A HEADING

1. 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*). Here's another citation to *Robitaille* with a pinpoint (the first didn't have one) (*Robitaille*).

> *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 at para 23, 124 DLR (3d) 228 (BCCA) [*Robitaille*].
> *Whiten v Pilot Insurance*, 2002 SCC 18, [2002] SCR 295 [*Whiten*].

2. Since the primary vehicle of punishment is the criminal law, punitive damages should be scarcely used (*Whiten*). 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 1 at para 69.
> *Hill*, *supra* para 1 at para 195.

SINGLE-USE CITATIONS

Never used elsewhere

3. There is no need to report a short-form when a citation is never used elsewhere.

R v Jordan, 2016 SCC 27.

Use within the text is considered a use elsewhere

4. But, if the citation is used even inline within the paragraph, (*Marakah*) the short form is necessary in the paragraph note.

R v Marakah, 2017 SCC 59 [*Marakah*].

ANOTHER HEADING

A subheading

5. Here, I cite to several pinpoints inline. Those pinpoints should be collected and then reported together in the paragraph notes below. Here's the first pinpoint (*Hill*). Here's the second pinpoint (*Hill*). Here's the final pinpoint (*Hill*).

Hill, *supra* para 1 at paras 5, 20, 80.

Another subheading

6. I should also be able to cite books (*Haack*). Paragraph notes must appear in the order that their citations appeared inline in the paragraph. (*Whiten*) (*Robitaille*) (*Hill*)

> Susan Haack, *Defending science-within reason: Between scientism and cynicism* (New York: Prometheus Books, 2003) at 32–34 [*Haack*].
> *Whiten*, *supra* para 1.
> *Robitaille*, *supra* para 1.
> *Hill*, *supra* para 1.

Re: the previous subheading

7. The citation to *Hill* sits alone on a newline, but should not be treated as a standalone paragraph note. It is an inline citation tied to the final sentence of that paragraph.

Using brackets without a reference

8. Brackets like this "[" should also be able to be used [. . .] as in standard writing. They don't always imply a reference.

Block quotations

9. This next bit should be a block quotation. It should have a larger left margin and a larger right margin than standard paragraphs. Here is an example:

> (4) that the accused took, in a manner proportional to his or her participation in the commission of the planned offence, reasonable steps in the circumstances either to neutralize or otherwise cancel out the effects of his or her participation or to prevent the commission of the offence.

Lists

10. This is a significant substantive change to the defence. The analysis in Canadian cases until now has turned on whether there was timely and unequivocal communication of abandonment:

- *R v Bird*, 2009 ABCA 45, rev'd in *Bird*, *supra* para 18 — The Supreme Court of Canada affirmed the dissent of Costigan JA, who held that a female accused who had helped lure the victim and her friend to a golf course, where the victim was sexually assaulted and killed, did not meet the requirements for abandonment. Her communication to the principal that she was taking the victim's friend to the car because she "doesn't need to see this" was insufficient evidence of either a change of intention or

timely and unequivocal communication.

- *R v Ball*, 2011 BCCA 11 — In a case involving two accused in a joint assault, Ryan JA ruled that abandonment was not timely because the fatal injury had already occurred.

Itemized lists

11. It is well settled that the interpretation of a defence and whether there is an air of reality to support it being considered by a jury are both questions of law, reviewable on a standard of correctness. In concluding that the defence of abandonment lacked an air of reality and refusing to grant the appellant a new trial, the majority of the Supreme Court of Canada erred in three respects:

I. by adding a new element to the defence of abandonment,

II. by retrospectively applying the new defence to the facts of this case without giving the appellant a chance to address the new requirement; and

III. by incorrectly applying the air-of-reality test to both the old and new elements of the defence.