Legal Citation: Canadian Guide to Uniform Legal Citation, 8th ed [the McGill Guide]

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29 JANUARY 2016
Most Important sections

- The most useful and valuable sections of the *McGill Guide* are:
  - Chapter 1: General Rules, and
  - The first entry for each topic, “General Form” (several per chapter)

- I find myself “building” my own citations often, for some documents – especially online materials and government documents.
Bibliographies 1

- Separated by topic (LEGISLATION, JURISPRUDENCE, SECONDARY MATERIALS: MONOGRAPHS, SECONDARY MATERIALS: ARTICLES...);
- Two spaces between entries, use a hanging indent;
- Alphabetized:
  - Legislation by title, jurisprudence by style of cause, secondary materials by author’s last name.
  - Even if it leads to inconsistency in referencing an author’s work, cite using the name exactly as it appears on the material you are referencing.
  - Last name first only for the first author in a list, if there is more than one author. If there are more than 3 authors, use et al.
    - Chisholm, Amber & Reid Lodge Title... ;
    - Chisholm, Amber, Reid Lodge & Stevie Nicks Title... ;
    - Chisholm, Amber et al, Title...
- Multiple works by one author: lone author first, then cite the materials with co-authors, alphabetized by the last name of the next author listed;
- **No Periods.** This one is easy to overlook, because copied and pasted citation information invariably has periods that students should remember to remove manually.
Bibliographies 2
Bibliographies 3

Case law


Sheridan v Sanctuary Investments Ltd [1999] BEHRD No 43, 33 CHRR D467, 1999

ConsIBC 3175. [Sheridan]. (QL).


Legislation

Civil Marriage Act, RSC 2005, c. 33.

Criminal Code, RSC 1985, c C-46 ss. 162, 265, 271, 272, 273.

Bill 140, Transgendered Persons Protection Act (amendments to the Human Rights Act), 4th


Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender

identity) 1st Sess, 41st Parl, 2013 (as passed by the House of Commons 16 October

2013).

Human Rights Act, RSNB 2011, c171.

Human Rights Act, RSNS 1009, c. 214.


NB Reg 84-20, Schedule 2(p).

Hansards

House of Commons, Standing Committee on Justice and Human Rights, An Act to amend the


House of Commons, Standing Committee on Justice and Human Rights, An Act to amend the


Ontario, Legislative Assembly, Official Report of Debates (Hansard), 40th Leg, 1st Sess, (10

May 2012).

Ontario, Legislative Assembly, Official Report of Debates (Hansard), 40th Leg, 1st Sess, (13

June 2012).
Footnotes 1

- Use numbers, and use the same font (but smaller) as the main body of the paper;
- Separate Multiple citations within one footnote by using a semi-colon; finish footnotes with a period;
- **Ibid** (*Ibidem*) - “in the same place” - refers the reader to the source(s) cited in the footnote immediately before it:
  - Can be used after another *Ibid* after a *supra*, or after a full citation;
  - Use *Ibid* at 75 to indicate the cited passage is in the immediately preceding source at paragraph 75;
  - Without a pinpoint, *Ibid* indicates the same pinpoint used in the previous footnote;
- **supra** -- “above” – uses a short form of the source title and refers back to an earlier citation to save from rewriting full citation every time a source is used:
  - *Jobidon*, supra note 8 at 15.
  - *Supra* note 1 at 58 – for citations when the source is identified in the main text; no need to repeat it in the footnote.
- **Infra** -- “below” - similar to *supra* but refers to a footnote which comes later. Rarely used, and not recommended.
Footnotes 2

29 WPATH Standards of Care, 2012 supra note 12 at 18-19.
31 Speck et al., Pediatrics, 2012 supra note 9 at 419. “For boys, Tanner stage 2 is defined as testicular growth to a volume of more than 4ml. For girls, Tanner stage 2 is defined as the start of breast development, with palpable buds and enlargement of the areolae. In both sexes, there should be a measurable production of gonadal sex steroid” (Etner et al., Transgender Medicine, 2001 supra note 9 at 85).
32 Speck et al., Pediatrics, 2012 supra note 9 at 423.

