

The Canadian Abridgment BULLETIN

May 2007 – Issue 44

Highlighting new developments and providing research tips for users of the Canadian Abridgment



FROM THE PUBLISHER

We are pleased to unveil a new look for the Canadian Abridgment Bulletin with our first issue of 2007. We hope that you will find our redesign improves the layout and readability of the Bulletin newsletter. As always, we welcome your feedback.

In this issue, we tell you about recent developments in our growing Abridgment eDigest collection, including the addition of four new eDigest titles for summer. Inside you will also find user tips for electronic research using the Canadian Abridgment Key, available online through WestlaweCARSWELL. This issue also updates you on the remaining Third Edition title to be sent to you in 2007, which will complete our long-term project of transitioning from Second Edition to Third Edition volumes.

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 eDigests Update: New Topics

Four New Topics to be Added

Early this summer, we will be adding four new topics to our Abridgment eDigest collection. The new topics, which have been selected based on recommendations from our users, are:

- Construction Law
- Contracts
- Intellectual Property (including Information Technology)
- Motor Vehicles

Revised Constitutional Law eDigest

We will be modifying the Constitutional Law eDigest title to add cases digested under the Human Rights subject heading. The revised title will be “Constitutional Law and Human Rights”.

The Abridgment eDigest Collection: an Overview

Last October we added six titles to our growing eDigest collection:

- Environmental Law
- Evidence
- Municipal Law
- Natural Resources
- Privacy
- Professional Responsibility

With the addition of these plus the four new titles we are adding this Summer, there will be twenty-nine topics available to WestlaweCARSWELL subscribers. The table below sets out which topics are included in each WestlaweCARSWELL subscription:


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

LawSource	CriminalSource	FamilySource	InsolvencySource	IPSource
<ul style="list-style-type: none"> • Aboriginal Law • Administrative Law • Bankruptcy and Insolvency • Business Associations • Commercial Law • Constitutional Law and Human Rights • Construction Law • Contracts • Damages • Employment Law • Environmental Law • Estates and Trusts • Evidence • Family Law <ul style="list-style-type: none"> ◦ Atlantic ◦ Ontario ◦ Western • Impaired Driving • Insurance • Intellectual Property (including Information Technology) • Labour Law • Motor Vehicles • Municipal Law • Natural Resources • Practice • Privacy • Professional Responsibility • Real Property • Torts • Young Offenders 	<ul style="list-style-type: none"> • Constitutional Law and Human Rights • Evidence • Impaired Driving • Motor Vehicles • Young Offenders 	<ul style="list-style-type: none"> • Family Law <ul style="list-style-type: none"> ◦ Atlantic ◦ Ontario ◦ Western 	<ul style="list-style-type: none"> • Bankruptcy and Insolvency 	<ul style="list-style-type: none"> • Intellectual Property (including Information Technology)



Improved Notification Email Launched Last October

A revised Abridgment eDigest notification email with improved functionality alerting users when the latest eDigest issue is available was launched in October of last year. The improved email notification features links to the current issue of each eDigest topic, as well as direct links to the archive for each topic.

In the past, users seeking to access past issues of the eDigests had to click on the Archive link, select the appropriate eDigest topic from the Archive list, and then choose the issue of interest. With the new streamlined notification email, users simply select the Archive link corresponding to the particular eDigest topic and are taken directly to the past issues, for more efficient research. Past Abridgment eDigests for each topic are archived for approximately six months.

If you have any questions, please do not hesitate to contact your Account Manager or Customer Relations at **1-800-387-5164** (in Toronto: **416-609-3800**).

Finding Case Law By Issue: 3 Ways to Use the Abridgment's Case Law Digests on WestlaweCARSWELL

Since the Canadian Abridgment was first published over seventy years ago, its Case Digests (and the Abridgment Key Classification scheme by which they are organized) have provided Canadian legal practitioners with the most reliable way to find *all* reported case law on any legal issue.

