

THE CANADIAN Abridgment

B U L L E T I N

HIGHLIGHTING NEW DEVELOPMENTS AND PROVIDING RESEARCH TIPS FOR USERS OF THE CANADIAN ABRIDGMENT.

Issue 42

April 2006

FROM THE PUBLISHER:



In this issue of the Bulletin, we describe two new enhancements to the online version of The Canadian Abridgment.

The addition of hypertext links to Abridgment classifications will facilitate the task of finding similar cases by making it easier for users to move from the digest of a particular case to others on the same classification.

Graphical KeyCite, which was implemented earlier, allows users to view the flow of the history of a case in a new graphical format, providing a visual aid to understanding complex case histories.

Finally, we offer a behind-the-scenes look at the work that has gone into the planning and creation of the Third Edition volumes of The Canadian Abridgment.

I welcome any comments or suggestions that you have concerning The Canadian Abridgment.

Rachel Francis, B.A. (Hon.), LL.B.
Director, Legal Strategic Market Group

Abridgment Classification Linking Makes Case Law Research Easier

This Spring, Carswell is pleased to announce the launch of a new tool added to Westlaw^eCARSWELL that makes finding similar cases when researching full text case law easier and more efficient. In response to customer demand, a dynamic link has been added to the Abridgment classification number appearing at the top of each digest; this link will take users from within the digest to all other digests within the same classification.

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Don't forget — you can now reach the Abridgment Helpline by E-mail at:
Carswell.Abridgment@thomson.com

Abridgment digests for each issue discussed in a decision appear as an option on the Related Information tab for the full text decision. In the past, there was no easy way to access all other digests under the same classification; users had to manually copy the classification number, maneuver to a search template and enter the classification number into the template. Now users can simply click on the dynamic link contained in the classification numbers appearing at the top of each digest and they will automatically be taken to the complete list of digests appearing under that classification and dealing with the legal issue in question.

We hope the Abridgment classification linking tool will enhance the ease and efficiency of your WestlaweCARSWELL use and allow you to access the benefits of the Canadian Abridgment throughout your research process.

The screenshot displays a web browser window showing a search result for the case **Frame v. Nova Scotia (Commissioner, Public Inquiries Act)**. The page is from the WestlaweCARSWELL database. The left sidebar contains a 'Related Info' tab, which is active. Under this tab, there are several links: 'Result List 1 Doc', 'Full Screen List', 'Locate in Result', 'Find citation:', 'Citing references available', 'Full History', 'Direct History (Graphical View)', 'Citing References', 'Full-Text Document', 'Authorities', and 'Abridgment Digests'. The 'Abridgment Digests' link is circled in red. A callout box with a black border and white background points to this link, containing the text: 'From the full text case, select the "Abridgment Digests" link on the Related Info tab'. The main content area of the page shows the case title, citation (1996 CarswellNS 476), and a list of related information links. The bottom of the page shows the Windows taskbar with the Start button and several open applications.

Find Result - 1996 CarswellNS 476 - Microsoft Internet Explorer

Address: http://ecarswelltest.int.westlaw.com/Find/Default.wl?DB=6407&SerialNum=1996448431&FindType=Y&AP=&fn=_top&rs=WLCA6.05&mt=LawPro&vr=2.0&sv=Split&RTL

Westlaw CARSWELL

LawSource Litigator Add/Remove Tabs

Result List 1 Doc

Full Screen List

Find citation: [] Go

Citing references available KeyCite Canada

Full History

Direct History (Graphical View)

Citing References

Full-Text Document

Authorities

→ Abridgment Digests

Frame v. Nova Scotia (Commissioner, Public Inquiries Act)
1996 CarswellNS 476
Nova Scotia Court of Appeal, 1996
Subject: Civil Practice and Procedure; Public

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Subject Title: Administrative law
Classification Number: XIII.3.a [Find all digests under this classification]
Digest Number: ADM. 4565

Public inquiries -- Practice and procedure -- General principles

Appellants applying for order requiring production of documents by commissioner and examination for discovery of named individual -- Chambers judge orally rendering unofficial decision -- No order being taken out -- No appeal lying to Court of Appeal from unofficial decision -- Nova Scotia, Civil Procedure Rules, r. 62.01(f).

