Mastering Westlaw® Canada

STUDENT GUIDE

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About this Guide

This icon and dollar amounts are **suggested** usage values for **chargeback purposes only**. These amounts are set by Carswell; however, your firm may adjust these values and charge back to their clients at their discretion. Please see *8: Cost-effective Research* for more information. **Prices are accurate to April 2012. For a complete listing of all usage values, please go to: www.westlawecarswell.com/transpricing/default.htm

This icon indicates that there is an online tutorial for the relevant topic. Click the link to view the tutorial. You need Windows Media Player (or similar software) to play the video. Turn up your computer's volume so that you can hear the narrative.

This icon indicates there is an additional Quick Reference Card for the topic you are reviewing. Click the link to retrieve the QRC.

Additional links are displayed in blue underlined text.

Navigating this Document Online

There are two ways you can easily navigate this document:

1. You can use the "Back to …" links provided to return to a section you navigated away from. For example, when you click any of the shortcut links and want to return to the Shortcuts section, you can click Back to Shortcuts.

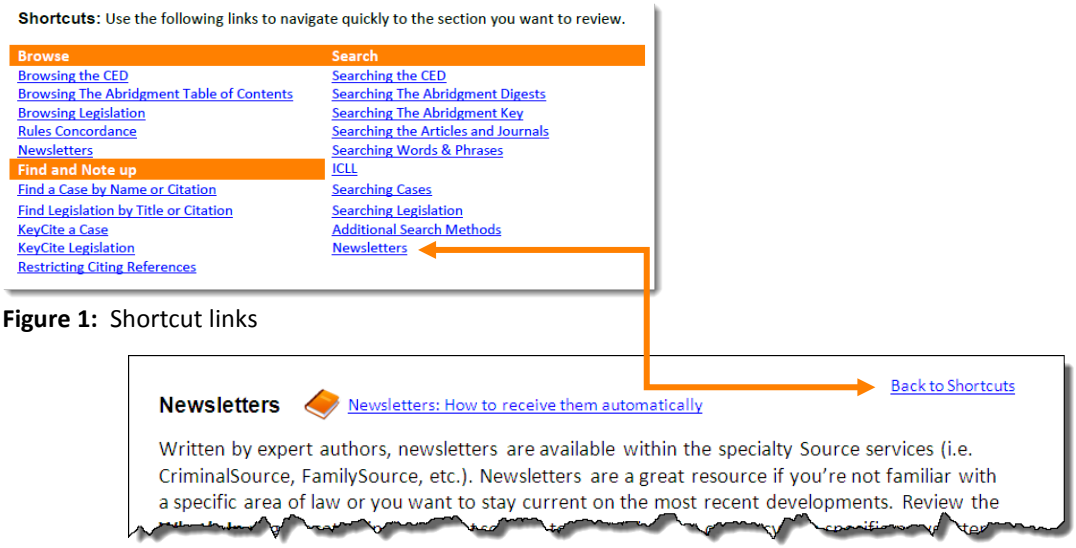


Figure 1: Shortcut links

Figure 1: Back to Shortcuts link

OR

2. You can use Adobe's Next/Previous View buttons. To set these up, while in Adobe, click the **Tools** menu and select **Customize Toolbars…** Scroll down to the Page Navigation Toolbar section and select **Previous View** and **Next View** and click **OK**. The buttons appear at the top of your Adobe screen.

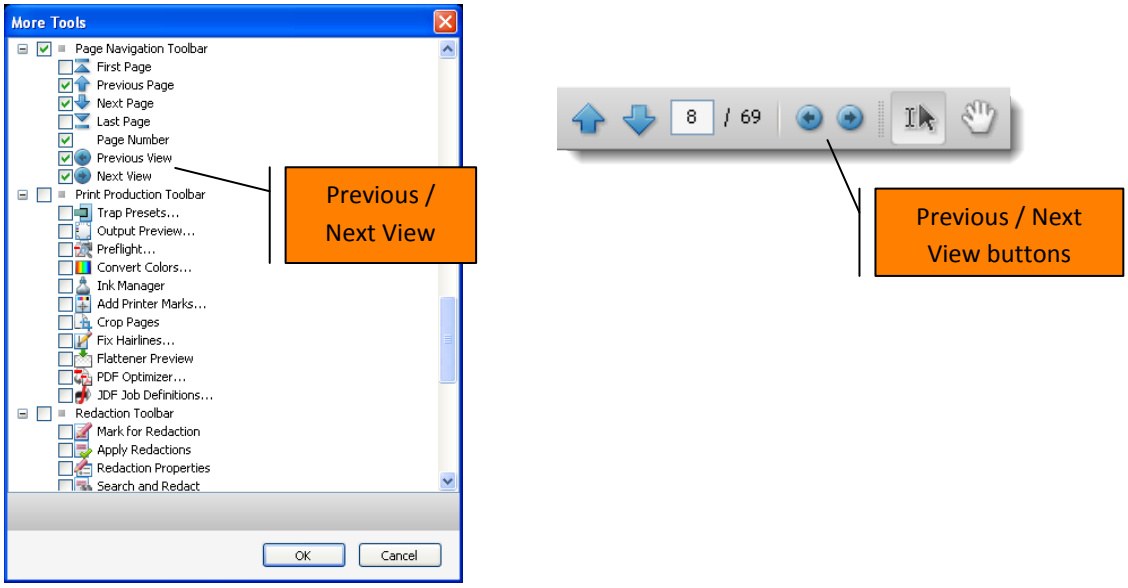


Figure 2

1: Getting Started

Finding Help

Online

- **Getting Started Tips:** This link is located at the bottom of the left frame of the Home page. Use it to access a number of helpful tips to get you up and running.
- **Icons:** Search tip icons are located on the Home page and on Custom Search Templates and provide context-sensitive help along with a link to the relevant online tutorial.
- **Help:** Click this link, located at the top right of the Navigation bar to access a variety of help topics.
- **Reference Materials:** From the Site Map, click the Reference Materials link located in the Help Centre to access links to a variety of Quick Reference Cards. Links to Quick Reference Cards (QRCs) are also provided throughout this document, were applicable.
- **Online Tutorials:** Designed to quickly orient you with the best and most productive ways to use Westlaw Canada. Access these tutorials from the online Help pages, or from www.westlawecarswell.com/support/emodules.htm. Links to tutorials are also provided throughout this document, were applicable.

Technical or Reference Support

Technical and Reference Support are included with your subscription and available 24 hours a day, 7 days a week.

Phone: 1.800.387.5164 / 416.609.3800
Email: carswell.reference@thomsonreuters.com / carswell.techsupport@thomsonreuters.com

Accessing Westlaw Canada

Using your browser, go to: www.westlawcanada.com and click Sign On To Westlaw Canada located in the upper right corner.

Figure 1 - 1

The Sign On page appears. You **must** create a OnePass Account. Click Switch to OnePass Sign On located in the upper right corner of the sign on section. *Click here for more information.*

Figure 1 - 2

Click Register my Westlaw Password and follow the instructions.

Figure 1 - 3: OnePass Sign On page

Note: Do not use the Westlaw Canada password you were assigned in law school. Use the password that has been assigned to you by your firm.

Once you have registered for your OnePass account, use the username and password you created to sign on. You **must** also enter a Client ID. This **mandatory** field is used to track your research and run usage reports for cost-recovery purposes. Examples of client IDs: client file number, project code, research topic.

Using the Client Identifier

Overview of Westlaw Canada

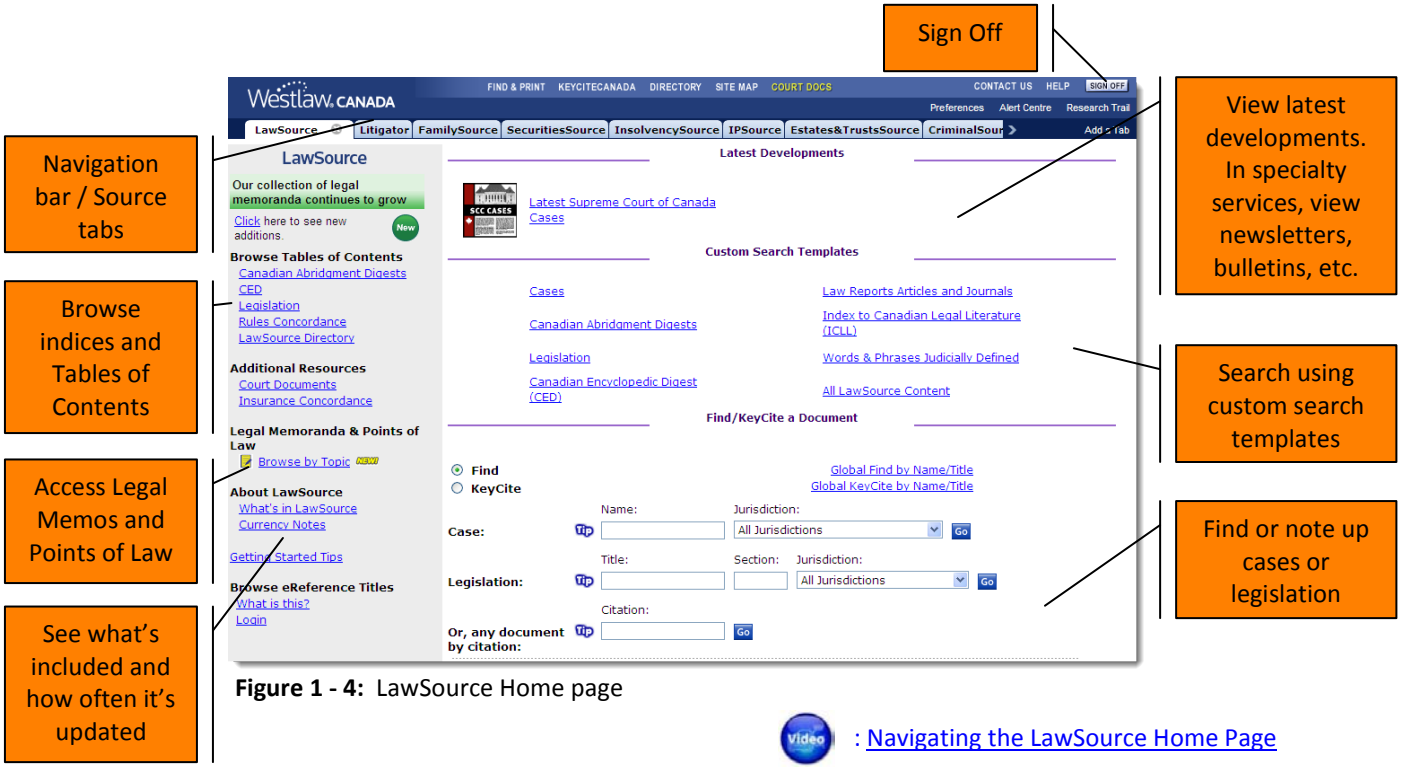


Figure 1 - 4: LawSource Home page

: Navigating the LawSource Home Page

: LawSource QRC
: Setting up your Preferences

To sign off Westlaw Canada, click **Sign Off** located in the upper right corner of the Navigation bar.

Shortcuts: Use the following links to navigate quickly to the section you want to review.

Browse	Search
Browsing the CED (pg 7)	Searching the CED (pg 10)
Browsing The Abridgment Table of Contents (pg 22)	Searching The Abridgment Digests (pg 24)
Browsing Legislation (pg 35)	Searching The Abridgment Key (pg 20)
Rules Concordance (pg 27)	Searching the Articles and Journals (pg 12)
Newsletters (pg 13)	Searching Words & Phrases (pg 25)
Find and Note up	ICLL (pg 29)
Find a Case by Name or Citation (pg 31)	Searching Cases (pg 32)
Find Legislation by Title or Citation (pg 34)	Searching Legislation (pg 36)
KeyCite a Case (pg 41)	Additional Search Methods (pg 47)
KeyCite Legislation (pg 43)	Newsletters (pg 13)
Narrowing your Citing References List (pg 44)	
KeyCiting Secondary Sources (pg 30)	

2: Pathways to the Law

Overview

Westlaw Canada is the **only** online research tool in Canada designed with the whole research process in mind – with the awareness that the goal of research is not just to find cases on point but rather to discover the law.

Westlaw Canada gives you everything you need to get the full picture of the law:

- **Primary Sources** – not only gives you the decisions and legislation that make up the law, it also includes supporting documents: court filings, legislative history and pending legislation, which lets you look behind decisions and current legislation to get a fuller picture.
- **Secondary Sources:**
    - **Finding Tools** – organize the law by issue and enable you to discover and tie together *all* the relevant authorities – The Canadian Abridgment Digests, Citators (case and legislative), Words & Phrases and the Index to Canadian Legal Literature. These research tools provide a valuable alternative or supplemental strategy to finding the law.
    - **Analysis/Commentary** – explains the law in Canada, including the CED, leading loose leaf services, newsletters, texts, law reviews and journals and Legal Memorandum.

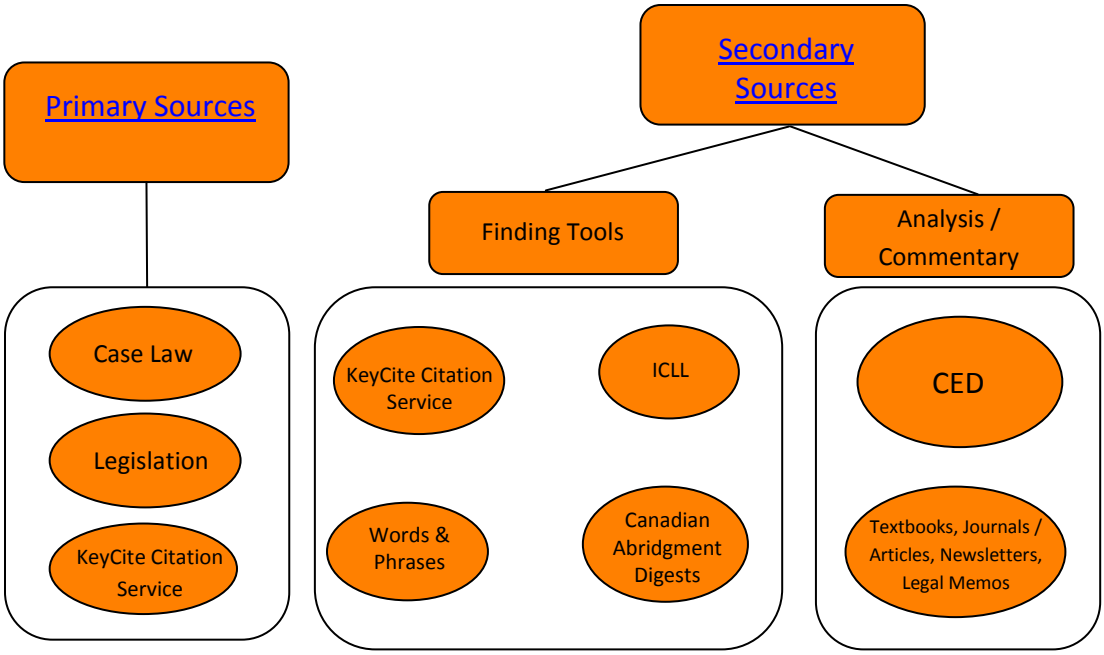


Figure 2 - 1

All of this material is tied together into an interface designed to integrate different information components to keep you moving on the right path towards your goal – to find not just the relevant primary law but to ensure the necessary content and to create a winning legal argument.

Selecting a Pathway

Choose the pathway that makes sense for the legal issue you are researching: you can begin your research broadly, getting an overview of the issue, or more narrowly, by finding a decision or legislative provision on point. No matter how you begin, Westlaw Canada's network of links ensures that you can move quickly and intuitively through all the relevant sources to get the full picture of the law.

Here are outlines of two possible strategies you may find useful. Within each of these strategies there may be various options you might use depending on the particular problem and the information you have.

Strategy A – Begin with an overview:

- To get an overview of the issue ➤ Use the CED and other commentary
- To find case law by issue ➤ Use The Canadian Abridgment Digests
- To read relevant cases ➤ Use the full text case law
- To note up relevant cases ➤ Use KeyCite Canada
- Get legal analysis from secondary source citing references

Strategy B – Begin by finding a leading case:

- Perform a keyword search to find full text cases on point
- Link to Abridgment Digests to find other cases on the same issue
- To read relevant cases ➤ Use the full text case law
- To note up relevant cases ➤ Use KeyCite Canada
- Put it all together with analysis from the CED and other secondary source citing references

: Researching an Unknown Area of Law
: Supercharge Your Research

: Pathways to the Law
: Supercharge Your Research with the CED & The Canadian Abridgment Digests

3: Secondary Sources

Back to Pathways

Analysis/Commentary

Canadian Encyclopedic Digest

The CED, published since 1913, written by expert authors, provides an overview of the law, with references to supporting cases, statutory provisions and authoritative legal commentary. There are over 225 subject areas on every aspect of Canadian law and practice. The digest paragraphs are organized under major headings and subheadings within each subject title and include cross-references to other related subjects along with a link to the equivalent section in The Canadian Abridgment classification.

The CED may be used to answer your legal question directly and succinctly, or it may serve as a centre point from which to conduct research, directing you to primary sources you may wish to examine more closely by referring to the authorities cited in the footnotes.

Browsing the CED Table of Contents Browsing the CED Back to Shortcuts

1. Click CED in the *Browse Tables of Contents* section located in the left frame of the LawSource Home page.

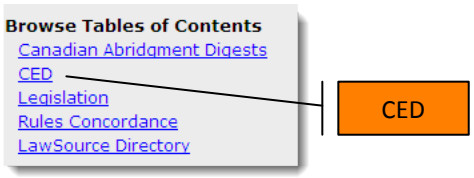


Figure 3 - 1

2. Click a **+** button to expand a subject title.

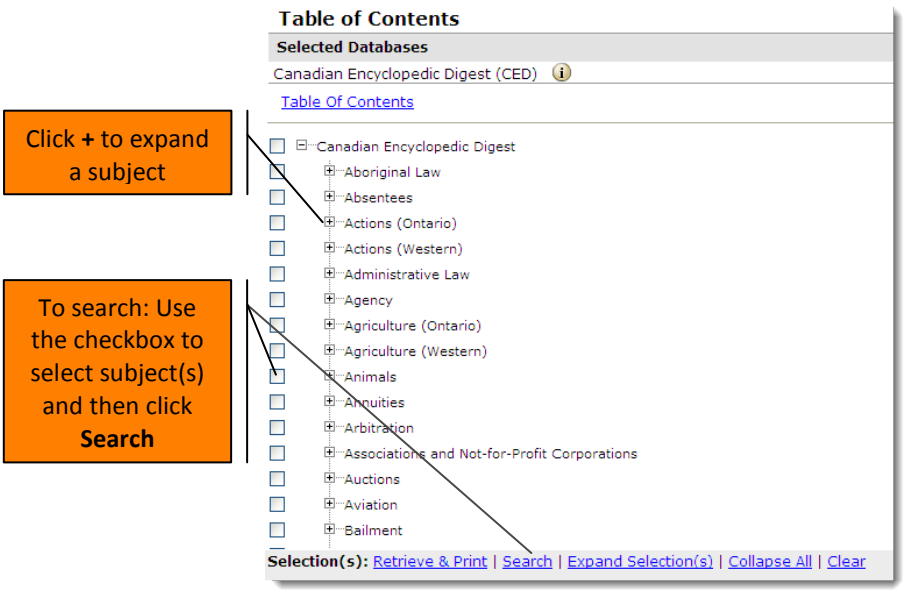


Figure 3 - 2: CED Table of Contents

3. Continue clicking the **+** button and then click the blue link to retrieve the digest paragraphs.

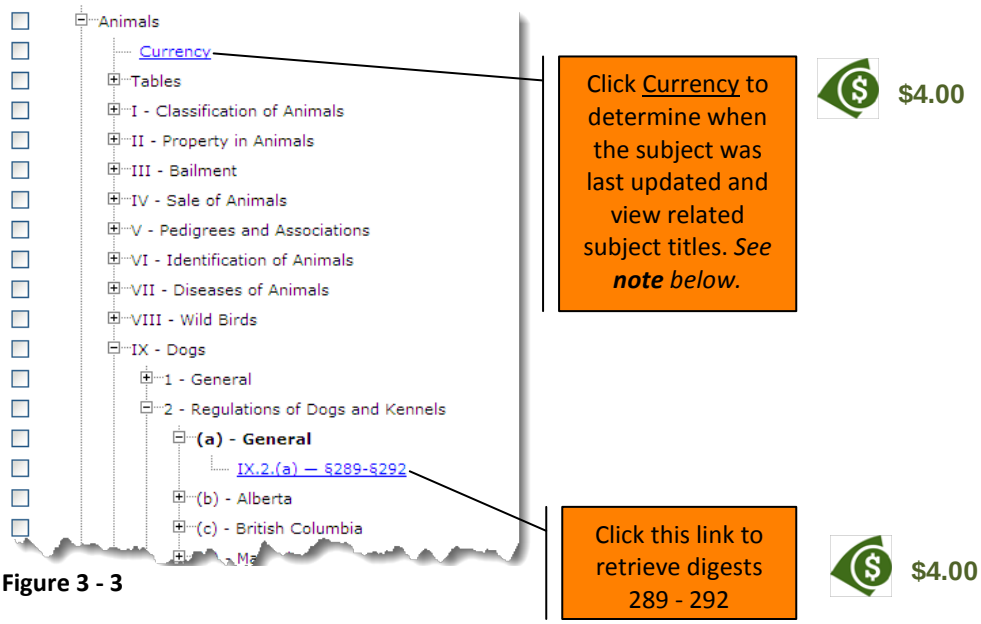


Figure 3 - 3

Note: *Alternatively*, you can view the currency of each subject title by clicking **What's In LawSource** located in the *About LawSource* section at the bottom of the left frame of the LawSource Home page.

$0.00

All digests appear in the right frame as one document.

