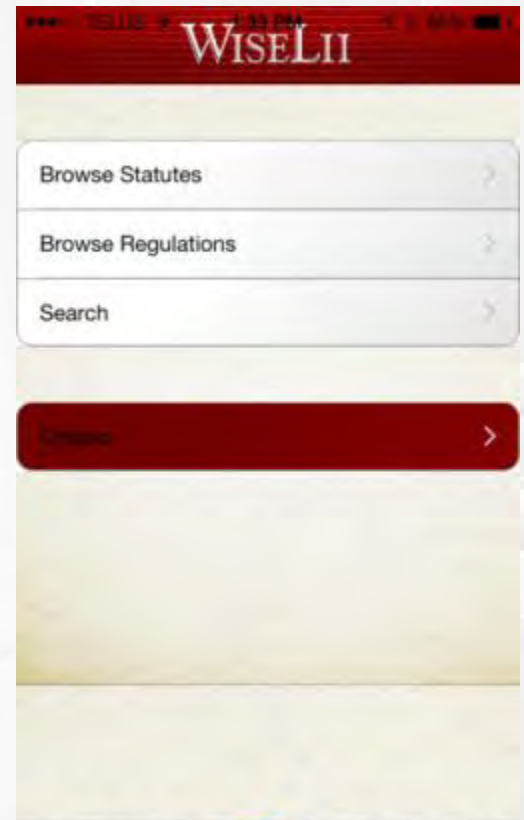
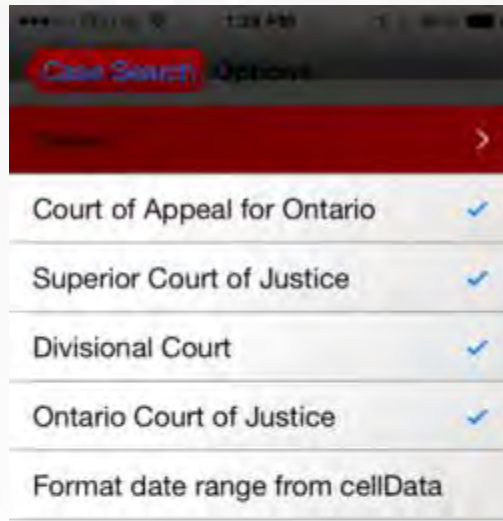
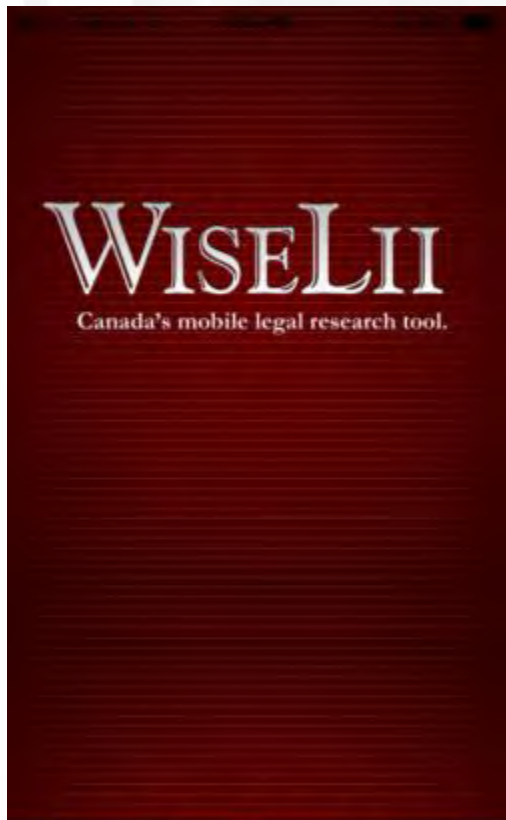




Turbo Scan



Canadian Law Search



WiseLii



Electronic Research

- Pros
 - Quick
 - Easy
 - Versatile
 - Timely
 - Collaborative
- Ask, tips, how to

