

# CriminalSource™

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*– Lisa Carson, Crown Attorney, Manitoba Justice, Prosecutions*

## BUSINESS PROFILE

### INDUSTRY

Legal, Prosecution

### CLIENT

**Lisa Carson, Crown Attorney  
Manitoba Justice, Prosecutions**

### THE CHALLENGE

- > Upgrade to a legal research tool that lets prosecutors find relevant information on the fly in the courtroom and at the office

### THE SOLUTION

WestlawCARSWELL's **CriminalSource™**

### KEY BENEFITS

- > Gives time-strapped prosecutors very quick access to crucial information in the court room
- > Levels the playing field against an opposing counsel who has access to time and research resources
- > Affects the outcome of a case in Lisa Carson's favour

## The prosecution makes a case for CriminalSource™

The year has started off very well for Lisa Carson, a Winnipeg-based prosecutor in the youth unit of Manitoba's Prosecution Service. She, and the other 80 or so lawyers working for the service, now have access to **CriminalSource™** to conduct research on cases they are prosecuting before the courts.

“The number one feature of **CriminalSource™** for me is the speed and ease of use. It's very user friendly and you can find things quickly, which is exactly what I need when I'm using it in court,” says Carson. She has been waiting eagerly for a chance to use **CriminalSource™** as her main research tool ever since she was part of a pilot group that tested the service out last year.

## Competitive Upgrade

The Manitoba Prosecution Service had been using a competing product for many years, so it took a careful approach to standardizing on **CriminalSource™** as the research tool for the organization. First, the organization staged a month-long trial period with about a dozen lawyers from various departments using the service in their daily work. The feedback from this group, which included Carson, was very positive.

Then management took some time to review the feedback, negotiate a multi-year deal with WestlawCARSWELL and determine how and when to roll out **CriminalSource™**. Carson used every opportunity she had to convince management that **CriminalSource™** was a clearly superior tool to what the prosecutors had been using up until this point.

A final step in the decision to roll out **CriminalSource™** came at a regional conference held by the prosecutor's office in late 2005. Representatives of WestlawCARSWELL demonstrated **CriminalSource™** before a gathering of the lawyers in attendance and then Carson gave a personal testimonial of her experiences using the service. Based upon what they saw and heard, the lawyers in attendance voted to start using **CriminalSource™** as soon as possible.

## Suited to the court room

Carson says that **CriminalSource™** is particularly well suited for use in the courtroom. “When I started using **CriminalSource™** I found that I was able to access what I needed in the courtroom very quickly,” says Carson. “If an issue comes up in court that I have to address and I don't have very much time to find the answer, **CriminalSource™** is very conducive to finding that answer quickly.”

“I like to describe the product we were using before as ‘having a set of encyclopedias with a lock on it.’ All the information was in there, but you just couldn't get it fast enough, it used to take me forever,” she says. “Whereas with **CriminalSource™** you have the legislation right there in drop down menus. You can plug in the section numbers and all the cases that have considered that section come up immediately. It's just so much faster.”

Speed is a major issue for Carson. The realities of her job are such that she often doesn't have much time to spend researching her caseload. “The preparation time we have for our cases is next to nil,” says Carson, echoing a sentiment that is familiar to prosecutors across the country. “I'm lucky if I can get the factual basis for the cases before I go into court, and that's just the reality of the workload. That's how little time we have to prepare.” Under such circumstances, a research tool that can provide answers on the spot in the courtroom is simply invaluable. “That's why the research tools I use need to be fast, because if I've got five or ten minutes

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### WestlaweCARSWELL

Expect more and get it, with the incredible power, flexibility and depth of WestlaweCARSWELL. We’ve combined the power of the Internet with state-of-the-art tools to create an online legal platform that is unmatched anywhere. Fast, simple, reliable and complete – our service reflects our philosophy. We fit your personal work style... so you really can work the way you think.

during a court recess, then that’s usually all the time I have to come up with an answer,” she says.

#### Tremeears, Nadin Davis, Crankshaw’s – The content is invaluable

“Mostly I’m looking for precedent and commentary on how the law has been interpreted in past cases. For that the *Tremeear’s Annotated Criminal Code*, Gibson, *Criminal Law Evidence, Practice and Procedure*, *Crankshaw’s Criminal Code of Canada*, are invaluable,” says Carson. “Particularly in our office where we’re very heavy in the junior end and there’s still a bit of a learning curve to get over. These sources are a great starting point in terms of legal and procedural issues.”

She also finds that the *Nadin-Davis Canadian Sentencing Digest* is very helpful during sentencing. “When I first started here, I was using the Nadin-Davis books and those can get pretty dated. Having it online means I can be right up to date. Particularly when I’m at the sentencing stage and the judge asks if I have any precedents. I can quickly find something relevant to show them.”

#### Making a difference in the court room

“One thing I told my colleagues at our regional conference was that in my personal experience, there have already been a few cases where the end result was positively affected by my ability to use CriminalSource™,” says Carson.

“In one case I had made a motion related to the way the information was laid. I wanted to make a change to the information and the defense counsel was objecting to it,” says Carson. During a short break in the case, Carson did some quick research on CriminalSource™, found several cases that supported her argument, and promptly emailed them to the judge. “She considered the authorities and eventually ruled in my favour even though at first it looked as if she was leaning towards deciding against me. So the ultimate outcome of the case really turned on my ability to present authorities to the judge. If CriminalSource™ can help me do that quickly and it affects the outcome of my case then, I’d say it is significantly assisting me in my job.”

In other instances, CriminalSource™ has helped Carson win decisions on procedural issues. “Sometimes there’s a procedural issue that’s arisen in court and you’re fighting an uphill battle with respect to getting the presiding trial judge on board. If you can present them with authorities, they usually come around to your position,” adds Carson. “It’s one thing for the judge to hear the Crown say ‘this is the law’ it’s quite another when you can actually present them with authorities. This is where CriminalSource™ is so valuable.”

#### Leveling out the playing field

Carson says that CriminalSource™ helps her achieve parity with the opposing counsel she faces in court, who often have the resources to prepare well in advance of the trial date. In fact, its ability to level the playing field was one of the key factors that helped convince lawyers in the department that CriminalSource™ was going to be a very useful tool.

“We’ve got an adversarial system here, so we should really both be on the same playing field, but often you feel like you are two steps behind the defense,” she says. “CriminalSource™ helps to bridge that gap by putting a wealth of resources into my hands right in the courtroom. It allows me to argue a case based on good authorities. It really affects the outcome of your case.”

Not only has CriminalSource™ proven its value to the Manitoba Prosecution Service, but also it’s very fast and simple to use. “I don’t have the luxury of using slower services, I need something that is fast and accurate.” Carson also says that using CriminalSource™ outside of the office is simpler than the previous products she has used.

“It’s very flexible, as long as you have an Internet connection and a web browser you can access CriminalSource™. You don’t have to log into the office network or anything which means you don’t have to struggle with downloading anything over a dial-up connection.”

“I would definitely recommend CriminalSource™ to anyone who’s considering using it,” says Carson.

**For more information visit [www.westlawecarswell.com/criminalsources](http://www.westlawecarswell.com/criminalsources)**