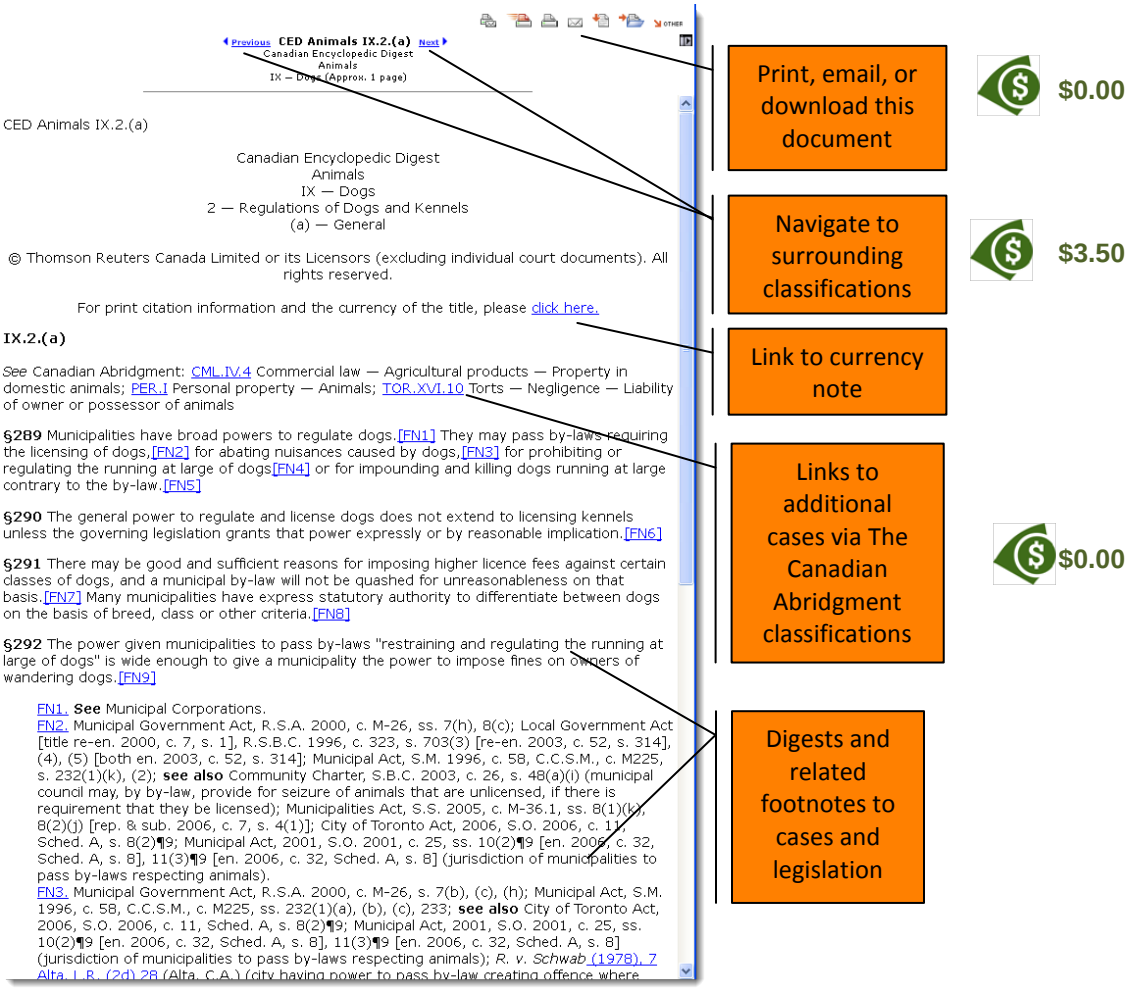


Figure 3 - 4: CED Digests with footnotes

Searching the CED

Searching the CED

Back to Shortcuts

1. Click Canadian Encyclopedic Digest (CED) in the *Custom Search Templates* section of the LawSource Home page.

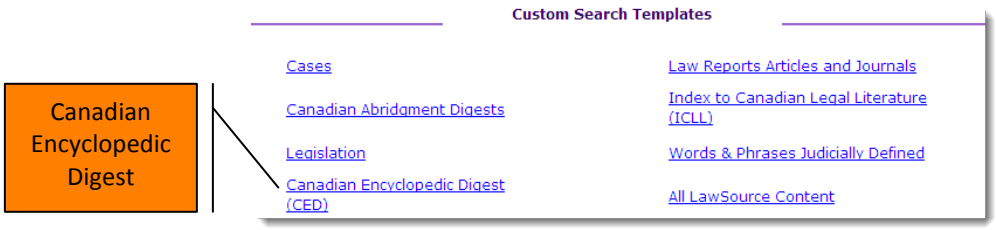
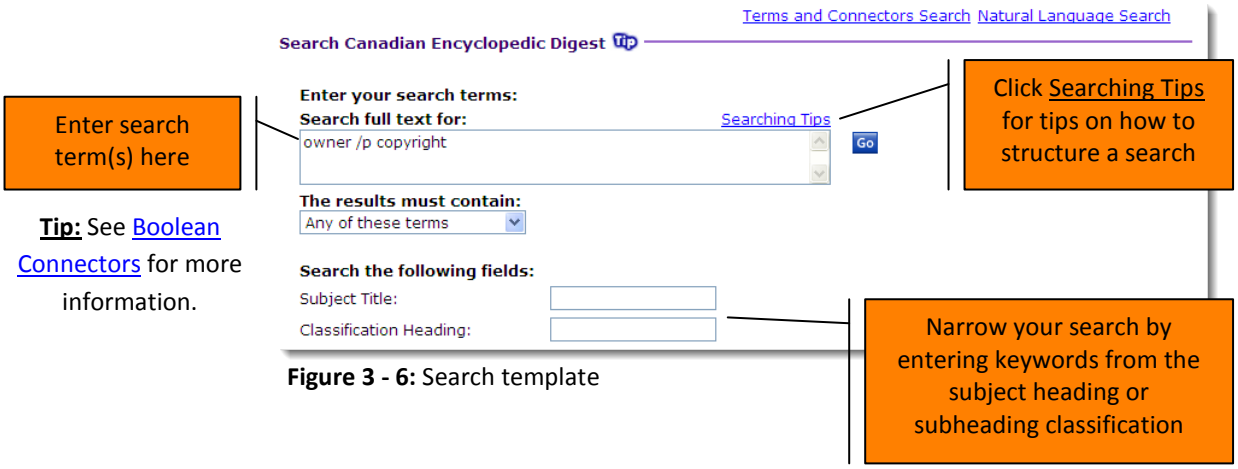


Figure 3 - 5

2. Enter your search criteria into the template and click **Go**. $21.50



Tip: See Boolean Connectors for more information.

Figure 3 - 6: Search template

Your search results appear on the Result List with the full text digest on the right.

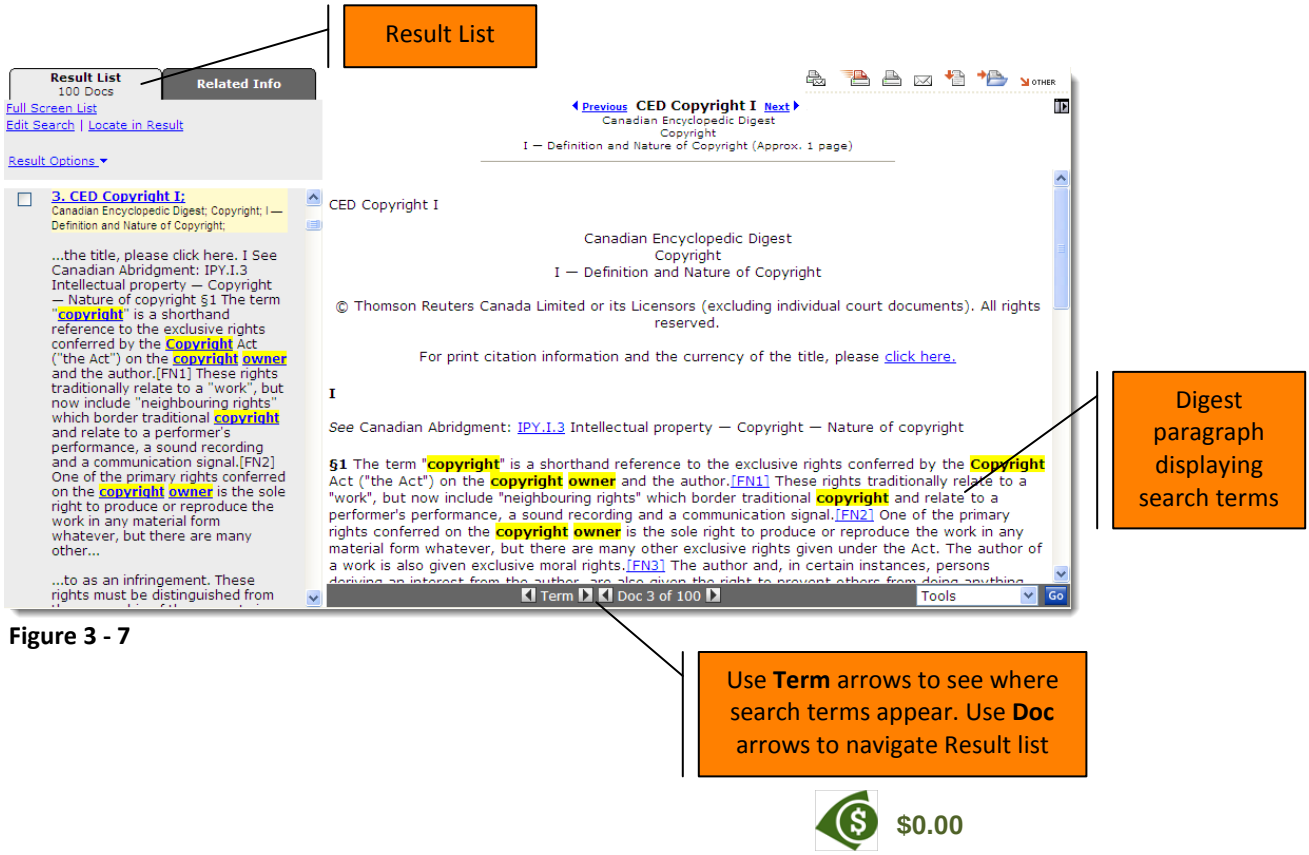

Result List
Result List
100 Docs
Related Info
Full Screen List
Edit Search | Locate in Result
Result Options
3. CED Copyright I;
Canadian Encyclopedic Digest; Copyright; I — Definition and Nature of Copyright;
...the title, please click here. I See Canadian Abridgment: IPY.I.3 Intellectual property — Copyright — Nature of copyright §1 The term "copyright" is a shorthand reference to the exclusive rights conferred by the Copyright Act ("the Act") on the copyright owner and the author.[FN1] These rights traditionally relate to a "work", but now include "neighbouring rights" which border traditional copyright and relate to a performer's performance, a sound recording and a communication signal.[FN2] One of the primary rights conferred on the copyright owner is the sole right to produce or reproduce the work in any material form whatever, but there are many other...
...to as an infringement. These rights must be distinguished from
Previous CED Copyright I Next
Canadian Encyclopedic Digest
Copyright
I — Definition and Nature of Copyright (Approx. 1 page)
CED Copyright I
Canadian Encyclopedic Digest
Copyright
I — Definition and Nature of Copyright
© Thomson Reuters Canada Limited or its Licensors (excluding individual court documents). All rights reserved.
For print citation information and the currency of the title, please click here.
I
See Canadian Abridgment: IPY.I.3 Intellectual property — Copyright — Nature of copyright
§1 The term "copyright" is a shorthand reference to the exclusive rights conferred by the Copyright Act ("the Act") on the copyright owner and the author.[FN1] These rights traditionally relate to a "work", but now include "neighbouring rights" which border traditional copyright and relate to a performer's performance, a sound recording and a communication signal.[FN2] One of the primary rights conferred on the copyright owner is the sole right to produce or reproduce the work in any material form whatever, but there are many other exclusive rights given under the Act. The author of a work is also given exclusive moral rights.[FN3] The author and, in certain instances, persons
Term Doc 3 of 100
Tools
Go
Digest paragraph displaying search terms
Use Term arrows to see where search terms appear. Use Doc arrows to navigate Result list
$0.00

Figure 3 - 7

Law Report Articles and Journals

LawSource includes all of the articles and case comments from the Carswell print Law Reports. It also includes a variety of Canadian journals and law reviews.

To determine the currency and coverage of a particular periodical review the **What's In LawSource** page in the *About LawSource* section located in the left frame of the Home page.

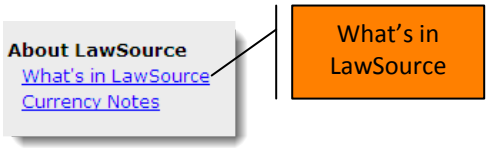


Figure 3 - 8

Searching the Articles and Journals Video Searching Law Report Articles and Journals Back to Shortcuts

1. Click Law Reports Articles and Journals in the *Custom Search Templates* section located on the LawSource Home page.

Figure 3 - 9

2. Enter your search criteria into the template and click **Go**. $37.50

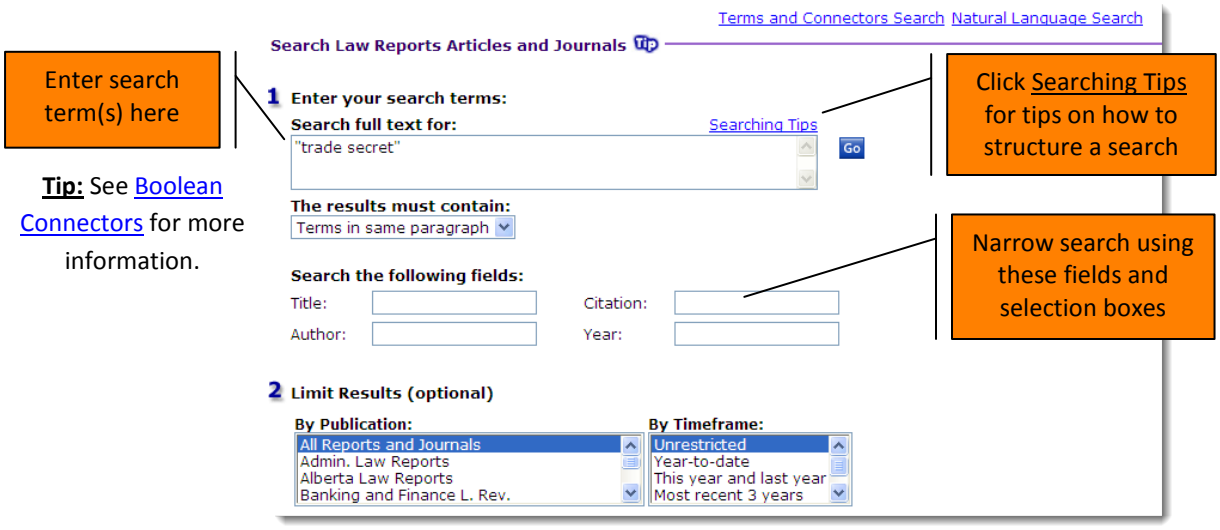


Figure 3 - 10: Search template

Back to Shortcuts

Newsletters

Newsletters: How to receive them automatically

Written by expert authors, newsletters are available within the specialty Source services (i.e. CriminalSource, FamilySource, etc.). Newsletters are a great resource if you're not familiar with a specific area of law or you want to stay current on the most recent developments. Review the **What's In** page located in the *About* section to determine the currency of a specific newsletter.

Newsletters may be accessed from the *Latest Development* section within a specific Source service. Click the link to retrieve the newsletter.

Figure 3 - 11: Newsletter for FamilySource

$11.00

The current newsletter appears in the right frame.

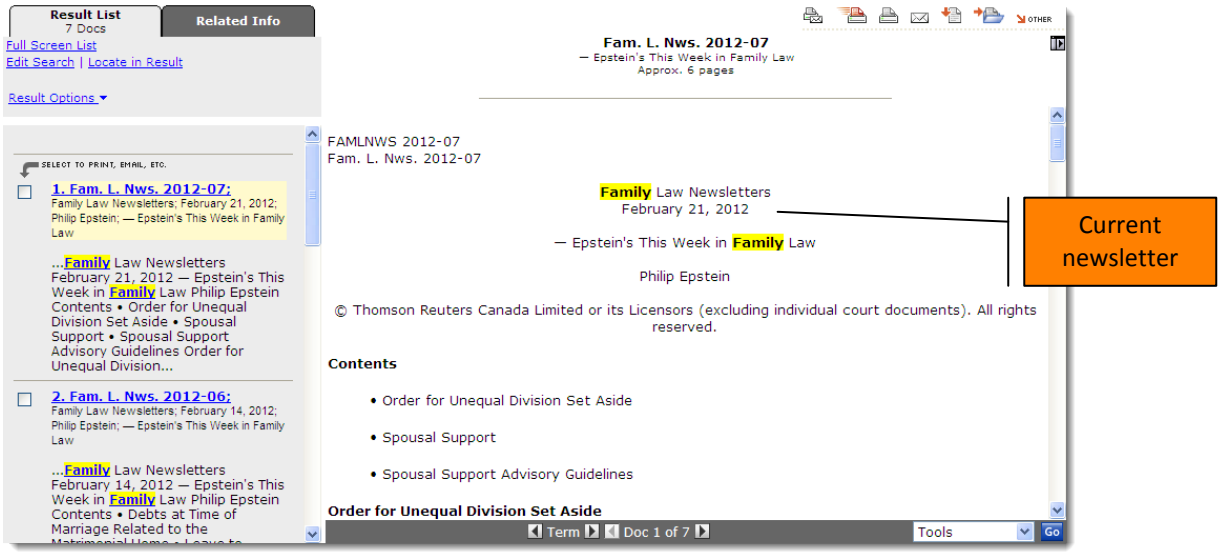


Figure 3 - 12: Epstein's This Week in Family Law Newsletter

Use the **Commentary** Custom Search Template located on the specific Source's Home page to search the newsletter's database.

Legal Memoranda

Legal Memoranda

Legal Memoranda and Points of Law

Westlaw Canada contains a Legal Memoranda and Points of Law collection that is an excellent starting point for your legal research, if you can find one on your specific issue.

Every memo provides objective analysis of precise issues in specific fact-scenarios and particular legal contexts. It identifies critical details about the memo, including the author and most recent update and is reviewed for currency within three years of this date. Points of Law are similar to legal memos but are based on legal issue rather than a fact scenario. Both include links to cases, legislation and cite commentary.

The collection substantially concentrates in at least 10 areas of law, including:

- Personal Injury
- Insurance
- Labour and Employment
- Criminal
- Estates and Trusts
- Family
- Municipal
- Real Property
- Corporate
- Commercial and Business

Memos exist in other topical areas, but in small numbers. As this collection expands over time, so too will its topical and jurisdictional coverage.

Legal Memos and Points of Law is *available as a subscription*, *though non-subscribers may view individual memos on a pay-per-view basis. All Westlaw Canada users may access the Summary documents without charge, regardless of subscription.*

Browsing Legal Memoranda & Points of Law

1. Click Browse by Topic located in the **left** frame of the following Source Services: LawSource, CriminalSource, Estates&TrustsSource and FamilySource. In Litigator, the link is located in the **right** frame.

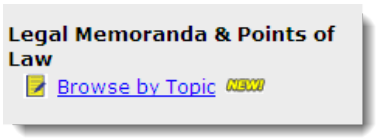


Figure 3 - 13: Left Frame link

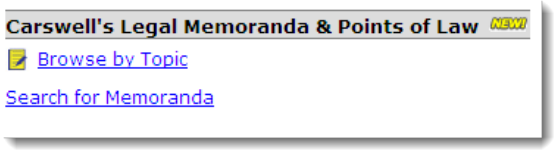


Figure 3 - 14: Links in Litigator

The Table of Contents, which follows The Canadian Abridgment taxonomy, appears. Subject titles that contain at least one document are displayed.

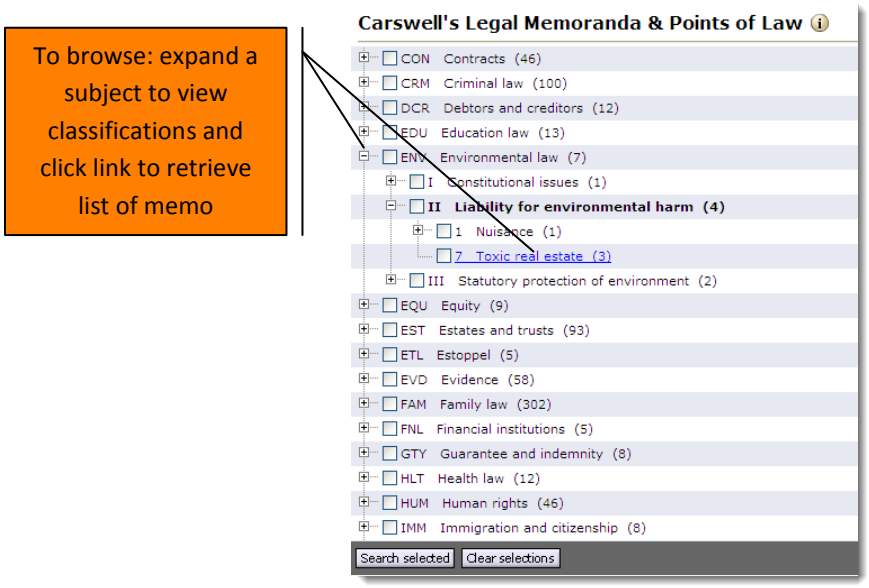


Figure 3 - 13

Searching Legal Memoranda & Points of Law

Litigator's Home page has a Legal Memoranda & Points of Law search template that allows you to focus your search on a scenario's facts and/or to limit your search to a specific legislative provision, topic, case or author.

1. Click Search for Memoranda located in the right frame to access this template.

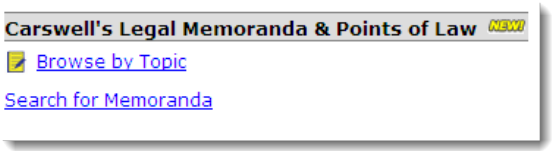


Figure 3 - 14

Alternatively, the template is available from the Table of Contents. Simply select the subject(s) and/or classifications(s) you want to search by using the checkboxes provided and click **Search selected**.

2. Enter your search term(s) into the fields provided.

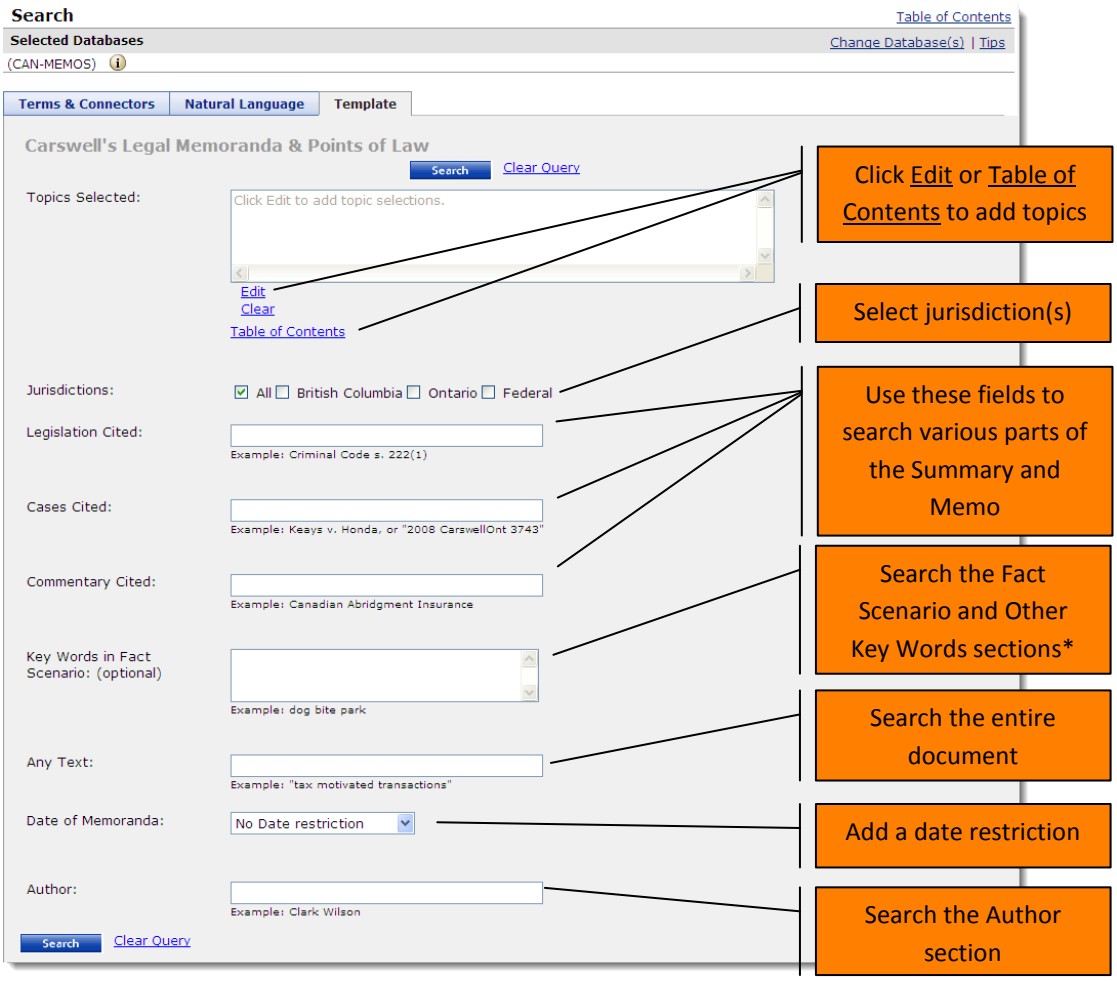


Figure 3 - 15

*Many different words could be used to describe a fact. The *Key Words in Fact Scenario* field searches common synonyms and related words that may be used in a Legal Memo. This field searches both the *Fact Scenario* and the *Other Keywords* sections within the Memo Summary and Legal Memo itself.

Note: When keyword searching, both the Summary and Legal Memo are searched together; however, the Legal Memo is **not** displayed in the Result List. Therefore, it is possible to receive hits on a Summary that does not contain your search terms as the terms are displayed in its corresponding Legal Memo.

3. Click **Search**.

Legal Memo Summary

A Summary page prefaces each Legal Memo, highlighting the facts, legal issues, and lists the cases, legislative provisions and commentary sources consulted to craft the memo. All Westlaw Canada users may access these Summary documents without charge, regardless of subscription.