Since the advent of online searching, the Abridgment has continued to be widely used as a case law finding tool, providing a valuable alternative to finding cases by a free-text key word search. Moreover, the migration of the Abridgment to electronic format offers possibilities for finding case law by topic that are not possible in print, by combining the advantages of searching by topic with key word searching.

This article provides an overview of different approaches available for using the Abridgment to find relevant case law on WestlaweCARSWELL.

There are three basic methods for using the Abridgment to find relevant case law:

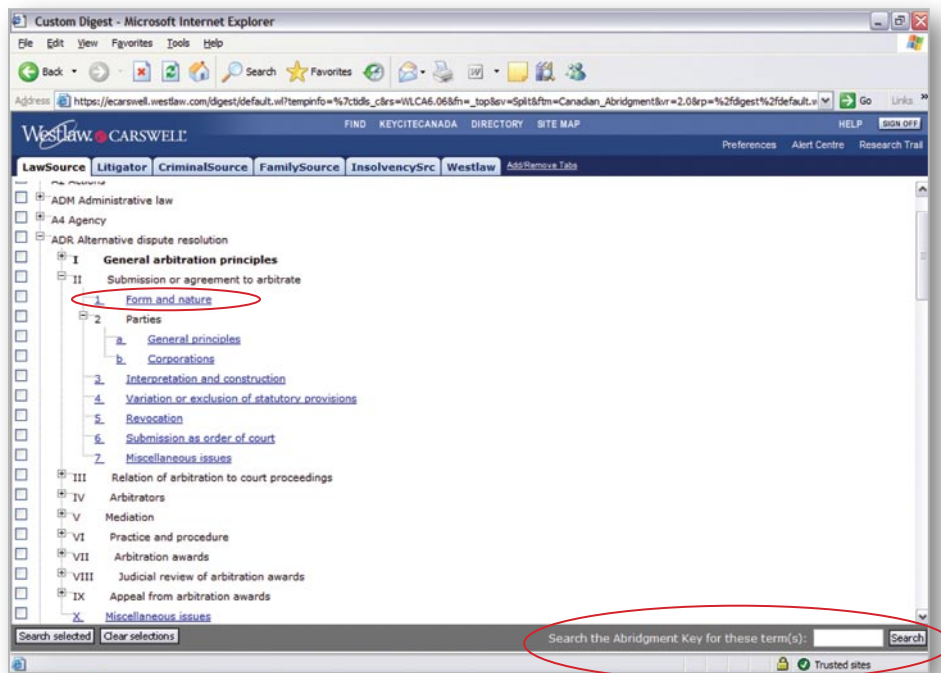
- **Browsing** the Abridgment Key;
- **Searching** the Abridgment Digests by key word;
- **Linking** from a decision on point to digests of other cases on the same issue

Method I. Browsing The Abridgment Key

Recommended when you want to find all Canadian cases on a particular legal issue.

1. You may access the complete Canadian Abridgment Key Classification by going to the Browse Tables of Contents section located in the left frame of the **LawSource** home page and clicking on the **Canadian Abridgment Digests** link.
2. Expand the various Abridgment subject titles by clicking the plus buttons [+] to reveal the detailed Classification.
3. Click on the blue hypertext link to view digests of all cases on that particular issue.

