

LEGAL REASONING TOOL

GUIDE TO CANADIAN LEGAL CITATION

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WHY CITE?

Proper citing is important. Legal matters are one way in which society makes difficult decisions and these decisions can have important consequences for individuals and communities. Legal writing is a way of recording how these decisions were made, so that other people can understand them and even revisit and change them in the future. Citations allow others to find the sources that were used so they can consider them on their own and help to clarify which authors are putting forth which ideas or arguments. They also help to show that the writing has been carefully researched and professionally prepared. Careless citation detracts from the overall impression of a case brief, memorandum or factum.

In Canada, legal writing follows rules that are set out in the *Canadian Guide to Uniform Legal Citation*. This reference text is published by the *McGill Law Journal*, which is affiliated with the Faculty of Law at McGill University in Montreal. Commonly referred to as the “*McGill Guide*”, it is revised periodically to ensure that the rules it sets out are up-to-date.

Legal citation is complex. The information in this resource is based entirely on the *Canadian Guide to Uniform Legal Citation*, 7th ed (Toronto: Carswell, 2010). The sections below address some of the most commonly-used of these rules in language that is accessible to secondary students.

In general, there are two different kinds of legal writing. First, there is academic writing, such as scholarly research or textbooks about the law, research reports, professional papers or persuasive essays that deal with matters of law. Second, there are legal documents that are prepared by lawyers and sometimes submitted in the course of researching and making arguments in their cases. The latter part of this resource deals with two examples of these: **memoranda** and **facta**.

PART 1:

GENERAL RULES: FOOTNOTES/ENDNOTES

Footnotes are the citations for the exact page numbers referred to in a source. They go at the bottom of the page on which that source is used.

Endnotes also are citations for the exact page numbers. They are all listed together at the end of a document or a section of a document, just before the bibliography.

NOTE: Either can be used, but not both. Footnotes are preferred.

Before using the specific citation rules, keep these general points in mind:

- Mark footnotes/endnotes in the written text with numbers like these¹ after the punctuation/quotation marks. ²These numbers are called “superscripts”.

¹ This section at the bottom of the page is called the footnotes. When using footnotes, rather than endnotes, this is where the full references for all the sources used on that page should appear.

² Note that the superscript appears after the period in this sentence.

- When citing a source for the first time, provide a complete citation for that work in a footnote/endnote.
- Later references to the same work can be cited using the short forms *ibid* or *supra*. Always *italicize* these and other Latin terms.
- ***Ibid*** - is Latin for “in the same place.” Use *ibid* when referring to the same source listed just before. *Ibid* may be used after *supra*, (See *McGill Guide* at E-11 to E-12) or even another *ibid*. For example:

1. *R v Grant*, 2009 SCC 32, [2009] 2 SCR 353 at para 25 [*Grant*].
2. *Ibid* at para 33.
3. *Ibid* at para 47.

- ***Supra*** - is Latin for “above.” Use *supra* when referring to a source which has already been cited (but not immediately before the current citation). When using *supra*, refer to the original, complete citation, never an *ibid* or another *supra*. In the example below *supra* is used twice, to refer to the sources originally cited in notes 1 and 3:

1. *R v Grant*, 2009 SCC 32, [2009] 2 SCR 353 at para 25 [*Grant*].
2. *Ibid* at para 33.
3. Sanjeev Anand, “A Case for Integration” (1994) 25 CR (5th) 312.
4. *Grant*, *supra* note 1 at para 47.
5. Anand, *supra* note 3 at 313.

- **Use short forms** - It isn’t necessary to repeat information provided in the written text or in a citation.
- If the name of the case being cited is used in the text of the paper, don’t repeat the name in the citation. Just keep the rest of the information.

- When using *supra*, as in the example above, use a short form for the source. Notice how note 4 uses the short form “*Grant*” to refer to the original “*R v Grant*.” In note 5, the short form “Anand” (the author’s last name) has replaced “Sanjeev Anand.”
- The short form for a source (e.g. [*Grant*]) should be written at the end of the original citation in [brackets] (see note 1, in the examples above).
- **Pinpoint citations** - Footnotes and endnotes should identify the precise page or paragraph number referred to from the source. The format for precise citations is shown in notes 1, 2, and 4 in the example at the top of this page. An example of how to show the precise page number is shown in note 5.
- Note that the familiar terms “page” and “p.” are not used to pinpoint a page reference, but “para” is used to indicate a specific paragraph, usually in a legal decision.
- Abbreviate *chapter* to **c.**
- Abbreviate *section* to **s.** and *sections* to **ss.** in the footnotes or endnotes. In the text, write these terms out in full the first time they are used, but use the same abbreviations in all later instances.
- For Quebec codes, abbreviate *article* and *articles* as **art** and **arts**, respectively.
- Do not abbreviate *preamble* or *schedule*.
- When referring to more than one section of a source, separate consecutive sections with a hyphen (1-2-3) and non-consecutive ones with a comma (4,7,9).