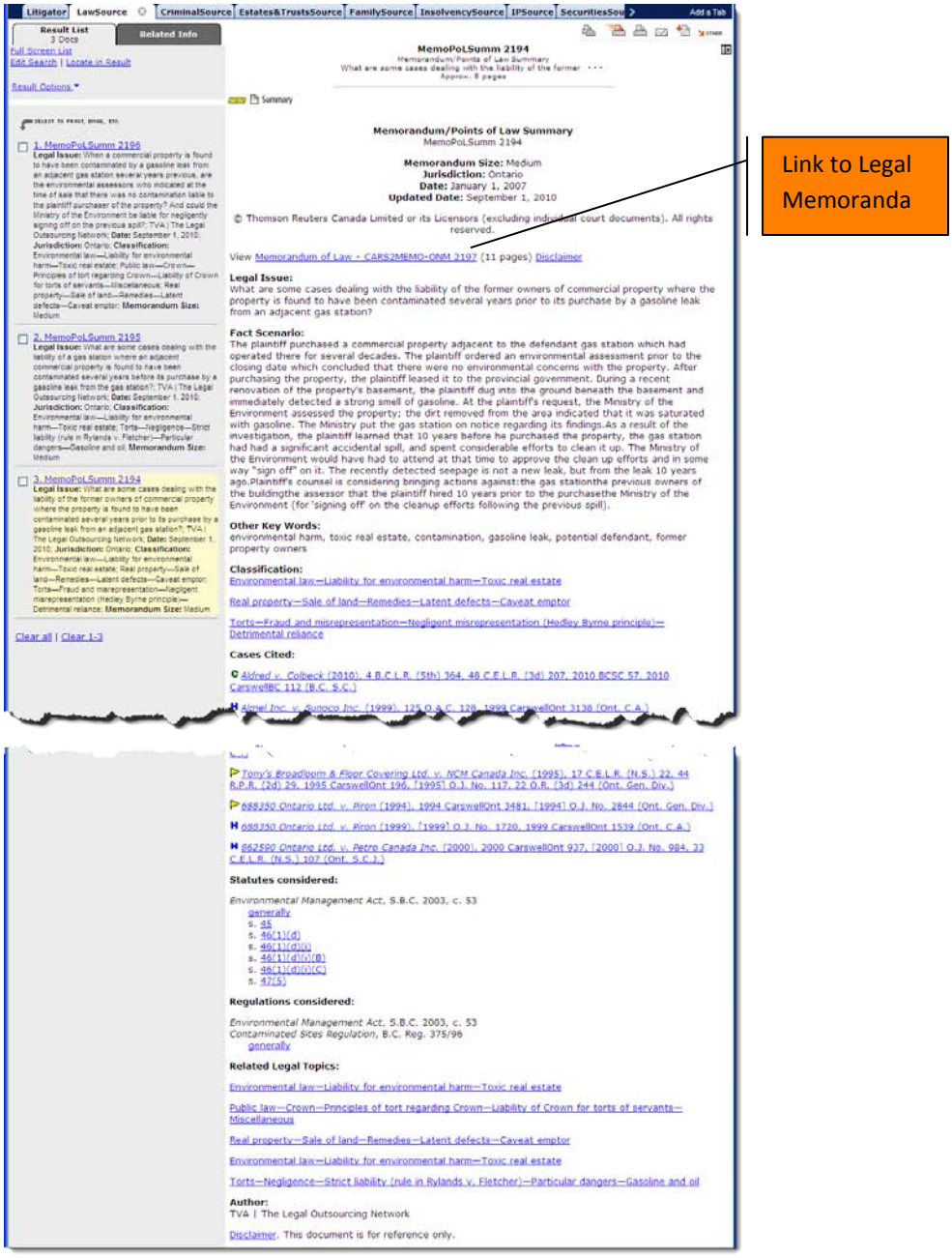


Figure 3 - 16

Legal Memorandum

Click Memorandum of Law on the **Summary** page to access the full Legal Memorandum.

Figure 3 - 17

Accessing Legal Memos from Other Products

A pen and notepad icon is displayed in the Result List and upper left corner of a case, legislative provision or commentary that has been referenced within a Legal Memo.

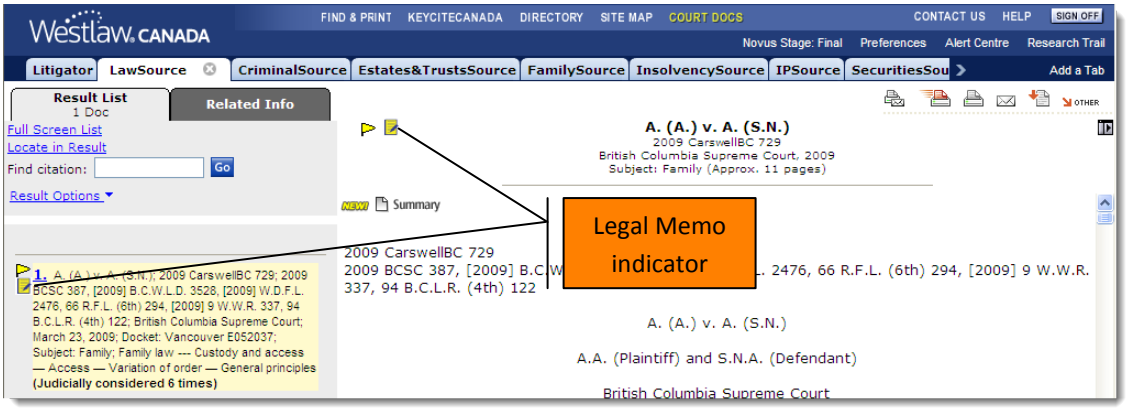


Figure 3 - 18

Legal Memo Summaries can be accessed from the Legal Memoranda & Points of Law link located on the Related Info tab.

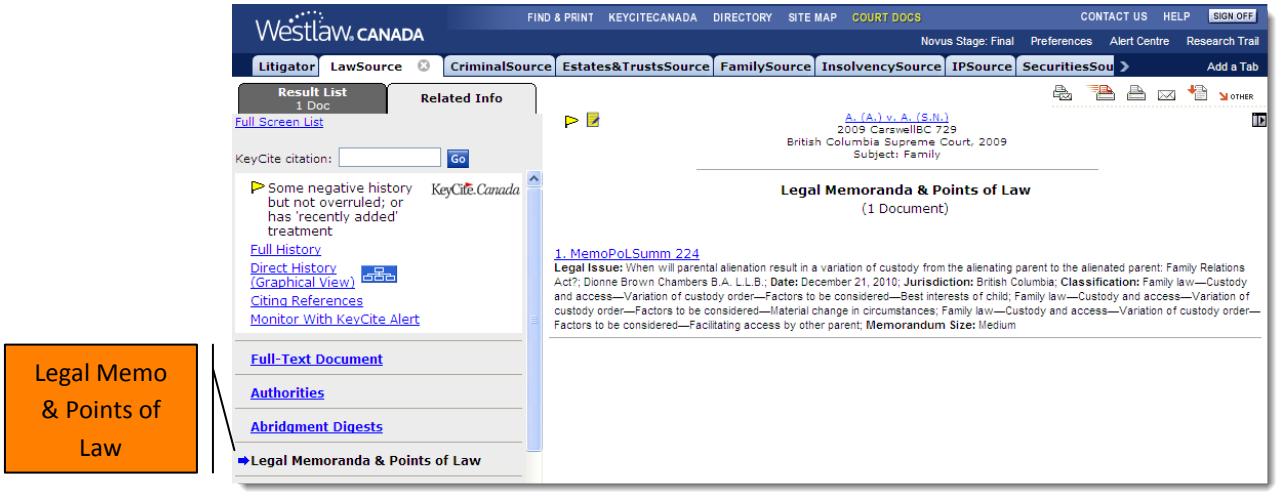


Figure 3 - 19: Legal Memoranda & Points of Law page

Finding Tools

The Canadian Abridgment Case Digests

A Short Guide to The Canadian Abridgment

Published since 1933, The Canadian Abridgment Case Digests is a comprehensive collection of summaries of Canadian legal decisions. Digests are organized by subject followed by a detailed classification scheme allowing you to easily pinpoint cases that are specific to your case.

Generally, you will see three styles of digests:

- **Narrative**: Written for more important cases such as Supreme Court of Canada and other appellate judgments.
- **Caption-only**: Written for cases that do not fall into the above category but that are regarded as being significant or having some potential value as precedents.
- **Classification-only**: Written for cases in which well-established legal principles are applied to familiar fact situations, and in which no novel or significant points of law arise.

The Canadian Abridgment Case Digests is a great place to begin your research on any legal issue as it brings together, in an easily viewable format, digests of every case dealing with that issue. By browsing through these digests you can identify the decisions and then link to their full text.

Searching the Subject and Classification Headings (The Abridgment Key)

Back to Shortcuts

Search The Canadian Abridgment Case Digests Table of Contents (The Abridgment Key) subject and classification headings when you're not sure which subject contains your issue or if it crosses over multiple subjects.

Searching the Canadian Abridgment Digests Key

1. Click Canadian Abridgment Digests in the *Browse Tables of Contents* section located in the left frame of the LawSource Home page.

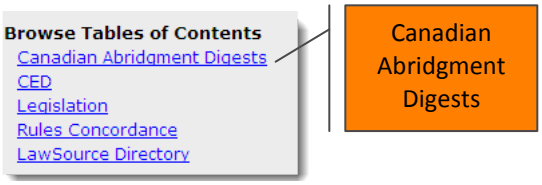


Figure 3 - 20

2. Enter your term(s) into the **Search Abridgment Key** field located in the bottom right corner of the page and then click **Search**. **Note:** Don't use terms that are too common.

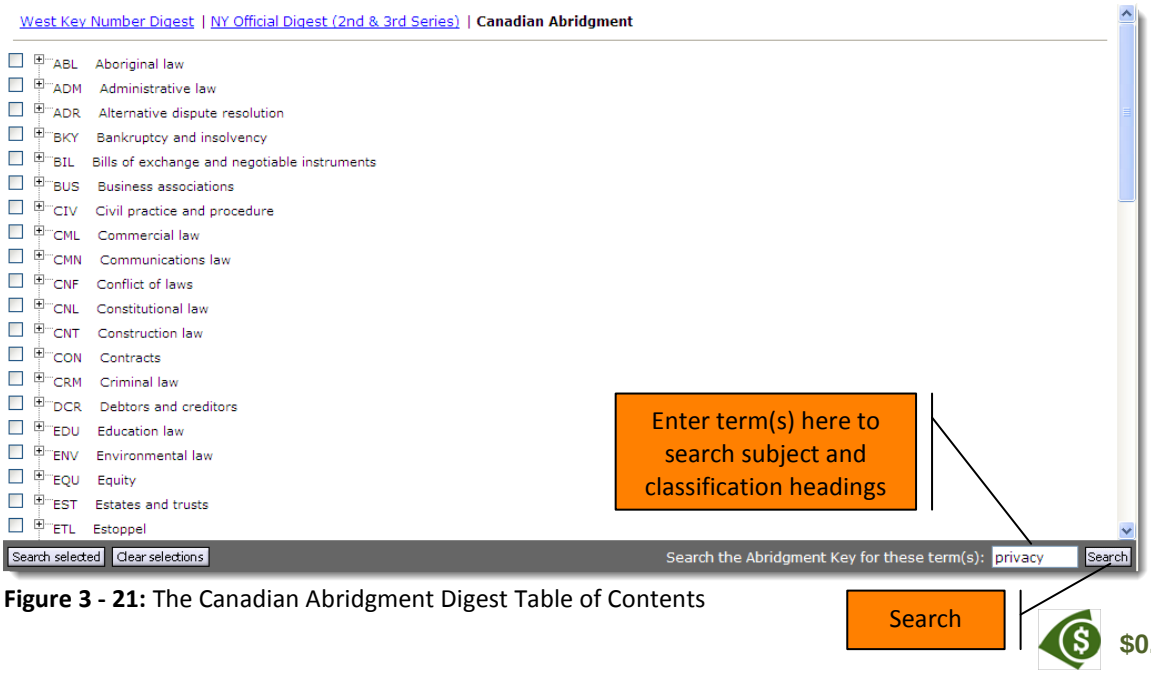


Figure 3 - 21: The Canadian Abridgment Digest Table of Contents

3. The Table of Contents appears displaying the subjects that contain your search term. Click a **+** button to expand the heading to view the specific classification for your term and then click the digest link to retrieve the digests.

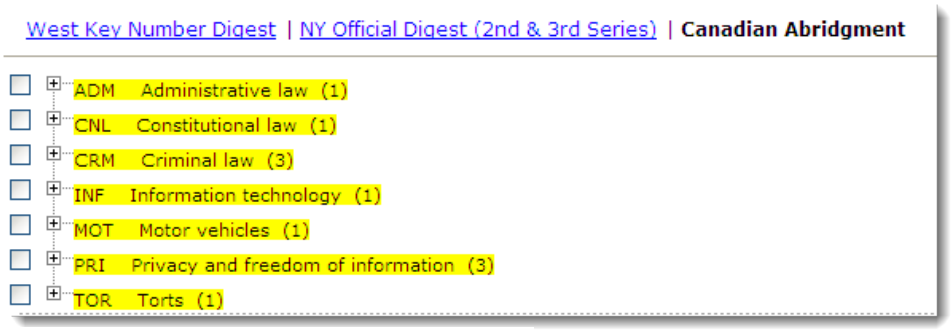


Figure 3 - 22

Back to Shortcuts

Browsing the Abridgment Digests Table of Contents

Browsing The Canadian Abridgment Digests

1. Click Canadian Abridgment Digests in the *Browse Tables of Contents* section located in the left frame of the LawSource Home page.

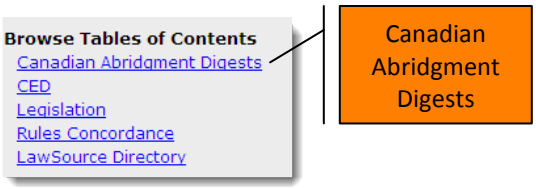


Figure 3 - 23

2. Click a **+** button to expand a subject title.

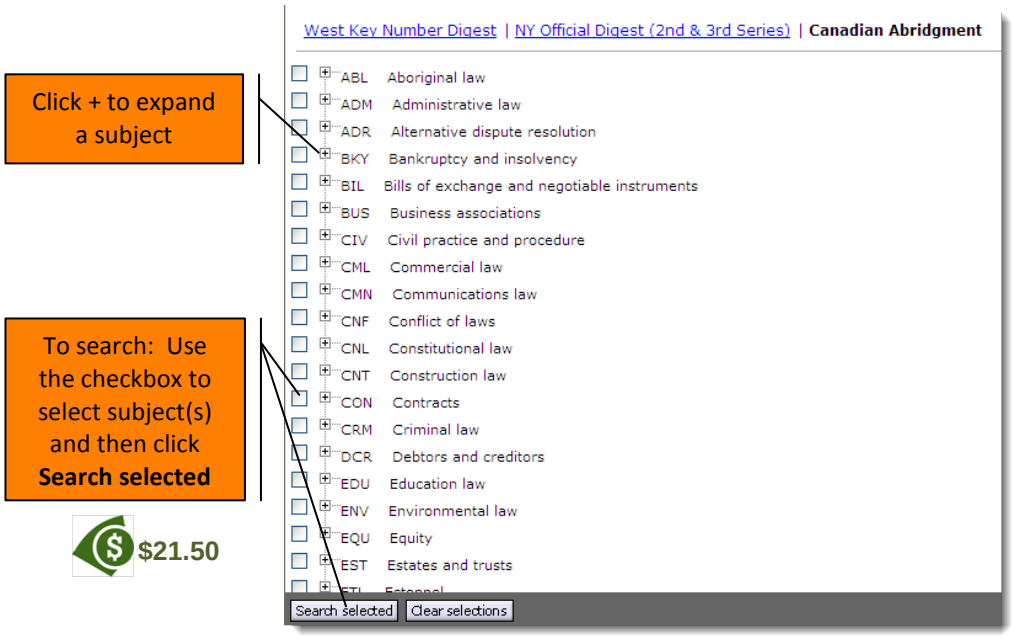


Figure 3 - 24

3. Continue clicking the **+** button to expand the classification headings and then click the blue link to retrieve the case digests.

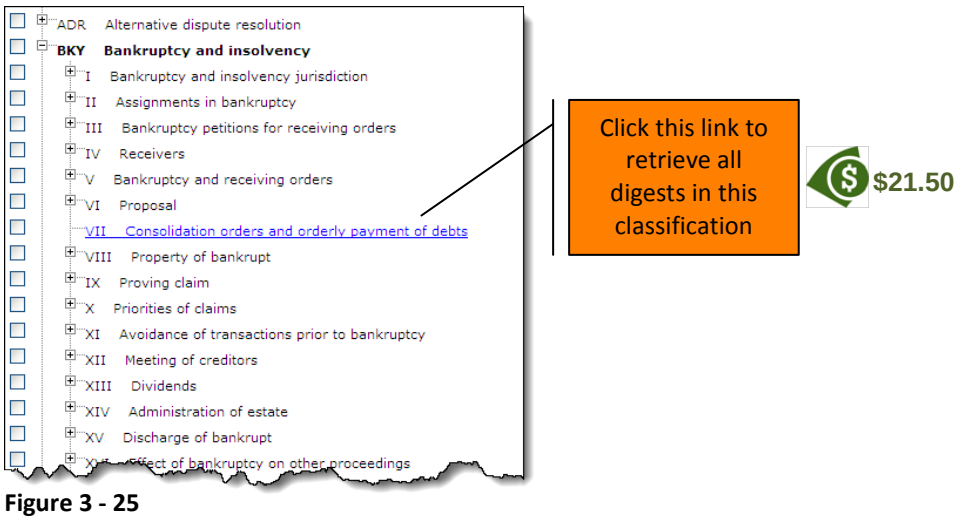


Figure 3 - 25

The Abridgment Digests appear in reverse chronological order in the right frame as one document.

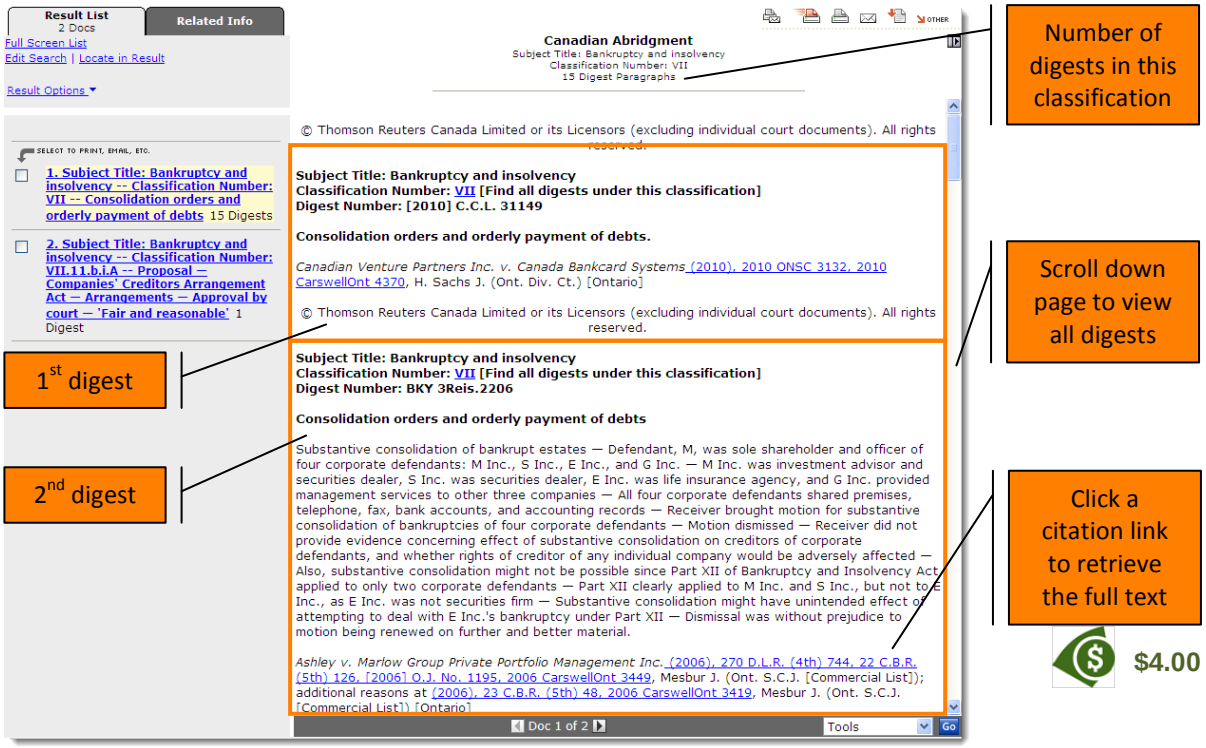


Figure 3 - 26

Back to Shortcuts

Searching The Abridgment Digests

Searching The Canadian Abridgment Digests

1. Click Canadian Abridgment Digests in the *Custom Search Templates* section of the LawSource Home page.

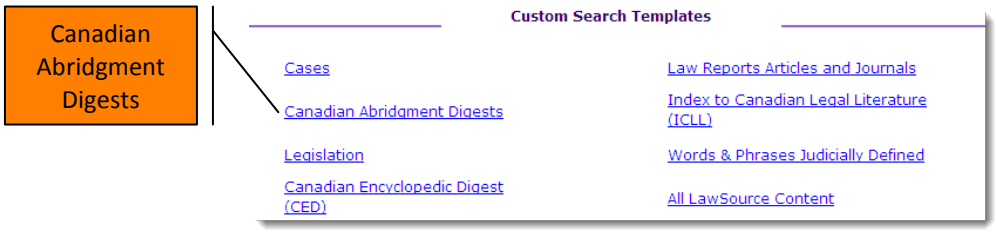
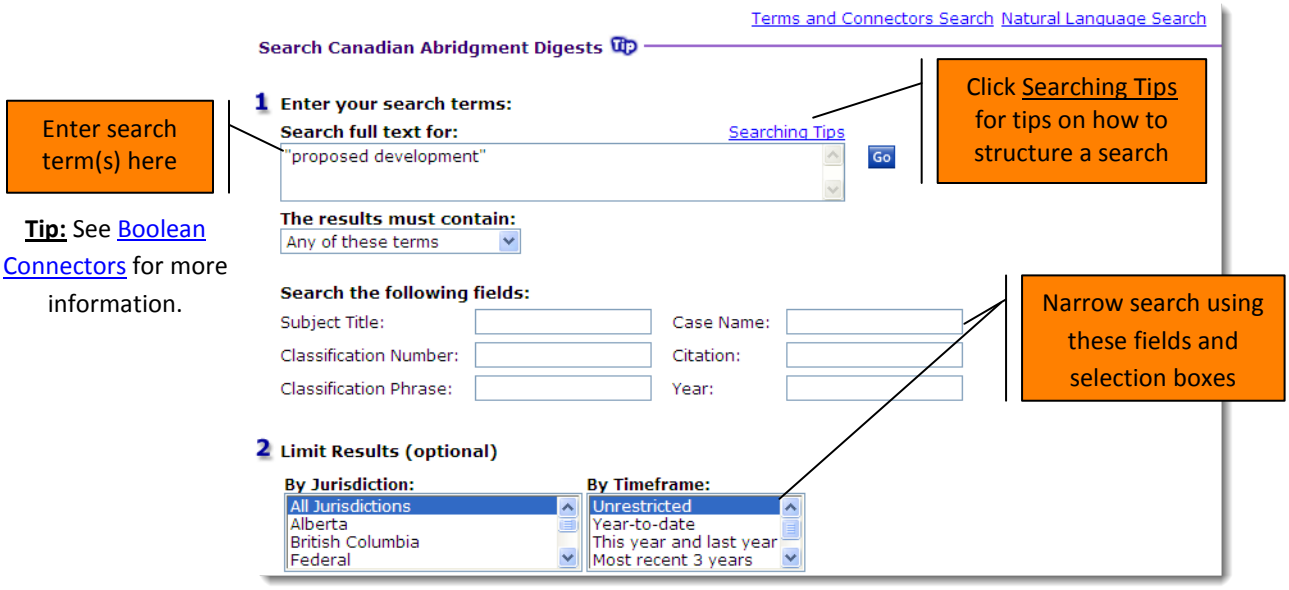


Figure 3 - 27

2. Enter your search criteria into the template and click **Go**. $21.50



Tip: See Boolean Connectors for more information.

Figure 3 - 28

Words & Phrases Judicially Defined

Words & Phrases Words & Phrases

Published as part of The Canadian Abridgment since 1993, Words & Phrases Judicially Defined provides judicial interpretations of statutory and common law terms from the 1800's to the present. It includes approximately 70,000 Canadian interpretations of 30,000 terms, making it by far the largest service of its kind available in Canada in any medium. Cross-references appear both in the Result List and on each document to link you to related entries.

