General Rules of Legal Citations

This document is to be used only for additional information, and does not take the place of the Canadian Guide to Uniform Legal Citation.

This document is intended to provide a brief introduction to the general rules of legal citations according to the McGill Law Journal’s (2014) *Canadian Guide to Uniform Legal Citations*, or as it is often known, the *McGill Guide*. For in-depth explanations and examples that are based on the *McGill Guide*, please see the UBC Law Library’s [Legal Citation Guide](http://guides.library.ubc.ca/legalcitation/home). Please remember that the information provided here is a small piece in the bigger picture of legal citation; if you have a question that is not answered within this document, it is your responsibility to consult the *Canadian Guide to Uniform Legal Citation* (8th ed.) or the [Legal Citation Guide](http://guides.library.ubc.ca/legalcitation/home).

While this document addresses some aspects of legal citation, the document itself is not a legal document. Accordingly, whenever possible, this document has been formatted to the APA Style rules. The *McGill Guide* uses bolding to signal key information or an example, and that formatting has been replicated in this text. Please do not copy the bolding in your legal citations.

If you have any questions regarding the contents of this document, please [contact the Writing Centre](http://writeanswers.royalroads.ca).

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General Rules of Legal Citations

 The majority of students at Royal Roads University use the rules of the *Publication Manual of the American Psychological Association* (hereafter referred to as the APA manual) to format in-text citations and references. The APA manual provides information in Appendix 7.1 on how to create references to legal materials; however, because the *American Psychological Association* is an American organization, only American legal materials are addressed in the appendix. Accordingly, authors citing Canadian legislation need to turn to another source for assistance with Canadian legal citations. The McGill Law Journal’s *Canadian Guide to Uniform Legal Citation* (hereafter referred to as the *McGill Guide*), currently in its 8th edition, has set the standard for Canadian legal citations and is a widely-accepted system of referencing (McGill Law Journal, 2014, pp. E-iii–iv).

 The University of British Columbia Law Library maintains an excellent [Legal Citation Guide](http://guides.library.ubc.ca/legalcitation/home), which provides extensive information from the *McGill Guide,* so this document will not attempt to duplicate the information provided in that guide. Students looking for examples of legal citations (e.g., how to cite Parliamentary publications, cases, legislation, or international law sources such as UN documents) should refer to the [Legal Citation Guide](http://guides.library.ubc.ca/legalcitation/home). For all other types of citations (referred to as “secondary sources” and “non-Parliamentary publications in the Legal Citation Guide), students should use the standard [APA Style](http://library.royalroads.ca/writing-centre/citing-resources/apa-style) rules. The Legal Citation Guide does not explain the general rules of legal citation, so this document will provide that information, based on instructions from the *McGill Guide*. The *McGill Guide* uses bolding to signal key information or an example, and that formatting has been replicated in this text. Please do not copy the bolding in your legal citations.

# Bibliographies

 According to the *McGill Guide* (2014), bibliographies and tables of authorities should be broken into “Legislation, Jurisprudence, and Secondary Materials” (p. E-4). However, if you are using a blend of APA Style and *McGill Guide* rules, breaking the references into sections may not be desirable. Please check with your instructor to find out his or her preference; if you have a significant number of legal citations, it may be appropriate to break the references into sections, but the APA Style rules do not require the division. Regardless of whether you are dividing the references or not, the entries for both types of entries should be listed in alphabetical order (American Psychological Association, 2010, p. 181; McGill Law Journal, 2014, p. E-4). Order legislation by title and jurisprudence (e.g., cases) by “style of cause” (McGill Law Journal, 2014, p. E-4). Each entry should have a hanging indent (p. E-4), similar to the formatting expected in APA Style (American Psychological Association, 2010, p. 180). The *McGill Guide* (2014) does not specify the required line-spacing within a bibliography, but the APA Style rules require double-spacing (American Psychological Association, 2010, p. 180), so if you’re combining legal references with other types of references, use double-spacing throughout the references.