Illustration 1: Browsing the Abridgment Key

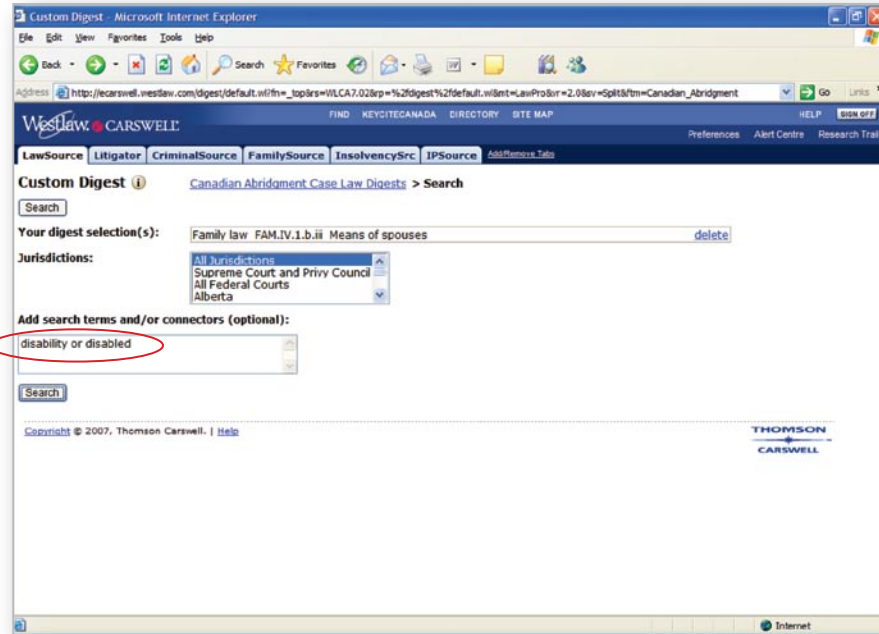


RESEARCH TIP: You can refine your browsing results by searching within your selected classification(s)

Recommended where there are many digests falling under your selected classifications and you are able to narrow your results by key word or jurisdiction. [E.g. *The classification that deals with the factor of the means of spouses as affecting entitlement to spousal support has 1055 digests. By limiting your results to digests that contain the terms “disabled or disability”, you reduce the number of digests to 69.*]

1. Access the Key Classification System, following the steps set out above (See Illustration 1)
2. Choose the classifications you want to search by selecting the appropriate checkbox(es) to the left of the classification of interest. You may check multiple boxes.
3. Click the **Search selected** button at the bottom of the screen.
4. In the Custom Digest page, your selected classifications will be listed in the **Your digest selection(s)** box. (See Illustration 2) To retrieve these selections in their entirety, click **Search**. To remove a selection from the list, click **Delete**.
5. To narrow your search, type your search term(s) in the **Add search terms and/or connectors (optional)** box, e.g. “disabled”. Specify relationships between terms using connectors.
6. Limit your results by using the **Jurisdiction** selection box (optional).
7. Select **Search**.

Illustration 2: Refining your Browse Results

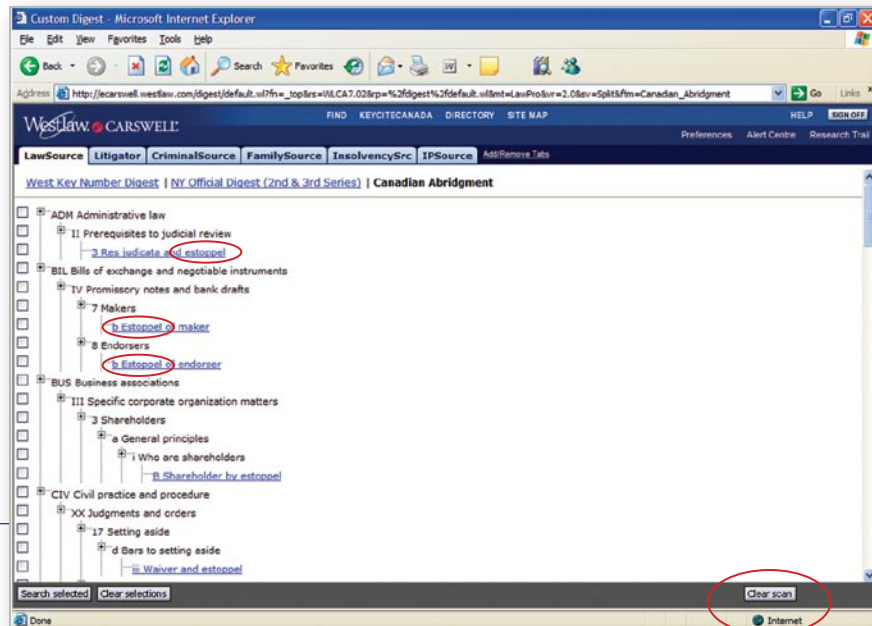


RESEARCH TIP: You can search the Abridgment Key to see where a word or phrase appears in the Classification system

Recommended where you are uncertain where your issue appears in the Abridgment classification or where there may be several subject titles under which your issue is classified.

