

# WestlawNext CANADA

## Pathways to the Law

### Overview

WestlawNext Canada is the only online research tool in Canada designed with the whole research process in mind – with the awareness that the goal of research is not just to find cases on point but rather to discover the law.

WestlawNext Canada gives you everything you need to get the full picture of the law:

- **Primary Law** not only gives you the decisions and legislation that make up the law, it also includes supporting documents -- court filings, legislative history and pending legislation -- which lets you look behind decisions and current legislation to get a fuller picture.
- **Finding Tools** organize the law by issue and enable you to discover and tie together *all* the relevant authorities – The Canadian Encyclopedic Digest (CED), The Canadian Abridgment Digests, Citators (case and legislative), Words & Phrases and the Index to Canadian Legal Literature -- These research tools provide a valuable alternative or supplemental strategy to finding the law through keyword searching.
- **Commentary** explains the law in Canada – including the CED, leading loose leaf services, texts and law reviews and journals.

All of this material is tied together in an interface designed to *integrate* different information components to keep you moving on the right path towards your goal – to find not just the relevant primary law but to ensure the necessary context and to create a winning legal argument.

### Pathways to Finding the Law

Choose the pathway that makes sense for the legal issue you are researching: you can begin your research broadly, getting an overview of the issue, or more narrowly, by finding a decision or legislative provision on point. No matter how you begin, WestlawNext Canada's network of links ensures that you can move quickly and intuitively through all the relevant sources to get the full picture of the law.

Here are outlines of three possible strategies you may find useful. Within each of these strategies there may be various options you might use depending on the particular problem and the information you have.

#### Strategy A: Begin with an Overview (by browsing content):

- To get an overview of the issue, use the CED and other commentary.
- To find case law by issue, use The Canadian Abridgment Digests.
- To read relevant cases, use the full text case law.
- To note up relevant cases, use KeyCite Canada.
- Get legal analysis from secondary source citing references.

OR

**Strategy B: Begin by finding a leading case:**

1. Perform a search to find cases on point.
2. Link to Abridgment digests to find cases on the same issue.
3. To read relevant cases use the full text case law.
4. To note up relevant cases use KeyCite Canada.
5. Put it all together with analysis from the CED and other secondary source citing references.

OR

**Strategy C: Begin with an Overview (by searching):**

1. Simultaneous search across 11 content types in Primary Sources, Commentary and Court Documents.
2. Review results in the various content types.
3. Apply filters to further restrict your results.
4. Follow steps in Strategy A or B to find relevant cases, note up and get analysis using secondary sources.

**Research Example**

Toronto condo owners want to sue their builder for faulty construction and the municipality for faulty inspection of their condo building. Both the builders and the municipality claim it's too late for the owners to sue, according to the new limitation period. Here are the two research strategies you can use:

**STRATEGY A:**

**To get an overview of the issue:** Browse CED to get an overview of the issue by examining the law regarding limitation periods in Ontario in general and in particular, the effect of a change in the legislation.

1. Select CED in the Browse – All Content section of the WestlawNext Canada Home page.



Figure 1: WestlawNext Canada Home page

2. Select a heading to drill down to the relevant classification and then select the paragraph link to retrieve the text.



Figure 2: CED – Limitation of Actions heading

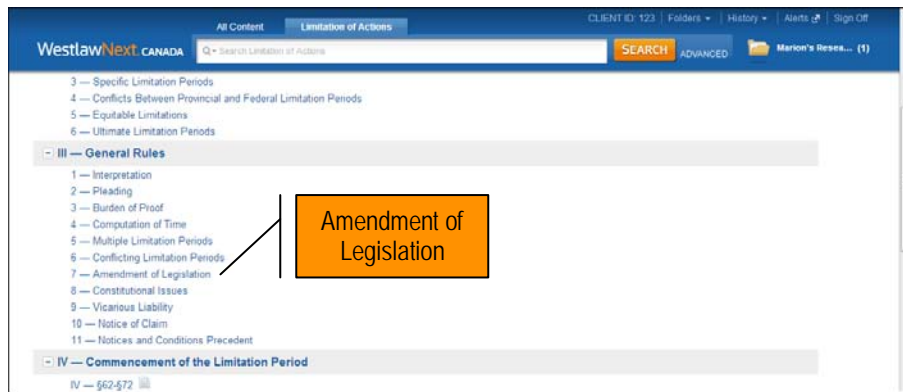


Figure 3: CED sub-classification displaying General Rules

3. Read up on the subject area and find out what legislation governs. In this case, it is the Ontario *Limitations Act, 2002*.