... your legal information navigator

[ABOUT US](#) [FIND US](#) [TELL US](#) [SERVICES](#) **[ASK US](#)** [STAY CURRENT](#)

FREQUENT REQUESTS

Our Libraries: Directions and Hours - **Changed!** effective April 1, 2015

- Request Documents
- Ask a Law Librarian
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- E-Resources
- E-Books
- > more services

LEGAL RESEARCH TOOLBOX

[Research Guides](#)

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Please note: Changes to [library operating hours](#) effective April 1, 2015

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 **AlbertaLawLibraries** 3h
@ABLawLibraries
Stay Current with the law: R v McDonald, 2015 ABCA 108
[lawlibrary.ab.ca/staycurrent/2f](#)

 **AlbertaLawLibraries** 18h
@ABLawLibraries
Please note: there will be some changes in hours of operation as of April 1, 2015 in 4 locations
[lawlibrary.ab.ca/staycurrent/2f](#)

 **AlbertaLawLibraries** 20h
@ABLawLibraries

Shaunna Mireau on Canadian Legal Research

Tips on Canadian legal research from the Library at Field LLP.
Postings are those of the author and do not necessarily represent the firm.

July 25, 2013

Date sorting at the Alberta Courts Judgment database

Someone at the Alberta Courts is going to be very unhappy. I was asked to write a letter to share how disappointed (stronger phrasing will likely be used) that the **Alberta Courts Judgment Database** is no longer applying their "recent First default to the Quick Search results.

For those of you not in the know, the Quick Search function provides the previous 30 days of judgments and it often used by lawyers to review new case law. Remember the days when you walked into the **Alberta Law Libraries** and looked at the recent cases pile on the side reference desk (in Edmonton). The Quick Search function is the virtual equivalent of this process - an important tool for lawyers.

Not only is the Quick Search function not applying the default sort order, this seems to be broken for all searching. The search template shows a Sort by option of Recent First by default, but the results are not matching that criteria.

Fast forward to this morning when I was asked "What were they thinking?"

A very good question I hope to find an answer to. Even better, a return to the previous - successful - functionality.

Labels: **Legal publishing, Research, Searching**

posted by Shaunna Mireau @ 10:26 AM



About Me



Name: Shaunna Mireau

Director of Knowledge Management and Libraries for **Field Law**

in Edmonton, Alberta, Canada. These are my personal opinions.

[View my complete profile](#)

2009 Award Winner
CLawBies
Canadian Law Blog Awards

2010 Finalist
CLawBies
Canadian Law Blog Awards

Previous Posts

- ◆ **Government of Canada moves to electronic printing**
- ◆ **Missing Book Alert**
- ◆ **Feeding the social media monster**
- ◆ **March/April Lawflow magazine article Online Dispute...**



Electronic Research

- Challenges
 - Volume
 - Standard
 - Validity
 - Permanence
 - Point in time
 - Cost



Electronic Research

- Law reform in particular
 - resources



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Australasian Legal Information Institute

A joint facility of UTS and UNSW Faculties of Law

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[642 databases](#) from all Australasian jurisdictions

Last updated 31 March 2015

News & Database Additions

- [AustLII introduces digitally signed versions of decisions \(2 March 2015\) - Project summary \(PDF\)](#)
- [High Court of Australia Bulletin \[2015\] HCAB 2 \(24 March 2015\)](#)
- [Queensland Institute of Technology Law Journal 1985-1987](#)
- [Fortress Credit Corporation \(Australia\) II Pty Limited v Fletcher \[2015\] HCA 10 \(11 March 2015\)](#)
- [CMB v Attorney General for New South Wales \[2015\] HCA 9 \(11 March 2015\)](#)
- [Grant Samuel Corporate Finance Pty Limited v Fletcher: JPMorgan Chase Bank, National Association v Fletcher \[2015\] HCA 8 \(11 March 2015\)](#)
- [Queensland University of Technology Law Review 2013-](#)
- [Australian Journal of Gender and Law 2008-](#)
- [Queensland University of Technology Law Journal 1988-1999](#)
- [University of New South Wales Law Theses and Dissertations 1975-](#)
- [Communications Law Bulletin 1981-](#)
- [Balance: Journal of the Northern Territory Law Society 1991-](#)
- [Industrial Court of New South Wales 2014-](#)
- [Tasmanian Bills Clause Notes 2008-](#)
- [Victorian Mental Health Tribunal 2014-](#)
- [Past announcements...](#)

