

WestlawNext Canada Newsletter

June 2018

WHAT'S NEW

Drafting Assistant Enhancements

There are several enhancements to Drafting Assistant affecting the TOA Builder tool. Details are below. These features are 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>.

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 there is potentially an error in either the name you have assigned to the case in your document, or the citation provided.

M

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:

A. SETTING ENHANCEMENTS:

- **Page Header** – Allowing for inclusion of “pages” header in the TOA.
- **Cite Identification Range** – Provides the option to analyze the entire document or selected sections for cite identification.

B. EDITING ENHANCEMENTS: Providing the ability to:

- edit the text of citations;
- move citations up or down the list changing the citation order;
- change primary/secondary citations;
- edit range of citations; and
- manually add citations.

C. OTHER ENHANCEMENTS

- **Strikethrough:** Visibly shows “strike-through” of deleted citations that will not form part of the TOA

- **Edit and Add Additional Citations after the TOA has been created:** Allows you to “pick up where you left off” with saved changes

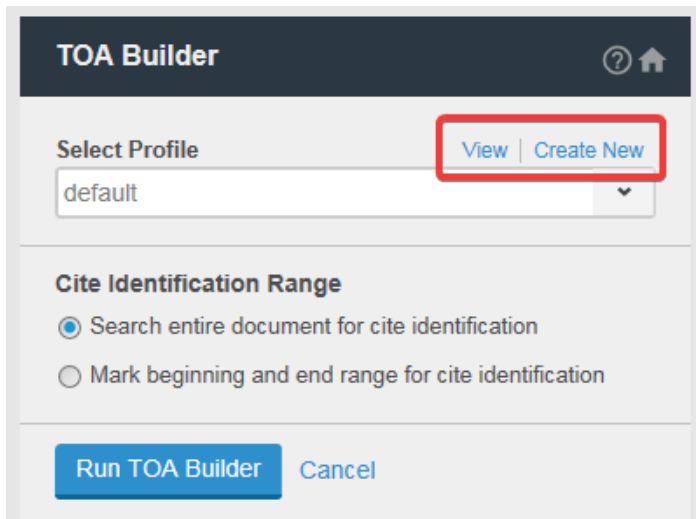
A. SETTING ENHANCEMENTS:

(1) Pages Header

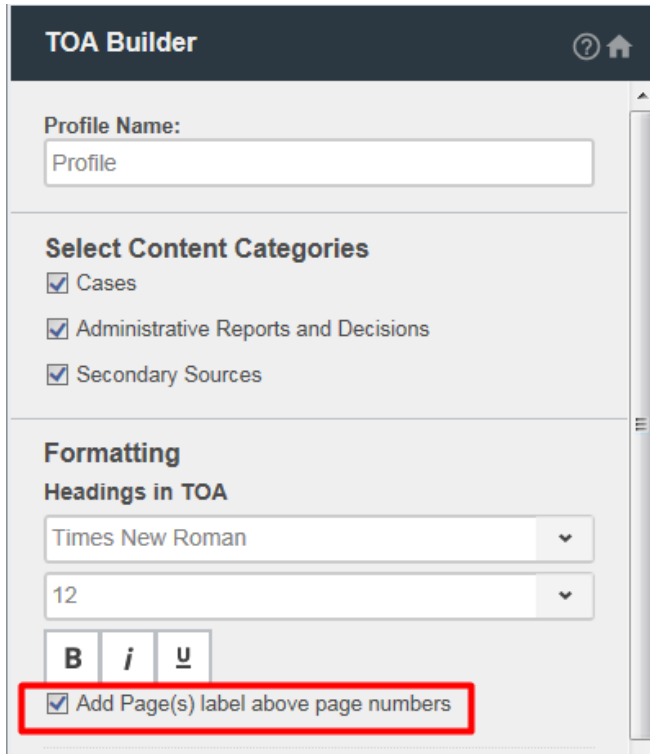
This feature provides the option to include a “Pages” header above the page number column in your TOA.