The CED not only provides comprehensive statements of the law, but it also provides footnotes to the applicable legislation and leading cases. You can easily retrieve all relevant Canadian cases by linking to the corresponding part in The Canadian Abridgment Digests by selecting the classification link – CIV.XXII.1.

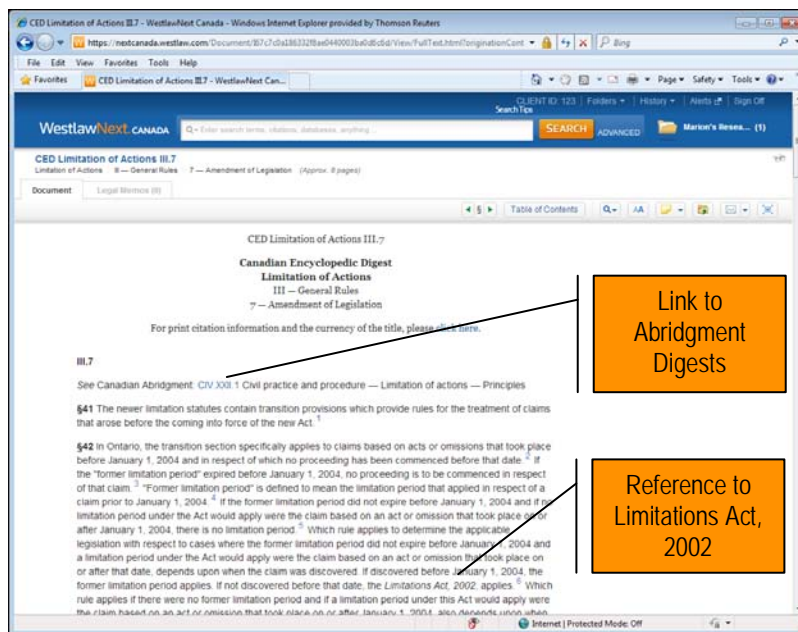


Figure 4: Paragraph 42 – Limitations of Actions

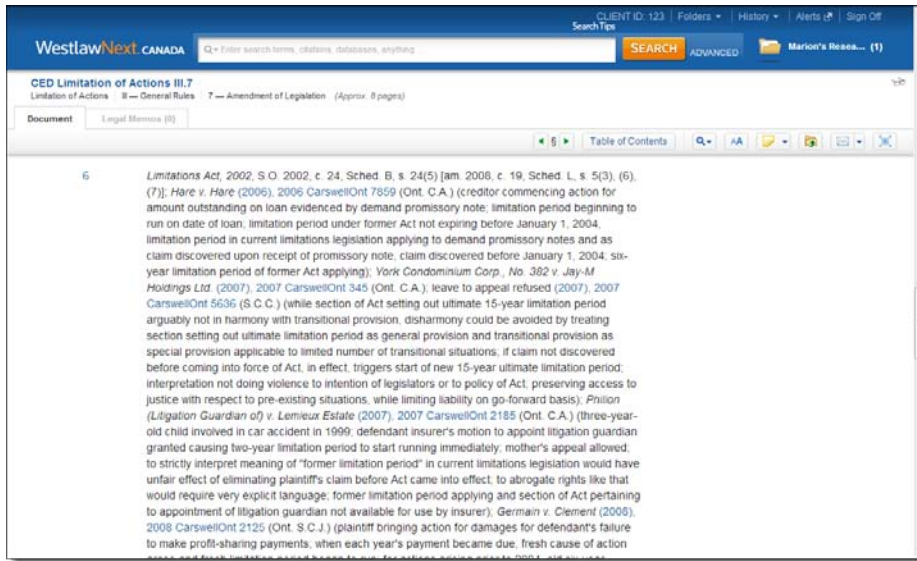


Figure 5: Footnote showing cases citing Limitations Act, 2002

To find all case law by issue: Link to The Canadian Abridgment Digests from the CED (see Step 3) to review the cases on limitation periods. In one convenient compilation, The Canadian