

CANADIAN ENCYCLOPEDIA DIGEST (C.E.D.)

INTRODUCTION

References

- Maureen F. Fitzgerald, *Legal Problem Solving: Reasoning, Research and Writing*, 2nd ed. (Toronto: Butterworths, 2001) at 90-96.
Call Number: KL155.F57 2001
- John A. Yogis et al., *Legal Writing and Research Manual* (Toronto: Butterworths, 2000), Chapter 2.
Call Number: KL155.K554 2000
- Ted Tjaden, *Legal Research and Writing* (Toronto: Irwin Law, 2001), Chapter 2. *Call Number: KL155.T22 2001*

Websites

- Legal Research Process:
<http://law.uvic.ca:8080/LegalResearch/page.jsp?target=main&type=html> (“How will I find the law?” => “Where do I begin?”)
- Link from the Law Library homepage: <http://www.library.ubc.ca/law/> (“Indexes and Databases”)
- Best Legal Research website: <http://www.legalresearch.org/> (“Research Essentials” => “Encyclopedias”)
- Bora Laskin Guide: <http://www.law-lib.utoronto.ca/resguide/chapt4a.htm>

The C.E.D., the only Canadian legal encyclopedia, is found in more than 30 loose-leaf binders that are updated regularly. The volumes are organized alphabetically by *Subject Title*, such as Contract, Criminal Law, Evidence and Family Law. Within these volumes the subject area is further divided into several sub-headings and points of law. Summaries of each point of law are set out under each heading with footnotes referring you to supporting case law and statutes. Each *Subject Title* has a supplement, (printed on yellow or grey-edged paper in the front of each volume) which gives updated information.



As with Texts and Treatises, the C.E.D. is a good place to begin if you are unfamiliar with your research area. It is important to keep in mind, however, that the summaries provided reflect the opinions of the editor on the subject area. Therefore the researcher should not rely exclusively on the summary provided and should always review the supporting case law and legislation.



There are two sets of the C.E.D. (Western) available for student use in the library. They can be found at the reference tables on the main and top floors. There is an Ontario C.E.D. found in the Reference Collection.

C.E.D. online

The C.E.D. is also available online through the WestlaweCARSWELL website. This is a truly indispensable research tool, because it contains links directly to the “supporting case law” discussed above, and to the Canadian Abridgment Case Digests. Thus, one can start by looking up a particular topic in the C.E.D., link from there to the full text of the cases discussed, and from those cases to the Abridgment in order to determine if there are any other cases on the subject with facts that match more closely the issue you are researching. You can link quickly and easily from commentary to case law and legislation; from case law to other case law, both Canadian and international; from The Canadian Encyclopedic Digest to the full text of cases, and from The Canadian Abridgment Case Digests to full text of cases. This database will also refer you to relevant journal articles (the Index to Canadian Legal Literature) and to their full text when it is available.



Despite these benefits of the online version of the C.E.D, it is still strongly recommended that students familiarise themselves with the print version of this tool for at least two reasons. First, because it can be a bewildering experience to encounter endless links to different sources of information within the website if you don't have any real idea of what these tools look like and how they are organised. Navigating through these various research tools on the web will make much more sense if you have first looked at and understood the organising principles behind the print copies. Second, while WestlaweCARSWELL is available without charge while you are a law student, the expense of extensive use of commercial services while in practice may make facility with the paper sources a valuable skill.

C.E.D. on CD-ROM

i The C.E.D. is also available on CD-ROM (Folioviews) and can be accessed from the library computer lab. For instructions on how to use Folioviews look at the guide prepared by the Queen's University Faculty of Law which is available on their website <http://law.queensu.ca/index.php> (follow the link to their Law Library, then to Legal Research Manual, then scroll down to Appendices and click on Folioviews Guide).

The CD-Rom may be discontinued in future years, depending upon the popularity of the online version. Please note, this resource is not as current as WestlaweCARSWELL.

CANADIAN ENCYCLOPEDIA DIGEST IN PRINT

SAMPLE RESEARCH SCRIPT

Step 1 Research the C.E.D. using the Key and Subject Index

When unsure about what specific subject relates to your problem, the best place to start is with the *List of Titles* in the *Contents Key* (2nd Tab) located in the volume entitled *Key*.

- **Locate the Key volume of the Western edition of the C.E.D.**
- **Look through the *List of Titles* and identify some titles that could be relevant to your legal problem, such as ‘negligence.’**
- **Next, look in the *Index* under each title and identify relevant topics, such as ‘duty of care,’ ‘standard of care,’ or ‘contributory negligence.’ Note the volume, title and paragraph number(s) where each one can be found. The references will look something like this:**

25-102 §205


**This topic would be found in volume number 25
under title number/tab 102 at paragraph number 205.**

Step 2 Look in the C.E.D.

- **Get the volume for each topic you have identified and look up the paragraphs noted above.** Each paragraph includes a brief summary and provides references to leading cases and relevant legislation in the footnotes.

Step 3 Update your research

If there is recent information on your topic, it will be found in the supplement (which is printed on yellow or grey-edged pages) at the front of each title (tab) which lists new cases relevant to the topic, as well as commentary when the law has changed or been expanded.