Interpretations are organized within the Words & Phrases entry by jurisdiction. Each interpretation contains: the paragraph number, relevant passage from the decision, the subject area, name, citation, court level and judge(s) of the decision.

Words & Phrases Judicially Defined is available to all LawSource subscribers.

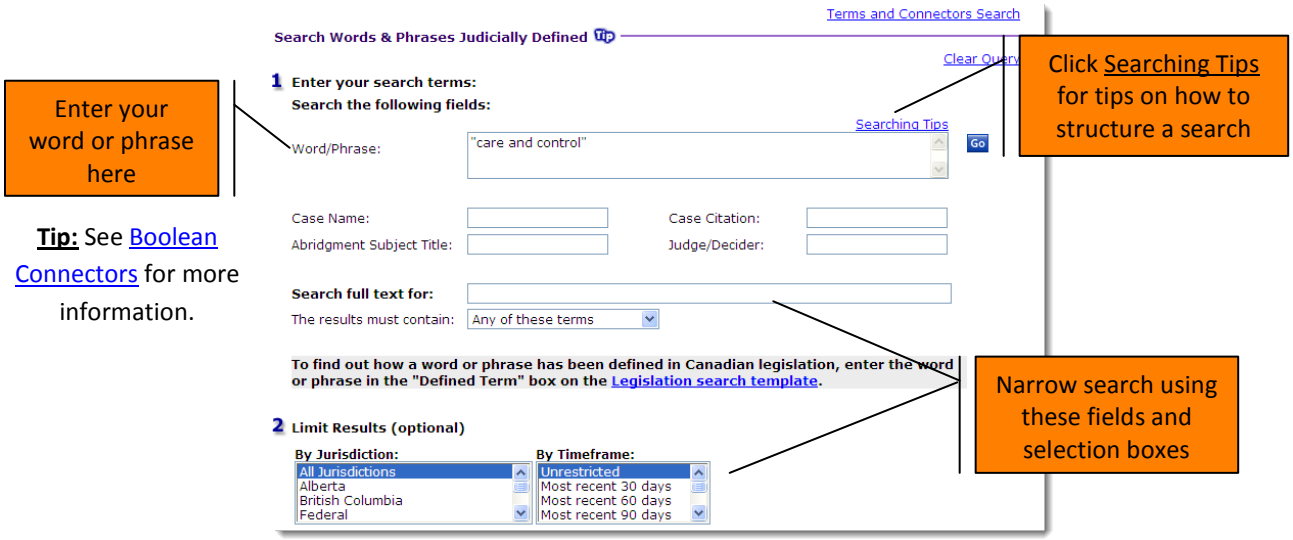
Searching Words & Phrases

Back to Shortcuts

1. Click Words & Phrases Judicially Defined in the *Custom Search Templates* section located in the right frame of the LawSource Home page.

Figure 3 - 29

2. Enter your search criteria into the template and click **Go**. $5.50



Tip: See Boolean Connectors for more information.

Figure 3 - 30

The Result List appears in alphabetical order with the first word/phrase judicially considered in the right frame.

Scroll down to view all interpretations, first by jurisdiction then reverse chronologically by year of decision.

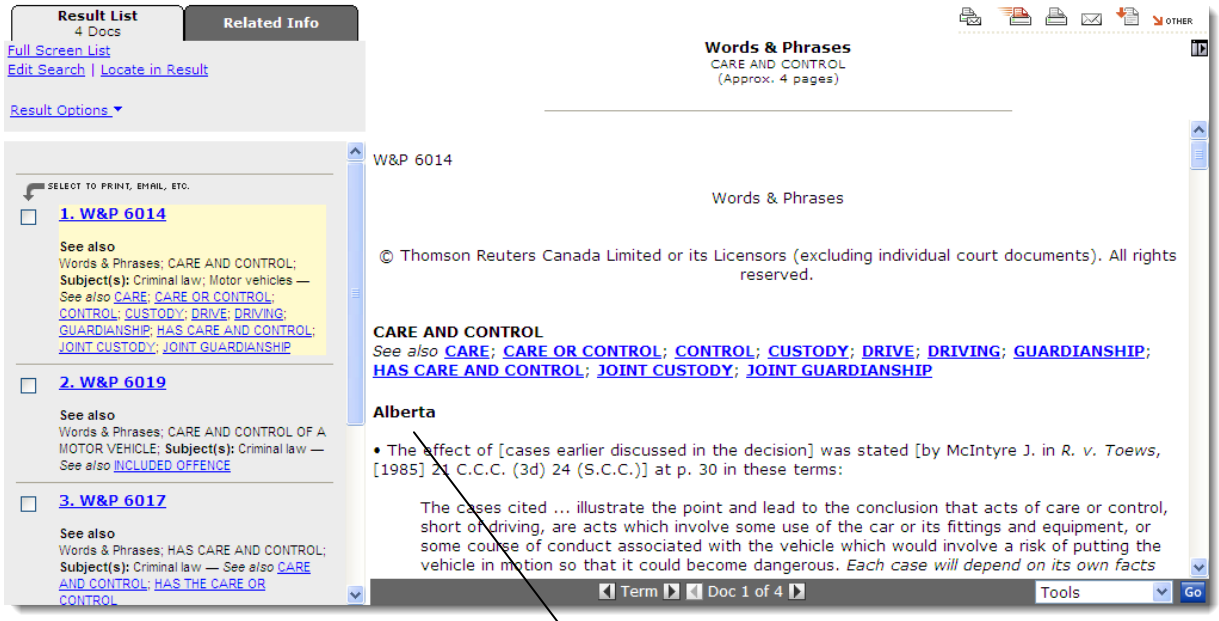


Figure 3 - 31

Accessing Words & Phrases from a Decision

You can access words or phrases interpreted from a decision's KeyCite Canada Citing References page.

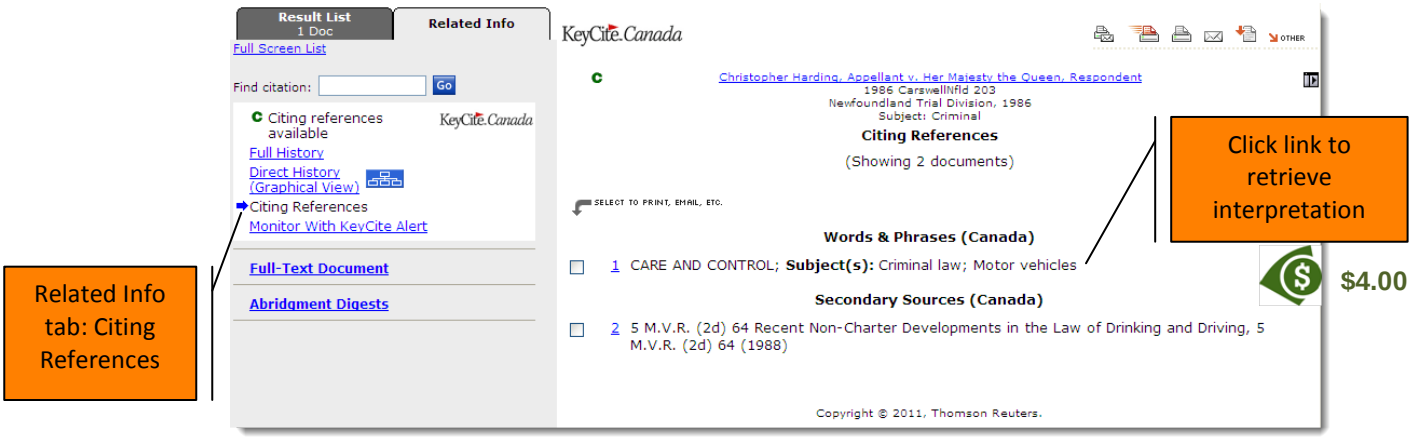


Figure 3 - 32

Rules Concordance

Using the Table of Concordance

Back to Shortcuts

Use the Rules Concordance to help you find equivalent rules in other jurisdictions.

Click Rules Concordance located in the *Browse Tables of Contents* section in the left frame of the LawSource Home page to access concordances for civil procedure, family law, PPSA and securities.

Click Insurance Concordance to access the Insurance table of concordance. *The Insurance Concordance is available through a separate subscription only.*

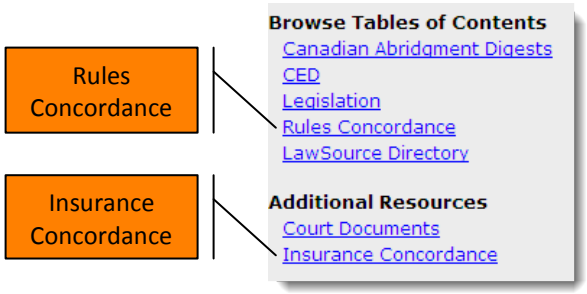


Figure 3 - 33

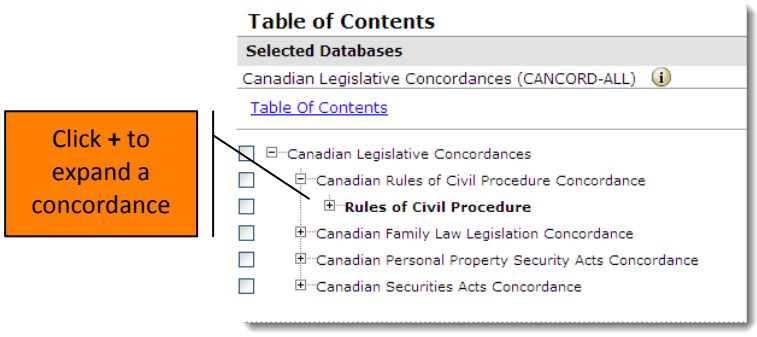


Figure 3 - 34: Rules Concordance

The concordances are organized by topic. Expand the heading(s) and click a document link to retrieve the document. Next, click the rule number to retrieve the full text of the rule.

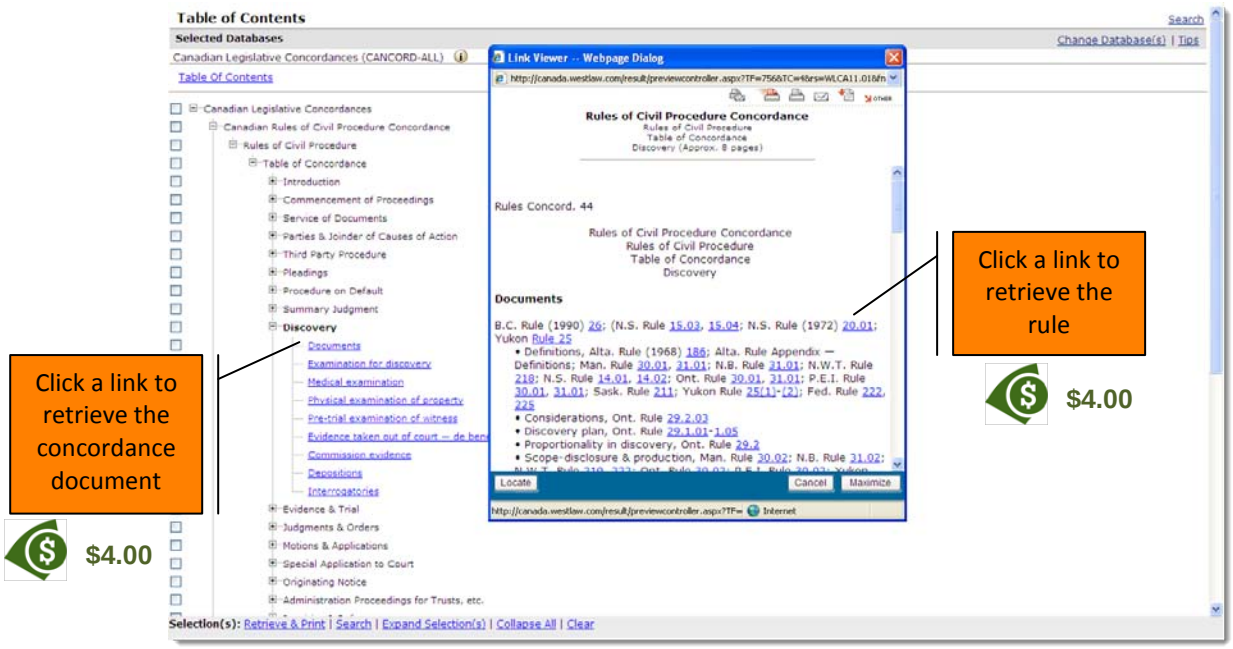


Figure 3 - 35: Rules of Civil Procedure – Discovery - Documents

The Table of Concordance is also accessible from the rule itself.

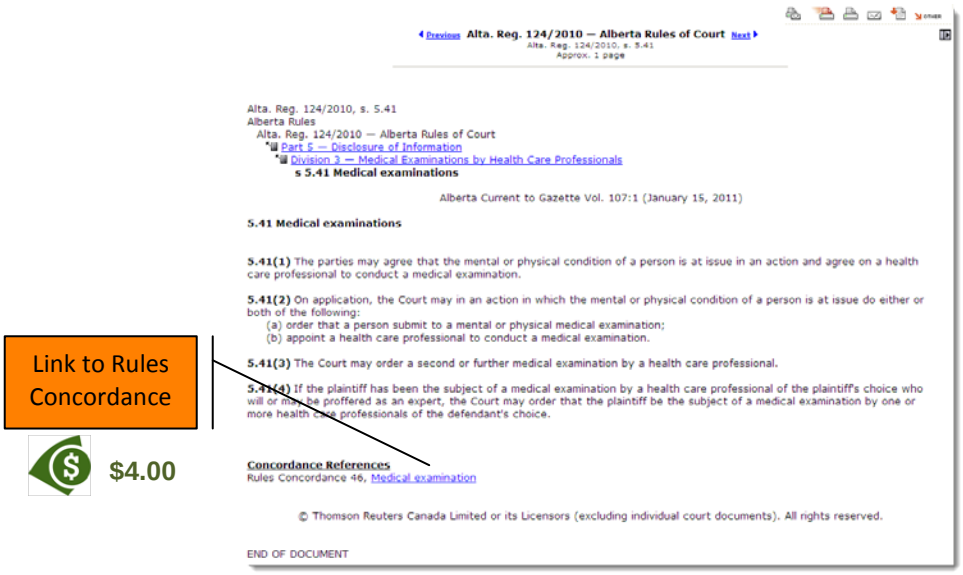


Figure 3 - 36: Alberta Rules of Court, 5.41 Medical Examinations

Index to Canadian Legal Literature (ICLL) Searching the ICLL

Back to Shortcuts

The ICLL is Canada's only comprehensive legal bibliography containing books, articles, government publications, audio-visual materials, continuing legal education materials, case comments, and annotations in English and French. It includes all content from the print index back to 1985.

Westlaw Canada provides links from ICLL references to over 5,000 full text articles, case comments, annotations and book reviews and is displayed in the KeyCite Canada results.

1. Click Index to Canadian Legal Literature (ICLL) in the *Custom Search Templates* section of the LawSource Home page.

Figure 3 - 37

2. Enter your search criteria into the template and click **Go**. $5.50

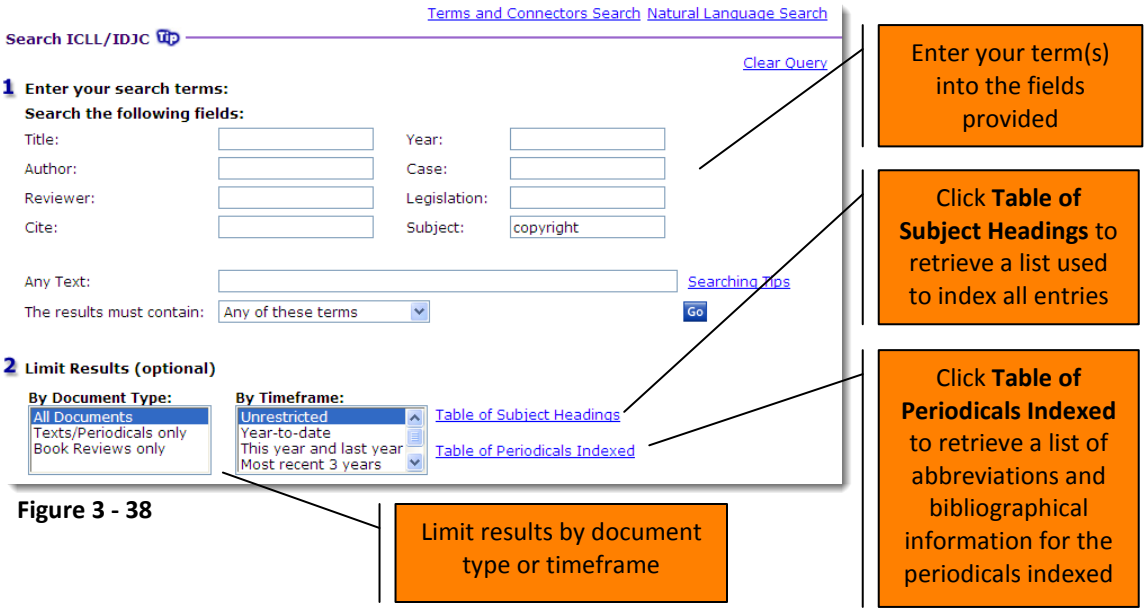


Figure 3 - 38

Figure 3 - 39

Noting up (KeyCiting) to find Secondary Sources

Back to Shortcuts

KeyCite Canada is an online citation research service derived from The Canadian Abridgment's suite of citator products. Not only can you use it to note up Canadian cases and legislation but you can also use it to find commentary and secondary sources. See *5: Noting up (KeyCiting) Cases and Legislation* for more information.

Secondary Sources are found on the Citing References page.

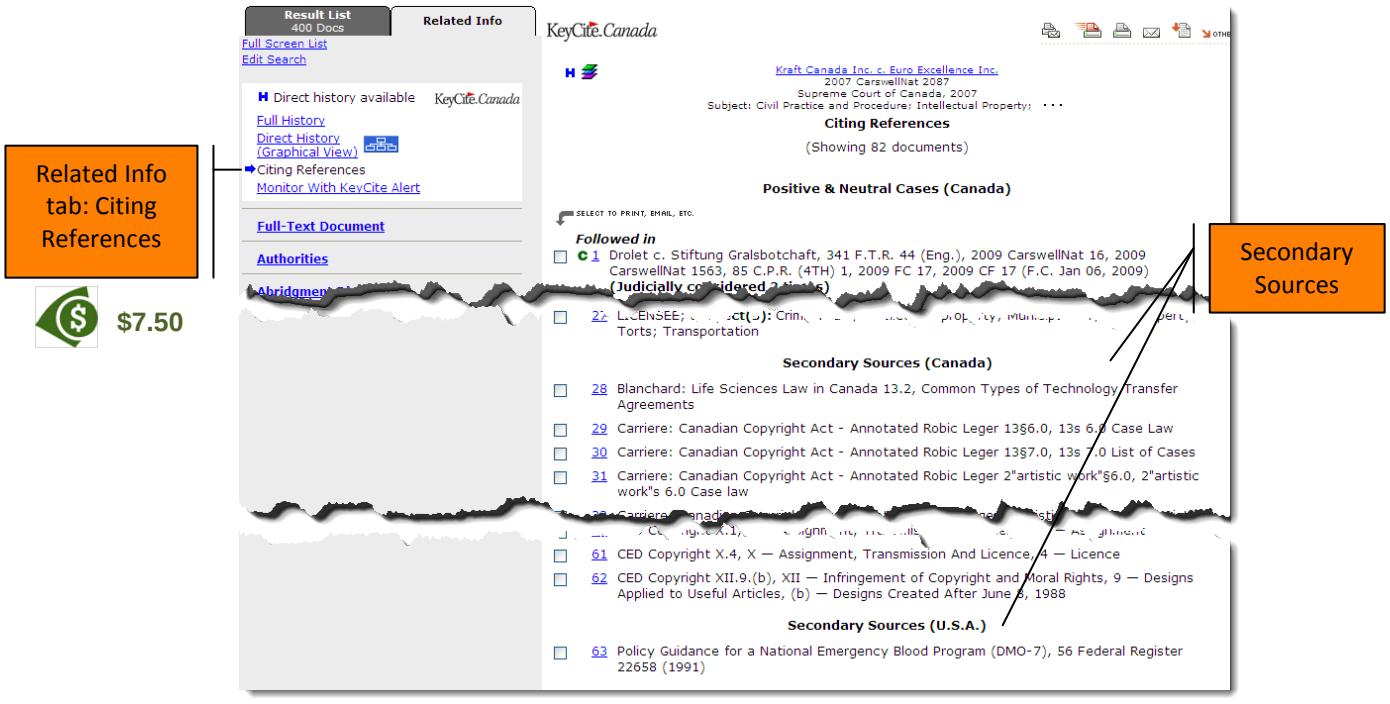


Figure 3 - 40

4: Primary Sources

Back to Pathways

Overview

Primary sources are the law. Westlaw Canada includes the following primary sources:

- Full text cases
- Legislation (statutes, rules and regulations)
- Court documents (motions, facta and pleadings)

Cases

Westlaw Canada includes a comprehensive case law collection with expert selection of important cases from the Carswell Law Report collection. Click the What's In link located in the *About* section on the left side of a Home page to determine what case law is included in your subscription.

Back to Shortcuts

Finding a Case by Name or Citation

1. Ensure the **Find** radio button is selected in the *Find/KeyCite a Document* section of the LawSource Home page.

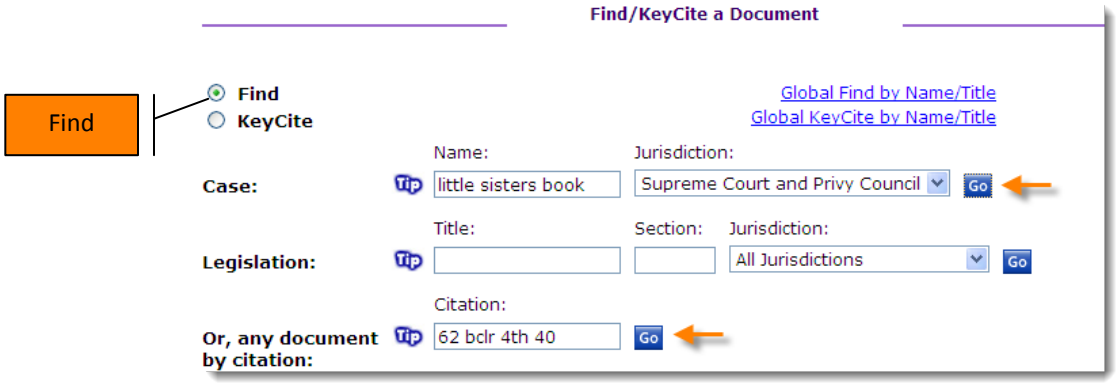


Figure 4 - 1

2. Enter your terms into the applicable fields and click **Go**. **$4.00**
   - **Cases Name:** Enter a full or partial name into the **Name** field and select a jurisdiction.

   OR
   - **Citation:** Enter the citation into the **Citation** field. *See the tip on following page for more information.*

: Finding a Case by Name
: Finding a Case by Citation
: Finding Cases where the Party Names are Initials

TIP: The Citation field is not sensitive to spacing, capitalization or punctuation used for abbreviations. However, when a form of punctuation is an essential part of a citation style, it needs to be included. When searching case law, if the year of the decision is in parenthesis do **not** include it in the citation field. However, a year in square brackets is part of the citation and **must** be included.