Abridgment allows you to find by topic, summaries of all Canadian cases on any topic along with links to the full-text case law in WestlawNext Canada.

1. Select **Interpretation** from the classifications list to retrieve the digests.

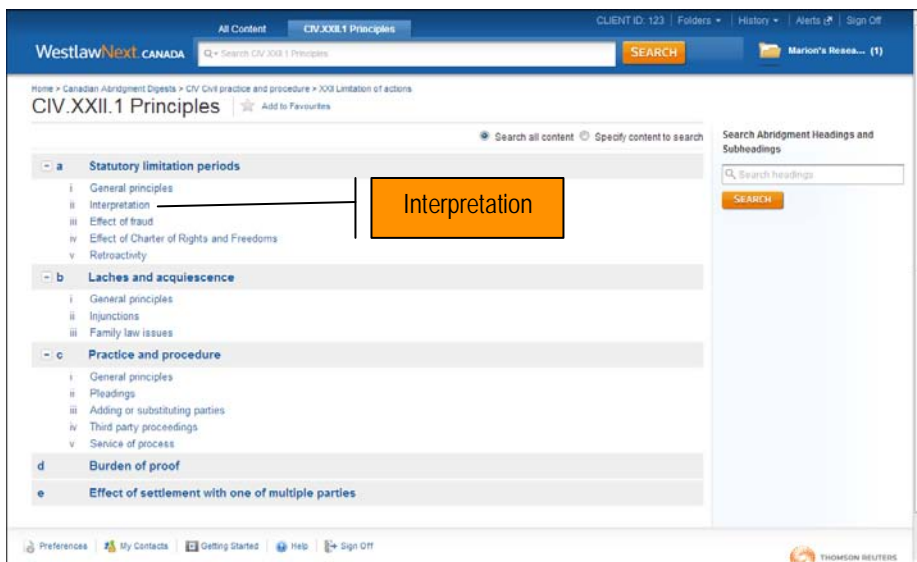


Figure 6: The Canadian Abridgment Classification – Principles – Statutory Limitation Periods

134 digest paragraphs listed for the classification: CIV.XXII.1.a.ii Limitation of Actions – Principles – Statutory Limitation periods – Interpretation.



Figure 7: The Canadian Abridgment Digests

2. Scroll down the page to find a case on point or search by entering keyword(s) into the *Search within results* box on the left side.