1. Access the Key Classification System following the steps set out above.
2. Enter your key words in the **Search the Abridgment Key for these term(s)** box at the bottom of the page. (See Illustration 1)
3. Click **Search**.
4. A search of the Key will narrow your table of contents view to focus on the sections that match your key word query. Click **Clear Scan** to return to the complete Abridgment table of contents.

Illustration 3: Finding occurrences of a term within the Abridgment Key



Method II. Searching The Abridgment Digests by Key Word

Recommended where relevant digests are likely to appear under more than one classification and where you are searching for terms unlikely to appear in the classification

1. Go to the Canadian Abridgment Digests Custom Search template by clicking on the **Canadian Abridgment Digests** link in the Custom Search Templates section of the LawSource home page.
2. Enter your search term(s) in the **Search full text for** box, e.g. neck whiplash.
3. Select a connector option in **The results must contain** drop-down list, e.g. All of these terms. Alternatively, enter your search term(s) and connectors in the **Search full text for** box, e.g. neck /p whiplash.
4. Limit your search by entering information in specific fields (subject title, classification number or phrase, case name, citation, and year) if known, e.g. Subject Title: damages.
5. Limit your results by jurisdiction and/or by timeframe by using the selection boxes provided, if desired. To select more than one option in a selection box, hold down your Ctrl key while clicking multiple selections with your mouse.
6. Click **GO**.

Illustration 4: The Abridgment Custom Search Template

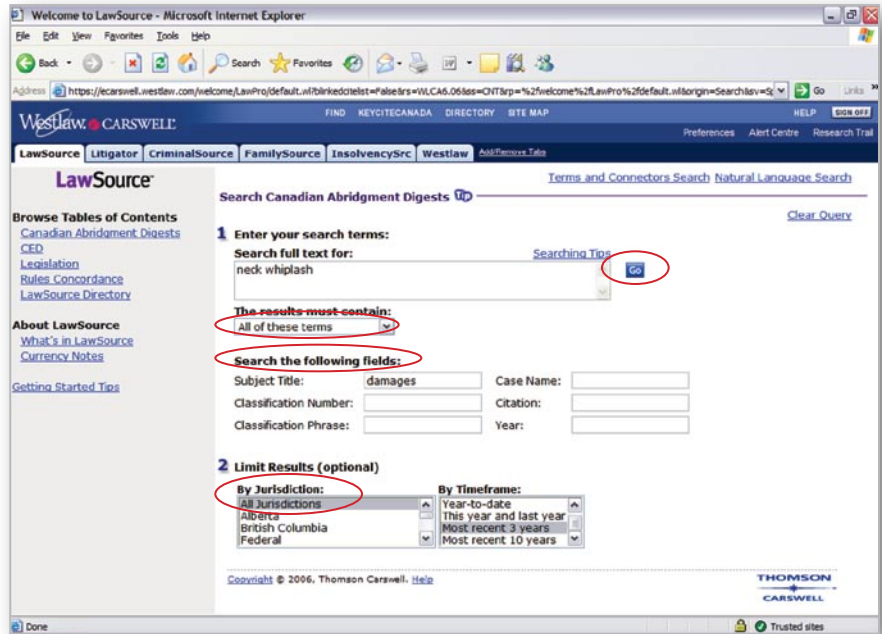
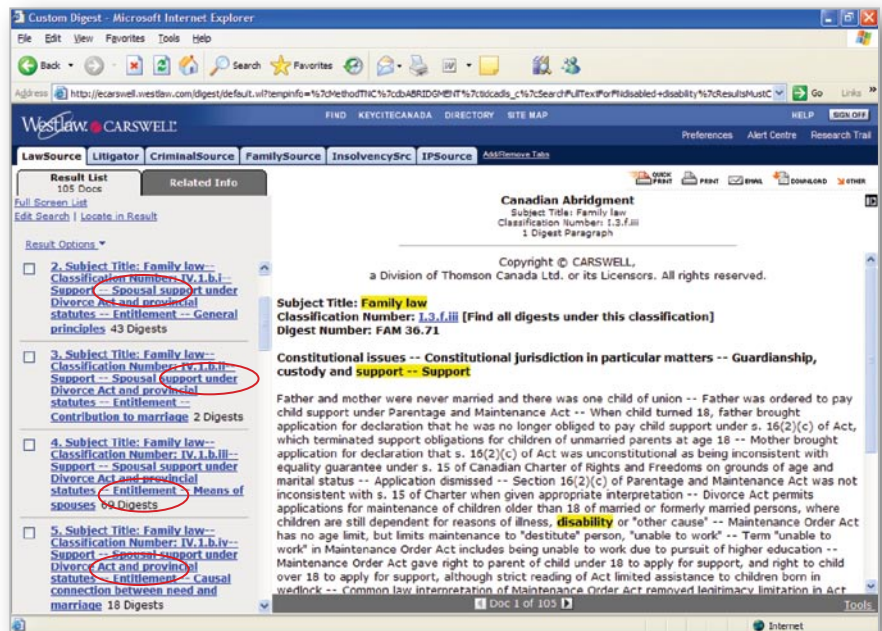