- **To update your research, look up in the supplement** (which is printed on yellow or grey-edged pages) **the title and paragraph number that correspond to the ones you looked at in Step 2.**
-  **Be sure to note how **current** the supplement is by looking on its first page.** Titles are edited and revised separately so each title is current to a different date.

**CANADIAN ENCYCLOPEDIA DIGEST
ON WestlaweCARSWELL
SAMPLE RESEARCH SCRIPT**

Logon to WestlaweCARWELL at:

<http://www.westlawecarswell.com/home/default.htm>

To Browse the Table of Contents

Note that after logging on you are in the LawSource tab. From the left hand frame, select "CED". A collapsed listing of all topics within the CED now appears, from A to Z, along the left hand side of the main screen. You can expand these entries as desired, simply by clicking on the + signs.

To Search the Encyclopedia

Instead of selecting CED from the left hand frame of the LawSource homepage, look under the -Custom Search Templates- heading in the middle of the page and select "Canadian Encyclopedic Digest (CED)".

Before you start searching, look through this information in order to understand the connectors used by the site.

Terms and Connectors Search Reference

Connectors are symbols you place between search terms to specify the relationship between them. You can also use the root expander (!) and the universal character (*) to ensure that your search retrieves different forms of your search terms. See the definition of these terms below if you do not know what they mean.

Connector	Symbol	Retrieves
AND	&	Search terms in the same document: narcotics & warrant
OR	(space)	Either search term or both: car automobile
Phrase	" "	Search terms appearing in the same order as in the quotation marks: "attractive nuisance"
Grammatical Connectors	/s	Search terms in the same sentence: design /s defect
	/p	Search terms in the same paragraph: hearsay /p utterance
	+s	The first term preceding the second within the same sentence: palsgraf +s island
	+p	The first term preceding the second within the same paragraph: ti(mikkelson +p mikkelson)
Numerical Connectors	/n	Search terms within "n" terms of each other (where "n" is a number): person** /3 jurisdiction
	+n	The first term preceding the second by "n" terms (where "n" is a number): 20 +5 1080
BUT NOT	%	Documents not containing the term or terms following the % symbol: laminectomy % to(413) Use the % connector with caution; it may cause relevant documents to be excluded from your search result.

Root Expander

To retrieve words with variant endings, use the root expander (!). When you place an exclamation point (!) at the end of a root term, you retrieve all possible endings of that root. For example, **obey!** retrieves *obey*, *obeys*, *obeyed* and *obeying*.

Universal Character

The universal character (*) represents one character. You can place the universal character within or at the end of a term. When you place the universal character within a term, it requires that a character appear in that position. For example, **fea*t** retrieves **feast** but not **feat**.

When you place the universal character at the end of a term, you specify the maximum length of that term. For example, **object***** retrieves *object*, *objects*, *objected*, *objective*, *objection* and *objecting* but not *objectionable*.

Turning Off Plurals and Equivalent

Westlaw automatically retrieves plurals when you enter the singular form of a term. You can turn off plurals of a particular term by placing the # symbol in front of the term. To retrieve *damage* but not *damages*, type **#damage**. Placing the # symbol in front of a term also turns off the automatic retrieval of equivalencies. To retrieve *perm* but not *permanent*, type **#perm**.

To Search Across All Fields

- Enter your search terms into the space provided.

Sample Query: <contributory & negligence>

- Click on the Go button.
- In order to refine your search, try using the tools outlined above.

Sample Query: <contrib! & neg! & alcohol>

- Click on the Go button.
- (Note that using the & sign is the same as selecting “all of these terms” from the drop down menu below the search term field.)

To Search Within a Particular Subject Title


- Type the subject heading that you are interested in into the “Subject Title” field.
- Then fill in the search term field as above.

Sample Query:

- Type <Negligence> into the Subject Title field.
- Type <duty of care> into the search term field.
- Select “this phrase” from the drop down list of search connectors.

➤ **Click on the Go button.**

Natural Language Searches

 Note that it is also possible to choose to perform a natural language search (see toggle button on top right of screen).

In this type of search you can actually type in your question as you would formulate it in speech. “Ask Jeeves” (<http://www.ask.com>) is a well known website that uses this style of search. In the Natural Language Description box, type a description of your issue. The maximum length of your search is 640 characters. For example: **must a manufacturer disclose the side effects of a drug.**

The objective of “natural language” searching is that the user will not have to master the terms and connectors outlined above. While this is true and in some cases you will get the search results you want with a natural language search, the technology that exists today to process natural language requests is far from perfect. It is probably safer, if your search is very important, to stick to the terms and connectors.

Encyclopedias – Sample Workpage

In Print

What titles are relevant to your fact pattern? _____

On-line

What keywords/queries did you use? _____

For Both:

Reading the paragraphs, summarize the statements of law.

What are the leading cases? _____

What are the relevant statutes (if applicable)? _____

Using the CED Supplement, are there any newer cases/statutes in this area of law?

WORDS & PHRASES – 2 pages