SPECIFIC RULES: FOOTNOTES/ENDNOTES

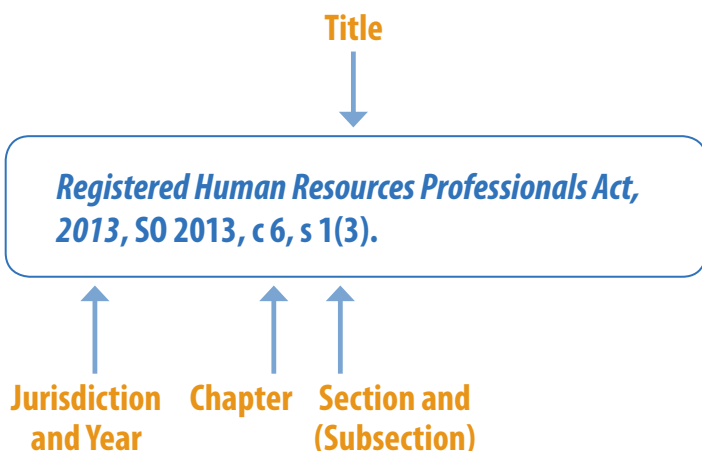
A) STATUTES

A. CITING STATUTES FROM PRINT RESOURCES

“Statutes” means the laws of a region. Examples of Canadian statutes include the *Copyright Act*, *Criminal Code*, *Youth Criminal Justice Act* and *Access to Information Act*. In law libraries and in some public libraries, these laws are available in book form. When using these printed statutes as a source, cite them using the following basic format:

1. The title of the statute in *italics*
2. The jurisdiction (place) and year the law was created (see the appendix for a list of common abbreviations)
3. The chapter (c) number referred to
4. The specific section and subsection (in parentheses).

The following example uses these rules to create a reference to information taken from chapter 6 of the *Registered Human Resources Professionals Act, 2013*, which was published in the 2013 Statutes of Ontario:



Revised Statutes

Periodically, all existing statutes are put into one complete set, called “Revised Statutes”. To cite these revised versions, add “R” before the jurisdiction abbreviations. For example, the Statutes of Ontario were last revised in 1990, the *Statutes of Canada* in 1985. They are cited as:

RSO 1990 - *Revised Statutes of Ontario 1990*

RSC 1995 - *Revised Statutes of Canada 1985*

Example revised statute citations:

Employment Standards Act, **RSO** 1990, c E.14.

Canada Elections Act, **RSC** 1985, c E-2.

B. CITING STATUTES FROM AN ELECTRONIC SOURCE/INTERNET

If accessing statutes from a **government** source like the Ontario Government’s e-Laws website (www.e-laws.gov.on.ca), cite them as usual.

If accessing statutes from a **commercial** service like Quicklaw, cite as usual but add the abbreviation or the full name for the website service in (parentheses) at the end of the citation:

Parental Responsibility Act, SO 2000, c 41, s 15 (**QL**).

CITATION GUIDE

B) LEGAL CODES

CITING CODES

Legal codes have their own abbreviations, and the sections in them are called **articles** (art). Here is a list of the most common codes used, and how they may be cited:

Code Name	Example citation with abbreviation
<i>Civil Code of Quebec</i>	art 1260 CCQ
<i>Civil Code of Quebec (1980)</i>	art 435 CCQ (1980)
<i>Civil Code of Lower Canada</i>	art 1131 CCLC
<i>Code of Civil Procedure</i>	art 477 CCP
<i>Code of Penal Procedure</i>	art 104 CPP

C) CASES/REPORTERS

CITING CASES: RULES

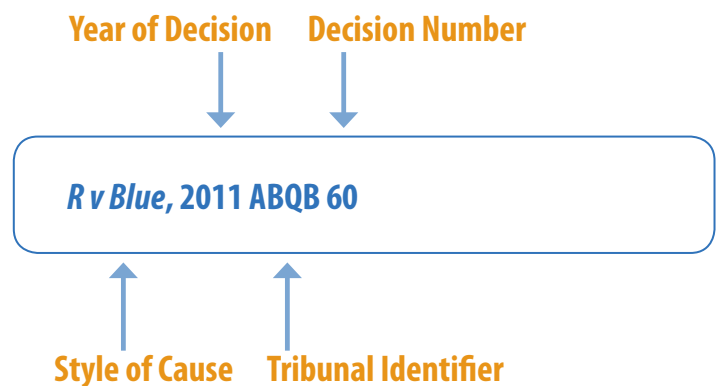
Cases are the facts and arguments that the courts consider in making legal decisions. Cases are frequently cited in legal writing because of common law tradition in Canada, whereby the courts consult cases heard in the past to assist them in making decisions in the present.

NEUTRAL CASE CITATION

When a decision is made for a case, the court assigns it simple referencing information. This information indicates the year of the decision, the court at which the decision was made, and a decision number. Taken together, this information is referred to as the neutral citation, and it serves as a record of that case information separate from the database or reporter in which it is published.

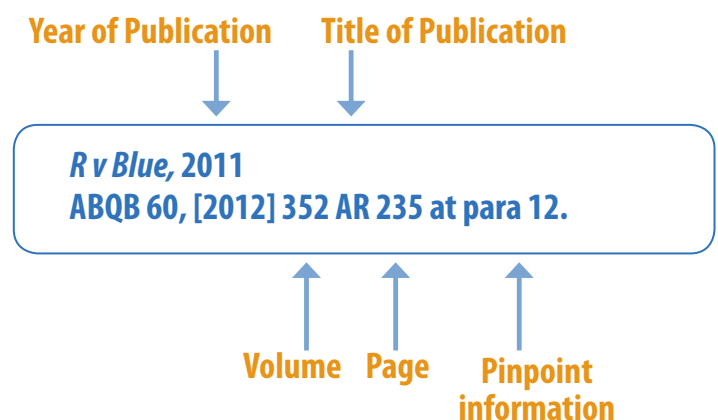
The order of the neutral citation is:

1. The style of cause, in *italics* (who is versus who, with the party initiating the proceedings listed first)
2. The year
3. The tribunal identifier (an abbreviation identifying the court making the decision - see the appendix for a list of Canadian tribunal abbreviations)
4. The decision number given by the court.



