

WestlaweCarswell Quick Reference Card Noting up Cases with KeyCite Canada[®] (using CriminalSource)

KeyCite Canada is a powerful citation service (derived from The Canadian Abridgment) available exclusively on WestlaweCarswell. Use KeyCite Canada to note up cases, statutes, rules and regulations.

KeyCite Canada for cases includes the history of all reported Canadian cases back to 1867, plus judicial treatments of Canadian and foreign cases discussed in Canadian decisions that fall within the following coverage: selective coverage of reported cases prior to 1977, comprehensive coverage of reported cases since 1977, and comprehensive coverage of unreported cases since 1986.

KeyCite Canada provides links to the direct appellate history of a case, positive and negative judicial treatments, authoritative secondary sources and precedents (court) documents.

KeyCite Canada Status Flags

- ▶ A **red flag** warns that the case may not be good law; that the decision has been reversed, or has not been followed within the same jurisdiction or by the Supreme Court of Canada.
- ▶ A **yellow flag** warns that the decision has some negative history or treatment, but has not been reversed or overruled. It is also displayed if a treatment has been recently added, and has not yet been editorially analysed.
- H** A **blue H** indicates that the decision has some direct history but it is not known to be negative.
- C** A **green C** indicates that the decision has no direct history, but there are treating cases or other citing references to the decision.

Accessing KeyCite Canada

Access KeyCite Canada by using one of the following methods:

- Click the **KeyCite** radio button located in the **Find/KeyCite a Document** section on the CriminalSource Home page. Enter the case name and select a jurisdiction from the drop-down list.
- Click **Citing References** on the **Related Info** tab in the left frame while viewing a case.
- Click **KEYCITECANADA** on the WestlaweCarswell Navigation bar and use the options in the left frame.

Viewing a KeyCite Canada Result: Full History and Citing References

When you access KeyCite Canada for cases the **Full History** page appears in the right frame. The full history includes the direct history, which traces the case through the appellate process, as well as both prior and subsequent history. It also includes negative citing references, which are cases outside the direct appellate line that may have a negative impact on the precedential value of the case.

Full History is displayed automatically upon KeyCiting a case.

Click Direct History (Graphical View) to display the direct history of the case graphically.

Click Citing References to display all citing references of the case in the right frame.

Click Monitor with KeyCite Alert to access the KeyCite Alert wizard.

The screenshot shows the KeyCite Canada interface for the case *R. v. Brown*, 2008 CarswellAlta 523. The left sidebar contains navigation options: Full History (selected), Direct History (Graphical View), Citing References, Monitor With KeyCite Alert, Full-Text Document, Authorities, and Abridgment Digests. The main content area displays the case history, including a list of cases that cite the current case, categorized into 'Direct History' and 'Negative and Cautionary Citing References (Canada)'. The 'Direct History' section lists cases like *R. v. Brown*, 386 A.R. 48, 203 C.C.C. (3d) 132, 2005 CarswellAlta 1217, 2005 ABQB 608, and *R. v. Brown*, [2006] 9 W.W.R. 633, 391 A.R. 218, 210 C.C.C. (3d) 317, 2006 CarswellAlta 794. The 'Negative and Cautionary Citing References' section lists cases like *R. v. Kanji*, 2008 CarswellAlta 2171, 2008 ABPC 218 (Alta. Prov. Ct. Jul 24, 2008) and *R. v. Henderson*, 2008 CarswellNS 739, 2008 NSSC 386 (N.S. S.C. Oct 27, 2008).

Figure 1: Full History page

To view a list of all cases and secondary sources that cite a case along with its precedents (if any), click **Citing References** on the **Related Info** tab. Negative citing cases are listed first; then remaining cases are listed grouped by treatment. Secondary sources and precedents are listed last.