Cases	Page(s)
(1999) 43 O.R. (3d) 367, 28 C.P.C. (4th) 307.....	4
30 C.P.C. (4th) 131.....	4
32 O.R. (3d) 400.....	3
38 C.L.R. (2d) 291.....	4
90 O.R. (3d) 782.....	4
100 A.C.W.S. (3d) 229, [2000] O.J. No. 3768.....	3
156 D.L.R. (4th) 735, 37 O.R. (3d) 235, 107 O.A.C. 274, 18 C.P.C. (4th) 208.....	3
175 D.L.R. (4th) 409, 44 O.R. (3d) 673, 122 O.A.C. 69.....	3
2013 ONCA 3054.....	4

This option can be turned on or off in the Profile settings in TOA Builder. Select either “View” or “Create New” to access Profile settings.



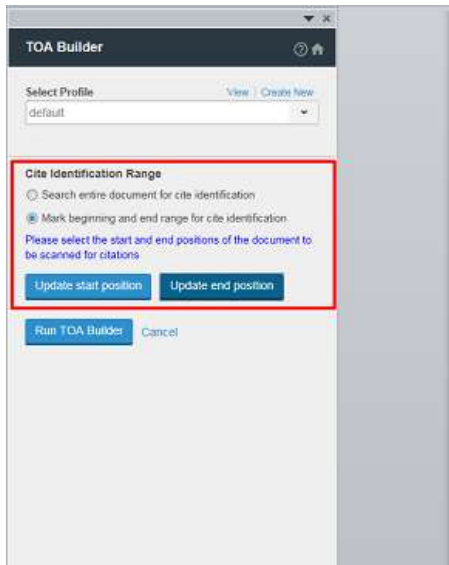
Select the “Add Page(s) label above page numbers” to turn this function on or off.



The screenshot shows the 'TOA Builder' interface. It includes a 'Profile Name' field with the text 'Profile'. Below this is the 'Select Content Categories' section with three checked checkboxes: 'Cases', 'Administrative Reports and Decisions', and 'Secondary Sources'. The 'Formatting' section includes 'Headings in TOA' with a font dropdown set to 'Times New Roman' and a size dropdown set to '12'. There are also buttons for bold (B), italic (i), and underline (u). At the bottom, the checkbox 'Add Page(s) label above page numbers' is checked and highlighted with a red border.

(2) Cite Identification Range:

This feature allows you to choose which sections of a document to analyze. Using the “Cite Identification Range” function, you can elect to search the entire document for cite identification or set a start and end point in the document for cite identification analysis. Select “Search entire document for cite identification” to search the entire document. Select “Mark beginning and end range for cite identification” to restrict the search to only part of the document. Place the cursor in the document at the start of the desired range and select “set start position” button. Place the cursor at the end of the desired range and select the “set end position” button.



Contested Certification Applications Granted:

1291079 Ontario Ltd. v. Sears Canada Inc., 2014 ONSC 5190, 2014 CarswellOnt 12200 (Ont. S.C.J.)

1176560 Ontario Ltd. v. Great Atlantic & Pacific Co. of Canada (2002), 62 O.R. (3d) 535, [2002] O.J. No. 4781 (S.C.J.)

2038724 Ontario Ltd v. Quizno's Canada Restaurant Corp., [2009] O.J. No. 1874 (Div. Ct.)
 1688782 Ontario Inc. v. Maple Leaf Foods Inc., 2016 ONSC 4233 1250265 Ontario Inc. v. Pet Valu Canada Inc., 2011 ONSC 287 5781/5 Ontario Inc. 1. Sears Canada Inc., 2010 ONSC 4571

Abdulla v. Canadian Solar Inc., 2015 ONSC 4322 (leave to appeal dismissed)

Aria Brands Inc. v. Air Canada, 2015 ONSC 5332, 2015 CarswellOnt 12787 (Ont. S.C.J.)

Allen v. Aspen Group Resources Corp., [2009] O.J. No. 5213 (S.C.J.)