Illustration 5: Abridgment Digest Result Display



RESEARCH TIP:

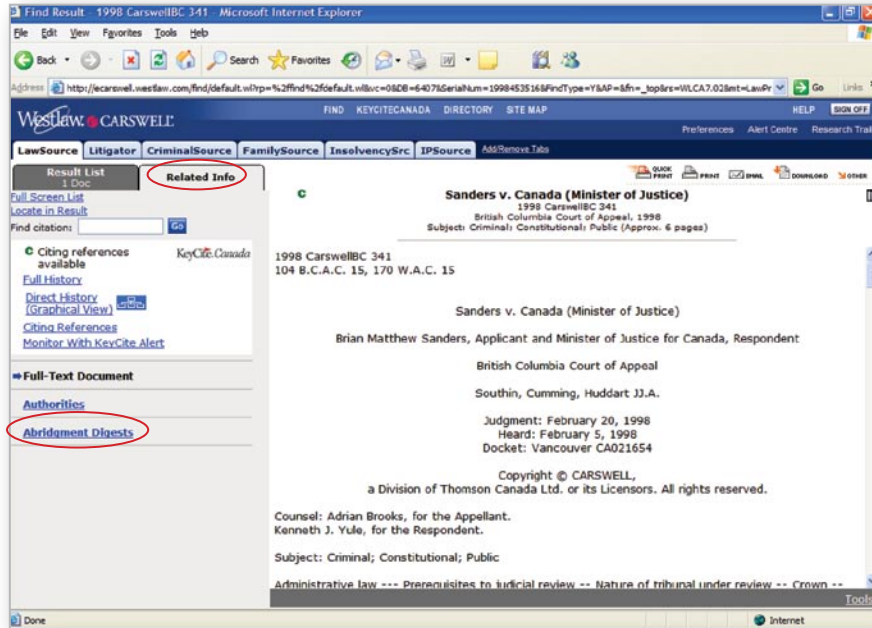
Whether you search Abridgment digests via the Custom Search Template or by browsing the Abridgment Key, all results within the same classification will be displayed in a single document for easy browsing.

Method III. Linking from a decision on point to digests of other cases on the same issue

Recommended where you have found a case on point and want to find all other cases that deal with the same issue.

