

# WestlawNext Canada Newsletter

April 2018

## WHAT'S NEW

### Related Proceedings

KeyCite Canada now includes related proceedings and features relationships to cases that are not part of the direct appellate history, such as applications and interlocutory motions. A new Related Proceedings link is found in the KeyCite Canada display:

The screenshot displays the WestlawNext Canada interface for the case **R. v. Bottineau**, 2011 ONCA 194, 2011 CarswellOnt 1520. The interface shows a case history diagram with the following components:

- Document Header:** R. v. Bottineau, 2011 ONCA 194, 2011 CarswellOnt 1520 | Ontario Court of Appeal | Ontario | March 11, 2011 (Approx. 29 pages)
- KeyCite Canada History (9):** A sidebar on the left lists the following cases:
  - Direct History (8):**
    - 1. R. v. Bottineau** (2006 CarswellOnt 8510, Ont. S.C.J., Apr. 07, 2006) - (Judicially considered 20 times)
    - 2. R. v. Bottineau** (2011 ONCA 194, Ont. C.A., Mar. 11, 2011) - (Judicially considered 71 times)
    - 3. R. v. Bottineau** (2011 CarswellOnt 11920, S.C.C., Oct. 14, 2011)
    - 4. R. v. Bottineau** (2012 CarswellOnt 272, S.C.C., Jan. 19, 2012) - (Judicially considered 11 times)
    - 7. R. v. Bottineau** (2011 CarswellOnt 11920, S.C.C., Oct. 14, 2011)
    - 8. R. v. Bottineau** (2012 CarswellOnt 272, S.C.C., Jan. 19, 2012) - (Judicially considered 11 times)
  - Related Proceedings (1):**
    - 9. R. v. Bottineau** (2011 CarswellRP 212214, Ont. C.A., Mar. 11, 2011)
- Case History Diagram:** A central diagram showing the flow of proceedings:
  - Level A:** R. v. Bottineau (2006 CarswellOnt 8510, Apr 07, 2006)
  - Level B:** R. v. Bottineau (2006 CarswellOnt 9633, Jun 09, 2006)
  - Level C:** R. v. Bottineau (2011 ONCA 194 | Mar 11, 2011, Ont. C.A.), affirming A and B.
  - Level D:** R. v. Bottineau (2011 CarswellOnt 11920, Oct 14, 2011, S.C.C.), Filing Application/Notice of Appeal.
  - Annotations:** "Refusing leave to appeal" with arrows pointing to the transition from C to D.

This link opens a separate document that includes both the direct history and any interlocutory matters at each level of that history chain:

The screenshot shows the WestlawNext Canada interface. At the top, there is a search bar with the text "Q = Enter search terms, citations, databases, anything ..." and buttons for "FIND", "Search", and "ADVANCED". Below the search bar, the case name "R. v. Bottineau" is displayed, along with its citation "2011 CarswellRP 212214" and the court "Ontario Court of Appeal". The document is dated "March 11, 2011" and is approximately 2 pages long. The document content includes a "Document" header, a "Leave to appeal refused by" section, and a list of related cases. A section titled "Related Proceedings to R. v. Bottineau, 2006 CarswellOnt 8510 (Ont. S.C.J. April 7, 2006) :" is highlighted with an orange border. This section contains two numbered items: 1) R. v. Bottineau, 2005 CarswellOnt 5944 (Ont. S.C.J. July 29, 2005) — (APPLICATION by accused for disclosure of police records.) and 2) R. v. Bottineau, 2007 CarswellOnt 2330 (Ont. S.C.J. April 19, 2007) — (APPLICATIONS by accused charged with first-degree murder and unlawful confinement for directed verdicts.) The page ends with "End of Document" and a copyright notice for Thomson Reuters Canada Limited.

The Related Proceedings feature provides users with efficient access to more case relationships and more case information for enhanced research.

### Enhancements to Type Ahead/Auto Suggestions for Case Law

WestlawNext Canada allows you to find cases by simply typing the name of a case or citation into the search box (a list of suggested cases appears as you type). The more characters you type, the more refined the list becomes. Now you can get to cases even faster and more easily, due to several new enhancements that make this feature even more powerful!