Examples:
To find: **(1959) 38 C.B.R. 91** Enter: **38 cbr 91**
To find: **[1995] 2 S.C.R. 381** Enter: **1995 2 scr 381**

Searching Cases

Back to Shortcuts

1. Click Cases in the *Custom Search Templates* section of the LawSource Home page.

Figure 4 - 2

2. Enter your search criteria into the template and click **Go**. $16.00

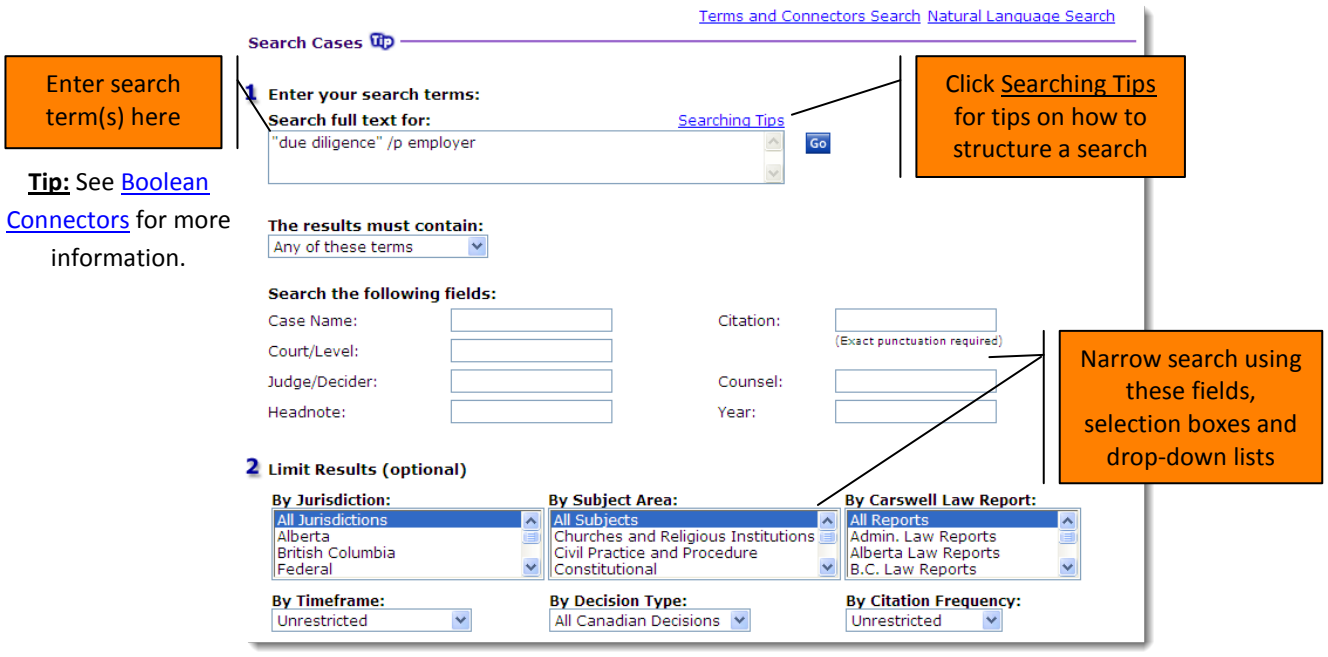


Figure 4 - 3

Cases appear highest court first and then in reverse chronological order on the Result List.

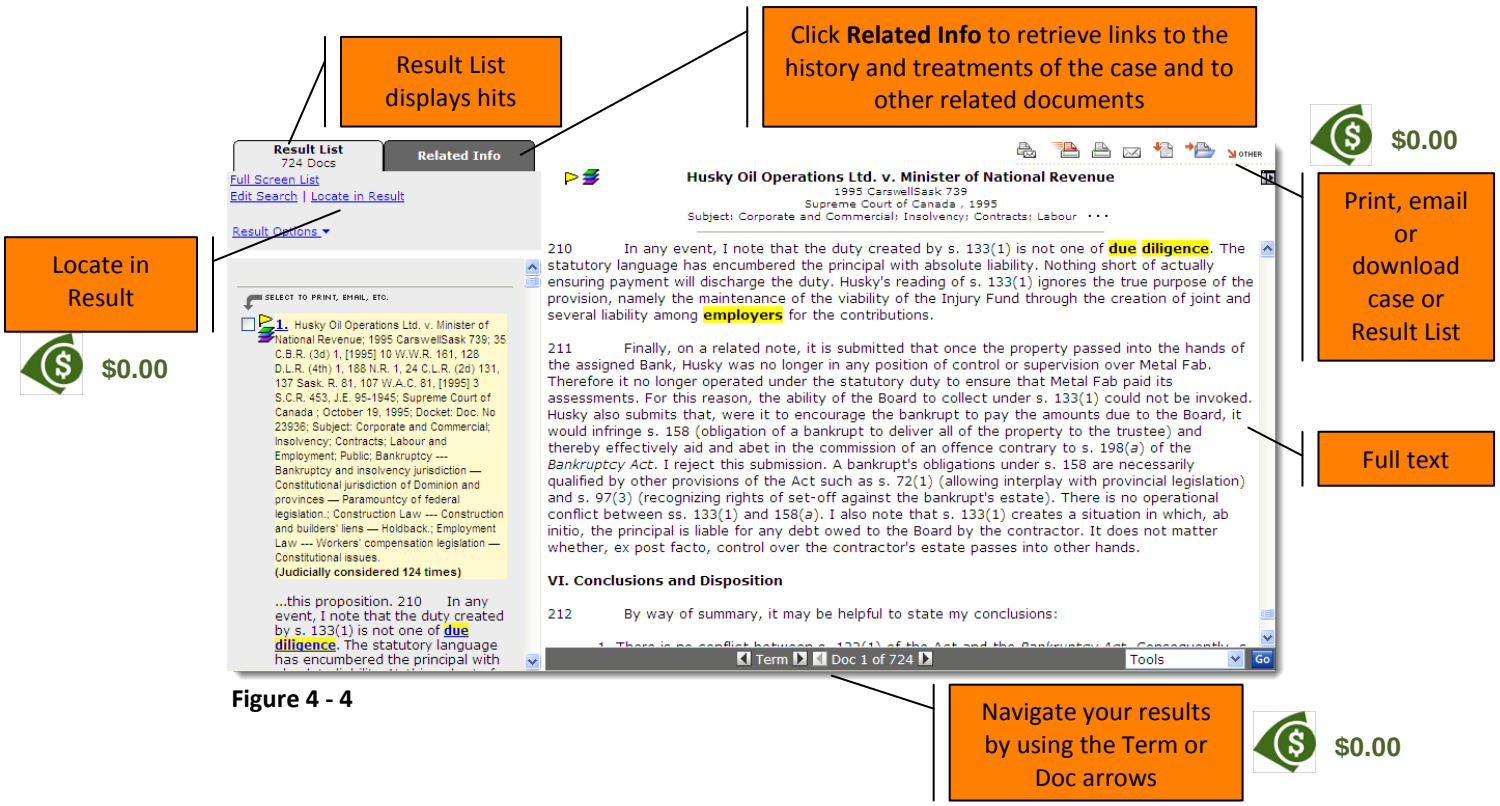


Figure 4 - 4

TIP: If your search retrieved too many results, use **Locate in Result**, located at the top of the tabs to further refine your search by performing a search within your search.

Legislation

Statutes: Westlaw Canada includes statutes from every jurisdiction, including the most recent consolidations, as amended to the present. For Quebec, we include all the statutes in French with major ones in English. We do not include Quebec tax-related statutes.

Regulations: LawSource contains approximately 2,500 of the most frequently consulted regulations relating to any area of law from all Canadian jurisdictions. It includes all regulations that have been cited by Canadian Courts since 1997. Westlaw Canada includes every new regulation since 2008 and comprehensive regulations in the various specialty areas (i.e. SecuritiesSource, FamilySource, CriminalSource, IPSource, Estates&TrustsSource, InsolvencySource, and Litigator).

Rules: Rules of practice are provided for every court in Canada except Quebec.

Finding Legislation by Title or Citation

Back to Shortcuts

1. Ensure the **Find** radio button is selected in the *Find/KeyCite a Document* section of the LawSource Home page.

: Finding Legislation by Section Number
: Finding Legislation by Citation

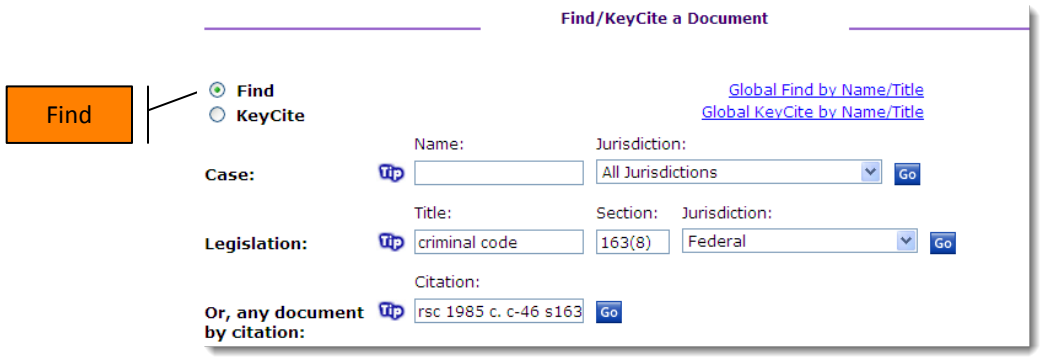


Figure 4 - 5

2. Enter your terms into the applicable fields and click **Go**. **$4.00**
   - **Legislation:** Enter a full or partial statute, rule or regulation name into the **Title** field. Enter the whole section number into the **Section** field, select a jurisdiction.

   OR
   - **Citation:** Enter the citation into the **Citation** field.

> **TIP:** The Citation field is not sensitive to spacing, capitalization or punctuation used for abbreviations. However, when a form of punctuation is an essential part of a citation style, it must be included.
>
> Example:
> To find: **R.S.O. 1990, c. E.2, s. 310** Enter: **rso 1990 c. e.2 s310**

Back to Shortcuts

Browsing Legislation

: Browsing Legislation
: Retrieving an Entire Statute as One

1. Click Legislation in the *Browse Tables of Contents* section located in the left frame of the LawSource Home page.

Figure 4 - 6

The Table of Contents appears with the Federal jurisdiction listed first, followed alphabetically by all other jurisdictions.

2. Click a **+** button to expand a jurisdiction.

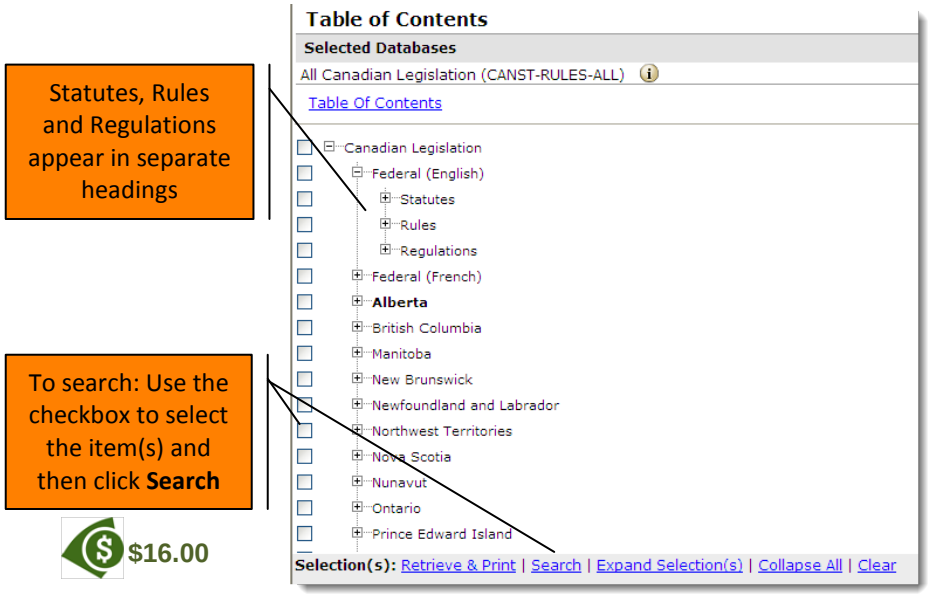


Figure 4 - 7

3. Continue clicking the **+** button and then click the link to retrieve the section.

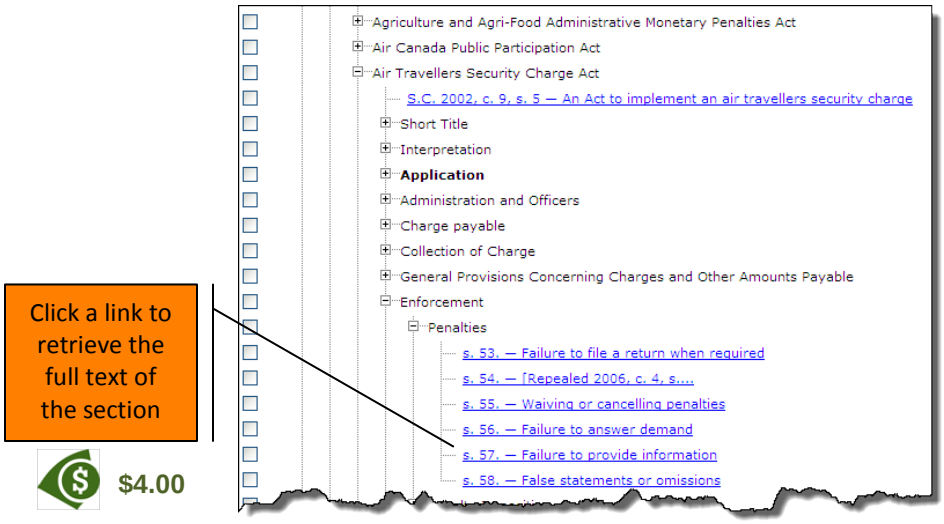


Figure 4 - 8

Searching Legislation

Searching Legislation

Back to Shortcuts

Search legislation when you want to search across multiple jurisdictions at one time.

1. Click Legislation in the *Custom Search Templates* section of the LawSource Home page.

Figure 4 - 9

2. Enter your search criteria into the template and click **Go**. $16.00

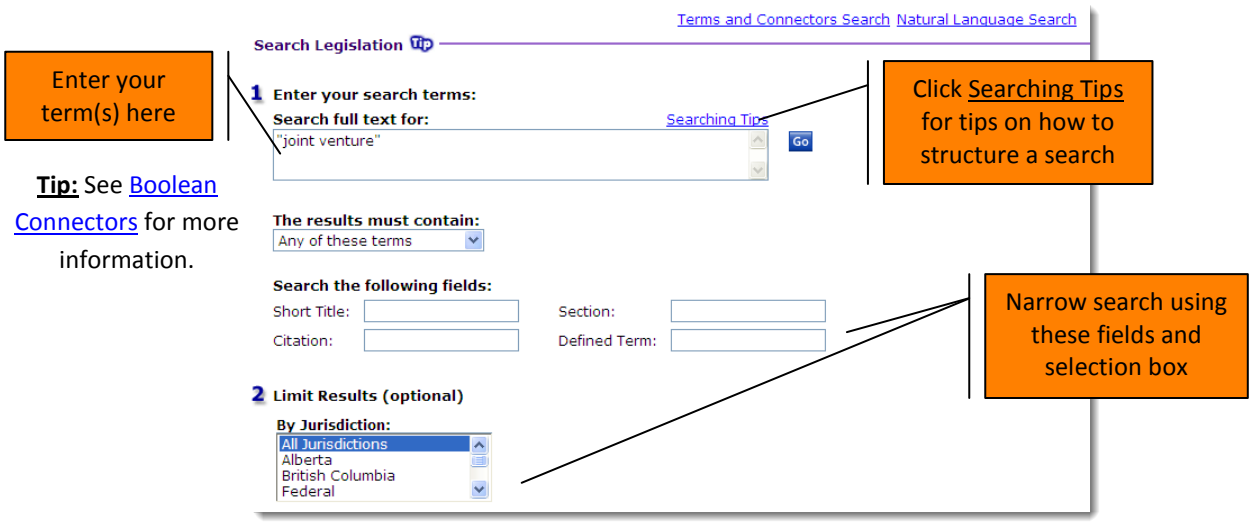


Figure 4 - 10

The full text appears in the right frame with your Result List on the left.

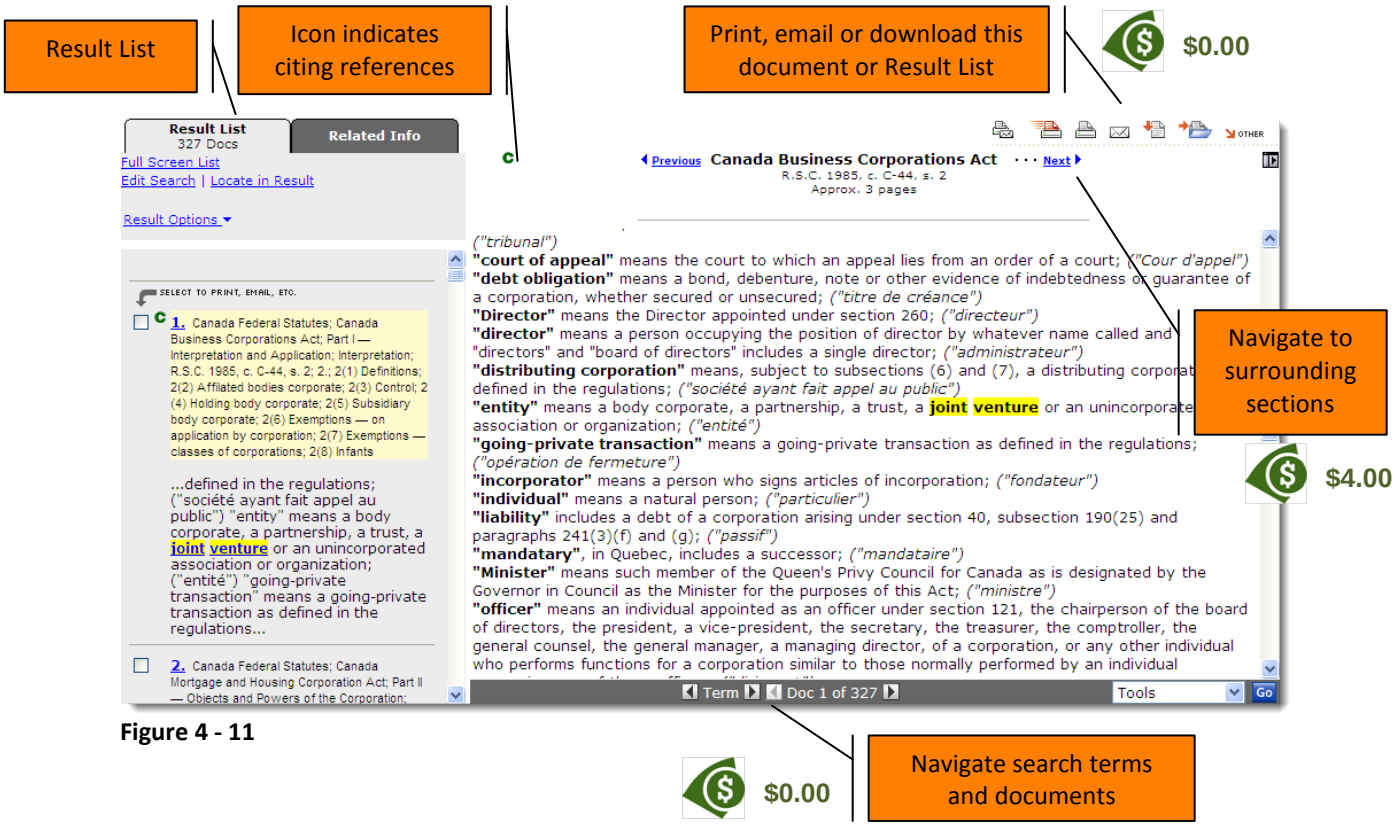


Figure 4 - 11

Court Documents

Litigator Quick Reference Card

Westlaw Canada includes over 100,000 actual court documents (motions, pleadings and facta) that have been assigned a subject classification and/or Court Rule number. These documents are searchable by keyword (within Litigator) and are linked to case law. *Court documents are available through a separate subscription or pay-per-view basis.*

Figure 4 - 12

5: Noting up (KeyCiting) Cases and Legislation

Back to Noting up Secondary Sources

Overview

KeyCite Canada is the online citation research service derived from The Canadian Abridgment's suite of citator products. Use it to note up Canadian cases and legislation (statutes, rules and regulations).

For detailed information, click **KeyCiteCanada** located on the Westlaw Canada Navigation bar.

Figure 5 - 1

KeyCite Canada uses the following flags and icons to identify treatments:

Red Flag	A red flag warns that the case may not be good law, indicating that the decision has been reversed, or has not been followed within the same jurisdiction or by the Supreme Court of Canada.
Yellow Flag	A yellow flag warns that the decision has some negative history or treatment, but has not been reversed or overruled. A yellow flag is also displayed if a treatment has been recently added and has not yet been editorially analyzed.
Blue H	A blue H indicates that the decision has some direct history but it is not known to be negative history.
Green C	A green C indicates that the decision has no direct history, but there are treating cases or other citing references to the decision. *For statutes, rules and regulations*, the green C indicates that there are cases or other citing references to the provision.

You can quickly and easily retrieve the History and/or Citing References page for your case or legislation or note up (KeyCite) a case or legislation by name or citation through the *Find/KeyCite a Document* section located on most Source Home pages.

1. Select the **KeyCite** radio button.

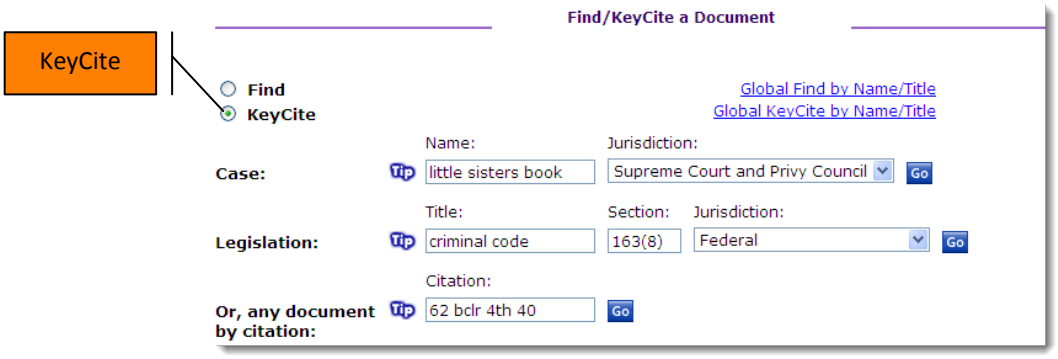


Figure 5 - 2

2. Enter your terms into the appropriate fields and click **Go**. **$7.50**
   - **Cases:** Enter a full or partial case name into the **Name** field and select a **jurisdiction**.

   OR
   - **Legislation:** Enter a full or partial statute, rule or regulation name into the **Title** field. Enter the whole section number into the **Section** field and select a **jurisdiction**.

   OR
   - **Citation:** Enter the citation into the **Citation** field.

> **TIP:** The Citation field is not sensitive to spacing, capitalization or punctuation used for abbreviations. However, when a form of punctuation is an essential part of a citation style, it needs to be included. When searching case law, if the year of the decision is in parenthesis do **not** include it in the citation field. However, a year in square brackets is part of the citation and **must** be included.
>
> Examples:
>
> | | |
> |---|---|
> | To find: **(1959) 38 C.B.R. 91** | Enter: **38 cbr 91** |
> | To find: **[1995] 2 S.C.R. 381** | Enter: **1995 2 scr 381** |
> | To find: **R.S.O. 1990, c. E.2, s. 310** | Enter: **rso 1990 c. e.2 s310** |

3. Click the document link on the Result List to retrieve the case's history or legislative section's Citing References page.

Figure 5 - 3: Result List displaying case

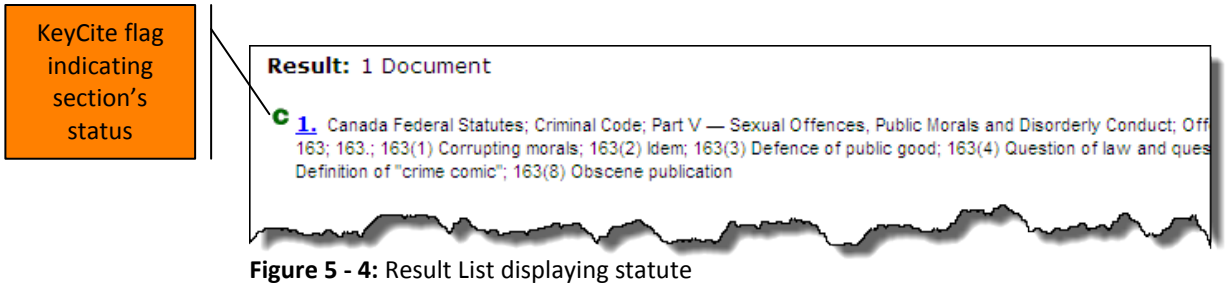


Figure 5 - 4: Result List displaying statute

Back to Shortcuts

KeyCiting a Case

By default when you KeyCite a case, the Full History page appears. (If necessary, you can click Full History on the **Related Info** tab to retrieve the case's History page.) Click Citing Reference to retrieve cases and secondary sources citing the decision.

Figure 5 - 5

The Full History page displays both the direct history of the case along with any negative or cautionary citing references. (To see all citing references – negative and positive – click the Citing Reference link.) The direct history traces your case through the appeals process and includes both prior and subsequent cases.