Latest Australasian Catalog Additions

- [Past additions...](#)

Cases & Legislation

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- [Northern Territory](#)
- [Queensland](#)
- [South Australia](#)
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- [Victoria](#)
- [Western Australia](#)

>> [New Zealand \(NZLII\)](#)

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- [Colonial Legal History](#)
- [Federation Law](#)
- [Health Practitioner Law](#)
- [Human Rights](#)
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- [Law Reform](#)
- [Legal Scholarship](#)
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- [Taxation Law](#)
- [Treaties](#)
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Electronic Research

- Law reform in particular
 - Resources
 - Scope
 - Case law research



Consultation in an Electronic Age



On-line Presence

- Twitter

AL
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Tweets

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ablawreform

27 Mar

@ablawreform

We'll be at @CBAAAlberta South Charities Law Mar31 to discuss recommendations for nonprofit law reform. Register at cbapd.org/details_en.asp...



ablawreform

26 Mar

@ablawreform

ALRI has just published Final Report 106: Assisted Reproduction: Parentage and Implications bit.ly/twfr106 #ab #law

Expand



ablawreform

16 Mar

@ablawreform

ALRI is looking for a Director to guide the organization commencing in the fall of 2015. Details at bit.ly/alricareers #law #ab

Expand

NZL
C

Tweets



NZ Law Commission 1 Mar

@NZLawCommission

Submissions close today on the Commission's review of extradition and mutual assistance. Have your say bit.ly/1JECXE4

Expand



NZ Law Commission 25 Feb

@NZLawCommission

Have your say on extradition. Submissions on our proposals for a new Extradition Act close 2 March bit.ly/1JECXE4

Expand



NZ Law Commission 24 Feb

@NZLawCommission

Have your say on the Commission's review of the law



On-line Presence

- On-line formats



ON

Valuation Date Under the *Matrimonial Property Act* [MPA]

The Alberta Law Reform Institute [ALRI] is currently consulting on three preliminary recommendations to amend the *Matrimonial Property Act* [MPA]. The MPA does not expressly set out a valuation date. In 2005, the Court of Appeal found that, by implication, various components of the MPA pointed to trial as the date for valuation. However, even before that decision, valuation at trial was seen to encourage delay and discourage settlement in many instances. Despite the clarification provided by the 2005 decision, case law indicates that valuation at trial is still problematic.

This short survey asks for your opinion on three issues:

1. Should the MPA expressly provide that spouses may agree on a valuation date?
2. If spouses cannot agree on a valuation date, should separation be the default valuation date?
3. How can the law best provide flexibility to respond to post-valuation changes?

Next



- HOME
- BLOG
- STORIES
- PEOPLE
- OPINIONS
- STRATEGIES
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COMMUNITY ENGAGEMENT QUICK READS

NOVEMBER 2, 2008

Advantages and disadvantages of online communication

COMMUNITY ENGAGEMENT QUICK READS

How do you stay engaged in t...

NEARLY FINISH

How do I write engaging head...

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What are the disadvantages o...

SUCCESS STORIES

JUNE 6, 2014

Consulting citizens online about education policy: the NSW Department of Education & Communities

The NSW Department of Education and Communities is

OPINIONS

MARCH 8, 2010

Wendy Sarkissian blogs about Bang the Table

Legend of international community engagement practice, Dr Wendy Sarkissian, has been kind enough to

What is community engagement?

