WestlawNext Canada - Transcript

KeyCite Canada Flags, Icons and Treatment Type – Explained

In this video tutorial we will review the definitions of the KeyCite Canada flags and icons and explain the treatment definitions and depth of treatment bars.

WestlawNext Canada provides a visual cue when verifying whether a case, statute, rule or regulation is still good law.

The visual cue is represented by a flag or icon located next to the case or legislative provision that alerts you to the history and citing references which may impact its validity.

Additionally, when viewing the Cases and Decisions Citing References list, you will also see the treatment given by each case.

When viewing a case, you may see one of the following KeyCite Canada flags or icons next to the case name.

- A red flag warns that the case may **not** be good law. It indicates that the decision has been reversed or overruled 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 (be it varied, leave to appeal allowed or reconsideration or rehearing granted) or some negative treatment, but has not been reversed or overruled. A yellow flag is also displayed if a treatment has been recently added but has not yet been editorially analyzed.

- A blue H indicates that the decision has some history (including related proceedings, where applicable), and…

- And a green C indicates that the decision has no history, but that there are treating cases or other citing references to the decision.

- If there is no flag or icon, then there are no citing references in WestlawNext Canada.
When viewing cases, note that the KeyCite flag or icon that has been assigned to the case is displayed next to the case name. While the most negative treatment the case has received and the most recent decision giving this treatment are displayed at the top of the case.

Remember that when KeyCiting a case you should review both the History as well as the Citing References page to get the full picture.

When KeyCiting legislation, the only icon you may see is a green C which indicates that the legislative provision has treating case or other citing references.

In that case, you only need to review its Citing References page.

When reviewing the Citing References list for a case or legislative provision, you may find decisions, secondary sources or both. For decisions that are on the Citing References list, you will see the treatment given by each when citing the case or legislative provision. So, what do these treatments mean?

- **Recently Added** means that the citing case was recently added to WestlawNext Canada. This is a temporary designation to be replaced by editorially assigned treatment, when it becomes available.
- **Followed** means that the principle of the law in the cited case was adopted or the decider’s reasoning was applied.
- **Distinguished** means that the cited case is inapplicable because of differences in facts or law.
- **Not Followed** means that the cited case was expressly overruled or not applied or was judged to be bad law; however, some consideration was given to the cited case.
- **Considered** means that some consideration was given to the cited case, and...
- **Referred To** means that the cited case was only referred to but without any comment.

Additionally, when reviewing the treatments on the Cases and Decisions Citing References page, you will also see the depth of treatment the citing case received from each of the cases listed. The depth of treatment ranges from one to four bars and is based upon the number of times the cited case is mentioned.

- **Four bars** indicate that the case cited is mentioned very frequently.
- **Three bars** indicate that the case is mentioned frequently.
- **Two bars** indicate that the case is mentioned a moderate number of times, and
- **One bar** indicates that the case is mentioned infrequently.
While in WestlawNext Canada you can find these definitions by clicking the **Powered by KeyCite Canada** logo located on the toolbar above any case or legislative provision.

To learn more about KeyCite Canada, please review its Quick Reference Cards and the other tutorials on this topic. This ends your video tutorial on the explanation of KeyCite Canada flags and icons and treatment types in WestlawNext Canada.

For assistance using WestlawNext Canada select the Help link located at the top of any page to access the Customer Learning Centre where you can find other tutorials and quick reference cards or register for a training webinar facilitated by one of our Learning Consultants. You can also select the Live Chat link at the bottom of any page for immediate research support. Additionally, you can call or email our Technical and Research Support teams directly.