Search within results:  
condominium

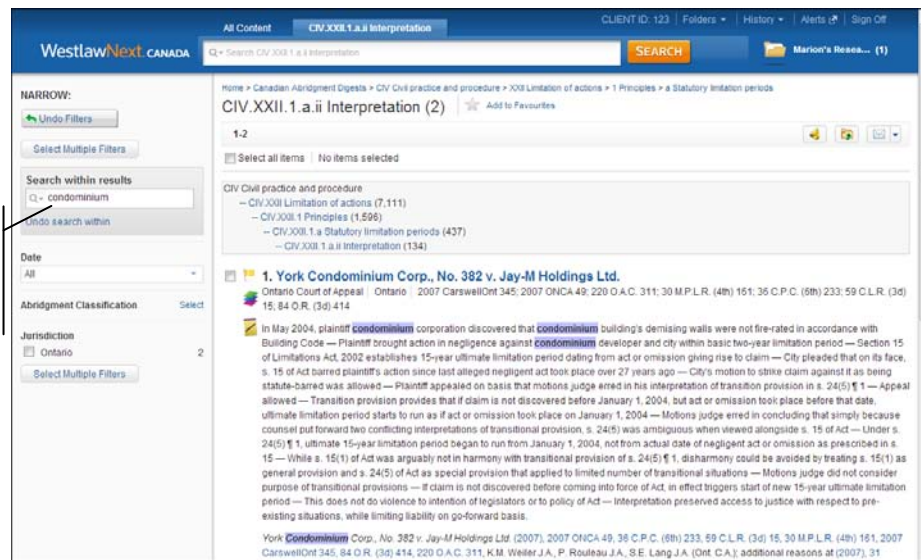


Figure 8: Case on point in The Canadian Abridgment Digests

The digest paragraph provides a narrative summary of the facts, disposition and reasoning of the court with respect to the legal issue.

3. Select the case name to retrieve the full text.
4. Read the full text of the decision.



Figure 9: Full text of case on point

**Note up relevant cases and review legal analysis from secondary source citing references:** After you have read the decision in full, you can check whether it is still good law by examining the history of this case through KeyCite Canada and view not only cases but also underlying court documents and commentary that relate to it.

5. Select **History** to retrieve the direct appellate history of the case.

**Note:** History shows additional reasons and that there was an application for leave to appeal this case. The leave was refused. There is no further direct history. However, note that the case was distinguished in a later Ontario case. You may want to read it.

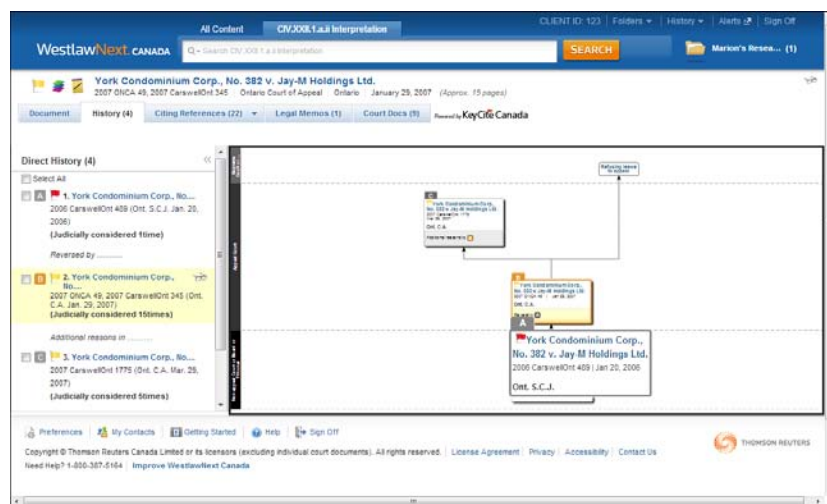


Figure 10: History page

- Select **Citing References** to retrieve all judicial treatments and secondary sources for the case.