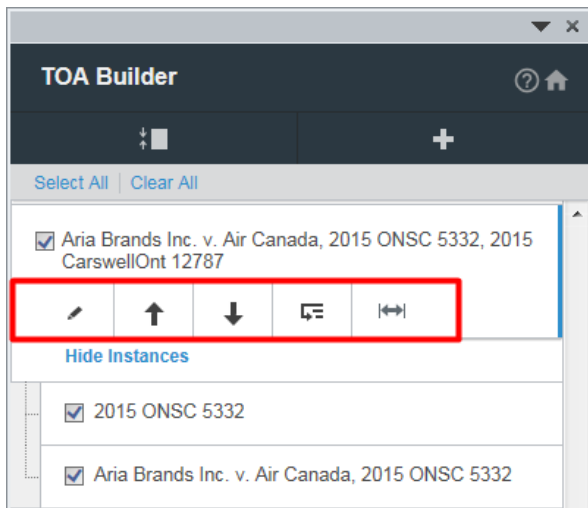
ALS Society of Essex County v. Corp. of the City of Windsor, 2016 ONSC 2445 (Ont. S.C.J.) (appeal of certification dismissed)

Andersen v. St. Jude (2003), 67 O.R. (3d) 136, 38 C.P.C. (5th) 122, [2003] O.J. No. 3556 (S.C.J.); [2005] O.J. No. 269 (S.C.J.) (leave to appeal certification refused)

B. EDITING ENHANCEMENTS:


TOA Toolbar

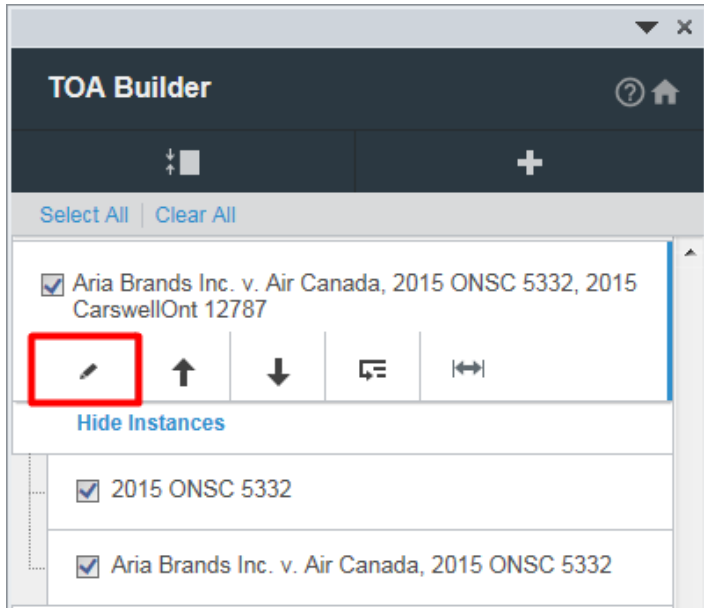
With this enhancement, when selecting a citation on the list, a toolbar will appear underneath the citation providing users enhanced ability to craft and edit the TOA entry.



This toolbar will contain four new functions:

1. Edit Citation – Provides the ability to edit a TOA entry within TOA Builder.

Select the Edit citation () button on the TOA Toolbar.



Edit the TOA title or reporter string as appropriate. Confirm the citation is correct in the “Preview” and select “Save”.

TOA Builder ? 🏠

Edit Citation ✕

Title
Aria Brands Inc. v. Air Canada

Reporter
2015 ONSC 5332, 2015 CarswellOnt 12787

Preview
Aria Brands Inc. v. Air Canada, 2015 ONSC 5332,
2015 CarswellOnt 12787

Save Cancel

2. **Move Citation up or down** - Using the up and down arrows (



) move a citation up or down the list thus changing the order of citations as they will appear in the TOA.