Want better results from your community engagement?
Then sign up for the Bang the Table newsletter.



E-Communication

- Instant
- Short, staccato
- Direct
- Vocabulary



E-Content

- Value
- Logged

Matrimonial Property Act Review – Project No. 117

Document type:

L = letter
 M = memo
 T = telephone conversation (TCN)
 I = Information/presentations

F = fax
 E = e-mail
 C = Confidential

B = Board
 P = Project Committee

Source:

1 = produced in ALRI office
 2 = received by ALRI office

DOCUMENT LOG

Date	I.D. No.	From	Of	To	Of	Subject
2014 12 10	E-1-141	P. Lown/JK	ALRI	Board Members	ALRI	Advance copy of RFD 25
2015 01 16	E-2-142	J. Denis QC	AB Justice	P. Lown, QC	ALRI	Thank you email for advance copy of RFD 25
2015 02 15	L-2-143	M. Poon	AB Justice	P. Lown, QC	ALRI	Letter of inquiry from Marleen Poon
2015 02 23	E-2-144	L. Balbi	International Academy of Matrimonial Lawyers, Balbi & Company	ALRI		Comment on RFD25
2015 02 23	E-2-145	E. Lavigne	DMHJ Family Law	ALRI		Comment on RFD25
2015 02 24	E-2-146	M. Reeves		ALRI		Comment on RFD25
2015 02 25	E-2-147	L. Nielsen	Nielsen Family Law	ALRI		Comment on RFD25
2015 02 26	E-2-148	L. Allen	Allen Hryniuk	ALRI		Comment on RFD25
2015 02 27	F-2-149	M. Gordon QC	Gordon Zwaenepoel	ALRI		Comment on RFD 25
2015 03 03	E-2-150	J. Boyes	Davis LLP	ALRI		Comment on RFD 25
2015 03 04	E-1/2-151	P. Lown/ Judy Boyes	ALRI/ Davis LLP	Judy Boyes/ P. Lown	Davis LLP/ ALRI	ALRI reply to comment on RFD 25/ Additional comment from Boyes
2015 03 05	T-1-152	P. Lown	ALRI	M. Poon	AB Justice	Telephone conversation regarding issues raised in Feb 13 letter.