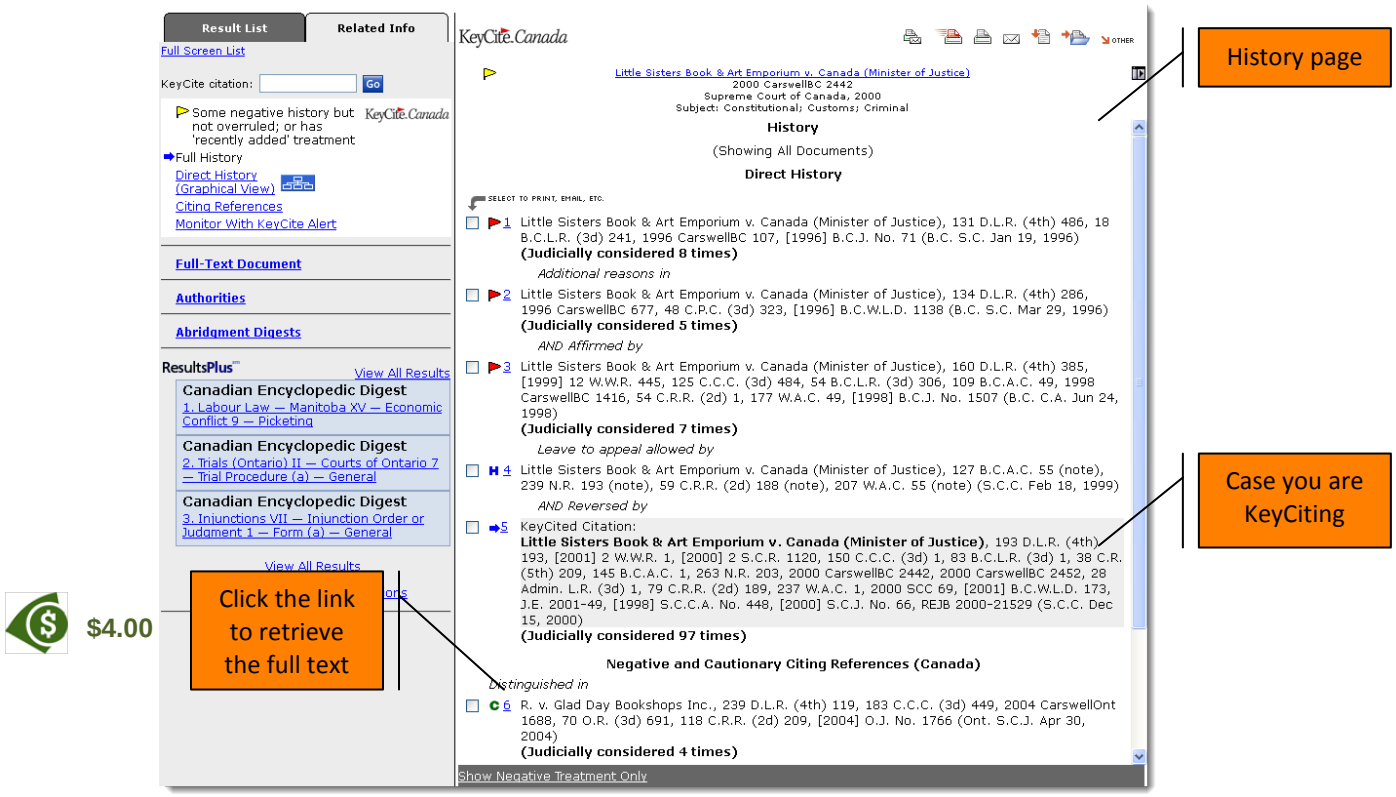


Figure 5 - 6: Full History page

The Citing References page displays cases, secondary sources, court documents and words and phrases, if applicable, that have cited the decision.

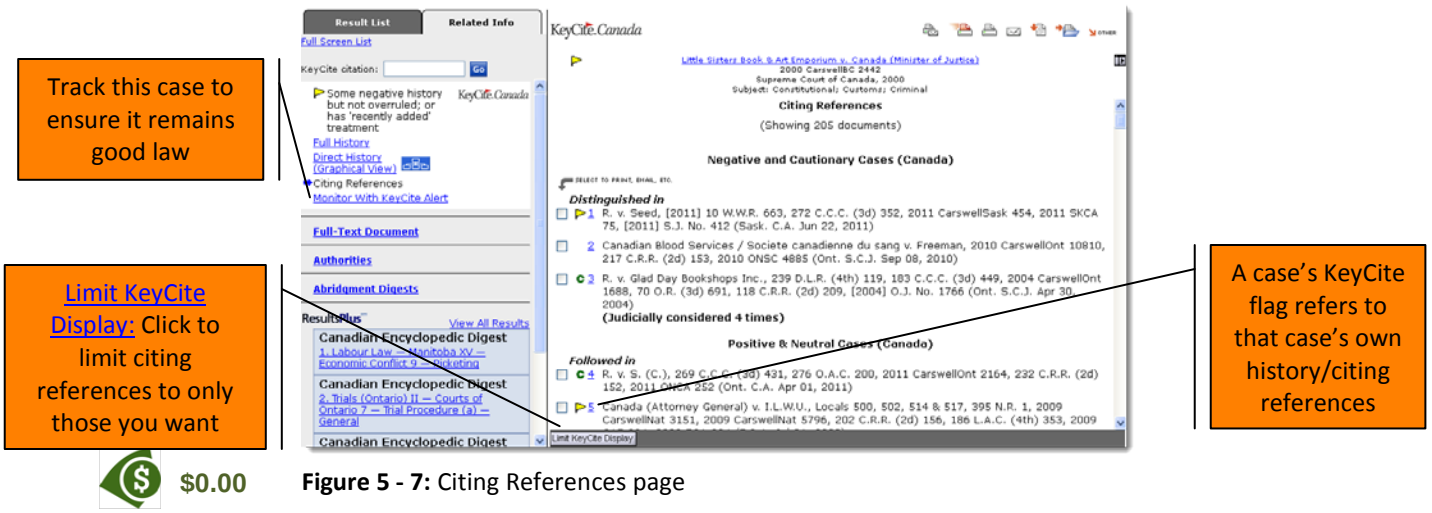


Figure 5 - 7: Citing References page

Note: Citing cases are grouped by treatment and then by reverse chronological order within each judicial treatment type.

Back to Shortcuts

KeyCiting Legislation

: KeyCiting Legislation
: KeyCiting Legislation in CriminalSource

KeyCiteCanada for Cases

Citing cases are grouped by section/subsection, then by the treatment received in reverse chronological order. Cases are followed by secondary sources.

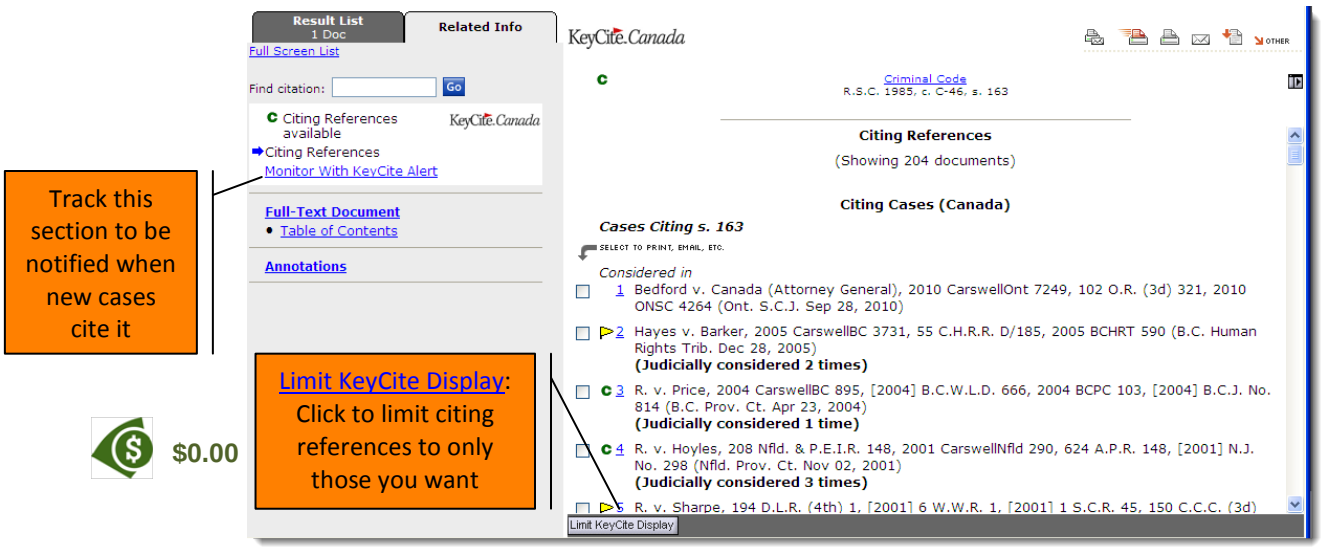


Figure 5 - 8

KeyCiting Legislation No Longer in Force: You can KeyCite provisions of legislation that have been repealed or are no longer in force to see judicial (and other) treatments of that provision. For example, if you KeyCite the Criminal Code, section 200, you will see separate entries for each of the following:

- Canada Federal Statutes; Criminal Code; Part VII – Disorderly Houses, Gaming and Betting; Search; **R.S.C. 1985**, c. C-46, s. 200; 200
- Canada Federal Statutes; Canada Federal Statutes – Criminal Code, 1892, **S.C. 1892**, c. 29, s. 200, S.C. 1892, c. 29, s. 200; s. 200(2)
- Canada Federal Statutes; Canada Federal Statutes – Criminal Code, **R.S.C. 1970**, c. – 34, s. 200; R.S.C. 1970, c. C-34, s. 200; s. 200
- Canada Federal Statutes; Canada Federal Statutes – Criminal Code, **S.C. 1953-54**, c. 51, s. 200; S.C. 1953-54, c. 51, s. 200; s. 200

Note: Be aware that often provisions are re-numbered when a new consolidation comes out. There is no guarantee that all of the section 200s listed above deal with the same issue.

Narrowing your Citing References List (Limit KeyCite Display)

Click the **Limit KeyCite Display** button located **on the bottom left side of the Citing References page** to limit the list of citing references to only those you want.

You can limit, in any combination, by search term, jurisdiction, case law citation frequency, judicial treatments, legislative subsection/clause, date, and document type.

Limiting your Citing References

Restricting Citing References

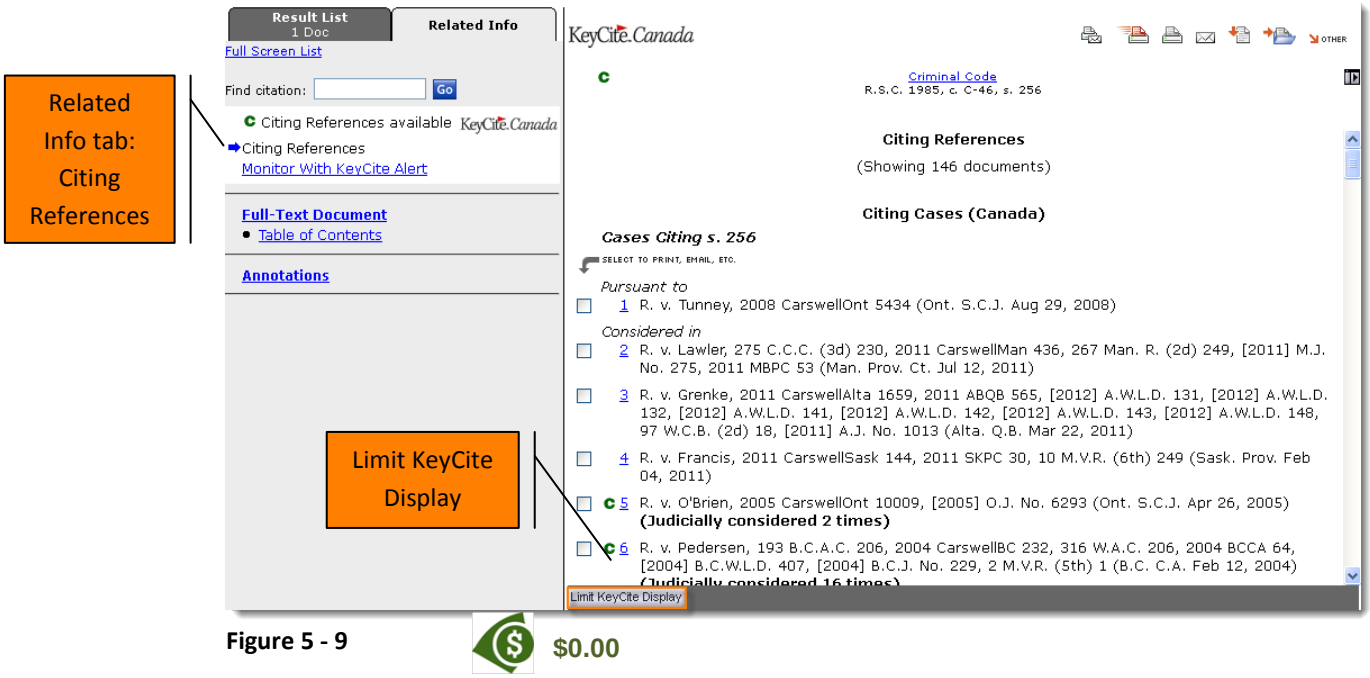


Figure 5 - 9

$0.00

The Locate page appears.

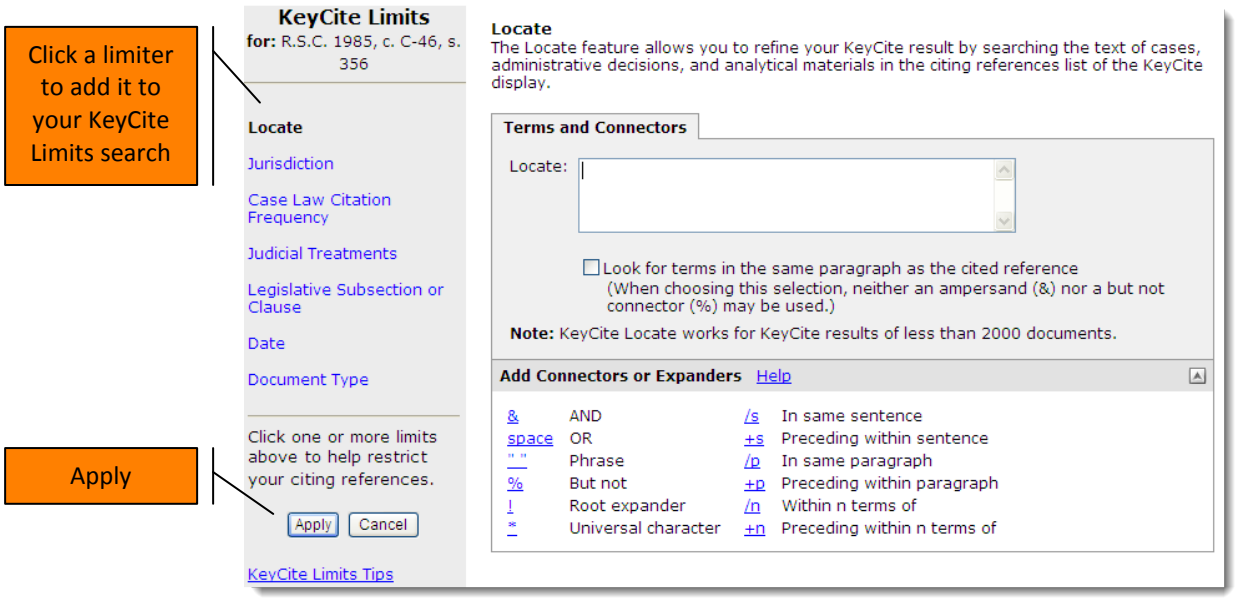


Figure 5 - 10

Locate (search term)	Enter your search terms into the **Locate** box to search the full text of each cited document.
Jurisdiction	Click the checkboxes beside the jurisdiction(s) from which you only want to see cases.
Case Law Citation Frequency	Select an option using one of the radio buttons, and the display will be limited to documents that have been judicially considered at least the number of times you specify. You can also request that more recent cases be included in the display regardless of citation frequency.
Judicial Treatments	Select to see only those cases classified by a specific treatment type (ex. referred to, considered, etc.).
Legislative Subsection or Clause	Limit your list to display cases citing specific legislative subsection(s) or clause(s) only.
Date	Limit by the date of the referring documents (such as the judgment date of cases, or the publication date of newsletters). In the *Date of Document* section, select a restriction from the **Date of Document** drop-down list or enter the desired date range in the **Before** and **After** fields. To restrict the citing references by the date they were added to Westlaw Canada, select a restriction from the **Date added after** drop-down list or enter a specific date.
Document Type	Select this option to restrict your list to cases (by court level) and secondary sources.

Click the **Apply** button when you are ready to apply the restrictions. **$0.00**

6: Additional Search Methods & Structuring Techniques

Back to Shortcuts

Additional Searching Methods

Determining your Best Search Method

Natural Language

Natural Language searching, which is available for most databases, allows you to use plain English in your query to retrieve relevant documents.

Enter a description of your issue and Westlaw Canada retrieves a maximum of 100 documents that statistically best match the concepts in your description. Westlaw Canada identifies legal phrases in your description (such as *state of mind*), removes common terms (such as *is* and *for*), and generates variations of terms (such as *defamed*, *defaming* and *defamation* from *defame*).

Click Natural Language Search located in the top right corner of any Custom Search Template to access the Natural Language search template.

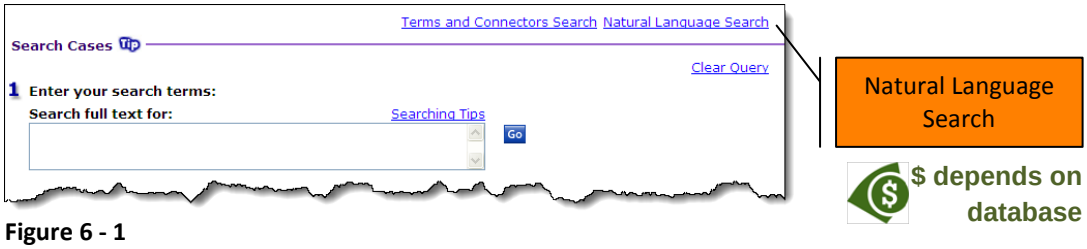


Figure 6 - 1

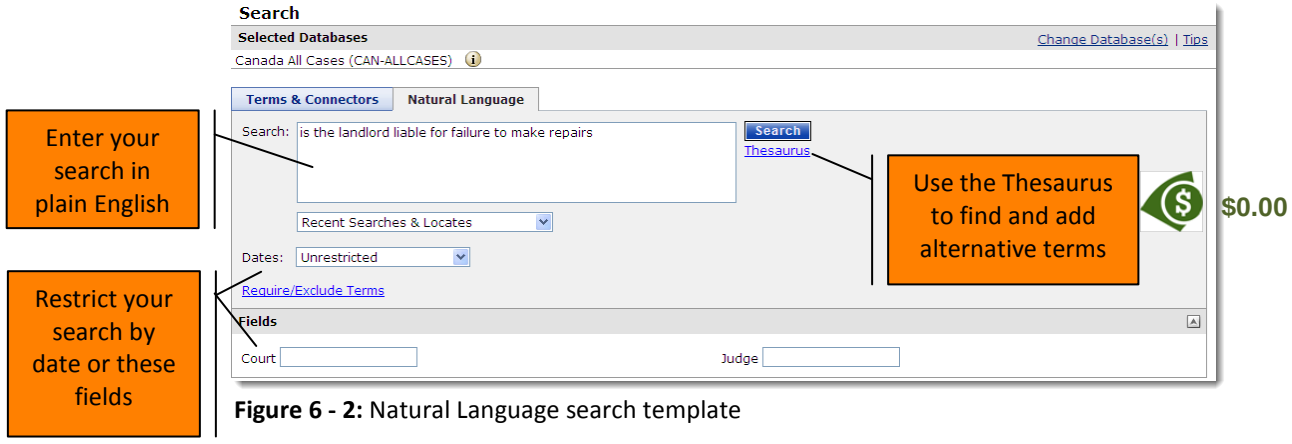


Figure 6 - 2: Natural Language search template

Terms and Connectors

The Terms and Connectors search method is based on Boolean logic. Enter a query consisting of key terms from your issue along with connectors specifying the relationship between those terms.

Click Terms and Connectors located in the top right corner of any Custom Search Template to access the Terms and Connectors search template.

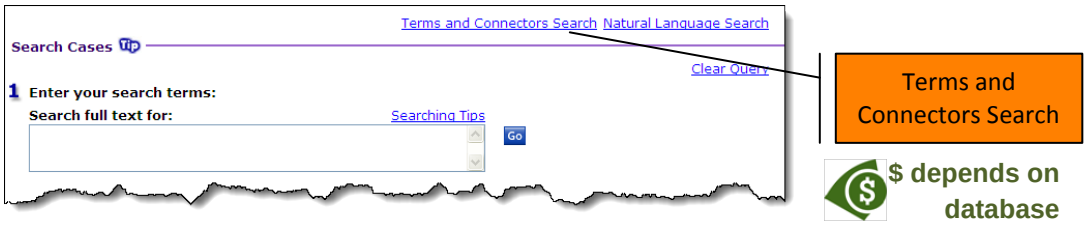


Figure 6 - 3

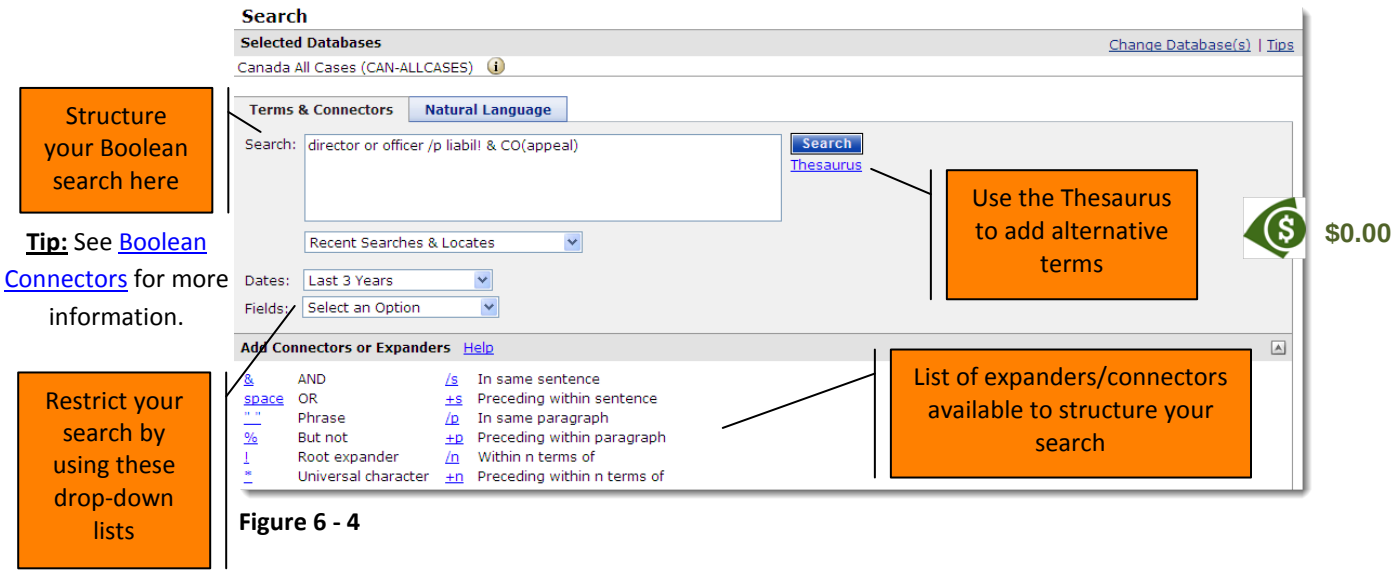


Figure 6 - 4

Using the Thesaurus

Click the Thesaurus link available on the Natural Language and Terms and Connectors Search Templates to find alternative terms to add to your search.