The screenshot shows the 'TOA Builder' interface. At the top, there are icons for a question mark and a home button. Below that is a toolbar with a square icon and a plus sign. A 'Select All | Clear All' link is visible. The main area contains a list of citations, each with a checkbox. The first citation is 'Aria Brands Inc. v. Air Canada, 2015 ONSC 5332, 2015 CarswellOnt 12787'. Below this citation, there are several icons: a pencil, a red box containing an up arrow and a down arrow, a list icon, and a double-headed arrow icon. Below the list is a 'Hide Instances' link. The list shows three instances: '2015 ONSC 5332' and 'Aria Brands Inc. v. Air Canada, 2015 ONSC 5332'.


3. Change Primary/Secondary Citation – Where there are multiple instances of a citation within the analyzed document, users can now select which instance of the citation to designate as the “primary” citation and which instances of the citation to designate as “secondary” citations. To utilize this feature, select the instance of the TOA entry that you want to edit.

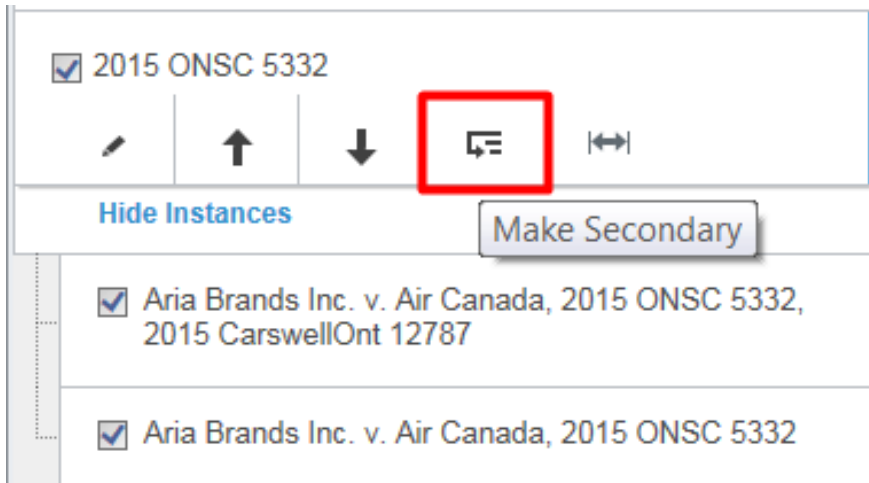
The screenshot shows the 'TOA Builder' window. At the top, there is a title bar with 'TOA Builder' and a home icon. Below the title bar, there are two buttons: a square with a double-headed arrow and a plus sign. Underneath these buttons are the links 'Select All' and 'Clear All'. The main area contains a list of citations, each with a checked checkbox. The first citation, 'Aria Brands Inc. v. Air Canada, 2015 ONSC 5332, 2015 CarswellOnt 12787', is enclosed in a red rectangular box. Below this citation is a 'Hide Instances' button. The list continues with '2015 ONSC 5332', 'Aria Brands Inc. v. Air Canada, 2015 ONSC 5332', 'Authorson (Litigation Guardian of) v. Canada (Attorney General), [1999] O.J. No. 5557', and 'Axiom Plastics Inc. v. E.I. DuPont Canada Co. (2007), 87 O.R. (3d) 352'.

TOA Builder

Select All | Clear All

- Aria Brands Inc. v. Air Canada, 2015 ONSC 5332, 2015 CarswellOnt 12787
- [Hide Instances](#)
- 2015 ONSC 5332
- Aria Brands Inc. v. Air Canada, 2015 ONSC 5332
- Authorson (Litigation Guardian of) v. Canada (Attorney General), [1999] O.J. No. 5557
- Axiom Plastics Inc. v. E.I. DuPont Canada Co. (2007), 87 O.R. (3d) 352


Using the Make Primary/Secondary button (), designate an instance of the citation as either primary or secondary.