The appellants applied to a chambers judge for an order requiring the commissioner of an inquiry to produce certain documents and for an order requiring a person who had sworn an affidavit in support of an application brought by the commissioner to attend for examination of discovery. The chambers judge orally rendered an "unofficial decision". No order was taken out. The appellants appealed from that decision. The appeal was dismissed. An "unofficial decision" was not mentioned in the Rules, and was not included in the definition of judgment found in r. 62.01(f) of the Nova Scotia, Civil Procedure Rules. Consequently, there was no appeal to the Court of Appeal from such a document.

Frame v. Nova Scotia (Commissioner, Public Inquiries Act) (1996), 1996 CarswellNS 476, 4 C.P.C. (4th) 391, 457 A.P.R. 238, (sub nom. Frame v. Richard, J.) 155 N.S.R. (2d) 238 (N.S. C.A.) [Nova Scotia]

start | Inbox - Microsoft O... | FW: can we view lin... | Find Result - 1996 C... | Microsoft PowerPoi... | 10:05 AM

Custom Digest - Microsoft Internet Explorer

Address: http://ecarswelltest.int.westlaw.com/digest/default.wl?rs=WLCA6.05&fn=_top&sv=Split&fm=Canadian_Abridgment&docname=ADM.XIII.3.a&ritdigest=CLID_RLTDIGES

Westlaw CARSWELL

LawSource Litigator Add/Remove Tabs

Result List 1 Doc

Full Screen List

Edit Search | Locate in Result

Result Options

SELECT TO PRINT, EMAIL, ETC.

1. Subject Title: Administrative law -- Classification Number: XIII.3.a -- Public inquiries -- Practice and procedure -- General principles 21 Digests

Clear all

Canadian Abridgment
Subject Title: Administrative law
Classification Number: XIII.3.a
21 Digest Paragraphs

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Subject Title: Administrative law
Classification Number: XIII.3.a [Find all digests under this classification]
Digest Number: [2005] C.C.L. 24015

Public inquiries -- Practice and procedure -- General principles

Prime Minister of Canada brought application for judicial review of refusal of commissioner of inquiry to recuse himself -- Prime Minister alleged that parties appearing before commission were denied procedural fairness and that there was reasonable apprehension of bias on part of commissioner -- Commissioner wished to preserve independence of commissioner from Attorney General and to assist court -- Commissioner brought motion for leave to intervene on application -- Motion granted -- Commissioner was granted leave to address scope and mandate of commission as set out in terms of reference, and jurisdiction and procedural discretion of commission including calling on witnesses and admissibility of evidence -- Commissioner was to have leave to appeal final decision of court if Attorney General chose not to -- Commissioner was not to speak to law on apprehension of bias or law on recusal of head of inquiry because those were very matters in issue on judicial review -- Any submissions by commissioner on those issues would be self-interested or directed to merits -- Commissioner's impartiality was best protected by precluding him from participating on very subject of controversy between Prime Minister and Attorney General -- Prime Minister and Attorney General had diametrically opposing and adversarial positions on those issues -- Commissioner's submissions on those issues would not bring anything new or helpful to court's deliberation on merits -- Ordinarily, intervenor is not granted right to appeal if decision in proceeding in which it is intervening is contrary to its interests but it was in public interest and interests of justice for matter to be prosecuted to

Tools

start | Inbox - Microsoft O... | FW: can we view lin... | Custom Digest - Mic... | Microsoft PowerPoi... | 10:08 AM

Graphical KeyCite — Case History at a Glance

Implemented earlier this year, Graphical KeyCite provides users with a diagrammatic view of the flow of the history of a case. Available along with the traditional text-based description, this enhancement should be particularly useful as a visual aid to understanding complex case histories, and may be valuable as a tool for teaching the appeal process. The following illustrations explain how to access and interpret a graphical KeyCite result.

