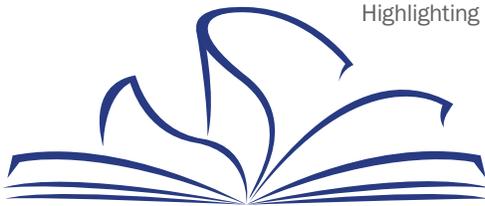


# The Canadian Abridgment BULLETIN

February 2014 — Issue 57



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 an enhancement to KeyCite Canada on WestlawNext® Canada.*

*This bulletin outlines a new piece of information in KeyCite—Depth of Treatment. This information has been added to make it easier to quickly identify significant citing references.*

*We will outline a minor change which has been made to the Key and Research Guide which will make it easier to find cases involving offences which have been created since the Criminal Law title was last reissued.*

*We also update you on the Abridgment's Case Law Digest reissue program, providing you with highlights of the 2013 reissues, as well as a look forward to changes coming to the reissued title in 2014.*

*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 Solutions

## Introducing WestlawNext® Canada

We are proud to announce the launch of WestlawNext® Canada, the next evolution in legal research. **Dramatically improved searching, intelligent tools**, and an **intuitive design** are the key differentiating factors that will provide legal professionals with greater **efficiency, effectiveness and confidence** in their legal research. Take a look at the 2-minute product demonstrations at [westlawnextcanada.com](http://westlawnextcanada.com) to see for yourself. We are confident you will immediately “know the difference” and see the value that WestlawNext® Canada will bring.

If you're a current Westlaw® Canada customer, you will be migrated at no additional cost to your current subscription. We'll help you make the move to WestlawNext® Canada early in 2014. We will contact you shortly to arrange a convenient time to discuss migration details and make sure you have everything you need to make a smooth transition.

## 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.

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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 2013, ten titles of the Case Law Digests were reissued. Those titles were:

- Debtors and Creditors;
- Financial Institutions;
- Guarantee and Indemnity;
- Natural Resources;
- Pensions
- Public law;
- Communications law;
- Conflict of Laws;
- Commercial law; and
- Intellectual Property

The most significant change to the **Debtors and creditors** title was the removal of the Loans subheading from General principles. A new Loans heading was created with several subheadings.

Several subheadings were added to the Receivers heading, including extensive breakdowns under Receivers – Appointment – Grounds, Receivers – Conduct and liability of receiver – Duties, and Receivers – Actions involving receiver – Actions against receiver.

Twenty-four subheadings were rolled up into higher level headings, and forty-nine new headings and subheadings were added to the title.

The **Financial institutions** title was reviewed and minor changes were made to the title, mostly within the Tortious liability of banks heading where subheadings were added to Nature of bank’s duty to customer, and Negligence of bank – Negligent misrepresentation.

The phrase “Husband and wife” was changed to “Spouses” to reflect current law.

Four subheadings were rolled up into higher level headings, and twenty-one new headings and subheadings were added.

**Guarantee and indemnity** was extensively reviewed and several new subheadings were added to the title. The most notable new breakdowns are within Guarantee – Grounds for termination of guarantee, with several new classifications under Conduct of creditor – Breach of contractual terms and conditions, and Non est factum.

In total, forty-six new headings and subheadings were added to the title.

The **Natural resources** title was revised and new classifications added for the offences of:

- abandoning meat fit for human consumption
- failing to comply with conditions of licence.

As well, expanded classifications were introduced for statutory regulation of pipelines.

Coverage of **Pensions** has been consolidated by incorporating the Canada Pension Plan, Old Age Security, and provincial pension plan digests, formerly under Public law V.3 and V.4 into the Pensions subject title.

The Degree of disability classification had one-quarter of its digests upgraded.

For private pensions, new classifications have been introduced for:

- Conversion to or from defined contribution plan
- Sustainability of plan
- Special payments
- Misuse of surplus funds by employer

In the **Public law** title, over 250 digests in Public utilities were upgraded.