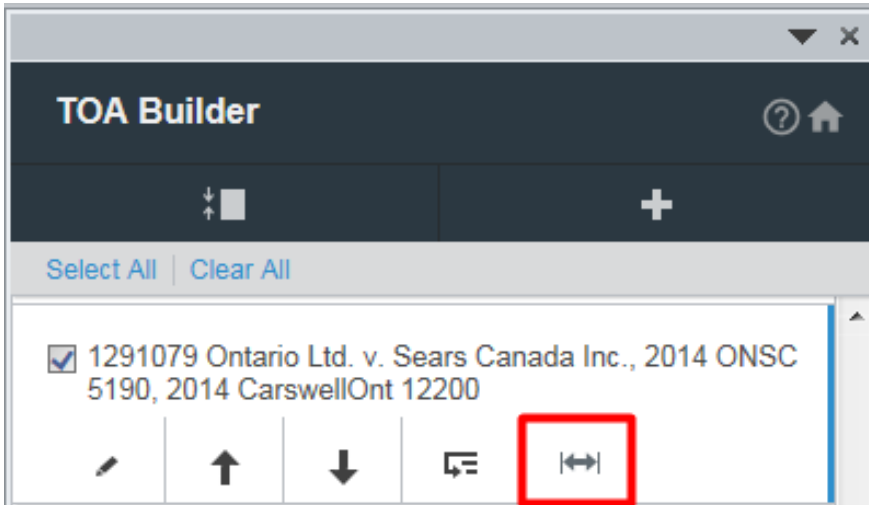


The screenshot shows a citation management interface. At the top, there is a checkbox labeled '2015 ONSC 5332'. Below it are several icons: a pencil, an upward arrow, a downward arrow, a 'Make Primary/Secondary' icon (highlighted with a red box), and a double-headed arrow. Below the icons are two buttons: 'Hide Instances' and 'Make Secondary'. Below the buttons is a list of citations, each with a checkbox. The first citation is 'Aria Brands Inc. v. Air Canada, 2015 ONSC 5332, 2015 CarswellOnt 12787' and the second is 'Aria Brands Inc. v. Air Canada, 2015 ONSC 5332'.

The primary citation will be shown as the citation on the TOA. Secondary citations will be connected to that primary citation with a page reference.

Aria Brands Inc. v. Air Canada, 2015 ONSC 5332, 2015 CarswellOnt 12787.....	3, 4
Authorson (Litigation Guardian of) v. Canada (Attorney General), [1999] O.J. No. 5557.....	3
Axiom Plastics Inc. v. E.I. DuPont Canada Co., (2007), 87 O.R. (3d) 352.....	4
Baroch v. Canada Cartage Diversified GP Inc., 2015 ONSC 40	4
Barwin v. KO Industries Ltd., 2012 ONSC 3969	4
Benda v. McGowan Medical Corp.,	

4. Edit Citation Range – This feature allows users to edit TOA entries using the edit range feature. You can edit either the “Title” or “Reporter” section of a TOA entry to include or cut any missed or unnecessary text. Do so by selecting any the “edit range” icon  .



Select to change the “Title” or “Reporter” section of the citation as appropriate. Highlight the desired text in the document to be included, confirm its correctness in “Preview” and then select “Update”. Click “Save” to complete.