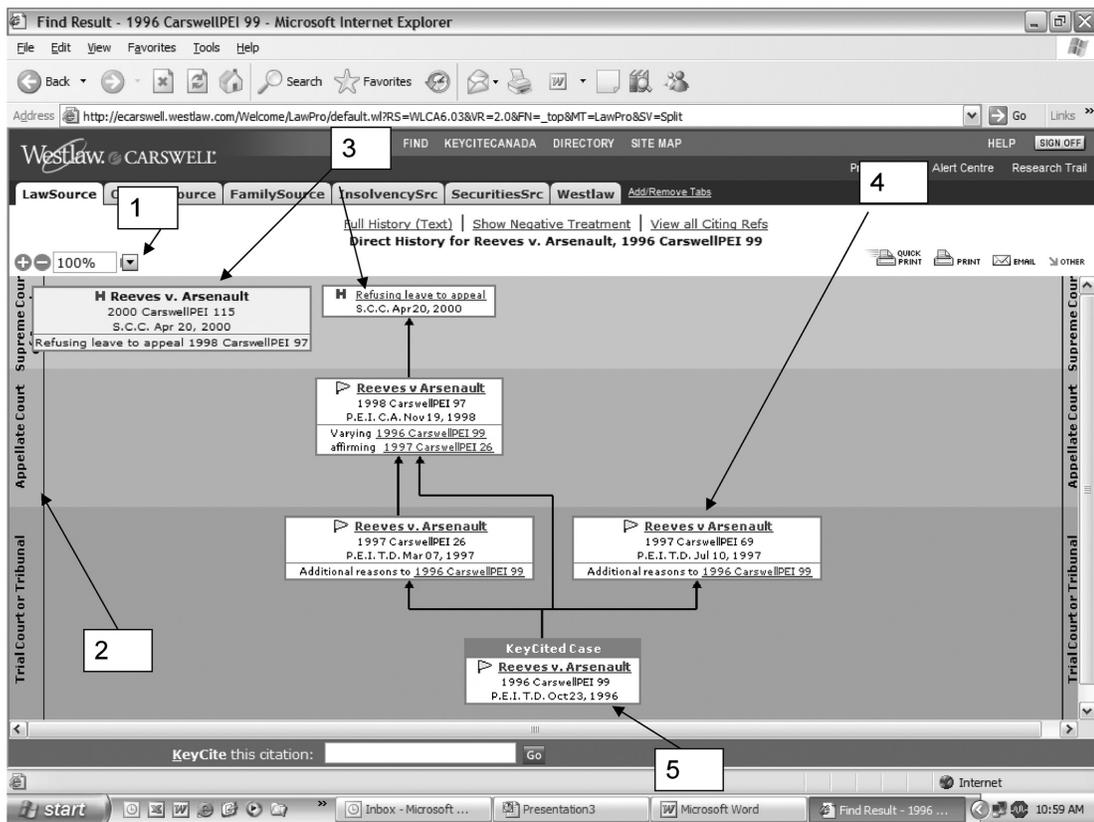
The screenshot shows a web browser window displaying the Westlaw KeyCiteCanada interface. The browser title is "Find Result - 1996 CarswellPEI 99 - Microsoft Internet Explorer". The address bar shows the URL: http://ecarswell.westlaw.com/Welcome/LawPro/default.w?RS=WLCAG.03&NR=2.0&FN=_top&MT=LawPro&SV=Split. The page header includes "Westlaw CARSWELL" and navigation links like "FIND", "KEYCITECANADA", "DIRECTORY", "SITE MAP", "HELP", and "SIGN OFF".

The main content area is titled "KeyCiteCanada" and displays the case "Reeves v. Arsenault, 1996 CarswellPEI 99" from the "Prince Edward Island Supreme Court, Trial Division, 1996". It shows a "History" section with "Showing 8 documents" and a "Direct History" section with a list of four documents:

- 1 KeyCited Citation:
Reeves v. Arsenault, 145 Nfld. & P.E.I.R. 205, 1996 CarswellPEI 99, 453 A.P.R. 205, [1996] 2 P.E.I.R. 198 (P.E.I. T.D. Oct 23, 1996)
Additional reasons in
- 2 Reeves v. Arsenault, 152 Nfld. & P.E.I.R. 350, 44 C.C.L.I. (2d) 256, 1997 CarswellPEI 26, 9 C.P.C. (4th) 367, 474 A.P.R. 350 (P.E.I. T.D. Mar 07, 1997)
Affirmed by
- 3 Reeves v. Arsenault, 168 Nfld. & P.E.I.R. 251, 1998 CarswellPEI 97, 517 A.P.R. 251, [1998] P.E.I.J. No. 95 (P.E.I. C.A. Nov 19, 1998)
Leave to appeal refused by
- 4 Reeves v. Arsenault, 193 Nfld. & P.E.I.R. 182 (note), 256 N.R. 193 (note), 2000 CarswellPEI 115, 2000 CarswellPEI 116, 582 A.P.R. 182 (note) (S.C.C. Apr 20, 2000)

A callout box on the left side of the interface contains the following text:

As always, KeyCiteCanada brings up the case history in text format so you can scan through the list of decisions involved in a chain of litigation. To view the graphical representation, just click the link or icon and get a "picture" of the direct case history all in one screen.