PARALLEL CITATION

In Canada, the practice of assigning neutral citations to decisions commenced in 1999. This means that many older cases do not have neutral citations. Also, while the neutral citation clearly identifies the basic elements of the reference, it does not indicate to a reader where the writer located that case. For these reasons, it is necessary to include a second reference to the case which directs the reader to one or more sources in which the case has been published. This is called the **parallel citation**:



Typically, these publications are **court reporters**, which are periodicals containing court decisions. Some examples of the most common of these can be found in the appendix.

Parallel citations might also refer to other kinds of sources such as electronic databases that do the same thing. *Quicklaw* ("QL"), *WestLaw* ("WL") and the Canadian Legal Information Institute ("CanLII") are common electronic databases. While Quicklaw and Westlaw both require paid subscriptions for access, CanLII is a non-profit organization managed by the Federation of Law Societies of Canada. Its resources are free and accessible to the public.

UNREPORTED CASES

Note that not all cases are published in official or even semi-official case reporters. Some may only be available electronically. These "unofficial" reporters should only be included in the citation when no reference to an official or semi-official reporter is available. Finally, some cases may only be available from the court or tribunal that delivered the decision. In these circumstances, cite in the following format:

1. The style of cause, in *italics*
2. Date of decision (in parentheses)
3. Judicial district
4. Docket number
5. Jurisdiction and Court (in parentheses).

Judicial District



Bhatia v Nathan (19 December 2013), Simcoe
4791/002255 (ON ONSC).

Docket number

Jurisdiction and
Court Decision

There are numerous types of tribunals and levels of court in Canada. Some of the most common, and their abbreviated identifiers, may be found in the appendix.

D) PERIODICALS/JOURNALS

GENERAL FORM

Periodicals are publications that are produced at intervals of more than one day, usually by year and sometimes in smaller intervals (e.g. bi-monthly or bi-annually). When citing an article in a periodical, the following general format is used:

Author	"Title"	(year)	volume	abbreviation of journal	page	pinpoint.
John Borrows,	"Creating an Indigenous Legal Community"	(2005)	50	McGill LJ	153	at 155.

EXPLANATIONS

The **title** of an article should be placed in quotation marks. Do not put a comma or period after the title.

The **year** is the year of publication for the journal. Place the year of publication of the journal in parentheses if the journal is organized by volume number. If the journal is organized by year, and not by volume number, then place the year of publication in square brackets (for example, [2005]).

Journal names should be abbreviated in the citation³. For example, the title *Administration Law Review* would be shortened to Admin L Rev.

The **page** is the page number in the journal where the first page of the article cited appears.

A **pinpoint** is used when citing a specific page in an article for a specific purpose (for example, when quoting the author of the article).

³ Cardiff University maintains an excellent index to legal abbreviations, including periodicals. See <http://www.legalabbrevs.cardiff.ac.uk/>

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ONE AUTHOR

If the article has only **one author**, use the name of the author as it appears on the title page of the article. Include all names and initials used, but do not add a space between two initials.

Lynn A Iding, "In a Poor State: The Long Road to Human Rights Protection on the Basis of Social Condition" (2003) 41 Alta LR 513.

HW Arthurs, "The Political Economy of Canadian Legal Education" (1998) 25 LJ & Soc'y 14.

Make sure to include titles such as "The Honourable", "Madam Justice", "Rabbi", or "Lord" if they appear on the title page of the article. There is no need to include the author's degrees or other credentials.

MORE THAN ONE AUTHOR

The following rules are used where an article has been written by more than one author.

TWO AUTHORS

If there are two authors, separate the authors' names with an ampersand (&):

David Welssbrodt & Muria Kruger, "Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights" (2003) 97 AJIL 901.

THREE AUTHORS

If there are three authors, separate the first two authors' names with a comma (,) and place an ampersand (&) before the last author's name:

Susan Wand, James Byron & Daniel Webb, "Ethical Lawyering and Teaching Advocacy" (2001) 46 Policy Rev J 19.

MORE THAN THREE AUTHORS

If there are more than three authors, include only the first author's name, followed by "et al":

Rafael La Porta et al, "Law and Finance" (1998) 106 Journal of Political Economy 1113 at 1152.

To sum up, the order of a periodical citation is:

1. The **author(s)**
2. The **title**
3. The **year** in which the periodical was published
4. The **volume number** of the particular periodical that contains the cited article
5. The **abbreviation of the journal** which you are citing
6. The **page** of the journal on which the first page of cited article begins
7. A **pinpoint**, if referring to a specific page of the article.

E) BOOKS

GENERAL FORM

When citing a book, use the following general format in the footnotes/endnotes:

Author	Title	Edition (if any)	(Place of publication:	publisher,	year of publication)	pinpoint.
Philip Girard,	<i>Bora Laskin: Bringing Law to Life,</i>	2d ed	Toronto	University of Toronto Press for the Osgoode Society for Canadian Legal History	2005)	at 20.

CITATION GUIDE

EXPLANATIONS

The **title** of the book or volume should be indicated in *italics*.