24 WPATH Standards of Care, 2012 supra note 12 at 17.
25 Gibson and Caitlin, Urologic Nursing, 2012 supra note 31; WPATH Standards of Care, 2012 supra note 12 at 18-19; Etner et al., Transgender Medicine, 2007 supra note 9 at 86.
26 Speck et al., Pediatrics, 2012 supra note 9 at 419.
27 Ibid.
29 Ibid.

30 Supra – refers the reader to the full citation in footnote 9
31 Ibid – referring to the same source as footnote 43

32 Ibid; WPATH Standards of Care, 2012 supra note 12 at 19.
33 Speck et al. (Pediatrics, 2012 supra note 9 at 419. Etner et al., Transgender Medicine, 2007 supra note 9 at 86.
34 Ibid; WPATH Standards of Care, 2012 supra note 12 at 11. All 70 children went on to access HRT and gender confirming surgeries.
35 WPATH Standards of Care, 2012 supra note 12 at 19; Etner et al., Transgender Medicine, 2007 supra note 9 at 86.
36 Ibid.

37 Ibid.
38 Gibson and Caitlin, Urologic Nursing, 2012 supra note 31 at 56; Istar Lev, Transgender Emergence, 2004 supra note 13 at 342.

39 WPATH Standards of Care, 2012 supra note 12 at 18-19.
40 Speck et al., Pediatrics, 2012 supra note 9 at 419. Etner et al., Transgender Medicine, 2007 supra note 9 at 86.
41 Ibid; WPATH Standards of Care, 2012 supra note 12 at 11. All 70 children went on to access HRT and gender confirming surgeries.
42 WPATH Standards of Care, 2012 supra note 12 at 19; Etner et al., Transgender Medicine, 2007 supra note 9 at 86.
43 Ibid.
44 Ibid.
45 Ibid.
46 Gibson and Caitlin, Urologic Nursing, 2012 supra note 31 at 56; Istar Lev, Transgender Emergence, 2004 supra note 13 at 342.
Pinpoints

- **Books, articles, etc:** “at 34” or “at 34–64” (no “page” or “p.”);
- **Legislation:** “s 34(10)(b)” or “ss 34–64”;
- **Jurisprudence:** “at para 34” or “at paras 34–64” - cite paragraphs, not pages, because the paragraphs are consistent across all reporters and databases;
- Non-consecutive pages or paragraphs: “34, 54, 64”;
- Consecutive pages or paragraphs: “34–64” - note that you use an en dash (–), *not a hyphen (-) or an em dash (—)*;
- If the source includes dashes in the numeration system, use something less confusing such as “to” - “34.1-1 to 34.1-8”;
- Do not abbreviate words which indicate portions of the text such as Appendix, Preamble, Schedule, Provision etc.
Abbreviations also follow convention, and there are appendices in the Guide dealing with them

- Provinces: Appendix A-1 (Differs based on the material you are citing)
- US States: Appendix A-2
- Other jurisdictions: Appendices A-3 to A-5
- Courts and Tribunals: Appendix B
- Law Reporters: Appendix C
- Online Databases: Appendix E
- Law Journals: Appendix D
- Non-law journals: E-121
Legislation (Guide Chapter 2)
Statutes:

- Title, Statute Volume and Jurisdiction Year, Chapter, (Session or supplement) Section Pinpoint.
  - Personal Information Protection and Electronic Documents Act, SC 2000, c 5.
  - Criminal Code, RSC 1985, c C-46, s 319.

Federal bills:

- Bill Number, Title, Session, Legislature, Year, Clause Pinpoint.

Provincial bills:

- Bill Number, Title, Session, Legislature, Provincial Jurisdiction, Year, Clause Pinpoint.
Differ by jurisdiction. Consult the Guide for specific provinces.

- Federal regulations (revised): *Title*, CRC, chapter, pinpoint (year) (if applicable).
- Federal regulations (unrevised): *Title* (optional), SOR/year-regulation number, pinpoint.
- New Brunswick regulations: Jurisdiction Reg year-number, pinpoint.
  - NB Reg 84-20, Schedule 2(p).
Legislation 3

- Civil Marriage Act, RSC 2005, c. 33.
- Family Services Act, SNB 1980, c F-2.2, s 2 (CanLII).
- Medical Consent of Minors Act, SNB 2002, c M-6.1 (CanLII).
- NB Reg 84-20, Schedule 2(p).
- Vital Statistics Act, RSNB 1979, c V-3 s 34(1)-(4).
Notes on legislation:

- To cite the chapter, put a c followed by the exact chapter number as shown on the statute, including dashes, alphanumeric, and other characters.