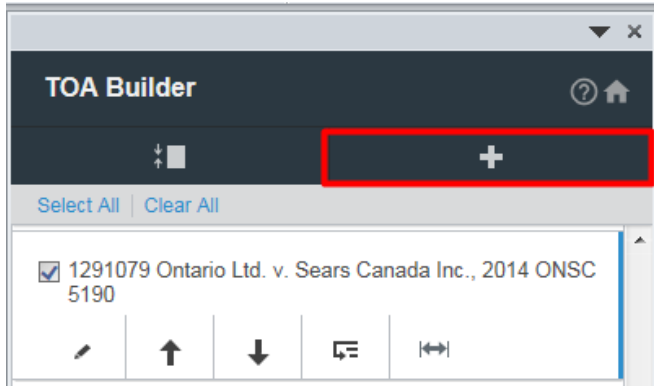


C. Other Enhancements:

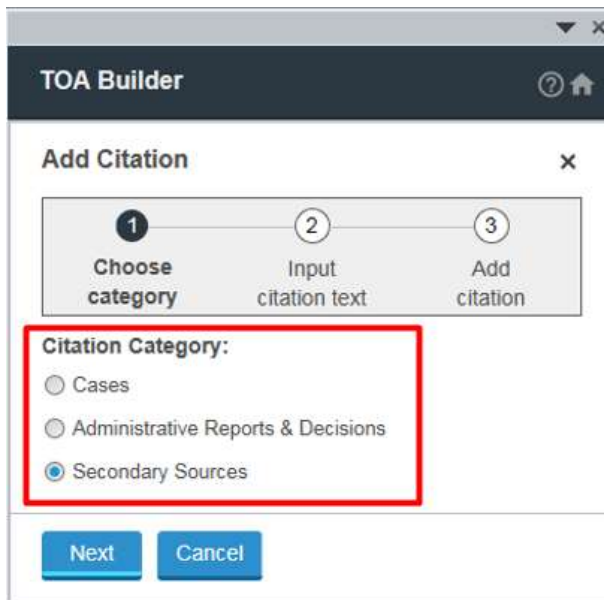
(1) Manually Add Citations

This feature allows you to manually add citations to the TOA.

To do so, select the “Manually Add Citation plus +” button from the TOA Builder. Then complete the following:



- **Choose Category:** Select the type of TOA entry based on Citation Category.



- **Input Citation Text:** Input the text of your citation.

The screenshot shows the 'TOA Builder' application window with the 'Add Citation' dialog box open. The dialog has a progress bar with three steps: 'Choose category' (completed with a green checkmark), 'Input citation text' (current step, indicated by a '2' in a circle), and 'Add citation' (indicated by a '3' in a circle). Below the progress bar, the 'Category' is set to 'Secondary Sources'. A text input field labeled 'Citation Text' contains the text 'Canada Transportation Act, S.C. 1996, c. 10' and is highlighted with a red rectangular box. Below the input field is a 'Preview' section showing the same text. At the bottom of the dialog are three buttons: 'Back', 'Next', and 'Cancel'.

- **Preview:** Confirm the citation is correct in the “preview” window.

The screenshot shows the 'TOA Builder' application window with the 'Add Citation' dialog box open. The progress bar now shows 'Choose category' and 'Input citation text' as completed steps (both with green checkmarks), and 'Add citation' as the current step (indicated by a '3' in a circle). The 'Preview' section, which now contains the text 'Canada Transportation Act, S.C. 1996, c. 10', is highlighted with a red rectangular box. Below the preview is the instruction: 'Select full citation text in your document to identify location.' At the bottom of the dialog are three buttons: 'Back', 'Add', and 'Cancel'.

• **Add Citation:** Highlight the full citation in the document and then select “Add” to complete. The citation will be added to the list and will be placed in the finalized TOA.

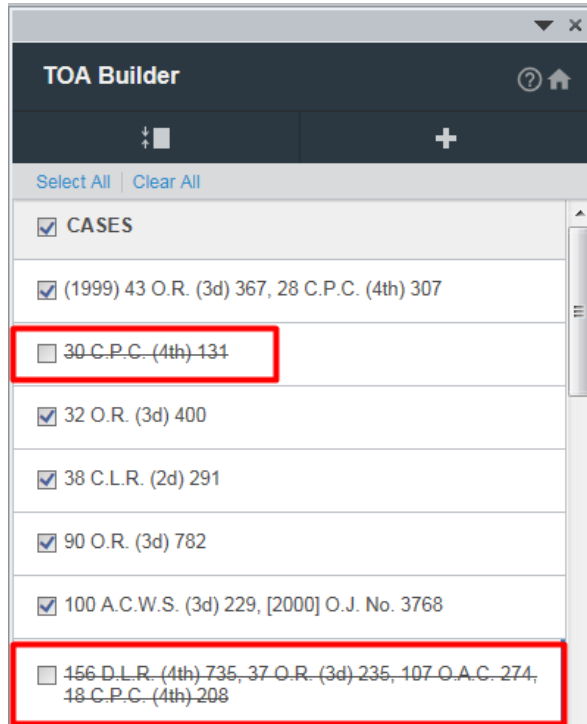
Note: You can also highlight the citation in your document before selecting the “Plus” icon. Appropriate fields will be auto-populated based on your highlights and you can edit as appropriate.