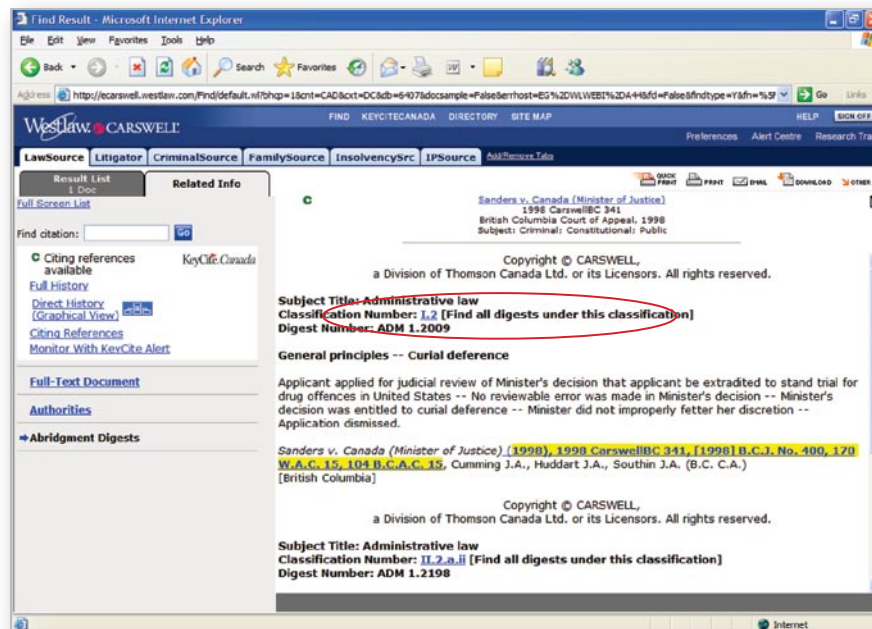
1. From the full-text decision, select the **Abridgment Digests** link on the Related Info tab in the left pane.

Illustration 6: Display of Full-Text Decision showing link to Abridgment Digests



2. All digests for that case will appear in the right frame. Click on the Classification Number hypertext link of any digest of interest to retrieve digests of all cases dealing with that legal issue.
3. The Classification Number hypertext link will take you to a document containing all digests classified under that Abridgment Classification.

Illustration 7: Link from any Digest to all other digests with the same classification



Judges' Names Added to Abridgment Digests

We are committed to enriching and simplifying the legal research process for our customers and, as such, are pleased to inform you of a recent enhancement to The Canadian Abridgment digests. In response to customer demand, judges' names were added to the citations of Abridgment digests.

Judges' names are included for each level of a case after all citations for that level, and before the court abbreviation. Where there are multiple judges, the judges' titles appear individually. An example is shown below:

Subject Title: Civil practice and procedure

Classification Number: XVI.7

Summary judgment -- Determination of question of law

-- Plaintiff union representing federal public servants commenced action against federal Crown to determine whether s. 10 of Royal Canadian Mounted Police Act required that all support staff necessary for carrying out RCMP functions, including RCMP provision of municipal policing services, be appointed or employed as federal public servants under Public Service Employment Act - RCMP functions in various municipalities were carried out pursuant to municipal policing agreements under which municipality was responsible for providing support staff except where staff supported federal policing, in which case federal government was responsible -- Issue arose as to scope of words "necessary for carrying out functions and duties of RCMP" -- Crown brought motion for summary judgment pursuant to s. 216 of Federal Court Rules, 1998 -- Motion granted -- Summary judgment was warranted under circumstances where sole issue was determination of question of law which was fully argued and capable of being decided -- Interpretation of language of s. 10 of Act was question of law to be determined.