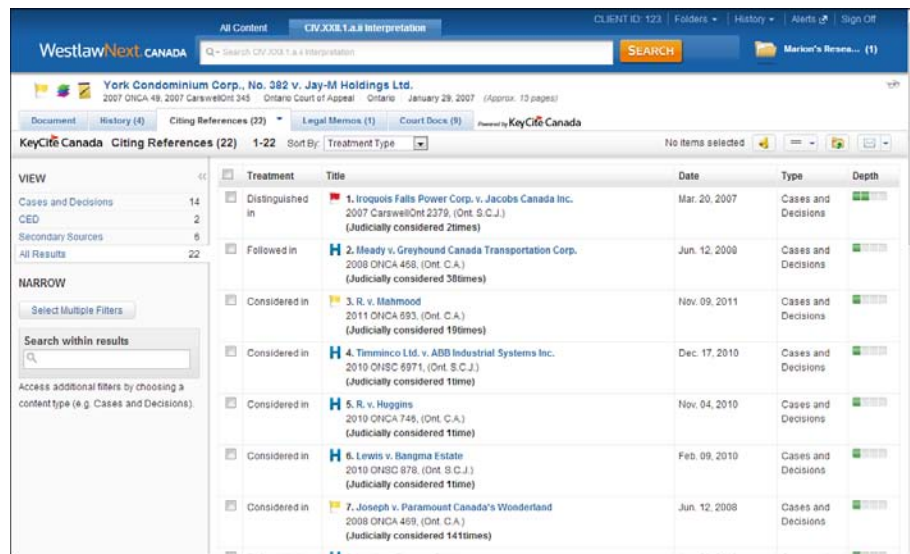


Figure 11: Citing References for the case

## STRATEGY B:

**Perform a keyword search to find cases on point:** Use the search box at the top of the WestlawNext Canada Home page to search for relevant cases.

- Select **Cases and Decisions** from the *Browse – All Content* section of the WestlawNext Canada Home page. Enter your plain language or Terms & Connectors Boolean search into the search box at the top of the page. *Alternatively*, select **Advanced** to search using a customized template.

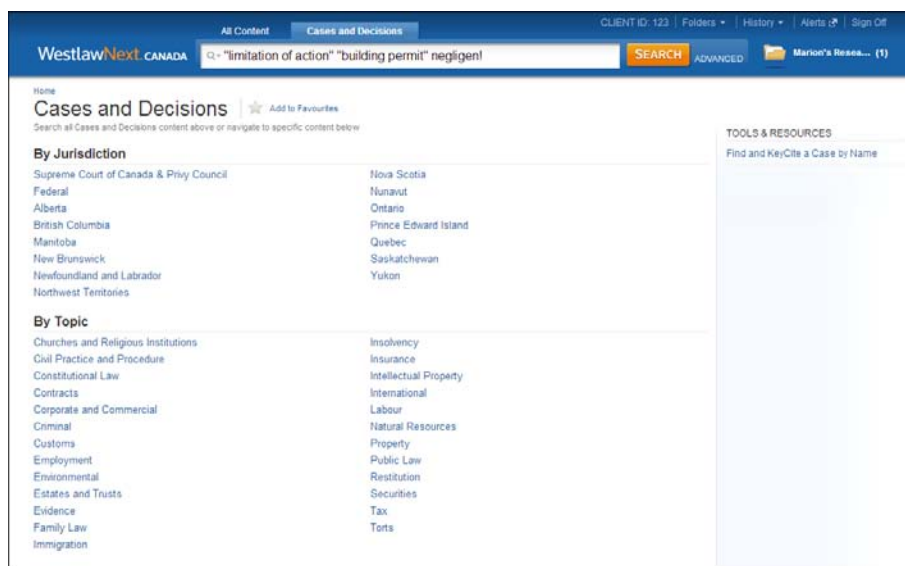


Figure 12: WestlawNext Canada Home page with keywords entered into search box

- Review the result list for cases on point.
- Apply filters on the left side to restrict your results.

