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2024-06-06	New Technology and Contract Formation: The Continuing Evolution of the Common Law: South West Terminal Ltd. v Achter Land, 2023 SKKB 116 (CanLII)
2024-06-06	COURT OF APPEAL SUMMARIES (April 29 – May 3): Surridge v. Ross, 2024 ONCA 314 (CanLII)

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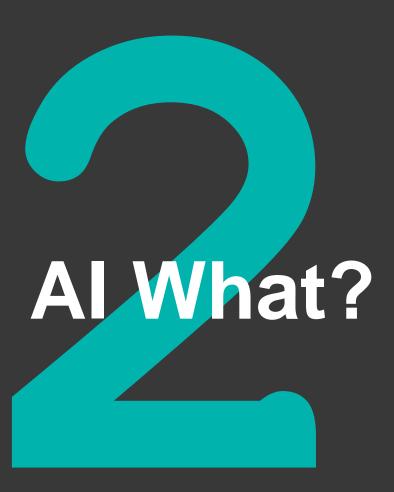
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[...] it is no longer possible to accurately distinguish text written by a human mind from that generated by a highly parallelizable artificial neural network

"Prepare for truly useful large language models." *Nat. Biomed. Eng* 7, 85–86 (2023). https://doi.org/10.1038/s41551-023-01012-6







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Facts

• Nearly a decade ago, the Respondent was injured by a golf ball while passing by the Appellant's golf course. She filed a claim two years after the incident. The case has seen minimal progress over the years due to various delays, including the Appellant's application to dismiss the case for delay, which was initially denied by the Applications Judge (paras 1-3).

Procedural History

• M. Park, The Honourable Applications Judge, January 16, 2024: Denied the application to dismiss the action for delay and issued a Procedure Order to move the case towards trial (para 3).

Parties' Submissions

- Appellant: Argued that the delay in the case was inordinate and unexplained, leading to presumed prejudice. They highlighted the difficulty in defending the claim due to the passage of time and changes in the golf course's ownership and staff (paras 18-23).
- Respondent: Contended that the delay was not inordinate and that the Appellant was not prejudiced. They emphasized the readiness to proceed with the case and provided explanations for the delays, attributing them to mismanagement by former counsel (paras 24-27).

Legal Issues

- Was the delay in prosecuting the case inordinate and unexplained, resulting in significant prejudice to the Appellant? (paras 34-36)
- Is there a compelling reason to not dismiss the Plaintiff's action despite the delay? (para 40)

Disposition

• The appeal is allowed. The Procedural Order is set aside, and the Plaintiff's claim is dismissed (para 52).

Reasons

• Justice E.J. Funk reviewed the Applications Judge's decision and agreed with the analysis up to the final step of the Humphreys framework. The decision to not dismiss the action was reconsidered, emphasizing the significant litigation prejudice faced by the Defendant due to the inability to gather evidence from the time of the incident. The court found no compelling reason to deviate from dismissing the action, despite the sympathetic circumstances involving the Plaintiff's previous counsel's inattention (paras 40-51).





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Where Do We Stand Now?

Roll-Out

- SOFTWARE ARCHITECTURE OPERATIONAL
 - Funded by the Law Foundation of Saskatchewan
- 4 PROVINCES NOW LIVE ON THE CANLII WEBSITE
 - Alberta (123,000 documents)
 - Saskatchewan (63,000 documents)
 - Manitoba (33,000 documents)
 - Prince Edward Island (5,000 documents)
- NATIONAL IMPACT ASSESSMENT SCHEDULED FOR END OF 2024
 - Funded by the Alberta Law Foundation





Nunavut Portion of the Project

- 1,015 HISTORICAL CASE SUMMARIES
- 1,800 CONSOLIDATED LEGISLATION SUMMARIES
 - 900 in English
 - · 900 in French
- 100 CURRENT DOCUMENTS FOR 2024

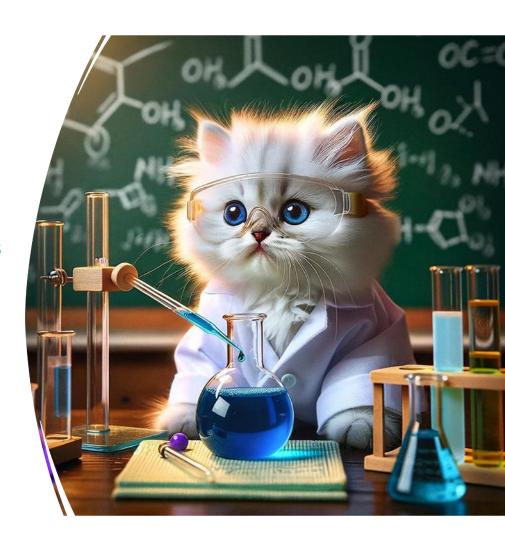






More Coverage

- 3 PROVINCES IN PROGRESS AT THE MOMENT
 - New Brunswick
 - Newfoundland and Labrador
 - Northwest Territories
- FUNDING REQUESTS UNDER CONSIDERATION BY ALL THE OTHERS
- PHASE 2 IN PLANNING
 - Full bilingualism
 - · Federal material





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SHORT SUMMARIES

- 200 words blurbs
- To provide context in search results

MEANINGFULL TITLES

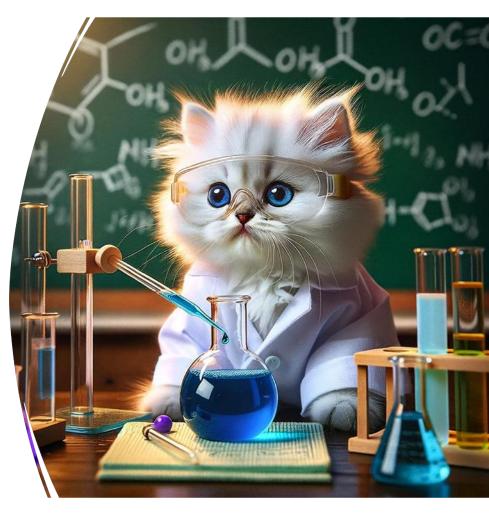
Alternative titles for case law instead of parties' names

CLASSIFICATION

- Grouping into CanLII's 50 fields of law
- · Replacing a legacy Al algorithm

KEYWORDS

- Extracting the most significant words from the document
- · Replacing a legacy Al algorithm





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- LEXUM BLOG
 - Al-powered Case Analysis Added on CanLII for all case law from Alberta,
 Saskatchewan, Manitoba, and Prince Edward Island
 - Lexum Extends its Al Enrichment Services to Legislative Material

Pierre-Paul Lemyre

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