Subtitles of a book should always be introduced by a colon. For example:

Petri Mantysaari, *Comparative Corporate Governance: Shareholders as a Rule-Maker* (New York: Springer, 2005).

Waldo Ansaldi, ed, *Democracy in Latin America: A Boat Adrift* (Buenos Aires: Fondo de Cultura Economica, 2007).

A comma should always be placed before dates included at the end of a title. For example:

WR Cornish & G de M Clark, *Law and Society in England, 1750-1950* (London, UK: Transaction Publishers, 2009).

If the book appears in several **editions**, place the number of the edition (e.g. 8th ed) after the title. Do not superscript (i.e. place in small letters) the **st**, **d** or **th** following the number. For example:

Richard Clayton & Hugh Tomlinson, eds, *Civil Actions Against the Police*, **3d ed** (London, UK: Sweet & Maxwell, 2004).

The **place of publication** should be included as it appears on the title page or the verso (back) of the title page. Use an English form of the name if it exists (e.g. Munich instead of Munchen).

Bruce MacDougall, *Queer Judgements: Homosexuality, Expression, and the Courts of Canada* (Toronto: University of Toronto Press, 2000).

Write the **publisher's name** as it appears on the title page of the book or edition. Do not abbreviate the publisher's name, and do not include "the" if it appears as the first word of the publisher's name. Also, do not include terms that identify corporate status (e.g. Ltd, Inc, or etc).

Martha M Ertman & Joan C Williams, *Rethinking Commodification: Cases and Readings in Law and Culture* (New York: New York University Press, 2005).

The **year of publication** appears on the title page of the book or its verso (back page). For the year of publication, indicate the year of the edition being cited, not of the first edition. Use the most recent copyright date unless the year of publication is given specifically.

Michael Harnes-Garcia, *Fugitive Thought: Prison Movements, Race and the Meaning of Justice* (Minneapolis: University of Minnesota Press, 2004).

If no year of publication is listed, write **[nd]**.

Tomas A Home, *Civil Litigation and the Legal Landscape* (Toronto: University of Toronto Press, [nd]).

Place a **pinpoint** after the publication information if citing a page or paragraph from a book for a specific purpose (e.g. if quoting the author). Do not include a "p" to indicate page number. For example:

Beth Harris, *Defending the Right to a Home: The Power of Anti-Poverty Lawyers* (Aldershot: Ashgate, 2004) **at 45**.

Separate consecutive page or paragraph references by a hyphen (-), and indicate at least the last two digits of the second number at all times. For example:

Morgan Tailor, *Property Law in Context* (Toronto: University of Toronto Press) **at 150-56**.

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Non-consecutive page numbers are separated by a comma (,). For example:

Ruth Garret & Tyler Moore, *Law and Corporate Governance* (Toronto: Carswell) at **45, 56**.

ONE AUTHOR

Where a **single person** authored a book or edition, indicate the author's name as it is presented on the title page of the book. Include all names and initials used, but do not place a space between two initials.

Ellen Anderson, *Judging Bertha Wilson: Law as Large as Life* (Toronto: University of Toronto Press for the Osgoode Society for Canadian Legal History, 2007).

H Patrick Glenn, *Legal Traditions of the World* (Oxford University Press, 2000).

MORE THAN ONE AUTHOR

Include **up to three authors**, separating the first two authors' names with a comma (,) and the last two with an ampersand (&). For example:

Allan Manson, Patrick Healy & Gary J Trotter, *Sentencing and Penal Policy in Canada: Cases, Materials and Commentary* (Toronto: Emond Montgomery, 2000)

If there are **more than three authors**, include only the first author's name followed by **et al.**

Joel Bakan et al, *Canadian Constitutional Law*, 3d ed (Toronto: Edmond Montgomery, 2003).

COLLABORATIONS

For collaborations other than full joint authorship, follow the usage on the title page or its verso (back page) of the book. For example:

Pierre-Gabriel Jobin with the collaboration of Nathalie Vezina, *Baudouin et Jobin: Les obligations*, 6th ed (Cowansville, Que: Yvon Blais, 2005).

EDITOR OF A COLLECTION

Academic or legal books are often collections of works by various writers, but no single author. Instead, such a volume usually has an editor. When citing an edited volume, treat the editor as author, followed by "ed".

HG Beale, ed, *Chitty on Contracts*, 29th ed (London, UK: Sweet & Maxwell, 2004).

When citing an article by an author within an edited volume, and if the author's name is not part of the title of the edited volume, indicate the editor after the edition. Always introduce the name(s) of the editor(s) with **ed by**.

TR Colmes, *History of International Law*, **ed by Ken Clarke** (Toronto: University of Toronto Press, 2001).

Ben Stacey, *Legislative History of Animal Rights Law*, **ed by Jon T Finnighan & Miles Tepper** (New York: Springer, 2004).

If there is a **numbered edition**, note this (e.g. **5th ed by**).

SA De Smith, *Judicial Review of Administrative Action*, **5th ed by Lord Woolf & Jeffrey Jowell** (London, UK: Sweet & Maxwell, 1995).

To sum up, the order of a book citation is:

1. The **author(s)**
2. The **title** (of the book or article within the book)
3. The **place of publication**
4. The **name of the publisher**
5. The **year of publication**
6. A **pinpoint**, if referring to a specific page of the book or edited compilation.