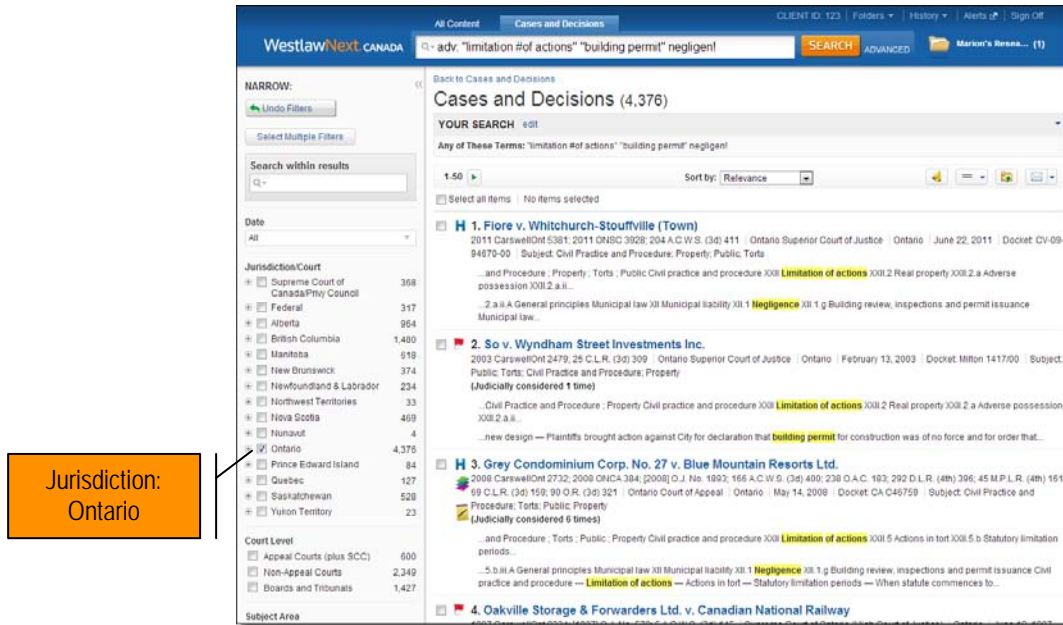


Figure 13: Cases and Decisions result list with filters applied

- Retrieve the full text decision(s).
- Note up the case using KeyCite Canada and the Citing References.

Link to Abridgment Digest to find other relevant cases on the same issue: Review *Related Abridgment Classifications* located near the top of the decision and use links to find other cases that are classified under those Abridgment topics.

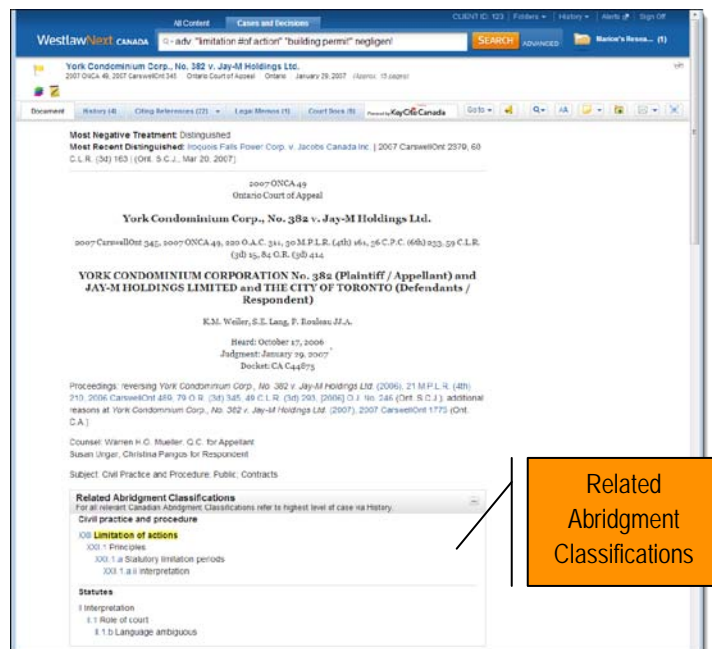


Figure 14: Full text case showing Related Abridgment Classifications



To continue using The Canadian Abridgment Digests, proceed as shown in Strategy A.

### STRATEGY C:

Get an overview by simultaneously searching across 11 content types: Search Primary Sources, Commentary and Court Documents at the same time and then use the customized filters to narrow your result list.

1. Enter your plain language or Terms & Connectors Boolean search into the search box at the top of the WestlawNext Canada Home page.