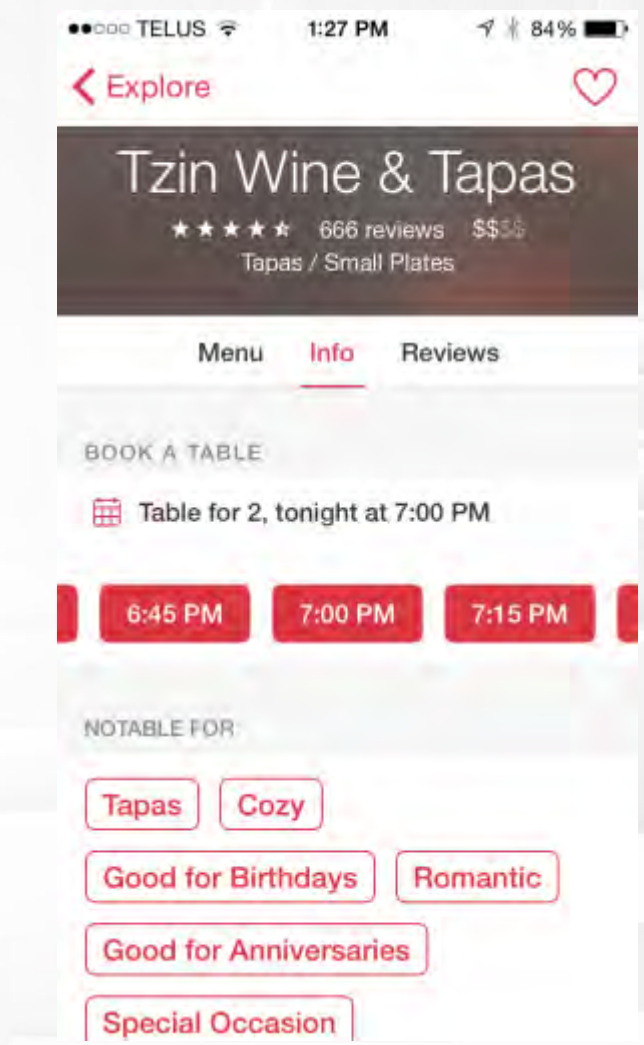
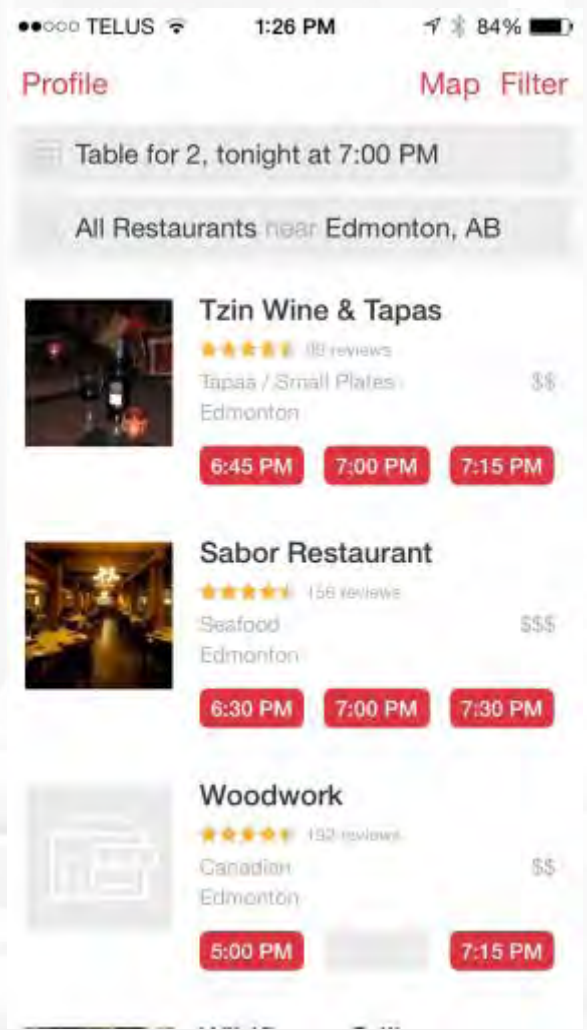
E-Content

- Value
- Logged
- Content or trend



Social Media

- E-communication at center
 - E.g. Open Table





Social Media

- Quality responses
- Structured issues

Oaths & Affirmations Consultation

0%

The *Alberta Evidence Act* provides that, where an oath is required or permitted, a witness may instead affirm if the witness objects to swearing. How often have you observed witnesses object to swearing an oath?

- Always Frequently Occasionally Rarely Never

Next

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Oaths & Affirmations Consultation

16%

The *Alberta Evidence Act* specifies that an objecting witness may instead affirm, if the person administering the process is satisfied that the objection is justified due to the witness's:

- conscientious scruples
- religious belief, or
- the oath's lack of binding effect on their conscience.

How often have you observed this "object-and-justify" procedure being used before witnesses are allowed to affirm?

Always Frequently Occasionally Rarely Never

Back

Next

Oaths & Affirmations Consultation

33%

How often have you observed witnesses who appear to be confused, frustrated or unsettled by the "object-and-justify" procedure?

- Always Frequently Occasionally Rarely Never

Back

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Oaths & Affirmations Consultation

50%

Where such confusion, frustration or unsettledness was observed, please rate how often you think it occurred for each of the following reasons:

(a) The difference between swearing and affirming seemed difficult for the witness to understand

- Always Frequently Occasionally Rarely Never

(b) English/French was not the witness's first language

- Always Frequently Occasionally Rarely Never

(c) The witness appeared reluctant to publicly identify him/herself as a member of a specific religion or as non-religious

- Always Frequently Occasionally Rarely Never

(d) Other (please specify)

Type here

(e) Don't know

Back

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Oaths & Affirmations Consultation

55%

During trial proceedings, where such confusion, frustration or unsettledness occurred during the process of swearing or affirming, how often did it seem to affect the witness's:

(a) ability to give evidence?