Note that when citing an article contained in an edited compilation, indicate the editor of the compilation using the above noted rules. Also pay attention to whether the compilation is part of a series of editions and make note of it in the citation according to these rules.

F) MAGAZINES

When writing an essay or legal document, it may be necessary to refer to a magazine article. As for cases, statutes, periodicals and books, proper citation of magazines is extremely important and will allow the reader to quickly find the article if she or he ever needs to reference it.

GENERAL FORMAT

When citing an article from a magazine, the following general format is used:

Author, (if available)	"article title",	magazine title	volume number: issue number:	(date)	first page of article,	pinpoint,	electronic source (if applicable).
	"Mugabue's Self Defeated Foes",	<i>The Economist</i>	377: 8453	(19 November 2005)	66,	at 4.	
Luiza Savage,	"Judges Are like Umpires",	<i>Macleans</i>		(26 September 2005)	36,		online Macleans.ca < http://www.macleans.ca >.
Benjamin Phelan,	"Buried Truths",	<i>Harper's magazine</i>	309: 1855	(December 2004)	70,		

EXPLANATIONS

Include the **name of the author** of the article (if applicable) followed by the **title of the article** in quotation marks.

The **name of the magazine** should always be *listed in italics*.

Include the **volume number** and **issue number**, separate by a colon. There should be no spaces between the numbers and the colon.

Insert the **full date of publication** in parentheses. If the date is a time-span, rather than a precise date, indicate the first day of coverage (e.g. 22 November, not 22-28 November).

G) NEWSPAPERS

GENERAL FORMAT

Citation of newspaper articles is similar to citation of magazine articles. When citing newspaper articles, use the following general format:

Author,	"title of article",	newspaper	(date)	page	electronic source (if applicable).
Naomi Wolf,	"Take the shame out of rape",	<i>The Guardian</i>	(25 November 2005)		online Guardian Unlimited < http://guardian.co.uk >.
	"Ottawa eyes six candidates in search of new Supreme Court judge",	<i>Canadian Press</i>	(17 October 2005)		QL).
	"Ruling on baby with three mothers",	<i>BBC News</i>	(10 November 2005)		
Bill Curry,	"PM Premiers work out deal on aboriginal rights",	<i>The Globe and Mail</i>	(26 November 2005)	A4.	
Karen Montheith,	"CIPQ contemplating changes – Extensions of time in examinations		(30 September 2009)		online Canadian Trademark < http://www.trademarkblog.ca >.

EXPLANATIONS

Provide the **name of the author** (if available) followed by the **title of the article** in quotation marks.

Provide the **name of the newspaper** in *italics*.

If geographic information is required to identify the newspaper source, indicate the city within square brackets in the title (e.g. *Business Times [of Singapore]* or *The [Montreal] Gazette*).

If **pages of the newspaper** are numbered by section, provide the section's identifier (e.g. **A4**).

If the article is contained in a single page, do not repeat that page for the pinpoint.

H) ELECTRONIC SOURCES

There are some specific rules that apply when citing electronic sources. Some common types of electronic sources might include:

- 1. Electronic Services:** These are articles that may be found on electronic legal databases, such as LexisNexis and Quick Law.
- 2. Online Journals (e-Journals):** These are complete journals that are available online.
- 3. Websites:** For articles or references that are found on websites.

ELECTRONIC SERVICES

When citing a periodical, book, magazine or newspaper accessed through an electronic service such as LexisNexis or Quicklaw, provide the full citation of the source (described in the pages before) followed by the abbreviation of the electronic service in parentheses.

TRADITIONAL CITATION

Traditional citation,	(electronic service and database)
Kristin Savell, "Human Rights in the Age of Technology: Can Law Reign In the Medical Juggernaut?" (2001) 23 Sydney L Rev 423	(Lexis).
Alan D Gold, <i>Expert Evidence in Criminal Law: The Scientific Approach</i> (Toronto: Irwin Law, 2003)	(QL).

If a publisher is not listed, or if the text is not published anywhere other than in the electronic service, then cite the electronic service as the publisher. For example:

Jeffrey Kennedy, *Conspiracies and the Criminal Law* (Kingston, Ont: **QL**, 2001).

ONLINE JOURNALS

When citing an article from a journal accessed via the internet the following general format is used:

Traditional citation,	online:	(year)	volume: issue	journal	article number	pinpoint	<URL>.
Grant Yang, "Stop the Abuse of Gmail!",	online:	(2005)		Duke L & Tech Rev	14	at para 5	< http://www.law.duke.edu/journals >.
Kahikino Noa "Racial Classification or Cultural Identification?",	online:	(2005)	6:1	Asian Pac L & Pol'y J	5		< http://www.law.hawaii.edu >.

WEBSITES

Occasionally, some reference materials may be available exclusively on a commercial or organizational website.

When citing a source on a website, provide the full traditional citation, followed by a comma. Add **online:** and the name of the website, followed by the URL address. For example:

Traditional citation,	online:	name of website	<URL>.
Henry Samuel, "March for girl set alight after Marriage refusal" <i>The Daily Telegraph</i> (28 November 2005),	online:	The Telegraph Group	< http://www.telegraph.co.uk >.
Theodore de Bruyn, A Plan of Action for Canada to Reduce HIV/AIDS-related stigma and discrimination,	online:	Canadian HIV/AIDS Legal Network	< http://aidslaw.ca >.