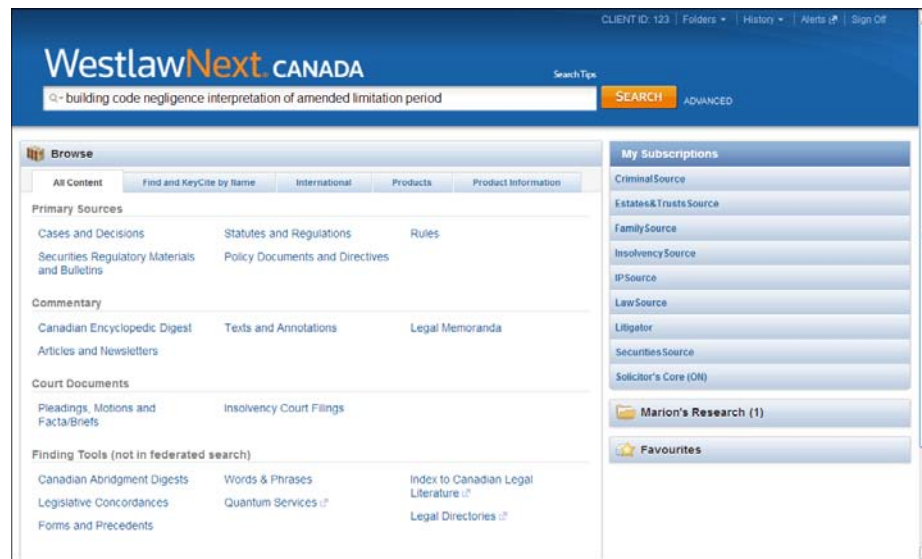


Figure 15: WestlawNext Canada Home page displaying plain language search

2. Narrow your results by selecting a content type in the View section.

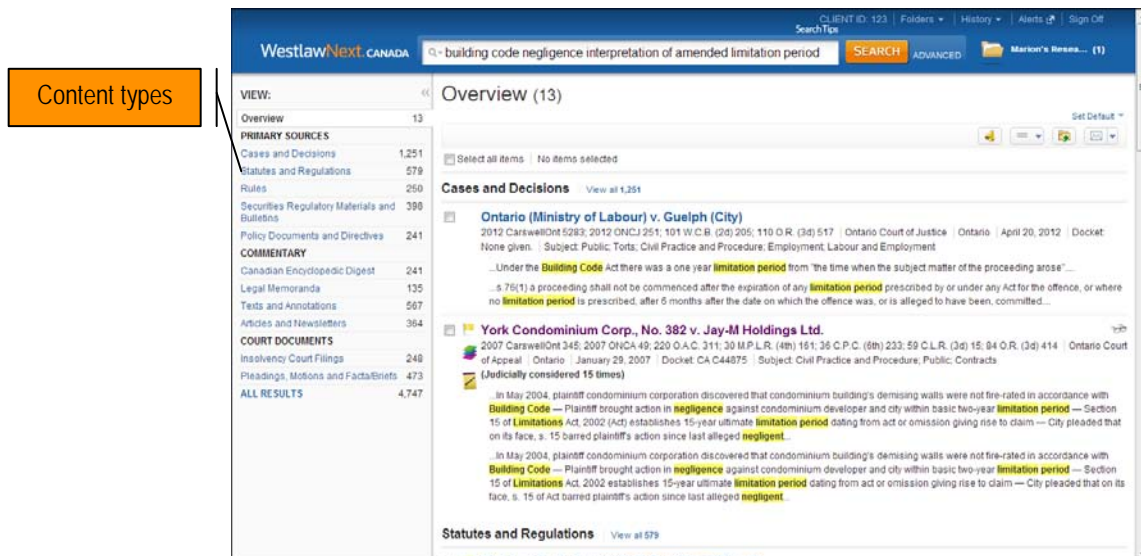


Figure 16: Result list displaying an overview of all results

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3. Apply filters to further restrict your results (See Figure 13).
  4. Continue your research by reviewing your results in several content types.
  5. Follow steps in Strategy A or B to find relevant cases, note up and get analysis using secondary sources.

### Where can I find Help?

- Contact Carswell Technical or Reference Support, 24/7 at: **1.800.387.5164**
- Access online Help and the Getting Started tutorial located at the bottom of any WestlawNext CANADA page.
- Go to [Carswell's Learning Centre \(www.carswell.com/learning\)](http://www.carswell.com/learning) to access User Guides, Quick Reference Cards and video tutorials or to sign up for a live public Webinar facilitated by a Carswell Certified Professional Learning Consultant.
- Go to [WestlawNext CANADA \(www.westlawnextcanada.com\)](http://www.westlawnextcanada.com) to learn more about the service.