First of all, this feature is now available on all pages on WestlawNext Canada. For example, if you are viewing a case and quickly want to jump to another case, you can simply use this feature (previously it was available only on the main home page and Source product pages).

Secondly, flexibility has significantly improved. Exact word order, spacing, capitalization, punctuation (periods, commas), accented characters and brackets are not necessary. For example, you can enter party names in reverse order and relevant suggestions will still appear (see image below):



### Get expert guidance in the middle of your session with Live Chat

Access the Live Chat feature, which allows customers to quickly obtain answers to their research-related questions without interrupting their workflow, by simply clicking on a link that initiates a live chat help session with research support agents from within WestlawNext Canada. Customers have the option of being emailed the chat transcript after their chat, so they will be able to refer to the tips received during a particular session. You can begin a live chat session during regular work hours (Monday to Friday, except holidays, between 8:30 am to 5 pm ET).

As always, users can also visit our [Customer Learning Centre](#) for product guides and video tutorials.

## COMING SOON

### UK Commentary

With some of the biggest names in law, including Chitty, Clerk & Lindsell, McGregor and Phipson, the titles in the **Common Law Library** provide the last word on any common law question, clarifying complex legal issues and helping you to resolve disputes. Our new International Resources platform coming to WestlawNext Canada in May 2018, is set to revolutionize the way you find, navigate, and access UK commentary.

### Drafting Assistant Enhancement

There are several coming soon enhancements to Drafting Assistant affecting both the *Flags and Links* feature and the *TOA Builder* tool. Details are below. These features will be available to all WestlawNext Canada subscribers via Drafting Assistant.

To download the latest version of Drafting Assistant, visit: <http://info.legalsolutions.thomsonreuters.com/software/drafting-assistant-canada/default.aspx>

## Drafting Assistant Enhancements - Flags and Links: Mismatched Title Flag

A new feature will be added to the Drafting Assistant – *Flags & Links* function. The new *Red M* “Mismatched Title” flag indicates when there is a discrepancy between the title of the case in your document and the corresponding title for the citation on WestlawNext Canada.

This new flag will let you know that there is potentially an error in either the name you have assigned to the case in your document, or the citation you have provided.

**H** *Elliott v. R. (No. 2), 1977 CarswellBC 500* (concluding that a student “does not have a constitutional right to run for co-president of the high school student council”); **M** *Canadian Credit Corp. Canada v. Teleprompter Inc. (2003)*, **42 C.B.R. (4th) 221, [2003] O.T.C. 36**, *aff'd in part, rev'd in part on other grounds*, **R. v. Harrer, [1995] 3 S.C.R. 562** (concluding that “there is no constitutionally protected property interest in extracurricular activities generally and in student government office in particular”).

## Drafting Assistant Enhancements - TOA Enhancements

The TOA Builder tool on Drafting Assistant allows you to easily build a properly formatted list of references (known as a Table of Authorities, or TOA) in your legal document. With these new functions, the TOA builder tool is significantly enhanced to allow users a greater ability to craft and edit their TOA.

These enhancements include:

### Setting Enhancements:

- Page Header – allowing for inclusion of “pages” header in the TOA
- Section Selection – provides the option to analyze the entire document or selected sections for cite identification

### Editing Enhancements: Providing the ability to:

- edit citations
- change citation order
- change primary/secondary citations
- edit citation range and
- manually add citations