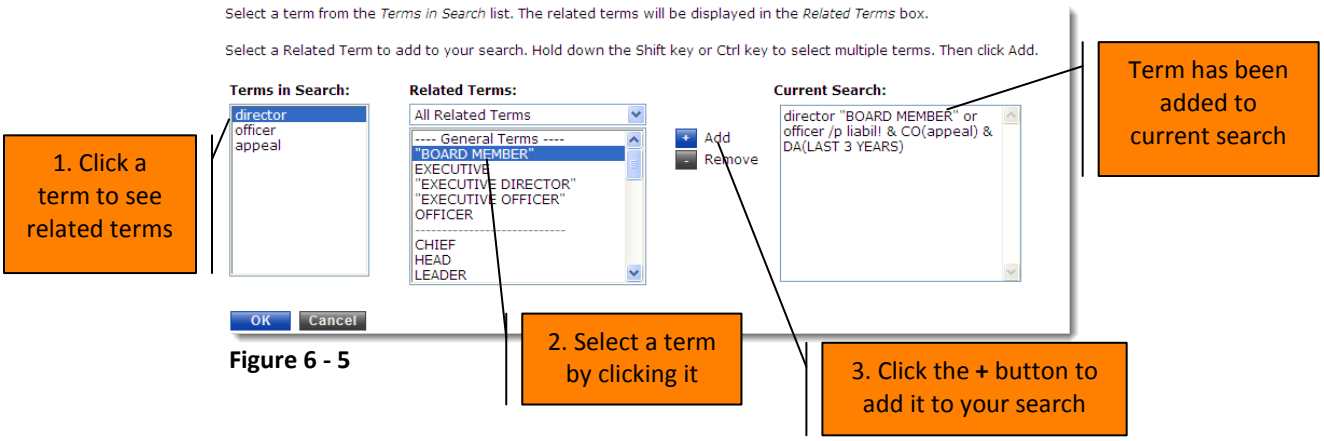


Figure 6 - 5

Click **OK** to return to your search template and then click **Search** to run your search.

Back to Strategies

Edit Search vs. Locate in Result

Modifying a Search

Edit Search is used to modify an existing search by adding or removing keywords or changing other search parameters or to create a brand new search altogether.

Locate in Result is used to refine an existing search. It allows you to add further restrictions to a search you have just performed – to search within your search results. **This is the preferred (and more efficient) method for refining a search.**

Both Edit Search and Locate in Result are located at the top of the tabs in the left frame.

Figure 6 - 6

Click Edit Search to retrieve the template you used to create the initial search. The current search remains intact. Modify your search and click **Go** to run your new search.

Click Locate in Result to retrieve the *Locate Search Terms* template. Enter your term(s) into the **Locate** box provided and click **Locate**. $0.00

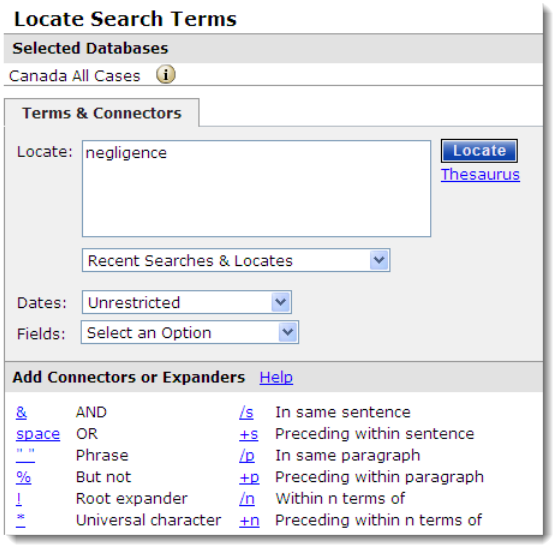


Figure 6 - 7

The Result list contains only those documents that match your locate terms. The documents are not re-numbered after running your locate search. They retain their original position from your original search.

Note: If you wish to see where your locate term(s) is in relation to your original search term(s), you must re-enter the search into the Locate box along with your locate term(s). You can use the **Recent Searches & Locates** drop-down list to retrieve your original search.

Click Edit Locate to return to the Locate Search Terms template to modify your locate search. Click Cancel Locate to return to your original search Result List.

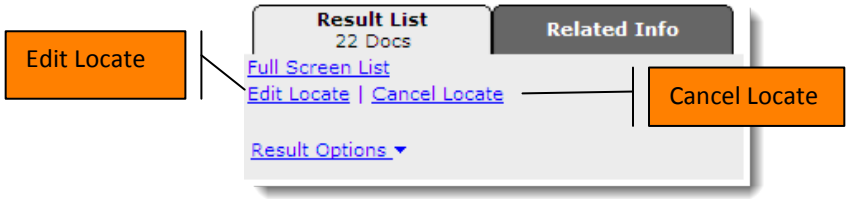


Figure 6 - 8

Structuring Techniques

Using Boolean Connectors & Expanders

Tips for Structuring your Search

- Define your issue before you start.
- Keep your search simple. Determine what the single most important issue is and use those terms. Don't worry about retrieving too many documents. You can always refine your search later by using Locate in Result.
- Consult resources like The Canadian Abridgment Digests, CED, journals/law reviews and the online thesaurus to help identify appropriate terminology.
- If you're not sure what terms to use then search using Natural Language.

Choosing Search Terms

Tips for Searching Part I: Choosing Search Terms

Choose terms that are significant to your issue and avoid using terms that are too common, such as *be* and *with*.

Consider adding alternative terms to your query. If you are searching for *good faith* you may also consider adding *bad faith*.

Use the Thesaurus accessible from the Natural Language and Terms and Connectors search template.

Considering Variations of Word Forms

When choosing search terms consider the various forms they may take. For example, when you search for *liable* consider searching for *liability*.

Plurals

If you enter the singular form of a term, Westlaw Canada automatically retrieves the plural form as well. This is true for all regular and most irregular plurals. Examples: *computer* retrieves *computer* and *computers*, *woman* retrieves *woman* and *women*. However, if you enter the plural form, only the plural is retrieved. **TIP:** To retrieve *damage* but not *damages*, enter it as follows: *#damage*.

Possessives

If you enter the non-possessive form of a term, Westlaw Canada automatically retrieves the singular and plural possessive form as well. Example: *customer* retrieves *customer, customers, customer's* and *customers'*. However, if you enter the possessive form, only that possessive form is retrieved.

Compound Terms

To retrieve all forms of a compound term use its hyphenated form. Example: *good-will* retrieves *good-will*, *goodwill* and *good will*. If you do not include the hyphen you will not retrieve all variant forms.

Abbreviations

To retrieve all variations of an abbreviation enter the term with periods and without spaces. Also, it's a good idea to include the words or phrase from which the abbreviation is derived. Example: *c.b.c.* retrieves *c.b.c.*, *cbc* and *c b c*.

Root Expander

Use the root expander (!) to retrieve words with variant endings. When you place the root expander at the end of a root term you retrieve all forms of that root. Example: *drink!* retrieves *drink*, *drinks*, *drinking*, *drinker*, etc.

Universal Character

Place the universal character (*) in the middle or at the end of a term, (but not at the beginning) to replace **one** character in the term. Examples: *host**** retrieves *host*, *hosts*, *hostess*, *hosting* and *hostile, kn*w* retrieves *know* and *knew*.

Boolean Connectors

Tips for Searching – Part II: Constructing Complex Searches

Boolean connectors are symbols you place between your search terms to specify the relationship between them.

Click Searching Tips on any *Custom Search Template* to see a list of all connectors available in Westlaw Canada.

Back to searching:
CED
Articles & Journals
Abridgment Digests
Words & Phrases
Cases
Legislation
Terms & Connectors

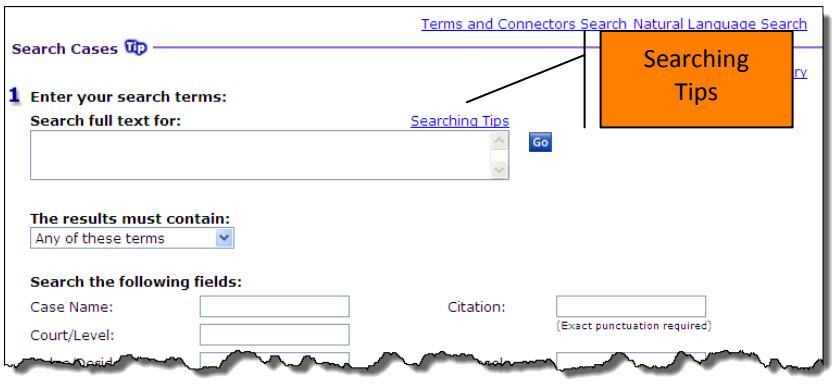


Figure 6 - 9

You can use any combination of the following connectors to structure your search:

Use	To retrieve documents containing:
a space (or)	Any or all terms. This is the default connector. Example: **car automobile**
& (and)	All search terms. Example: **narcotics & warrant**
/p	Search terms in the same paragraph. Example: **hearsay /p utterance**
+p	The first term preceding the second within the same paragraph. Example: **appeal +p held**
/s	Search terms in the same sentence. Example: **design /s defect**
+s	The first term preceding the second within the same sentence. Example: **palsgraf +s island**
/n	Search terms within *n* terms of each other (where *n* is a number). Example: **support /3 payment**
+n	The first search term preceding the second by *n* terms (where *n* is a number) Example: **justice +3 McLachlin**
" "	Terms in this same order. Example: **"attractive nuisance"**

Use	To exclude documents containing
% (but not)	Search terms following the percent symbol. Example: **support /3 payment % spousal**

Order of Processing

Connectors are processed in the following order:

" " (phrase), space (or), +n, /n, +s, /s, +p, /p, &, %

Note: Parentheses can be used to change the order of the search.

WestClip

Automate the Updating of your Searches WestClip

WestClip automatically updates you on new results for searches you have done. Schedule your searches to run on a regular basis and at a frequency you select and your results will be sent to you via email, printer or wireless device. The maximum number of WestClips you may have is 99.

Setting up a WestClip

1. After running your search, click Result Options located on the *Result List* tab and select **Add Search to WestClip**.

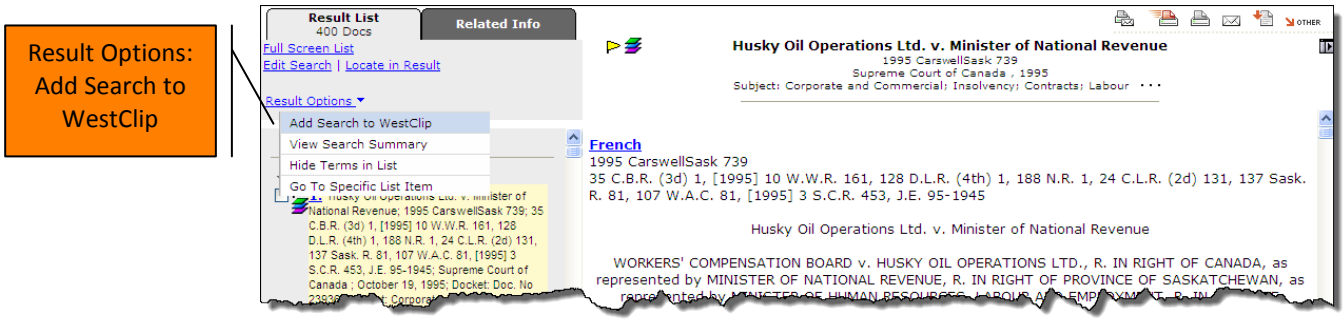


Figure 7 - 1

2. Enter a name for your clip into the field provided and click Edit to set up your delivery setting.

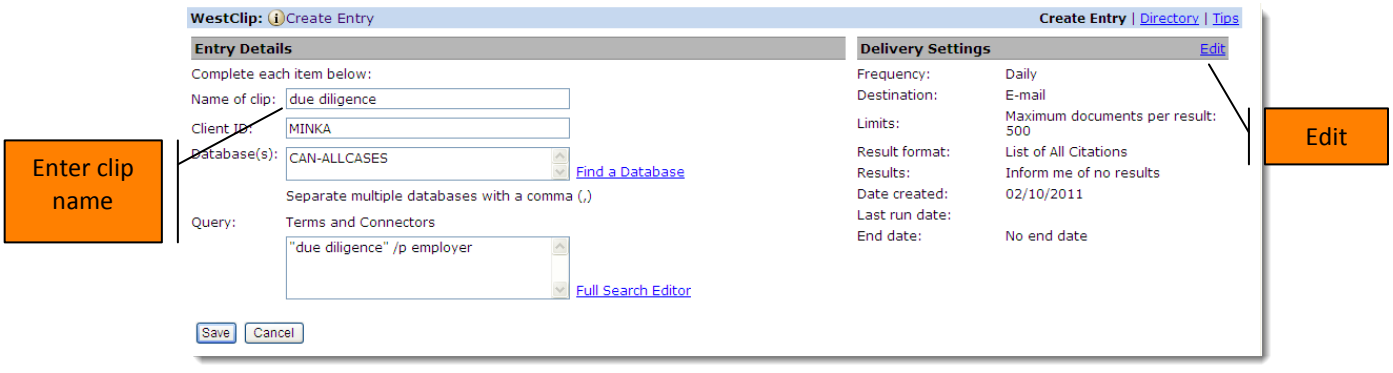


Figure 7 - 2

3. Click **Save**. $0.00

For other specific values see *General Actions/Functions*

Managing WestClip Entries

Access your WestClip entries from the **Alert Centre** located in the upper right corner of the Navigation bar.

Figure 7 - 3

Your entries are located in the WestClip section. You may need to click the down arrow to see them.

You can run, edit and delete your entries.

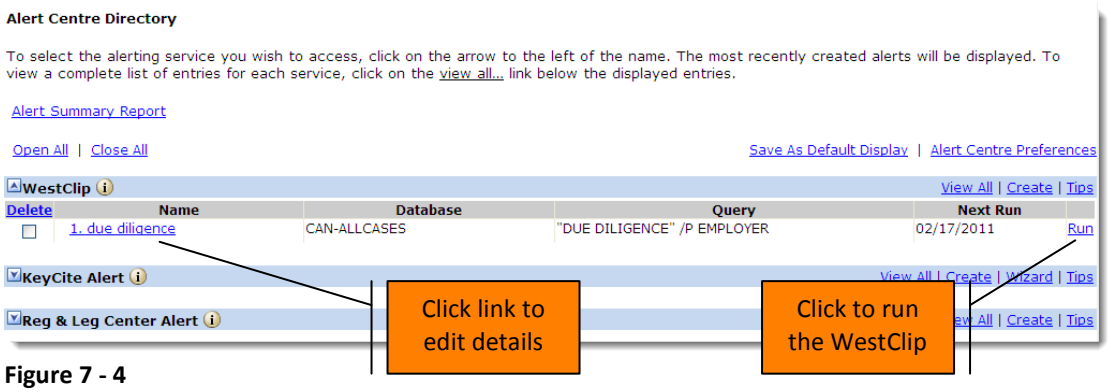


Figure 7 - 4

$ depends on database

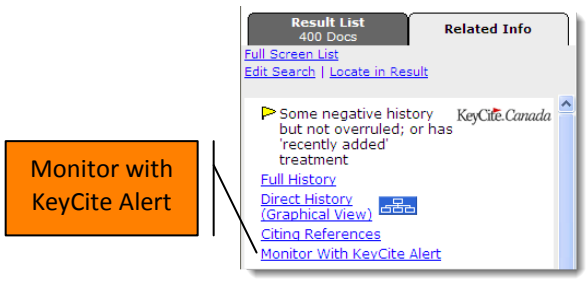
KeyCite Alert

Tracking your Cases with KeyCite Alert

KeyCite Alert automatically tracks cases and legislation and keeps you informed of up-to-the-minute changes that may impact the legal materials you are relying on.

Receive KeyCite Alert results whenever and wherever you want through a variety of delivery destinations, including wireless devices, email or fax.

Click Monitor with KeyCite Alert on the *Related Info* tab to access the KeyCite Alert wizard.



- **Creating a KeyCite Alert $0.00**
- **Alerts set for daily or weekday frequency: PPV charge $9.00/run**
- **Alerts set for weekly/biweekly/monthly frequency: $9.00**

Figure 7 - 5

Follow the wizard's instructions to set up your alert.

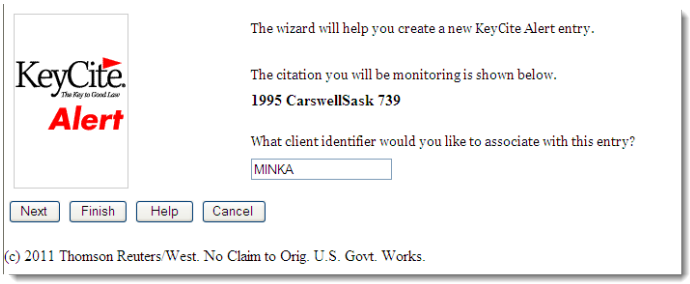


Figure 7 - 6

To access your entry, click **Alert Centre** located on the Navigation bar.

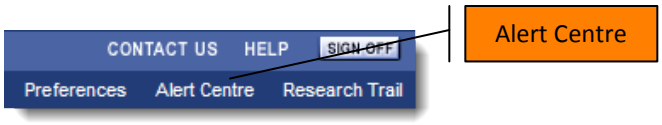


Figure 7 - 7

Your entries are located in the KeyCite Alert section. You may need to click the down arrow to see them.

You can edit and delete your entries.

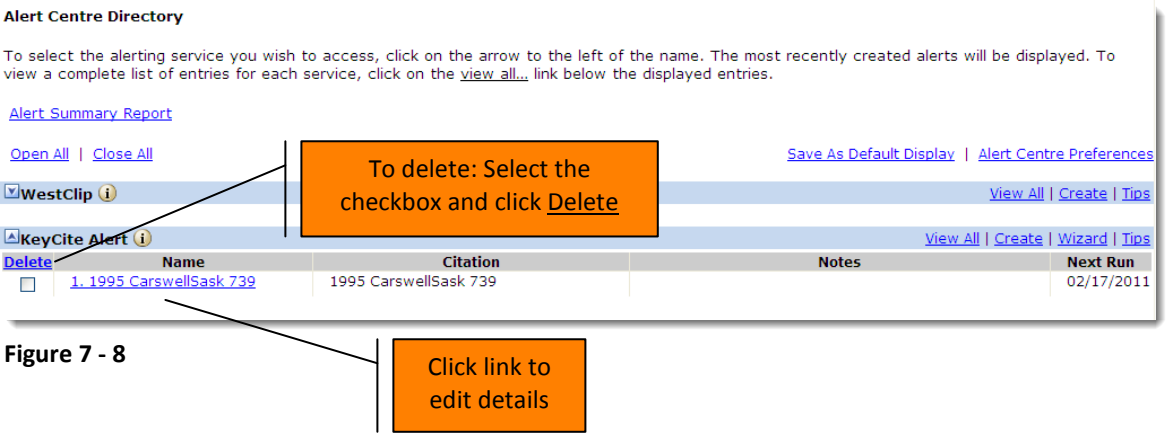


Figure 7 - 8

Smart Tools® Using Smart Tools

Use Smart Tools to get your desired search results without building the perfect query.

Westlaw Canada includes the following Smart Tools:

- Did You Mean
- Add Related Terms

Did You Mean

Did You Mean identifies misspellings of common terms, legal terms, legal acronyms and terms that are spelled correctly but are used incorrectly in a legal context. It searches through a database of legal terms and acronyms on Westlaw Canada.

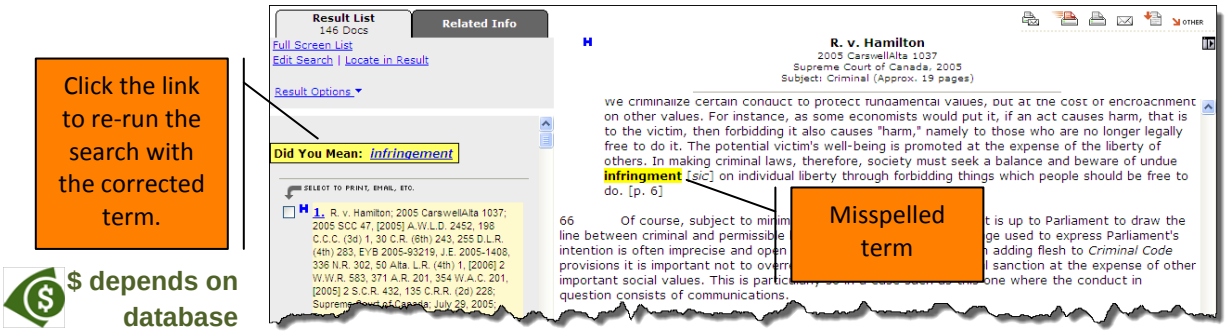


Figure 7 - 9

Add Related Terms

Add Related Terms automatically suggests legal synonyms for your query. Westlaw Canada includes a database of hundreds of Canadian legal terms and phrases and you can add any or all of the suggested terms to a new search.

To view Add Related Terms suggestions, click Full Screen List located in the upper left corner of the tabs.

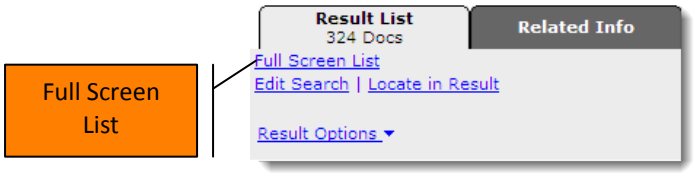


Figure 7 - 10

The Add Related Terms suggestions appear at the top of the screen.

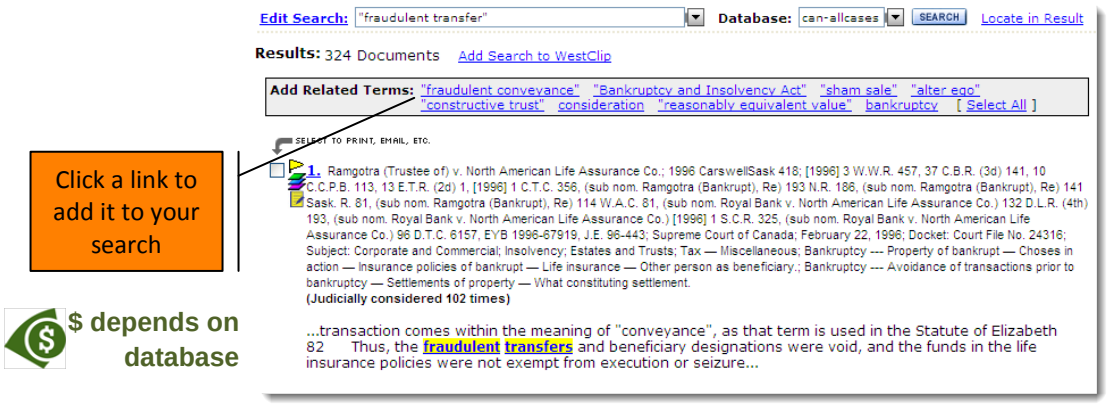


Figure 7 - 11

ResultsPlus®

When you search any case law database, Westlaw Canada automatically creates a ResultsPlus list comprised of related Canadian Encyclopedic Digest and Court Documents suggestions for your search or case. These results are automatically displayed, when appropriate, alongside the citations list for your search result and next to individual documents in your result. Up to five suggestions sorted in order of relevancy may be displayed.

Use ResultsPlus to quickly find the answer to your legal question or expand your understanding of a legal issue.

To view ResultsPlus suggestions, click Full Screen List located in the upper left corner of the tabs.

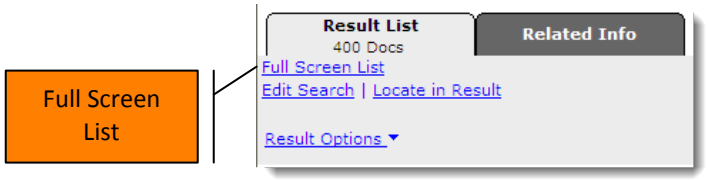


Figure 7 - 12

The ResultsPlus suggestions appear on the right side.