Write the URL of the home page of the website. If the specific page is not likely to move or would be too hard to find from the home page, write the URL of the page (e.g. a PDF file).

WHERE AUTHOR'S NAME NOT FOUND

Some websites might not include the name(s) of authors for written work. In these cases, use judgment and include basic, critical information in place of the traditional citation. For example:

Traditional citation,	online:	name of website	<URL>
EPA Science and Technology, Tiny new technology to clean up big pollution problems,	online:	US Environmental Protection Agency	< http://www.epa.gov >.

PART 2: GENERAL RULES: BIBLIOGRAPHY

A **bibliography** is a list of all of the sources (e.g. periodicals, books, electronic sources, and so on) that were used in writing a paper or other academic and/or legal document. The purpose of a bibliography is to give credit to other authors whose work was consulted and to allow the reader (for example, the public, other lawyers, or judges) to easily find these source(s). It always appears at the end of the document.

GENERAL FORMAT

When citing a source using the *McGill Guide*, divide the bibliography and tables of authorities of legal texts into the following sections:

- 1. Legislation:** This includes all Acts or "statutes" referred to
- 2. Jurisprudence:** The cases, or legal decisions, of judges.
- 3. Secondary Materials:** This section will include all journals, books, magazines, websites, etc. that were used.
- 4. Other Materials:** If applicable, this section will include all sources that do not easily fit into the above three types of source, such as monographs.

Within each section, always list each of the entries in **alphabetical order**. Be sure to sort **legislation** by title, **jurisprudence** by style of cause (i.e., the case name), and **secondary materials** by the last name of the author.

AUTHOR'S NAME – FOOTNOTE CITATIONS VS. BIBLIOGRAPHIC REFERENCES

Remember that when you are citing a source in a footnote, the author's first name will appear first, followed by his or her last name. There are no commas between these names but there is a comma following the author's name before the title of the source. For example:

John Borrows, On the Law of Contracts
(Toronto: Irwin Law, 2005).

Unlike footnotes, when you are producing a reference for your bibliography, the author's last name will appear first. Both names are separated by a comma and a period will follow the author's name **before** the title of the source. Using the above example, a bibliographic reference of that source would look like:

Borrows, John. On the Law of Contracts
(Toronto: Irwin Law, 2005).

If there is more than one author for a bibliographic reference, write the first name before the last name for every author except for the first one. For example

Baudoin, Jean-Louis & Pierre-Gabriel Jobin. Legal Theory (Toronto: University of Toronto Press, 2009).

HANGING INDENT

When making your bibliography, include a **hanging indent** of ¼ inch or 0.63 cm before each citation. Include this indent in all lines except for the first one. For example:

Macklem, Patrick. *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001).

EXAMPLE OF GENERAL FORMAT

LEGISLATION

Anti-terrorism Act, SC 2001, c.41.

Aggregate Resources Act, RSO 1990, c.A-6.

Tobacco Products Control Act, RSC 1985 (4th Supp), c.14.

JURISPRUDENCE

Delgamuukw v British Columbia, [1997] 3 SCR 1010, 153 DLR (4th) 193.

Letourneau c Lafleche Auto Ltee, [1986] RJQ 1956 (Sup Ct).

Nova Scotia (Workers' Compensation Board) v Martin, 2003 SCC 54, [2003] 2 SCR 504.

SECONDARY MATERIAL: MONOGRAPHS

Macklem, Patrick. *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001).

Nadeau, Alain-Robert. *Vie privée et droits fondamentaux* (Cowansville, Que: Yvon Blais, 2000).

Smith, Graham JH. *Internet Law and Regulation*, 3d ed (London, UK: Sweet & Maxwell, 2002).

Tan, Cheng Han. *Matrimonial Law in Singapore and Malaysia* (Singapore: Butterworths Asia, 1994).

SECONDARY MATERIALS: ARTICLES

Borrows, John. "With or Without You: First Nations Law (in Canada)" (1996) 41 McGill LJ 629.

Borrows, John. "Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government" in

Michael Asch, ed, *Aboriginal Treaty Rights in Canada: Essays on Law, Equity, and Respect for Difference* (Vancouver: UBC Press, 1997) 155.

PART 3: GENERAL RULES: IN-TEXT REFERENCES

In legal writing, the standard rule is to use footnotes when referencing sources. However, there are certain types of legal documents in which citations should be included in the body of the text. These types of citations are called **in-text references**.

The types of documents where in-text references should be used are:

1. **Memorandum** (or "Memorandum of Law")
2. **Factum**

Explanations for each of these documents, as well as how to cite within them, are explained below. Note that even when writing a memorandum or a factum, a full bibliography is required at the end of the document. The rules for references in the bibliography of a memorandum or a factum are the same as those described previously in this resource.

MEMORANDUM

A **memorandum**, also referred to as a **memorandum of law**, is a document that summarizes law, facts, potential legal arguments for both sides to the dispute(s), and potential remedies available to the client. The purpose of a memorandum is to sum up the present state of the law related to the facts of a client's legal problem, and to anticipate whether a client's case will be successful or unsuccessful if brought to trial. Legal memoranda are generally internal documents, produced by and for the lawyers in a law office only, to assess whether a client's case may be successful.

REFERRING TO SOURCES IN A MEMORANDUM

When referring to sources in a memorandum, the reference should follow immediately after the sourced text in parentheses. When citing a source for the first

time, the usual rules of footnotes should be used (see above). If a reference is repeated later in the text of the document, include a short form after the citation (see *Hill* example, below. If a reference is not repeated, do not include a short form (see *Robitaille* example, below).