1. Enlarged case boxes appear when you roll your cursor over them (when zoom level is below 90%).
2. Visually depicts how a case has moved through the court system; lowest courts are at the bottom and highest court at the top.
3. For a closer look at a procedural box, just roll over it, and the case title and cite information appear.
4. A case's cite, title, jurisdiction, date, and history treatments are displayed in each case box.
5. Graphical KeyCite clearly labels the case you KeyCited. Cited cases and court documents are linked directly to Westlaw CARSWELL; just click on the link, view the document or case, and click right back to the graphical view.

Creating the Third Edition: Behind the Scenes of The Canadian Abridgment

The Canadian Abridgment, Third Edition was created in response to customer feedback requesting accommodation of current legal concepts and research methodologies, as well as elimination of outdated subject titles and the consolidation of very narrow subject titles under broader, more inclusive headings. As a result, the Third Edition contains a reduced number of subject titles, together with revised and updated classification schemes. By combining very narrow subject titles under broader headings, the Third Edition better reflects where users expect to find case law and facilitates fast, easy research.

The subject titles for the Third Edition were developed in consultation with Daniel Boyer, Wainwright Librarian at the Nahum Gelber Law Library, McGill University, as well as members of The Canadian Abridgment Editorial Advisory Board, legal practitioners, research lawyers, academics and law librarians. A team of lawyers within Carswell, the Legal Writing Group, also provided valuable input and advice.

Third Edition Publication Plan

The publication schedule for the Third Edition is much the same as under the Reissue program. Volumes are released in alphabetical order, with the exception of *Criminal Law* and *Evidence* which, as the last subject titles published in 2002 as part of the Second Edition Reissue program, will be published after all other Third Edition subject titles are complete. The first of the Third Edition volumes were published in 2003, and, as of December 2005, 91 volumes have been published, up to and including *Public Law*. As customers receive Third Edition volumes, transitional instructions are included, guiding users on how to integrate the new volumes with pre-existing Second Edition volumes. The transition will be complete with the publication of *Criminal Law* in 2007.

Many of the objectives driving the Third Edition initiative have already been accomplished. The reduction in the number of Subject Titles by more than fifty per cent facilitates the task of researchers by making it easier to know where to start. As the new Subject Titles each have a three-letter abbreviation assigned, identifying the topics related to the digests is a much simpler task than it was formerly.

Legal Writing Group and the Third Edition

The Legal Writing Group plays a key role in the revision of the subject titles for the Third Edition.

As the legal writers specialize in writing for the various law reports, their expertise is drawn upon to reorganize and augment the classifications for the Subject Titles. Some of the recent titles given this kind of attention include *Motor Vehicles*, *Pensions*, *Personal Property Security* and the Barristers and solicitors section of *Professions and Occupations*. The new municipal legislation recently enacted in various provinces is reflected in the language of the *Municipal Law* Title; and the *Freedom of Information and Privacy* title will undoubtedly soon be populated with digests relating to the federal and provincial statutes reviewed in creating it.

For each new Subject Title, the following tasks are performed:

- The new title is prepared in draft form;
- A request for input is circulated to the Legal Writing Group
- The digests found under “General” and “Miscellaneous” classifications are reviewed to see whether new, more specific, classifications are necessary;
- The revised draft is sent to an expert in the field for comments;
- After the final draft is reviewed, the existing digests are reclassified to the new classifications;
- The Key & Research Guide and General Index are updated to reflect classification changes;
- External and internal cross references within the Abridgment Key are corrected;
- A new or block release to the Abridgment Key is sent to subscribers.

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We hope that the updating of the organization of the Canadian Abridgment being done for Third Edition will better suit the research needs of today’s legal researcher. As the law keeps evolving, we will continue to update the Abridgment classification, to ensure that it it remains an authoritative guide to the law of Canada.

The Canadian Abridgment Helpline

Since 1992 Carswell has provided a toll-free Helpline to connect you with our Abridgment experts. Our bilingual Helpline representatives can assist you in:

- Using both print and electronic Abridgment editions effectively
- Integrating the various Abridgment components
- Maximizing your research strategies
- Learning more about our upcoming publications

We are proud of our Abridgment Helpline representatives who are experienced legal researchers. They are part of Carswell's Customer Relations team, participating in our training and support initiatives, and they will be pleased to assist you with all of your Abridgment needs.

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