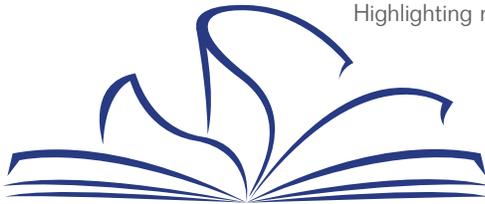


The Canadian Abridgment BULLETIN

May 2012 — Issue 54



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

FROM THE PUBLISHER

In this issue of the Bulletin, we provide you with highlights of a future enhancement that is planned for KeyCite Canada (our online citator) and information on upcoming improvements to Carswell's Canadian Case Citations.

This Bulletin outlines the creation of a revised set of citator judicial treatments, case histories and dispositions which is underway. These new features will provide you with additional information about the cases you note up and increased control over the display of KeyCite results.

We also update you on the Abridgment's Case Law Digest reissue program, providing you with highlights of the December 2011 Reissues, as well as a look forward to changes coming to several titles that will be reissued in 2012.

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

Jilean Bell, B.A. (Hons.), LL.B.
Director, Legal and Regulatory Strategic
Market Group

Coming Soon:

New and Revised Citator Treatments, Case Histories and Dispositions

In 2010, we were pleased to announce the acquisition of Canada Law Book (CLB). As part of the process of integrating CLB and Carswell, the creation of a unified set of citator judicial treatments, case histories and dispositions is underway. Users of both our print and online products will benefit from these future citator improvements.

Judicial Treatments Highlights:

KeyCite Canada will be revised to include three new judicial treatment types:

- **Overruled** — This judicial treatment will indicate when a cited case is not followed by a higher court in the same jurisdiction or by the Supreme Court of Canada, and therefore is no longer good law. Under our current citator system, this “Overruled” treatment would fall within the “Not Followed” treatment. The creation of this new, separate “Overruled” treatment will allow researchers to quickly determine whether or not the negative treatment originates from a court whose decisions are binding on the court which ruled on the cited case.
- **Considered in a minority or dissenting opinion** — This new treatment will be used to indicate when a minority or dissenting opinion gives some consideration to the cited case. Such treatment in minority

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or dissenting opinions is not included in the current citator system. This new treatment type will enhance the use of CCC and KeyCite Canada as case law finding tools by indicating to researchers that discussion of the cited case took place in a minority or dissenting opinion.

- **Referred to in a minority or dissenting opinion** — This new treatment will be used to indicate when a minority or dissenting opinion refers (without comment) to the cited case. Such treatment in minority or dissenting opinions is not included in the current citator system.

The complete list of treatments (in “trumping order”) will be as follows:

- Overruled
- Not Followed
- Distinguished
- Followed
- Considered
- Considered in a minority or dissenting opinion
- Referred to
- Referred to in a minority or dissenting opinion

The “trumping rules” ensure that detailed discussion of a case by a minority or dissent is not trumped by a passing reference in the majority opinion, and that this relationship is captured in the print version of the Canadian Case Citations (which omits “Referred to” treatments).

Case Histories and Dispositions Highlights:

Canadian Case Citations (CCC) and KeyCite Canada will be revised to include three new disposition types that will allow users to quickly determine the reason why an appeal proceeding has been halted:

- **Appeal quashed** — This disposition will indicate when an appellate court has declared that an appeal proceeding is a nullity and has been halted because of shortcomings in procedural or legal requirements.
- **Appeal dismissed as abandoned** — This new disposition will designate when an appellate court has dismissed an appeal and has stated specifically that the appeal is “abandoned.”
- **Appeal dismissed as moot** — This new disposition will indicate when an appellate court has dismissed an appeal, stating specifically that the appeal is “moot”.

Two new dispositions relating to applications for judicial review will also be created:

- **Application for judicial review allowed.**
- **Application for judicial review refused** — Under the current citator system, applications for judicial review which are refused would fall within the “Affirmed” disposition. One of the valuable aspects of the creation of this new, separate disposition is that it will let researchers swiftly distinguish between situations in which (a) a higher court (or tribunal) considered and affirmed a case; and (b) an application for judicial review was refused entirely.

One new disposition will be added relating to brief and full reasons:

- **Reasons in full** — This new disposition will link a short judgment indicating reasons to follow with the subsequently-received full reasons for the decision.

The following case history information and disposition types will continue to be used going forward:

- Additional reasons
- Affirmed
- Leave to appeal allowed

- Leave to appeal refused
- Reconsideration/rehearing granted
- Reconsideration/rehearing refused
- Referred for further consideration
- Reversed
- Reversed in part
- Varied

We trust that these new and revised judicial treatments, case histories and dispositions will improve the efficiency of legal research for all our customers.

Update on The Canadian Abridgment

Reissue Program

The Canadian Abridgment is continually updated to maintain its currency, accuracy and readability. The regular reissue of main work volumes is an important part of our Case Digest supplementation program.

The preparation of reissues requires the efforts of lawyers from our Legal Writing Group who conduct a thorough, case-by-case review to select relevant case law and improve the classifications in the reissued volumes.

In December 2011, subscribers received three reissued Human Rights volumes and eight reissued Immigration and Citizenship volumes.

Human Rights Reissue Highlights:

In order to manage the growing volume of human rights cases, we have taken classifications that have a large number of digests and broken them down into more granular subheadings. In total, eighty-seven new subheadings have been added to the title and digests, to provide users with easier browsing and to better reflect changes in the law.

The Human Rights Reissue includes the following enhancements:

- Duty to accommodate is now a distinct heading;
- new subheadings include: What constitutes discrimination – Harassment; Statutory exemptions – Religious organisations; and Remedies – Apology;
- significant breakdowns were added to subheadings under the Practice and procedure heading, including Limitations, Discovery, and Evidence.

Immigration and Citizenship Highlights:

In total, one hundred seventy-two new sub-classifications were added to the Immigration and Citizenship title.

The Immigration and Citizenship Reissue includes the following enhancements:

- several new subheadings were added under Admission – Immigrants;
- new subheadings include: Constitutional issues – Federal-Provincial or Federal-Territorial agreements and accords; Refugee protection – Elements of protected refugee status – Refugee sur place; and Refugee protection – Removal – Pre-Removal Risk Assessment (PRRA) – Factors to be considered;
- significant breakdowns were added to the title.

We trust you will find that the Human Rights *and* Immigration and Citizenship reissue volumes reflect the most recent developments in the law and will improve your ability to research effectively using The Canadian Abridgment Case Digests.

Titles being reissued in 2012

In 2012, we plan to reissue three titles: Motor Vehicles, Estates and Trusts, and Municipal Law. As work on these titles is ongoing, the full scope of the enhancements these reissues will comprise is not yet known.

However, we anticipate that the Estates and Trusts reissue will include new classifications reflecting same sex marriages, invalidity of legacies, and expanded coverage of who may be an administrator of an estate.

The Motor vehicles classifications are being reviewed to incorporate changes in the law, especially the new motor vehicle offences such as failure to slow down and change lanes when passing emergency vehicles, red light cameras, and use of communication devices while driving, as part of an expanded Offences section. New coverage of licence suspensions will also be included, as well as expanded practice and procedure classifications.

The Municipal law volumes will have upgrades to thousands of digests which currently only contain a classification. Cases from all jurisdictions are being freshly upgraded by our editorial staff and from other sources including the Ontario Municipal Board Reports.

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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