WHEN TO USE A SHORT FORM OF A SOURCE

After the first time a reference is used, use only the short form. A pinpoint reference may also be required, depending on the precise citation (for example, *Hill* at para 195).

USE OF “IBID” AND “SUPRA” IN A MEMORANDUM

As described above, use *ibid* to refer to the immediately preceding reference and use *supra* when a reference has been mentioned before.

GENERAL FORMAT OF MEMORANDUM CITATIONS

Using the rules noted above, the following is the example given in the *McGill Guide* of in-text references used in a factum:

In addition to the requirement of an “actionable wrong” independent of the breach sued upon, punitive damages will only be awarded “where the defendant’s misconduct is so malicious, oppressive, and high-handed that it offends the court’s sense of decency” (*Hill v Church of Scientology of Toronto*, [1995] 2 SCR 1130 at para 196, 186 NR 1 Cory J [*Hill*]). Such behaviour has included defamation (*ibid*), failure to provide medical care (*Robitaille v Vancouver Hockey Club*, [1981] 3 WWR 481, 124 DLR (3d) 228 (BCCA) [*Robitaille*]), and exceptionally abusive behaviour by an insurance company (*Whiten v Pilot Insurance*, 2002 SCC 18, [2002] 1 SCR 595 [*Whiten*]).

Since the primary vehicle of punishment is the criminal law, punitive damages should be scarcely used (*ibid* at para 69). It is also important to

underline that there cannot be joint and several responsibility for punitive damages because they arise from the misconduct of the particular defendant against whom they are awarded (*Hill*, at para 195).

FACTUM

Unlike a memorandum of law, whose purpose is to assess the probability of success of a client’s case, a **factum** is a persuasive legal document. **Facta** (the plural of “factum”) are produced by lawyers when a client’s case is brought to an appellate (i.e. appeal) court. Facta do not generally introduce new facts to the case, but rather contain legal arguments that are meant to persuade the appellate court that the law was correctly (or incorrectly) applied by a lower court to the facts of a particular case.

REFERRING TO SOURCES IN A FACTUM

When referring to sources used in a factum, the complete reference for the source should be written at the end of each paragraph of text. Be sure to **indent** from both margins and use a smaller font size for the reference (see format example below).

USE OF SHORT FORMS IN A FACTUM

The **short form** of a reference should appear in brackets after the first citation. Short forms of sources are to be used in the body of the text of the factum (see format example below).

ORDER OF SOURCES

Organize the references in the order in which they appear in the text of the factum. Start a new line after each reference. Do not use a semicolon (see format example below).

USE OF “SUPRA” AND “IBID” IN A FACTUM

Follow the usual rules for the use of **supra** (described above). Note that each paragraph in a factum is numbered. Instead of referring to a footnote number, the number following the *supra* should indicate the number of the paragraph in the factum in which the source was mentioned for the first time. For example:

Whiten, para 5 at para 195.

Do not use **ibid** in a factum. At the end of a paragraph, include the **pinpoint** references that apply to the whole paragraph. For example:

Whiten v Pilot Insurance, 2002 SCC 18 at paras 69, 101, 110, [2002] 1 SCR 595

6. Since the primary vehicle of punishment is the criminal law, punitive damages should be scarcely used. It is also important to underline that there cannot be joint and several responsibility for punitive damages because they arise from the misconduct of the particular defendant against whom they are awarded.

Whiten, *supra* para 5 at para 69.

Hill, *supra* para 5 at para 195.

GENERAL FORMAT OF FACTUM CITATIONS

Using the rules noted above, the following is the example given in the *McGill Guide* of in-text references used in a factum:

5. In addition to the requirement of an “actionable wrong” independent of the breach sued upon, punitive damages will only be awarded “where the defendant’s misconduct is so malicious, oppressive and high handed that it offends the court’s sense of decency” (*Hill*). Such behaviour has included defamation (*Hill*), failing to provide medical care (*Robitaille*), and exceptionally abusive behaviour by an insurance company (*Whiten*).

Hill v Church of Scientology of Toronto, [1995] 2 SCR 1130 at para 196, 184 NR 1.
Cory J [*Hill*].

Robitaille v Vancouver Hockey Club, [1981] 3 WWR 481, 124 DLR (3d) 228 (BCCA).

Whiten v Pilot Insurance, 2002 SCC 18, [2002] 1 SCR 595 [*Whiten*].

FURTHER REFERENCE

As noted above, the rules explained here represent only a portion of those addressed in the *McGill Guide*. For further reference, consider consulting the *Guide* itself. It is readily available in many public reference libraries (ISBN# 9780779827992).