### Other Enhancements:

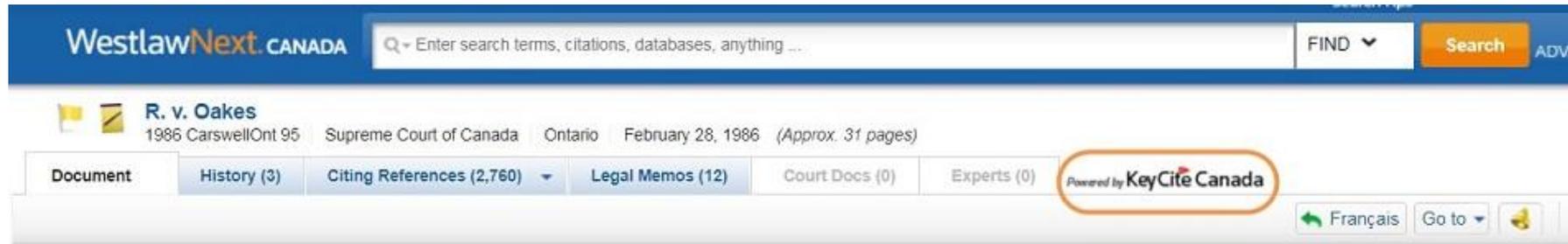
- Strikethrough – visibly shows “strike-through” of deleted citations that will not form part of the TOA
- Saved Changes – allows you to “pick up where you left off” with saved changes



## TIPS

### Explanation of KeyCite Treatments for Cases

To access detailed information about how KeyCite treatments are applied to cases on WestlawNext Canada, simply click on the “Powered by KeyCite Canada” icon displayed above every case. In addition to the “Explanation of KeyCite Treatments for Cases”, you will also find details about the KeyCite Canada’s Depth of Treatment for cases, which programmatically assigns a Depth of Treatment score (from one to four) based upon the number of times the cited case is mentioned.



WestlawNext CANADA

Q - Enter search terms, citations, databases, anything ...

FIND

Search ADV

**R. v. Oakes**  
1986 CarswellOnt 95 Supreme Court of Canada Ontario February 28, 1986 (Approx. 31 pages)

Document History (3) Citing References (2,760) Legal Memos (12) Court Docs (0) Experts (0)

Powered by KeyCite Canada

Français Go to

**Most Negative Treatment:** Distinguished

**Most Recent Distinguished:** Carrillo v Canada (Minister of Citizenship & Immigration) | 2008 CAF 94, 2008 FCA 94, 2008 CarswellNat 1953, 2008 CarswellNat 605, 165 A.C.W.S. (3d) 146, 69 Imm. L.R. (3d) 309, 377 N.R. 393, [2008] F.C.J. No. 399, [2008] 4 F.C.R. 636 | (F.C.A., Mar 12, 2008)

1986 CarswellOnt 95  
Supreme Court of Canada

### **R. v. Oakes**

1986 CarswellOnt 1001, 1986 CarswellOnt 95, [1986] 1 S.C.R. 103, [1986] S.C.J. No. 7, 14 O.A.C. 335, 19 C.R.R. 308, 24 C.C.C. (3d) 321, 26 D.L.R. (4th) 200, 50 C.R. (3d) 1, 53 O.R. (2d) 719 (note), 65 N.R. 87, J.E. 86-272, EYB 1986-67556



Legislation

**C** A **green C** indicates that the legislative provision has treating cases or other citing references.

**Explanation of KeyCite Treatments for Cases**

**Recently Added** - Cited case discussed in decision(s) recently added to the service. (Temporary designation, to be replaced by editorially assigned treatment when it becomes available)

**Followed** - Principle of law in cited case adopted or decider's reasoning applied.

**Distinguished** - Cited case inapplicable because of difference in facts or law.

**Not Followed** - Cited case expressly overruled, not applied or judged to be bad law. Some consideration given to cited case.

**Considered** - Some consideration given to cited case.

**Referred To** - Cited case being referred to without comment.

**Depth of Treatment for Cases**

In the Citing References list, KeyCite Canada's Depth of Treatment information provides an indication of how extensively a cited case is discussed by another case. The depth of treatment value ranges from one to four squares, and is based upon the **number of times the cited case is mentioned**:

-  Cited case mentioned very frequently
-  Cited case mentioned frequently
-  Cited case mentioned a moderate number of times
-  Cited case mentioned infrequently

For more help on using KeyCite Canada, please visit our [Customer Learning Centre](#).

Close