# Memorandum and Facta

 In the unlikely event that you are asked to write a legal memorandum or facta during your RRU program, please note that legal citations in these two types of documents are placed parenthetically in the text. See pages E-5 and E-6 in the *McGill Guide* (2014) for more information.

# Footnotes

 One of the key differences in legal citation to the APA Style rules is that legal writing (except for those in a legal memorandum or facta) uses footnotes (McGill Law Society, 2014, p. E-6). There are two types of footnotes: “**Textual footnotes** contain peripheral information that is relevant but would detract from the thrust of the argument if placed in the main text” (p. E-6), whereas “**citation footnotes** indicate the source from which an argument or quotation has been drawn” (p. E-6). The APA Style rules discourage the use of textual footnotes (or “content footnotes” (American Psychological Association, 2010, p. 38)), noting that “an author integrates an article best by presenting important information in the text, not in a footnote” (p. 39). With that in mind, the information that follows relates to citation footnotes only; if you want to use textual/content footnotes in your essay, please check with your instructor to ensure the formatting will be acceptable.

 According to the *McGill Guide* (2014), citation footnotes are required “(1) at the first reference to the source; (2) at every subsequent quotation from the source; and (3) at every subsequent reference or allusion to a particular passage in the source” (p. E-6). When citing legal materials, the first citation to a source should be a full citation; subsequent citations within the document to that source can use a shortened form. See [Prior and Subsequent Citations](#_Prior_and_Subsequent) for information.

## Placement of Footnote

 Use your word processor’s (e.g., Microsoft Word) built in function to insert a footnote. For example:



The word processing program should automatically insert the note number at the cursor, as well as insert a horizontal line in the footer and the corresponding note number. The text in the footer will also be a smaller version of the font you are using within the text[[1]](#footnote-1). If you are using Times New Roman 12-point font in your text, which is the preferred typeface for APA Style (American Psychological Association, 2010, p. 228), Word should automatically format the footnote text to Times New Roman 10-point font.

The *McGill Guide* (2014) provides the following direction on the placement of footnote numbers:

* “At the end of a sentence, after the punctuation”.**1** (p. E-6)
* Place the note number immediately after a cited word**2** (versus a cited phrase or sentence). (p. E-6)
* “When quoting a source, place the footnote number ‘after the quotation marks’**2** and, ‘where applicable, the punctuation’.**3** (p. E-6)

Rather than providing more than one footnote in one point in the text, “combine the supporting citations into one footnote. **Separate different citations in a footnote with a semicolon**, and end the footnote with a period” (p. E-7). See sample footnote below, which can be found on page E-7 of the McGill Guide.[[2]](#footnote-2)

# Prior and Subsequent Citations

 The *McGill Guide* (2014) allows for a shortened form of citation in subsequent footnotes after the first full citation (p. E-9). The shortened citations “refer back to this initial citation” (McGill Law Journal, 2014, p. E-9).

## Short Form: General Rules

* “Do not create a short title if there is no further reference to the source in the work” (McGill Law Journal, 2014, p. E-9).
* “If the title of a source is short (around three words or less), the full title may be used in all subsequent references. . . . If the title of a source is longer, create a short title for subsequent references” (p. E-9).
* “Place the short title in brackets directly after the citation but before any parenthetical information…and case history. …Do not italicize the brackets” (p. E-10).
* “Always italicize the short title for cases or legislation (e.g., ***Charter***). Abbreviations of codes such as **CCQ** are not considered short forms, and thus should not be italicized” (p. E-10).
* “In subsequent footnotes, use the appropriate cross-referencing signals (***supra***, ***ibid***) and, where appropriate, the short title to direct the reader back to the footnote containing the full citation” (p. E-10).

There are examples of full and shortened citations on pages E-9 of the *McGill Guide;* please see below for a few of those examples:

1 *Kadlak v Nunavut (Minister of Sustainable Development)*, 2001 NUCJ 1, [2001] 6 WWR 276 **[Kadlak]**.

2 *Kadlak*, *supra* note 1 at para 15.

7 *R v W (R),* [1992] 2 SCR 122 at para 1, 74 CCC (3d) 134.

10 *R v W (R), supra* note 7 at para 3.