- Always Frequently Occasionally Rarely Never

(b) credibility or the reliability of the evidence?

- Always Frequently Occasionally Rarely Never

Back

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Oaths & Affirmations Consultation

83%

If the *Alberta Evidence Act's* "object-and-justify" procedure was not used when allowing a witness to affirm, how often have you observed the use of these alternative procedures?

(a) The person administering the process commenced the procedure for swearing, the witness objected and then was allowed to affirm without exploring whether justification existed

- Always Frequently Occasionally Rarely Never

(b) From the outset, the person administering the process offered the witness a "free choice" between swearing or affirming, and then simply administered the chosen process

- Always Frequently Occasionally Rarely Never

(c) Other (please specify)

Type here

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Social Media

- Key Features
 - Mobile and internet-based
 - Interactive platform
 - User-generated content
 - Ability to share/modify



Social Media



Facebook



Twitter



LinkedIn



Blogs (Slaw)



Wiki Sites (Legaltree.ca)



Usage

- Reports
 - Information and awareness
- Events
 - Calendar and reminder



Usage

- Links

- Random or customised links

- <https://docs.google.com/a/uAlberta.ca/document/d/1vys3T-55fH-kd7zddJDZcF-ejxJ21xawLi6sIfBIDP0/edit?usp=sharing>
 - <http://bit.do/Electronic-Age>
 - <http://fluidsurveys.com/surveys/alberta-law-reform-institute/mpa-valuation-date/>
 - <http://bit.ly/mpasurvey>



Twitter

- Benefits and Claims
 - Cost
 - Transparency
 - Greater reach



Format of Consultation

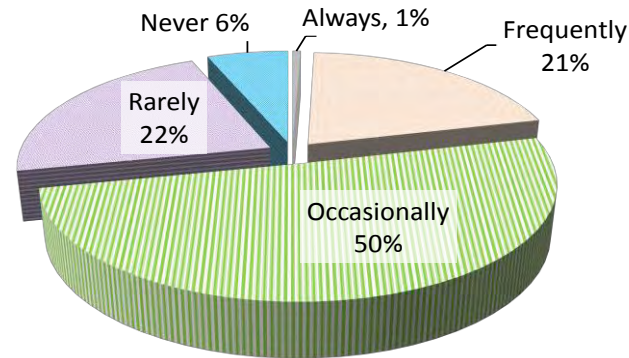
- Generational Issues
- Mode
 - Open ended
 - Closed choices
 - Additional comments
- Self-selecting audiences
- Privacy concerns
 - FOIPP and PIPA