P.S.A.C. v. R. (2004), (sub nom. *Public Service Alliance of Canada v. Canada*) 244 F.T.R. 190, 2004 CarswellNat 58, 2004 FC 13, Lemieux J. (F.C.) reversed on other grounds (2005), (sub nom. *Public Service Alliance of Canada v. Canada*) [2005] 3 F.C.R. 443, (sub nom. *P.S.A.C. v. Canada*) 249 D.L.R. (4th) 292, 329 N.R. 261, 2005 CarswellNat 71, 2005 FCA 5, 2005 CarswellNat 2184, 2005 CAF 5, Décarý J.A., Malone J.A., Sharlow J.A. (F.C.A.) reversed on other grounds (2006), 2006 CarswellNat 1631, 2006 CarswellNat 1630, 2006 SCC 29, Abella J., Bastarache J., Binnie J., Charron J., Deschamps J., Fish J., LeBel J., McLachlin C.J.C., Rothstein J. (S.C.C.)

Print

Judges' names were introduced in the July issue of Canadian Current Law, No. 7.

CD-ROM

Any new digests added to the Canadian Case Digests CD-ROM in Release 2006-3 include judges' names.

WestlaweCARSWELL

Digests added to WestlaweCARSWELL after mid-June feature judges' names as do Abridgment eDigest issues sent after mid-June.

As older digests are republished through Third Edition titles, Reissues or Annual Supplements, any replaced digest that dates from 1996 or later will also include the judges' names. 1996 is the first year this information was captured in our Abridgment database.

We hope the addition of judges' names to The Canadian Abridgment digests enhances your legal research. Please contact us with any questions about this enhancement.

ICLL Update: New Titles

The mandate of the *Index to Canadian Legal Literature* (ICLL) is to serve as both a periodical index and a comprehensive bibliography of Canadian legal literature. The ICLL databases currently contain over 110,000 records and over 11,700 book reviews.

The following new titles have been added to ICLL in 2007:

- Journal of International Law & International Relations
- Annual Review of Insolvency Law

In response to customer demand, we have also begun the process of indexing back issues of Lexpert Magazine, starting from 1999. We anticipate that all back issues will be available on ICLL online by the end of 2007.

Canadian Abridgment users can access ICLL in print format or online, as part of the LawSource service on WestlaweCARSWELL. LawSource subscribers are also able to link from ICLL references to the full text of articles and cases, where available on WestlaweCARSWELL, and view ICLL references in KeyCiteCanada results.

Update on the Third Edition

Transition to the Third Edition To Be Completed in 2007

We are pleased to announce that the Canadian Abridgment's transition to the Third Edition will be complete in 2007, with the issuing of the last Third Edition volumes. The final Third Edition title (coming out in December 2007) will be **Criminal Law**, which will include and replace the remaining Second Edition titles Criminal law (R9, R10, R11) and Narcotic and Drug Control (R28).

By the end of 2007, the *Case Digests* component of the Canadian Abridgment is expected to consist of 156 hardcover volumes, and all Second Edition titles will have been replaced by Third Edition volumes.

Why was the Third Edition needed?

The Canadian Abridgment, Third Edition represents a substantial revision of the entire Key Classification system in order to accommodate modern legal developments. Outdated subject titles were eliminated or updated, while new subject titles were created to accommodate emerging areas of law. In many cases, subject titles were broadened to encompass all closely related areas of law. By combining titles, the Third Edition better reflects where users expect to find case law and speed up research.

We trust you will find that The Canadian Abridgment, Third Edition volumes reflect the most recent developments in the law and will improve your ability to research effectively. Please do not hesitate to call **The Canadian Abridgment Editorial Helpdesk** at **1-800-463-4106** or **(416) 298-5140** (in Toronto) should you have any questions about the Third Edition.

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.

In Toronto, call **(416) 298-5140**

Outside Toronto, all **1-800-463-4106**

or E-mail us at **Carswell.Abridgment@thomson.com**

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Publisher: Rachel Francis B.A. (Hon.), LL.B.

Editor: Michael Silverstein, M.A., LL.B.

Contributing Editor: Ji Hyun Ryu, B.A. (Hons.), J.D.

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