New classifications include:

- Electronic voting or vote tabulation (Elections)
- Campaign finance offences (Elections)
- Regulation of lobbyists (Public authorities)
- Five new classifications under military offences and seven new sentencing classifications (Public authorities – Armed forces)

Obsolete or seldom-used subclassifications under Liquor control were rolled up to the next highest level to shorten the Table of classification.

The Telemarketing and internet sales classification in the **Commercial law** title has been expanded to include two new subclassifications. A new classification for Tobacco control has been added to the Consumer protection—Public health legislation classification.

A new classification for Wireless or cellular phones has been added to the **Communications Law** title. This new classification includes four subclassifications that cover topics such as the regulation of rates, regulation of competition, and subscriber contracts, as well as miscellaneous issues.

The **Conflict of laws** title was reviewed and several changes were made, specifically within Family law and Contracts. Under Family law, the Custody section was enhanced, and several new classifications were added under Family law – Children–Custody – Child removed from jurisdiction by spouse or spouse refusing to return child. Twenty-six new headings and subheadings were added to the title.

The **Intellectual property** title has had significant revision. A new classification section with 12 classifications was introduced for Regulation of patented medicines (Notice of Compliance).

Nine new sub-classifications were added to Proof of use (s. 45). New classifications have been added for: Defences to infringement action—Authorization by posting on internet, Re-examination in patent application, and Canadian Intellectual Property Office. As well, approximately 1500 classification-only digests were upgraded.

In 2014, only one title will be reissued: **Labour and Employment**.

The Labour and Employment reissue will involve a significant enhancement of the title. The reissue will involve both the addition of new material and the upgrading of a large number of classification-only case digests. The value of the Labour and Employment title will be significantly enhanced by this process.

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## New Criminal Cross References in the Abridgment Key

Over the years since the Criminal Law title was last reissued, the Canadian Parliament has enacted a number of changes to the Criminal Code. Included in these changes have been a number of new offences. As the offences portion of the Criminal Law title is organised by Criminal Code section number, there are no classifications for these new offences, which makes locating case law dealing with those offences much more difficult.

To help researchers, a number of cross references dealing with these new offences have been added to the Abridgment Key and Research Guide, allowing users to find them more easily.

The new offences and the Key cross references are as follows:

- Firearms, Discharge with intent: *see* Criminal law VI.17.b : Offences — Causing bodily harm and endangering person — Causing bodily harm with intent
- Sexual assault by multiple people : *see* Criminal law VI.133.b : Offences — Sexual assault — General offence
- Electrical power, theft of : *see* Criminal law VI.144.j : Offences — Theft and related offences — Theft
- Street racing, causing death or bodily harm : *see* Criminal law VI.31, VI.32 : Offences — Criminal negligence in operation of motor vehicle causing death

- Weapon, unauthorized possession of restricted or prohibited : *see* Criminal law VI.50.w.i : Offences — Firearms and other weapons — Possession offences — Possessing firearm having altered serial number

## Depth of Treatment in WestlawNext® Canada

When noting up a case, especially a leading case, the result list can be very large. KeyCite Canada has always included extensive filters to help users manage these large result lists. With the introduction of WestlawNext® Canada, users will have a new tool to help them quickly identify the most relevant results.

The majority of citing references do not include an extensive discussion of the cited case. Rather, the cited case is often only mentioned in passing. These “referred to” citing references do not provide researchers with much information. The most relevant citing references are those that include a discussion of the cited case. These citing references can help a researcher in a variety of ways, from interpreting the cited case to finding a useful way to distinguish it.

KeyCite Canada on WestlawNext® Canada now includes “Depth of Treatment” information to help researchers quickly identify the citing cases that include these significant discussions. Citing cases are programmatically assigned a depth of treatment value from one to four, with four being the highest. The value is based upon the number of times the cited case is mentioned.

It is important to note that the Depth of Treatment value does not speak to the nature of the treatment. It does not provide any information about whether the treatment is negative or positive. It merely provides information about how much discussion of the cited case a citing reference contains.

Depth of treatment can be used as the sort order for case law citing references. It can also be used as a filter; it can be combined with other filters to produce highly tailored results.

### 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:

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