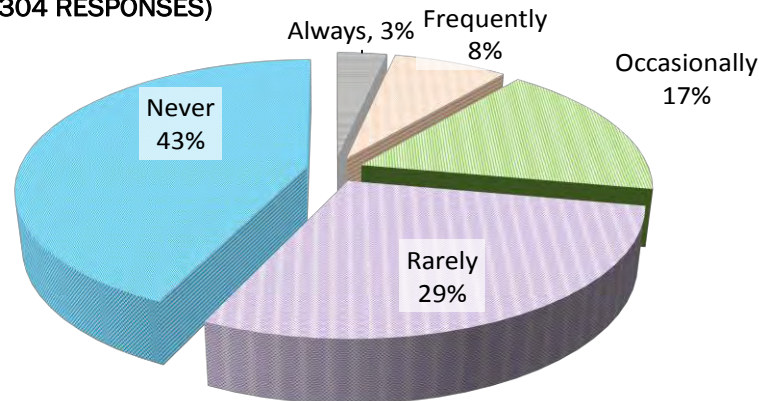
Collecting Results

- Collection and logs

1. THE ALBERTA EVIDENCE ACT PROVIDES THAT, WHERE AN OATH IS REQUIRED OR PERMITTED, A WITNESS OR DEPONENT OF AN AFFIDAVIT MAY INSTEAD AFFIRM IF THE WITNESS OR DEPONENT OBJECTS TO SWEARING. HOW OFTEN HAVE YOU OBSERVED WITNESSES OR DEPONENTS OBJECT TO SWEARING AN OATH? (325 RESPONSES)



2. THE ALBERTA EVIDENCE ACT SPECIFIES THAT AN OBJECTING WITNESS OR DEPONENT MAY INSTEAD AFFIRM, IF THE PERSON ADMINISTERING THE PROCESS IS SATISFIED THAT THE OBJECTION IS JUSTIFIED DUE TO THE WITNESS'S OR DEPONENT'S: CONSCIENTIOUS SCRUPLES, RELIGIOUS BELIEF OR THE OATH'S LACK OF BINDING EFFECT ON THEIR CONSCIENCE. HOW OFTEN HAVE YOU OBSERVED THIS "OBJECT-AND-JUSTIFY" PROCEDURE BEING USED BEFORE WITNESSES OR DEPONENTS ARE ALLOWED TO AFFIRM? (304 RESPONSES)



#	Court Clerks Responses (verbatim)
1.	In my opinion, the public appears apprehensive to indicate anything other than what the clerk is asking to swear on the bible.
2.	Asking them whether they feel bound by an oath on the Bible/other or whether they feel a promise in the form of an affirmation is what they feel bound by is generally what we do. We don't ask them to delve into their religious right to affirm.... ever.
3.	People sometimes say I believe in the bible but not religion or visa versa and then they are unsure if they should be swearing on the bible and they find it hard to choose what to do.
4.	<p>Pursuant to the Key Message from Lori Roth dated 05/19/2011 04:07:57 PM, QB Lethbridge follows the following procedure re swearing documents at the counter: What is the procedure to follow? After you have completed administering the oath you must then certify that the person satisfied you that he was entitled to affirm, which may be done by inserting the following clause before your signature on the jurat:</p> <p>"I certify that (name of person) satisfied me that he was a person entitled to affirm."</p> <p>Some court locations have designed a stamp with this clause to be utilized by staff when affirming, however, a handwritten endorsement is satisfactory. Please remind your staff of the requirement of this clause.</p> <p>If you have any questions regarding this communication, please contact Shauna Jobagy, Chair, Queen's Bench Civil Transition Team at shauna.jobagy@gov.ab.ca</p> <p>Regarding Court: Should a witness indicate that they do not wish to swear upon a Bible, we flip to Affirmation without any enquiry. They Justice may choose to question, but we never would.</p>
5.	The most common comment I hear is that the Bible is not binding on their conscience. Many people further point out that no holy book is binding on their conscience, nor is an Affirmation.
6.	Witnesses also seem to take offence when asked WHY they want to affirm.
7.	reply whichever, it doesn't matter, to which I reply they must tell me how they wish the oath administered
8.	Not understanding the Court process in giving evidence is frequent. Not understanding what an Oath is.
9.	some people don't know the difference between an affirmation and swearing in
10.	It seems as if it is intrusive and judgemental almost to question as to why it is they don't want to swear on the bible. I personally would be offended if i chose to affirm and I was asked as to why. It doesn't seem to matter how it is approached either. People tend to get upset with the whole idea of being questioned about it. I find it offensive as do the people I am asking, and I personally feel uncomfortable with doing it.



Collecting Results

- Analysis
- Resources
- Delegation
 - Focus groups
 - Webinars
 - Regional Centers



Reports



Reports

Why should I read this report?

- Hooks
- Report length
- Compartments
- Corrections
- Version control



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