Alternatively, there are many outstanding and easy-to-follow online sources to help with Canadian legal citation that also follow the rules set out in the *McGill Guide*. Some examples are the legal research and writing pages maintained by:

Queen's University (<http://library.queensu.ca/law/lederman/legalcitation>)

The University of Ottawa (<http://web5.uottawa.ca/www2/rl-lr/eng/legal-citations/legal-citations.html>)

Durham College, School of Justice and Emergency Services (<http://www.durhamcollege.ca/wp-content/uploads/Legal-Citation-for-Legal-Administration.pdf>)

Lloyd Duhaime of Duhaime.org (<http://citations.duhaime.org/LegalCitationGuide.aspx>)

APPENDIX – COMMON ABBREVIATIONS⁴

Common Jurisdictional Abbreviations for Canadian Statutes

Jurisdiction	Abbreviation
Alberta	A
British Colombia	BC
Canada	C
Lower Canada	LC
Manitoba	M
New Brunswick	NB
Newfoundland (Before 21 December	N
Newfoundland (After 21 December 2001)	NL
Northwest Territories	NWT
Nova Scotia	NS
Nunavut	Nu
Ontario	O
Prince Edward Island	PEI
Province of Canada	Prov C
Quebec	Q
Saskatchewan	S
Upper Canada	UC
Yukon	Y

Common Official Court Reporters

Title	Abbreviation
Exchequer Court of Canada Reports	Ex C.R
Federal Court Reports	FC
Canada Supreme Court Reports	SCR

Common Semi-Official Court Reporters

Title	Abbreviation
Alberta Reports	AR
British Colombia Reports	BCR
Manitoba Reports	Man R
New Brunswick Reports	NBR
Nova Scotia Reports	NSR
Northwest Territories Reports	NWTR
Newfoundland and Prince Edward Island	Nfld & PEIR
Ontario Law Reports	OLR
Ontario Reports	OR
Ontario Weekly Notes	OWN
Recueils de jurisprudence du Québec	RJQ
Yukon Reports	YR

⁴ This Appendix presents an abridged version of the *McGill Guide's* Appendix (Section A)

APPENDIX – COMMON ABBREVIATIONS

Commonly-Cited Courts and Tribunals by Jurisdiction

Jurisdiction	Name of court or tribunal	Abbreviation
Canada	Supreme Court of Canada	SCC
	Federal Court	FC
	Federal Court of Appeal	FCA
	Canadian Human Rights Tribunal	CHRT
	Public Service Labour Relations Board	PSSRB
	Immigration and Refugee Board	IRB
	Tax Court of Canada	TCC
Alberta	Court of Appeal	ABCA
	Court of Queen's Bench	ABQB
	Provincial Court	ABPC
British Columbia	Court of Appeal	BCCA
	Supreme Court of British Columbia	BCSC
	Provincial Court of British Columbia	BCPC
	British Columbia Human Rights Tribunal	BCHRT
Manitoba	Court of Appeal	MBCA
	Court of Queen's Bench of Manitoba	MBQB
	Provincial Court of Manitoba	MBPC

APPENDIX – COMMON ABBREVIATIONS

Commonly-Cited Courts and Tribunals by Jurisdiction

Jurisdiction	Name of court or tribunal	Abbreviation
New Brunswick	Court of Appeal of New Brunswick	NBCA
	Court of Queen's Bench of New Brunswick	NBQB
	Provincial Court	NBPC
Newfoundland and Labrador	Supreme Court of Newfoundland and Labrador, Court of Appeal	NFCA
	Supreme Court of Newfoundland and Labrador, Trial Division	NLSCTD
Northwest Territories	Court of Appeal for the Northwest Territories	NWTCA
	Supreme Court of the Northwest Territories	NWTSC
	Territorial Court of the Northwest Territories	NWTTC
Nova Scotia	Nova Scotia Court of Appeal	NSCA
	Supreme Court of Nova Scotia	NSSC
	Supreme Court of Nova Scotia, Family Division	NSSF
	Provincial Court of Nova Scotia	NSPC
Nunavut	Nunavut Court of Justice	NUCJ
	Court of Appeal for Nunavut	NUCA
Ontario	Court of Appeal for Ontario	ONCA
	Ontario Superior Court	ONSC
	Ontario Court of Justice	ONCJ

APPENDIX – COMMON ABBREVIATIONS

Commonly-Cited Courts and Tribunals by Jurisdiction

Jurisdiction	Name of court or tribunal	Abbreviation
Ontario	Workplace Safety and Insurance Board	WSIB
	Workplace Safety and Insurance Appeals Tribunal	ONWSIAT
	Information and Privacy Commissioner, Ontario	ON IPC
	Ontario Human Rights Commission	OHRC
	Human Rights Tribunal of Ontario	HRTO
	Ontario Labour Relations Board	ON LRB
	Labour Arbitration Awards	ON LA
	Ontario Environmental Review Tribunal	ON LRT
	Ontario Rental Housing Tribunal	ORHT
	Ontario Landlord Tenant Board	ON LTB
	Office of the Chief Coroner of Ontario	OCCO
	Ontario Securities Commission	ON SEC
Prince Edward Island	Supreme Court, Appeal Division	PESCAD
	Supreme Court, Trial Division	PESCTD

APPENDIX – COMMON ABBREVIATIONS

Commonly-Cited Courts and Tribunals by Jurisdiction

Jurisdiction	Name of court or tribunal	Abbreviation
Quebec	Court of Appeal of Quebec	QCCA
	Superior Court of Quebec	QCCS
	Court of Quebec	QCCP
	Tribunal des professions du Québec	QCTP
	Conseil de la magistrature du Québec	CMQC
	Commission des relations du travail	QCCRT
Saskatchewan	Court of Appeal for Saskatchewan	SKCA
	Court of Queen's Bench	SKQB
	Provincial Court	SKPC
Yukon	Court of Appeal	YKCA
	Supreme Court of the Yukon Territory	YKSC
	Territorial Court of the Yukon	YKTC
	Small Claims Court	YKSM
	Youth Court	YKYC