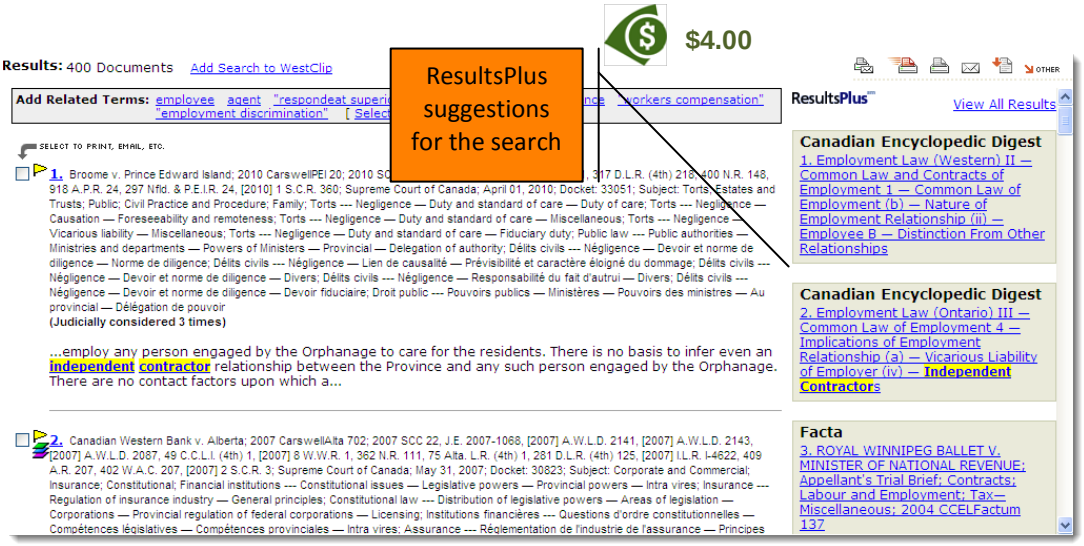


Figure 7 - 13: ResultsPlus suggestions for the search

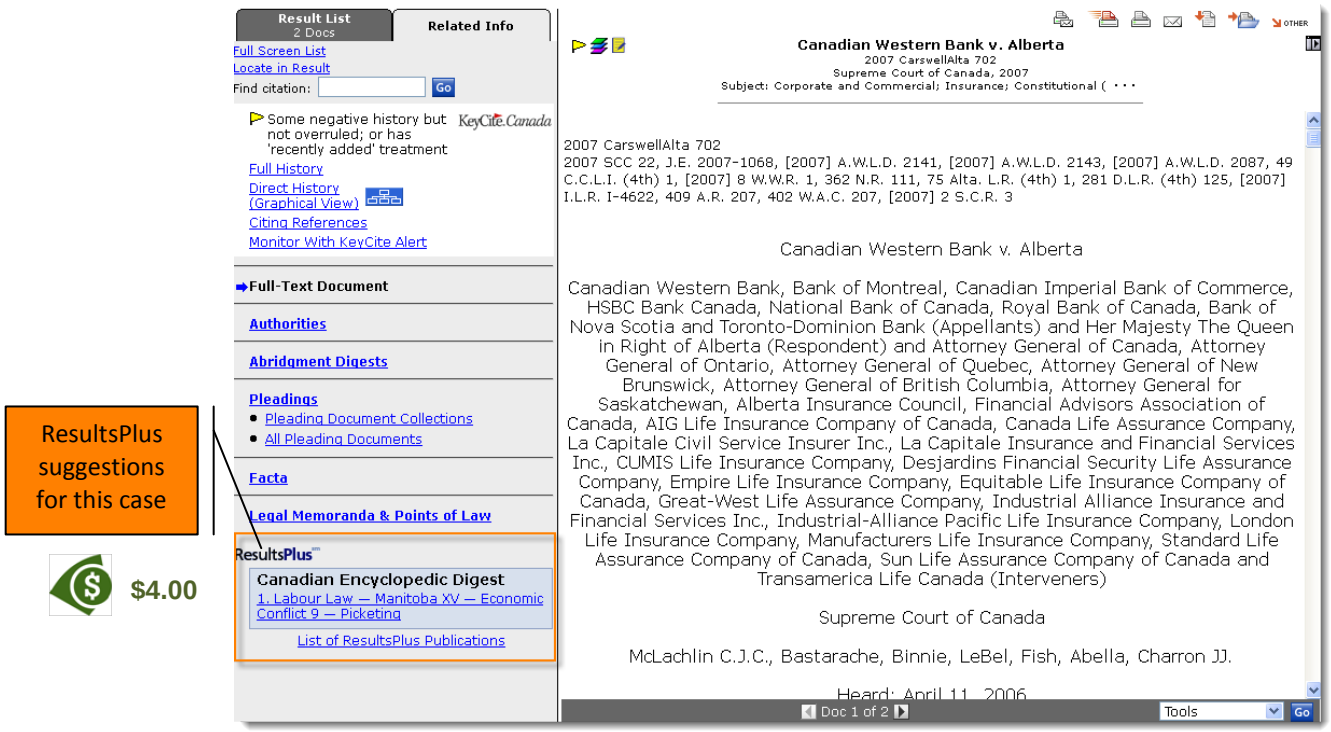


Figure 7 - 14: ResultsPlus suggestions for this case only

Research Trail

Using the Research Trail Back to Strategies

The Research Trial automatically tracks your research and lets you return to previous work. It is saved at sign off for 14 days and can be emailed or downloaded to your client file.

Click Research Trail located in the upper right corner of the Navigation bar to access the trail.

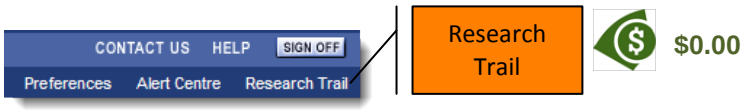


Figure 7 - 15

The current trail displays research "events" (i.e. search, view, KeyCite etc.) in reverse chronological order.

TIP: You can set up your preferences to have the Research Trail emailed to you automatically at sign off.

1. Click **Preferences** located in the upper right corner of the Navigation bar.
2. Click Trail on the left side.
3. Complete the E-Mail Information section and select **E-Mail my last trail at sign off**.
4. Click **Save Changes.**

Figure 7 - 16: Current Research Trail

Click List of All Research Trails located in the upper right corner to access previously saved trails.

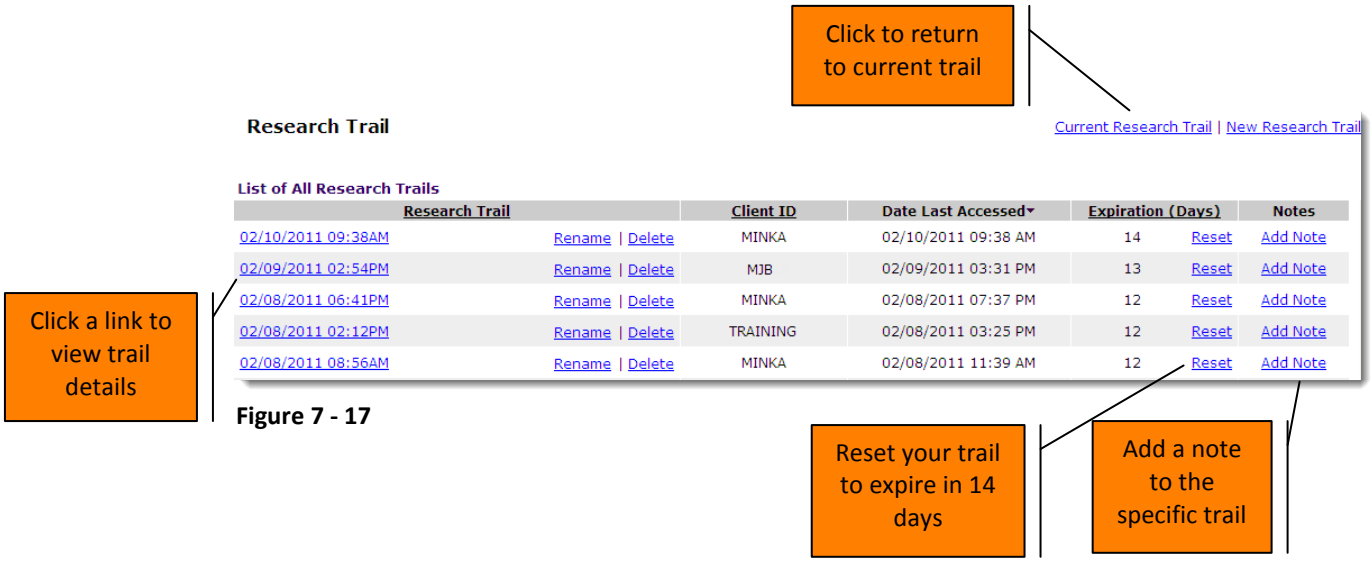


Figure 7 - 17

Copy with Reference

Copy with Reference automatically copies a document's name or title (i.e. case name, statute, rule or regulation title) when you select text and copy it to a word processor or text file.

1. Highlight the portion of text you want to copy.

2. Open the **Tools** drop-down list located in the bottom right corner of the document.

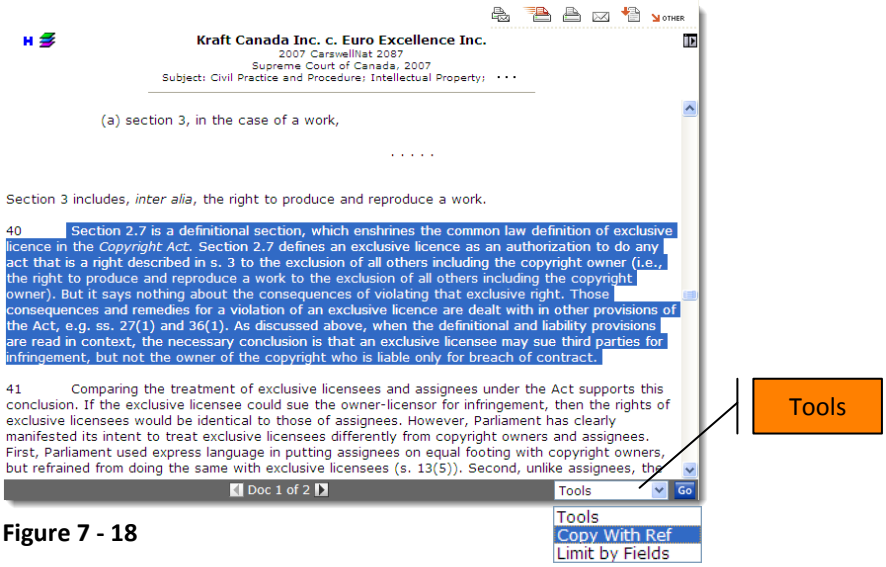


Figure 7 - 18

3. Select **Copy with Reference** and click **Go**.

4. Click **Copy**.

5. Paste the text into your word processor.

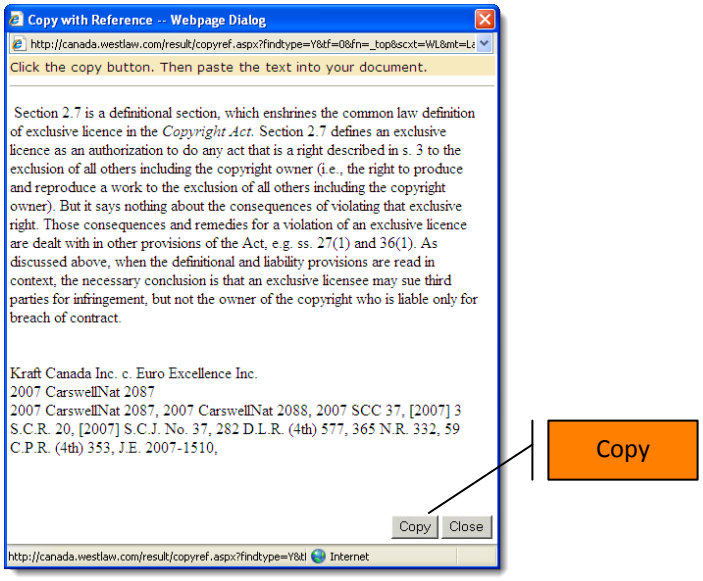


Figure 7 - 19

: Printing a Document or Result List
: Emailing a Document or Result List
: Downloading a Document or Result List
: Faxing your Document or Result List
How to Print

Print/Email/Download/Fax

You can print, email, download and fax:

- The *current* document displayed in the right frame.
- The *full text* of all or selected documents displayed in your Result List.
- The *list* of all or selected documents *displayed* in your Result List.

Note: You can also use **Find & Print** to batch print, email, download or fax documents when found by their citation. *See Find & Print for more information.*

Figure 7 - 20: Document Delivery icons

Print & Email	Print and/or email the current document or results and include KeyCite information, if you wish.
Quick Print	Print the current document only.
Print	Print current document or results and include KeyCite information, if you wish.
Email	Email current document or results and include KeyCite information, if you wish.
Download	Download current document or results and include KeyCite information, if you wish.
OTHER **Save on Westlaw/ Print Delivery Manager**	Save your document to the Print Delivery Manager. Print Deliver Manager displays all the print requests along with any that have failed to print or download.

TIPS: To print part of a document follow these steps:

1. **Highlight** the desired text.
2. Using your browser, click the **File** menu and select **Print**.
3. Choose **Selection** and click **Print**.

To exclude printing the cover page, follow these steps:

1. Click Setting located in the upper right corner of the Westlaw Canada print dialog box.
2. Un-check **Include Cover Page** in the *Content Options* section.
3. Check **Save as default in Preferences** in the lower left corner of the dialog box to save this new setting as a preference.
4. Click **Done**.

Back to Print/Email/Download/Fax

Find & Print (Batch Find & Delivery of Documents)

Find & Print speeds up your research by retrieving up to 20 citations simultaneously for printing, emailing or downloading.

Find & Print is located on the Navigation bar.

1. Enter your citation(s) into the box provided.

2. Select your results and delivery options.

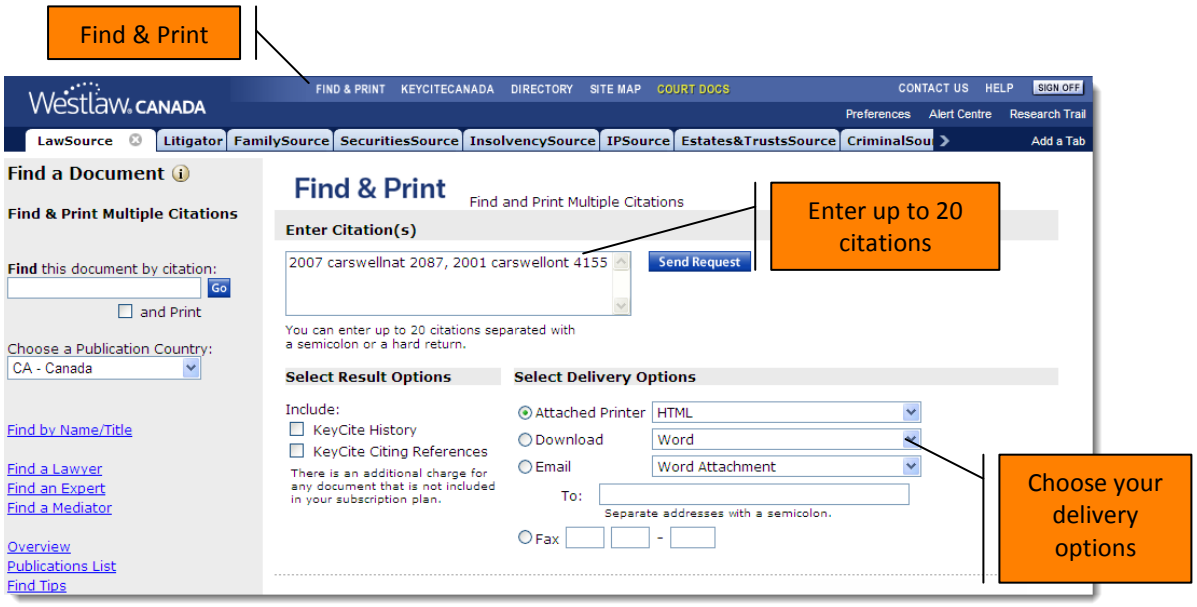


Figure 7 - 21

3. Click **Send Request**. $4.00/citation

Note: You may access the Print Delivery Manager from the Site Map.

8: Cost-effective Research

Back to About this Guide

Overview

Westlaw Canada access is provided based on a flat-rate, annual subscription. **You pay a fixed amount for as much usage as you need for an entire year.** We do not track the amount of time you spend online.

Within your subscription, some actions or functions have a *suggested usage value* and some do not. You are **not** charged or invoiced for any suggested usage values **within** your subscription. These values are used by firms who wish to charge their research back to clients for cost recovery purposes.

Firms may adjust the suggested usage values and develop their **own** cost recovery strategy in order to charge back to their clients at their discretion. An in-house Corporate Administrator can be assigned to run a Chargeback Report from the Westlaw Canada Reporting System should you wish to charge your research back to your clients.

If you access content **outside** your subscription, **you will receive an invoice**. This is considered a pay-per-view charge. A warning screen appears before the action is completed allowing you to cancel the action.

Although KeyCite Canada may be part of your subscription, running a KeyCite Alert at a daily or weekday (Mon-Fri) frequency triggers a charge for each alert that is run. **You will be invoiced for these charges.**

This icon and the dollar amounts you see throughout this guide represent the **suggested usage values** for the specific function/content.

Working with Pay-per-View Documents

Pay-per-View Documents

Top 5 strategies for Minimizing Client Research Fees for Cost Recovery Purposes

Use FIND whenever possible

If you know the name or citation of the case or legislation you want, use **Find**. Finding has a lower transactional value than searching.

$4.00

Figure 8 - 1

Maximize your SEARCH results

Documents retrieved by a search **are included** in the transactional value of the search. You may browse, print, email or download these documents without incurring any additional values. Try to capture as many documents as possible that are relevant to your issue by using broad terms and minimize the use of field restrictions. Up to 10,000 documents can be displayed.

$0.00

Avoid "Edit Search" – Use "Locate in Result"

Editing a search is treated as a new search and therefore incurs another transactional value. Use Locate in Result to refine your search. Locate in Result is included in the value of the search. It is best to run a fairly broad initial search (see tip above) and then use Locate in Result to target documents. Use Locate in Result as many times as you wish to refine your search until you find documents on point without triggering any additional transactional values.

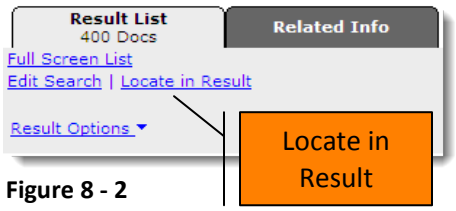


Figure 8 - 2

$0.00

Narrow your Citing References List

Use Limit KeyCite Display to refine your Citing References. No transactional values are accrued. Maximize your efficiency by using Locate to identify key search terms in the KeyCite results.

Figure 8 - 3

$0.00

Access the Research Trail to re-visit your search

Use your Research Trail to re-run a search or retrieve a document (indicated by a black dot) without incurring any additional transactional values for the remainder of the day (up to 2:00am).

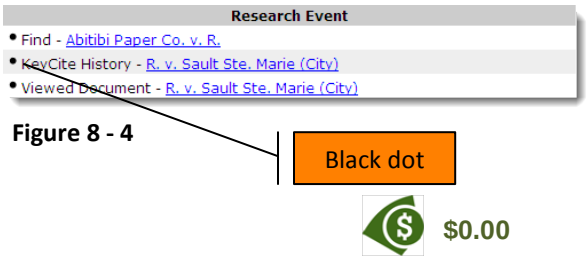


Figure 8 - 4

$0.00

Back to WestClip

General Actions/Functions – Apply to all Source Service

Action	Suggested Value
Find:	
Using Find (some exceptions apply)	4.00
Clicking a hyperlink in a Document	4.00
Clicking a document link in the Table of Contents (except The Canadian Abridgment Digests)	4.00
Clicking a document link in a Westlaw Watch result list	4.00
Clicking an Abridgment Classification link in a CED document	0.00
Clicking the Next link (documents in sequence)	4.00
Noting up with KeyCite Canada	7.50
Add Related Terms	Applicable search charge
Did You Mean	Applicable search charge
Using WestClip:	
Running at any frequency	0.00
Clicking the run link at sign on or in the Alert Centre to run the search	Applicable search charge
Emailed full text results – Canadian databases only	0.00
Emailed full text results – excluded non-Canadian databases	Applicable print charge
Clicking a link in an emailed result list (*some exceptions apply*)	4.00
Creating a KeyCite Alert	0.00
Using KeyCite Alert: daily or weekday frequency	PPV Charge only - $9.00
Using KeyCite Alert: weekly, biweekly or monthly frequency	9.00
Using Locate	0.00
Printing, emailing, faxing	0.00

LawSource Usage Values Table

Here are the suggested usage values for LawSource:

Template Name	Suggested Value
Cases (CAN-ALLCASES)	16.00
Canadian Abridgment Digests (ABRIDGMENT)	21.50
Legislation (CANST-RULES-ALL)	16.00
Canadian Encyclopedic Digest (CED)	21.50
Law Reports Articles and Journals (CANADA-JLR)	37.50
Index to Canadian Legal Literature (ICLL)	5.50
Words & Phrases Judicially Defined (CAN-WORDS)	5.50
All LawSource Content (CANPRIME-PLUS)	80.00

These are the values if you conduct your search from the Table of Contents:

Table of Contents with Database ID	Suggested Value
Canadian Abridgment Digests (ABRIDGMENT)	21.50
CED (CED)	21.50
Legislation (CANST-RULES-ALL)	16.00
Rules Concordance (RULES-CONCORD)	21.50
Insurance Concordance – Search: (INSUR-CONCORD) – Find:	11.00 11.00
Legal Memoranda: Summary – Search and Find: Legal Memoranda: Full text – Small/Medium/Large	0.00 55.00/65.00/75.00

The suggested value when viewing the Latest Supreme Court of Canada Cases is $0.00.

: Appendix

Guidelines for Writing Legal Memoranda*

The purpose of the legal memorandum is to answer one or more legal questions in the context of a specific set of facts. It should contain a thorough analysis of the relevant law and provide a well-reasoned answer to the questions posed.

Generally speaking there are seven main sections:

1. **Heading** – Your name, date, client involved and subject matter.
2. **Introduction** – Additional information on client, why the questions were asked and how the answers will be applied.
3. **Facts** – Detailed description of the *relevant* facts.
4. **Issues** – Outline the issues (and sub-issues) you have been asked to analyze. Frame them in terms of questions that you will ultimately answer. This is an on-going process.
5. **Conclusion** – Summarize the analysis and answer the questions set out in the *Issues* section.
6. **Analysis** – The facts are applied to the law to answer the questions posed. You should follow the sequence set out in the *Issues* section.
7. **List of Authorities** – Every statement **must** be supported by the case law and legislation you referenced or relied upon.
8. **Bibliography** – Include a list of all secondary sources consulted.

Note: The law firm or department where you work may have its own memorandum template that you must use, and may look different than the one described above.

*Nancy McCormack, John Papadopoulos and Catherine Cotter, *The Practical Guide to Canadian Legal Research, Third Edition, Carswell, 2010.*

Glossary of Terms

Appeal: Resort to a higher court/tribunal to review the decision of a lower court/tribunal.

Canadian Abridgment Digests: Summaries of cases organized by issue of law.

Canadian Encyclopedic Digest: Legal encyclopedia with paragraphs explaining different issues of law, footnoted with relevant cases and legislation.

Case: See *Judgment.*

Citation: Identifier for a case, legislation or article; based on where it has been published, either in print or online. Note that documents can have more than one citation if they have been published in more than one place. These are known as parallel citations.

Citing References: Documents (e.g. cases, articles, court documents) referring to the case or legislative section you are looking at and an indication of how they treated it. (ex. followed, considered, referred to or distinguished). See *Judicial Treatments*.

Decision: See *Judgment*.

Full History: (Also called *case history* or *direct history*.) The path a case has taken through the court system; has it been appealed, affirmed, reversed or had additional reasons given.

Headnote: A summary of the key issues and facts in a case which appears at the beginning of a case, written by the publisher.

Judgment: (Also called *decision* or *case*.) A final determination by the court of a matter brought before it.

Judicial Treatments: A list of judgments that cite another case, accompanied by an indication of how they treated it.

KeyCite: Provides you with the *Full History* and the *Citing References* for a case. Used for *Noting up*.

Legislation: Includes statutes (laws or acts), regulations (how statutes are to be implemented) and rules (procedural instructions for court proceedings.)

Noting up: (Also called *Judicial Treatment.* See also *Full History* and *Citing References*.) Finding any subsequent cases that have referred to the case or legislation in question. Also, for cases, determining the full history of the case.

Precedent: A legal case establishing a principle or rule that a court or other judicial body may use when deciding subsequent cases with similar issues or facts.

Reported Decisions: Cases that have been selected to be published in a law report series. Unreported cases are decisions that have not been published in a print law report series.

Secondary Sources: (Also called *Commentary*.) Works written by authors (as opposed to cases or legislation.)

Style of Cause: The case name for a cause of action or lawsuit; a description of the parties involved.