The screenshot shows the KeyCite Canada interface for the case *R. v. Brown*, 2008 CarswellAlta 523. The left sidebar is the same as in Figure 1, but the 'Citing References' option is selected. The main content area displays a list of cases that cite the current case, categorized into 'Negative and Cautionary Cases (Canada)', 'Positive & Neutral Cases (Canada)', and 'Secondary Sources (Canada)'. The 'Negative and Cautionary Cases' section lists cases like *R. v. Nolet*, 2009 CarswellSask 39, 2009 SKCA 8 (Sask. C.A. Jan 21, 2009) and *R. c. Burke*, 2009 CarswellQue 192, J.E. 2009-224, 2009 QCCA 85, EYB 2009-153144 (C.A. Que. Jan 19, 2009). The 'Positive & Neutral Cases' section lists cases like *R. v. Picard*, 2008 CarswellMan 404, 230 Man. R. (2d) 100, 2008 MBPC 27 (Man. Prov. Ct. Jun 23, 2008) and *R. v. Ambrose*, 332 N.B.R. (2d) 68, 2008 CarswellNB 300, 852 A.P.R. 68, 2008 NBPC 32 (N.B. Prov. Ct. Jun 23, 2008). The 'Secondary Sources' section lists various legal texts and articles, such as *Courmoyer et Ouimet Code criminel annoteJurisprud CH 8, JURISPRUDENCE* and *Crankshaw's Criminal Code of Canada CHA 8sect3, CHA 8s 3 Search*.

Figure 2: Citing References page

Restricting Citing References (Limit KeyCite Display)

WestlawCarswell provides you with the ability to restrict a list of citing references to only those references that are important to you. You may use any combination of the following limits: Locate (search term), Jurisdiction, Date and Document Type.

Click the **Limit KeyCite Display** button located at the bottom of the **Citing References** page to retrieve KeyCite Limits.

The **Limit KeyCite Display** button.

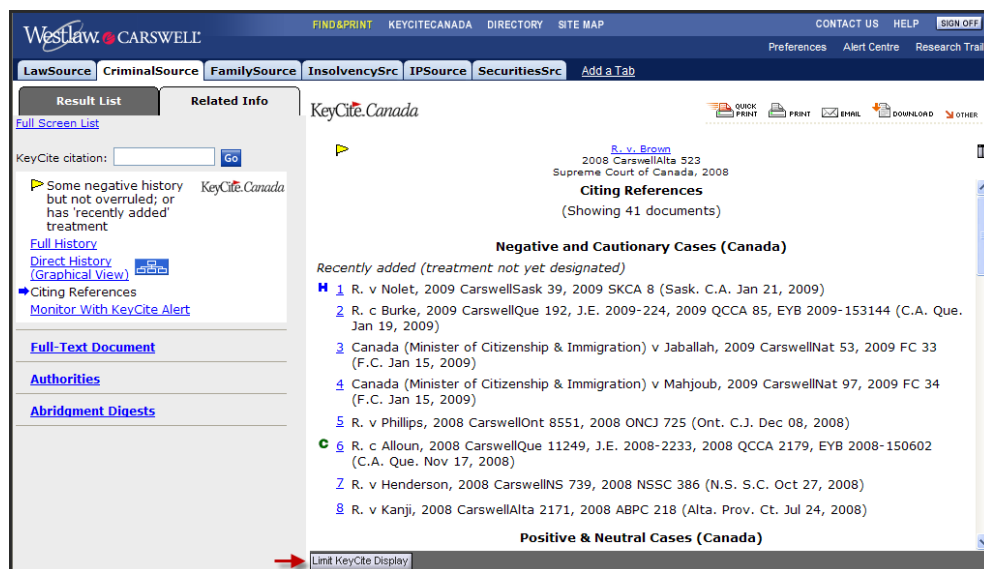


Figure 3

The Locate page is retrieved automatically. Enter your search terms in the **Locate** box. Locate searches the full text of each cited document for your search terms. To select another limit, simply click the bullet beside the limit page you wish to retrieve. To limit by **Jurisdiction**, click the checkboxes beside the limits you would like to see. You may also limit by the date of the referring documents (such as the judgment key 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 WestlawCarswell, select a restriction from the *Date added after* drop-down list or enter a specific date. **Document Type** allows you to restrict your list either to cases (by court level) and secondary sources.

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

KeyCite Alert

KeyCite Alert is an exclusive monitoring service that automatically tracks cases and keeps you informed of up-to-the-minute changes that may impact the legal materials you are relying on. You can receive KeyCite Alert results whenever and wherever you want through a variety of delivery destinations, including wireless devices, email or fax.

Creating and Accessing KeyCite Alert

To create a KeyCite Alert, use one of the following methods:

- Click Monitor with KeyCite Alert on the **Related Info** tab to access the KeyCite Alert wizard.
- Click **Alert Centre** on the WestlaweCarswell Navigation bar and select Create Entry or Entry Wizard on the KeyCite Alert title bar.

To access KeyCite Alert, click **Alert Centre** on the WestlaweCarswell Navigation bar and click the **Open Directory** button (down arrow) on the KeyCite Alert title bar.



Figure 4