## Short Form: Legislation

* “If a statute has an **official short title**, use only this short title in the initial citation. If the short title is brief, it may also be used in subsequent citations (e.g., ***Museums Act***)” (McGill Law Journal, 2014, p. E-10).
* “If a statute has **no official short title**, or the official short title is too long for subsequent references, create a distinctive short title and indicate it in brackets at the end of the citation” (p. E-10).
* “Well-recognized abbreviations may also be used (e.g., ***CBCA***)” (p. E-10).

There are examples of full and shortened citations on page E-10 of the *McGill Guide;* please see below for a few of those examples:

1 ***Museums Act***, SC 1990, c 3.

2 *Nordion and Theratronics Divestiture Authorization Act*, SC 1990, c 4 [***Nordion Act***].

4 *Charter of the French Language*, CQLR c C-11 [***Bill 101***].
Short Form: Cases

* “Create a short form by choosing **one of the parties’ surnames or a distinctive part of the style of cause** (e.g., ***PPL***). If appropriate, you may use other elements to identify the case” (McGill Law Journal, 2014, p. E-10).
* “To eliminate confusion when there are multiple cases with the same name, use the date of the decision for clarity (e.g., ***Morgentaler*** 1993 [note that the date is in Roman type]) (p. E-10).
* For more information regarding providing [pinpoint references](#_Pinpoints) in shortened citations to cases, please see page E-11 in the McGill Guide.

## *Ibid*

 Authors can use *ibid*, which is “an abbreviation of the Latin word *ibidem*, meaning ‘in the same place’” (McGill Law Journal, 2014, p. E-12), in a citation to refer the reader to “the **immediately preceding reference**” (p. E-12). Please see below for three sample footnotes from page E-12 in the *McGill Guide*; please refer to that page for more examples.

3 *Heustis*, *supra* note 2 at 775.

6 ***Ibid*** at 780–82.

7 ***Ibid***.

## *Supra*

 Meaning “above”, supra can be used with the short form “to refer to the **footnote containing the original, full citation**. Do not use supra to refer to either an ibid or another supra” (McGill Law Journal, 2014, p. E-12). When using supra, authors should “reiterate the pinpoint even if the supra cites to the same passage as the original reference” (p. E-12). Please see below for four sample footnotes from page E-12 in the *McGill Guide*; please refer to that page for more examples.

1 *MacMillan Bloedel Ltd v British Columbia* (AG) (1996), 22 BCLR (3d) 137 at 147, 30 WCB (2d) 446 (CA) [*MacMillan*]; *Towne Cinema Theatres Ltd v R*, [1985] 1 SCR 494 at 501, 18 DLR (4th) 1 [*Towne Cinema*].

2 *MacMillan*, ***supra*** note 1.

58 ***Supra*** note 1 at 140.

59 *Ibid*.

# Pinpoints

 Pinpoints are used in legal citations in the same way that page or paragraph numbers are used in the APA Style rules: to indicate a specific location for information. To format a pinpoint:

* “Separate **non-consecutive pinpoints** by a **comma**, and **consecutive pinpoints** by an **en dash** (–), not a **hyphen** (-)” (McGill Law Journal, 2014, p. E-14).
* “Retain at least the last two digits following the en dash (e.g., 159–160)” (p. E-14).
* If using the en dash would be confusing when presenting a range of pages, use “to” instead of the en dash e.g., “70.1-3 to 70.1-5” (p. E-14).
* “Do not abbreviate unnumbered elements (e.g., **Preamble, Schedule, Appendix, Preliminary Provision**, etc.) in a pinpoint” (p. E-14).

Please see below for examples on how to cite specific locations within resources from page E-13 in the McGill Guide; please refer to that page for more examples:

* Page:*Ibid* at 512.
* Paragraph:*Ibid* at para 6.
* Section:*Ibid*, s 4(1).
* Article (e.g., a section of a statute):*Ibid*, art 1457.
* Footnote:Ibid at 512, n 139.