Note: After you add a manual citation to the list, the list will re-alphabetize itself. Be sure to add all necessary manual citations before you manually move citations to desired locations.



(2) Strikethrough:

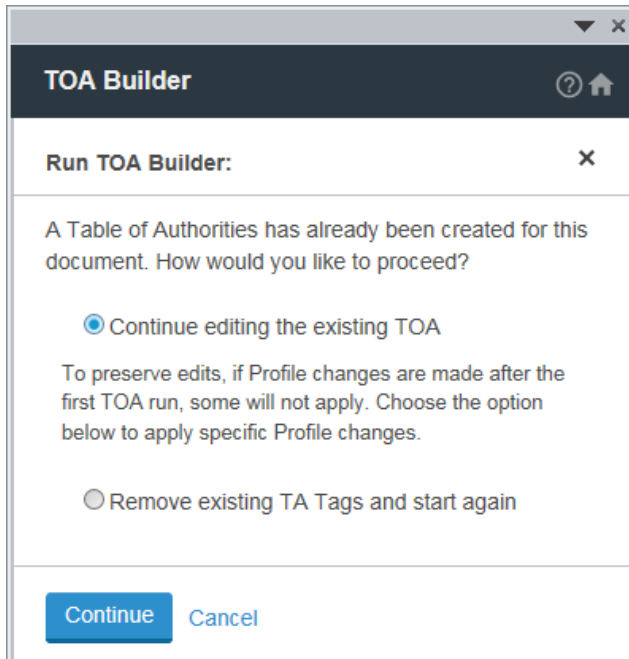
Where you opt to remove an entry from your completed TOA, a “strike-through” will visibly show the deletion. This entry will not form part of the completed TOA.



Saved Changes/Editing Citations and Adding Additional Citations After the TOA Has Been Created:

With this new enhancement, TOA Builder provides the ability to pick up where you left off. If you save and close a document during the TOA Builder process, you can re-open that document and Drafting Assistant will recover previous TOA Builder data. You can continue to work on your existing TOA entries in your document, as well as scan for now ones that may have been added to an existing document.

To maintain all edits to the TOA previously made, select “Continue editing existing TOA”. To start from scratch with the TOA, select “Remove existing TOA Tags and start again”.



If you selected to keep the previous TOA, new or edited citations will appear with a New icon next to them in the list. Drafting Assistant classifies new citations as:

- Citations that you added to the text after the first TOA was completed.
 - Citations that you edited after the first TOA was completed.
 - Citations that were removed from the TOA the first time. If you deselected a citation previously, it will reappear in the list and be selected by default.
- Manipulate the list of citations as described above as necessary and select "Insert TOA" to begin the process of inserting the TOA in your document once more.

Note: After you run the TOA Builder again or insert a manual citation, the citation list will re-alphabetize itself. Ensure the citations are in the correct order before you insert the TOA into your document.

Technical Support

If you have technical questions about Thomson Reuters Drafting Assistant, call Technical Support at 1-800-387-5164, option 2, Monday through Friday, 7:00 am to 9:00 pm eastern time. We offer 24/7 support for OnePass. You can email us at TechSupport.LegalTaxCanada@tr.com

Research Support

We offer complimentary assistance for your legal research questions with our team of premier Research Support professionals. Help is available Monday through Friday, 8:30 am to 5:00 pm ET except holidays. Call Research Support at 1-800-387-5164, option 3 or email ResearchSupport.LegalTaxCanada@tr.com .

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WestlawNext Canada customers will also soon see Practical Law documents in case law citing reference lists and as part of the Browse Legal Topics feature.