- If citing legislation at a particular point in time, include “as it appeared on [day (optional) month year]”
  
  - Family Services Act, SNB 1980, c F-2.2, s 2 as it appeared on May 2001 (CanLII).

- The Charter is not an independent constitutional document, and so footnotes and references to it should instead refer to Part 1 of the Constitution Act 1982. A reference to s. 8 of the Charter would look like this:

Jurisprudence (Guide Chapter 3)
Jurisprudence

General form:

- **Style of Cause** *(Year of Decision if not otherwise indicated)*, Neutral Citation at Pinpoint, [Year of Reporter] Volume reporter *(Series)* (if applicable) Page, Parallel Citation *(Court if not otherwise indicated)* (database) [short form] (if applicable).

- *R v Zhao*, 2013 ONCA 293, 297 CCC (3d) 533, 305 OAC 290 [Zhao] (CanLII).
Jurisprudence 2 – Style of Cause

- The case name – usually the last names of the parties involved.
  - Use last names only - no first names or middle initials. If there are multiple people on one side, only list the first name.

- French cases use c instead of v. Even when the case is being discussed in or translated into English;

- Remember - no periods used for abbreviations or initials;

- Always include the “Co” “Corp” “Inc” “Ltd” “LLP” when one of the parties is a corporate entity or partnership. Include which part of the government is involved if a province, country, or municipality is a party to the action - eg Andrews v Alberta (AG) or Lodge v Fredericton (City of).
Always include the neutral citations **first** after the style of cause whenever available. Supreme Court cases since the early 2000s always have a neutral citation. Formulated as:

- year Court Level decision number.
- 2012 SCC 45 → this was the 45\textsuperscript{th} case heard by the Supreme Court in 2012.

This is a standardized citation format that gives the basic information/context of the case: year, court level, and decision number.

Parallel citations will give information as to where the case can be found printed or online.
Parallel citations follow the neutral citation and cite case reporters or databases where the case can be found.

Separate parallel citations with a comma.

Place the pinpoint after the neutral citation. If the case does not have a neutral citation, place it after the source you actually consulted. Then include a parallel citation if applicable. These are almost always fully provided at the top of the page in online databases.

- **Style of cause**, neutral citation at pinpoint, parallel citation.

Case reporters divided by year use square brackets, and case reporters divided series use round brackets.

- The Supreme Court Reporter goes by year, with about 3 volumes per year. They then start again at volume one for the next year.
  - **R v Sharpe** [2001] 1 SCR 45 → this is page 45 of the first volume of the 2001 Supreme Court Reports.
- The Dominion law reporters are divided by series.
Style of cause: Canada (AG) v Downtown East Side Sex Workers United Against Violence Society

Neutral citation: 2012 SCC 45
Style of Cause: AC v Manitoba (Director of Child and Family Services)

Neutral citation: 2009 SCC 30
Parallel citation: [2009] 2 SCR 181

Many cases will have multiple parties on one or more side of the action. List only the last name of the first party listed for each side (or as in this case, their anonymized initials).
If the case does not have a neutral citation, and the year and/or level of court is not clear from the law reporter name, be sure to indicate this. For example:

- 50 NBLR 200 --- this is page 200 in the 50th volume of the New Brunswick Law Reports. The end of the citation should then include (QB) or (CA) or the like to indicate whether it is a Queen’s Bench decision or a Court of Appeal one.

- if the reporter indicates the jurisdiction (for example the New Brunswick Reports) then it isn’t necessary to include the jurisdiction, only the level of court. For example (QB) or (CA).
  - Other common court divisions: BCCA, Ont Div Ct, Atla QB etc)

- Place the year in brackets after the style of cause if alternate citations do not include the year.

- **Elliott v Parksville (City) (1990), 66 DLR (4th) 107 (BCCA).**
  - Note that because I cited the Dominion Law Reports and no other parallel citations here, I had to provide the year the case was heard in brackets after the style of cause and the level of court and jurisdiction at the end because the citation for the Dominion Law Reports doesn’t rely on a date.