# Online resources

As with the APA Style rules, the location of the online resource is provided after the primary information of the citation: “Provide the full traditional citation, followed by a comma. Add **online:** followed by the URL enclosed in angle brackets (i.e., < >)” (McGill Law Journal, 2014, p. E-14). The URL should not be an active hyperlink, though Microsoft Word may automatically turn the text into a hyperlink. Should that happen, please remove the hyperlink and ensure that the URL has the correct formatting, including the opening and closing angle brackets. Provide the pinpoint before the URL (p. E-14), and “where appropriate, pinpoint to elements other than page numbers” (p. E-14). For example, “if provided, include the paragraph number in the pinpoint. When the printed pagination is reproduced in the electronic source, refer to this page numbering” (p. E-15). Also, “cite the full URL of the source, but exclude the http:// protocol. Include the protocol if it is anything else (for example https://)” (p. E-15). Finally, “add any additional information necessary to situate the reader vis-à-vis the website before the URL (e.g., **Immigration and Refugee Board, Competition Tribunal**)” (p. E-15). Please see below for two sample footnotes from page E-15 in the *McGill Guide*; please refer to that page for more examples.

1 *Ardavani v Minister of Citizenship and Immigration* (30 May 2005), VA4-01907, online: Immigration and Refugee Board <www.canlii.org/en/ca/irb/doc/2005/2005canlii56963/2005canlii56963.html>.

2 *The Commissioner of Competition v Canfor Corporation* (30 March 2004, CT-2004-002, online: Competition Tribunal <www.ct-tc.gc.ca/CMFiles/CT-2004-002­\_001b\_38LMA-427200403987.pdf>.

# Secondary sources

 Similarly to the APA Style rules, the *McGill Guide* encourages authors to consult original works, versus relying on [secondary sources](http://writeanswers.royalroads.ca/a.php?qid=601329) where an author discusses information originally presented or published elsewhere. However, should the original source be unobtainable, “provide as much information on the original work as possible, followed by **cited in** and the citation to the citing source” (McGill Law Journal, 2014, p. E-16). If the primary information is only available in archives, “provide a complete citation to the original work, followed by **reprinted in** and the citation to the citing source” (p. E-16). See below for an example from page E-16 in the McGill Guide:

1 George R to Governor Arthur Phillip, Royal Instruction, 25 April 1787 (27 Geo III), **reprinted in** Historical Documents of New South Wales, vol 1, part 2 (Sydney: Government Printer, 1892–1901) 67.
RRU students should note that while the above example demonstrates the use of “reprinted in”, the type of document referenced in the citation would normally fall under the categories covered by the APA Style rules. The example is provided here as an illustration of how to format a citation to a secondary source using the *McGill Guide* rules.

 If the secondary source is “more eminent or trustworthy” (McGill Law Journal, 2014, p. E-16) than the original source, “include the citation to the citing source, followed by **citing** and the citation to the original source” (p. E-16). Please see below for an example of this type of citation from page E-16 in the *McGill Guide*:

1 *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 at para 38, [20090 1 SCR 339, **citing** Pierre-André Côté, Interprétation des lois, 3rd ed (Cowansville, Que: Yvon Blais, 1999) at 91, n 123.

# Conclusion

 This document provides a brief introduction to the general rules of legal citation. For more detailed information, explanations, and examples, please see the McGill Law Journal’s *Canadian Guide to Uniform Legal Citation* (8th ed.). For in-depth explanations and examples of citations to Parliamentary publications, cases, legislation, or international law sources such as UN documents, please see the UBC Law Library’s [Legal Citation Guide](http://guides.library.ubc.ca/legalcitation/home).

References

American Psychological Association. (2010). Publication manual of the American Psychological Association (6th ed.). Washington, DC: Author.

McGill Law Journal. (2014). *Canadian guide to uniform legal citation* (8th ed.). Toronto, Canada: Carswell.

1. Like this. [↑](#footnote-ref-1)
2. Martin Loughlin, “The Functionalist Style in Public Law” (2005) 55 UTLJ361; Martin Loughlin, *Public Law and Political Theory* (Oxford: Clarendon Press, 1992). [↑](#footnote-ref-2)