- There are standardized abbreviations for most law reports and case reporters included in the appendices of the Guide.
Jurisprudence 8 – General Notes

- No superscript. Series numbering should look like this: 2d, 3d, 4th, 5th, and so on.
- Place the comma after the style of cause (which includes the date in brackets if you must include it):
- Cite the online database as the last of your parallel citations provided. The Guide Section 3.1 includes a “hierarchy of databases” which puts neutral citations at the top, print reporters in the middle, and online/other databases at the bottom in terms of “appropriate sources” (see s 3.8 of the Guide). Common legal databases are Quicklaw (QL) and Westlaw (WL Can). Cases are also commonly accessed for free of the Canadian Legal Information Institute (CanLII); there are also LII sites for most other jurisdictions.
- If quoting a specific judge, or if the judge’s name is relevant to your argument, indicate the judge’s name and/or whether the written decision they refer to was a majority, minority, or dissenting opinion - this is especially true for Supreme Court Cases.
- In text, judges are referred to according to convention. General Judiciary: Gollightly J; Court of Appeal Justices: Gollightly JA; Court of Appeal Chief Justices: Gollightly CJA; Supreme Court Chief Justices: Gollightly CJC. If referring to more than one judge, then the plural is JJ: Gollightly and Varjak JJ.
AC v Manitoba (Director of Child and Family Services), 2009 SCC 30, [2009] 2 SCR 181 (QL).


Nixon v Vancouver Rape Relief Society (cob Rape Relief and Women’s Shelter), 2002 BCHRT 1, [2002] BCHRTD No 1(QL).


R v Zhao, 2013 ONCA 293, 297 CCC (3d) 533, 305 OAC 290.


Government Documents (Guide Chapter 4)
Debates:

- Jurisdiction, Legislature, Title, Legislative Session, Volume or Number (Date) at Pinpoint (Speaker).

- If a specific bill or piece of legislation is being debated, begin the citation with the title in quotation marks, a comma, and the reading:
  - “Bill C-8, An Act to Amend the Copyright Act and the Trade-marks Act and to Make Consequential Amendments to Other Acts”, 2d reading, *House of Commons Debates, 41st Parl, 2d sess, No 9* (28 October 2013) at 1504 (Hon Steven Blaney).
Sessional Papers

- Jurisdiction, Legislature, “title of report” by author in Title, number (year) at pinpoint.

Reports published separately

- Jurisdiction, Legislature, Issuing body, Title (date) at pinpoint (Chair: Chair name).
  - House of Commons, Standing Committee on Justice and Human Rights, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity) (20 November 2012) at 1640 (Chair: Dave McKenzie).
Non-Parliamentary papers:

- Jurisdiction, Issuing Body, Title, Volume/date/author (Publication Information) url if online pinpoint.
Government Documents 4

**Articles, Bulletins, short documents**

- **Jurisdiction, Issuing Body, “title”, other information (if applicable) (publication information) at pinpoint.**

**Public Papers of Intergovernmental Conferences**

- **Name of Conference or Committee, Title, document number (location of conference: date of conference).**
Reports of Inquiries and Commissions

- Jurisdiction, Issuing body, Title (publication information) volume (Chair) (if applicable) at pinpoint.

- If reports in a series have different titles, the volume/date information should be placed directly after the title to indicate that they have been published under multiple titles:
Recap

Remember:

• No superscript;
• No periods for abbreviation;
• When indicating a span of pages or section numbers, use the long en dash (–) and neither a hyphen (-) nor an em dash (—). It is longer than a hyphen and shorter than the typical em dash.
International Materials (Guide Chapter 5)
**International Materials 1 - Treaties**

- **Treaty Name, Parties** (if applicable), **Date of Signature**, **Treaty Series Reference at Pinpoint** (Date of Entry into Force and any other information) [short form/treaty series abbreviation if applicable].

Treaty series’ abbreviations can be found on page E-91 of the Guide. For example:
  - Air and Aviation Treaties of the World = AATW
  - Canada Treaty Series = Can TS
  - International Legal Materials = ILM
  - United States Statutes at Large = US Stat

**First Nations Treaties**

- **Title**, **date** (if not in title), **online**: <www.aadnc-aandc.gc.ca/full path> [short form].
UN documents vary widely, and you usually end up having to “build” your own citation by trying to find as much information as possible. A common basic formula is:

- **Author (if applicable),** **Title, UN Body Res or Dec Number, UN Body and OR, Session Number or Calendar Year, Supp Number, UN Doc Number (Calendar Year) First Page and at Pinpoint.**

- The UN Charter can be cited as:
Common words/phrases for UN docs and their abbreviations can be found on page E-92 of the Guide.

- Decision = Dec
- Document = Doc
- Mimeograph = Mimeo
- Plenary = Plen
- Supplement = Supp
- Economic and Social Council = EC
- General Assembly = GA
- Security Council = SC
- United Nations Conference on Trade and Development = UNCTAD

Meetings

- UN Body’s Acronym and OR, session number or number of years since the body’s inception, meeting, UN doc number (and sales number if applicable) (year of document) if applicable at pinpoint [provisional].

  - UNSCOR, 53rd Year, 3849th Mtg, UN Doc S/PV.3849 (1998) [provisional].
Supplements Published in Official Records

- Author (if applicable), Title, UN body Res or Dec number, UN body’s acronym and OR, session number or calendar year, Supp no, UN Doc number (calendar year) 1st page at pinpoint.
Annexes


Periodicals

- Cite periodicals published by the UN the same as you would a journal article, but indicate UN and the body that published the material in parentheses at the end.

World Trade Organization (WTO) and the General Agreement on Tariffs and Trade (GATT) Documents:

- GATT/WTO, *Title, Decision, Recommendation, or Document Number, Session number, BSID (year) first page online information* (if applicable).
Other types of sources to watch out for and consult the Guide if unsure:

- International documents and reports of other international bodies such as the OECD, the European Union, etc.
- International courts such as the International Criminal Court, and the Inter-American Commission on Human Rights.
- Case law from other jurisdictions (such as the UK, Germany, Australia). They all have their own citation conventions and should be cited according to the rules of that jurisdiction.
Secondary Sources (Guide  Chapter 6)
Secondary Sources 1 – Journal articles

General notes

- Authors are last name first in bibliographies (Hogg, Peter,), but first name first in the footnotes (Peter Hogg,).
- Write author names exactly as they appear on the materials, even if it creates inconsistency in citations.

Journal articles:

- Author, “Title of Article” (Year) Volume:Issue abbreviated Journal Title First Page at pinpoint (Database Service, if applicable).
- Year: most journals are organized by volume, so most citations should have the year in rounded brackets following the title. However the year should appear in squared brackets for any journals organized by year rather than by volume.
Law Journal abbreviations

- Appendix D of the McGill Guide gives a list of abbreviated titles of law journals.
- If the title of a specific journal isn’t listed in the guide, they provide a list of abbreviations for common elements at section 6.1.6 (page E-21). Always omit “of” and “the”, and place no space between words which have been abbreviated to a single capital letter (Ex UTLJ and JL Policy & Freedom).

- And = &
- Association = Assoc
- Bulletin = Bull
- Canadian/Canada = Can
- International = Intl
- Law = L
- Legal = Leg
- Journal = J
- Policy = Pol’y
- Review = Rev
- Quarterly = Q
- University = U


Author(s) (as name appears on title page), Title (, ) edition or volume number (Place of publication: Publisher, Year) at pinpoint print/e-book/electronic service.


Halsbury’s Laws of Canada (like an encyclopedia)

- Halsbury’s Laws of Canada, volume, subject matter (publication information) section update (if applicable).

Multiple authors If there is more than one author, list the first three using "&" in place of "and." If there are more than three, list the first author followed by et al.


- Note that in the above example the citation is for a bibliography as the first author only is listed last name first. In a footnote, they would appear as:


For editors, list “ed” after the author name(s).


Essay in a collection or edition

- Author of essay, “Title of essay” in editor, ed, Title of book (publication information) First page of essay pinpoint.


Secondary Sources 8 – Newspapers

- Author, “Title of Article”, Newspaper (Date) Page (Database Service, if applicable) OR online: <URL>.


On links:

- if there is an https:// at the beginning of a url, include it. if it is simply http:// (no “s”), do not include this and simply begin with “www.”. This is true of sources accessed through websites, online news articles, online journal articles etc....
Bibliography entries with their according footnotes