

Legal citation using a »**McGill**-like« lawcitestyle

13-Nov-2021

DISCLAIMER `lawcite` does not purport to be the official or authorised implementation of any legal citation style (including “McGill”) and no warranty is expressed or implied. Use (and modify) at own risk.

1 Introduction

[1] The `lawcite` BIBLATEX style attempts to automate the typesetting of some components of various legal citation styles by using a single citation command, with a view, further, to being able to switch in and out of styles mid-document, and even to switch components on and off as required in cross-jurisdictional texts.

[2] This release currently implements AGLC-, Indigo-, MLR- and McGill-like style rules, as far as it can, since no legal citation style could ever be fully automated. As part of the design, individual elements of a style are accessible for when needed. Also, a ‘lite’ version is provided for users working in non-legal contexts.

[3] This file is standalone, in the sense that it generates the bibliography file and the style files needed by BIBLATEX.

2 Quick Overview

CASE

Citation	Bibentry fields
<p><code>\lawcite[23]{collins}</code> ↪</p> <p>“and if the manner in which the search was carried out is reasonable”^a</p> <p>^a<i>R v Collins</i>, 1987 CanLII 84 at para 23, [1987] 1 SCR 265, <SCC site>.</p>	<pre>@case{collins, casenumber = {84}, caseyear = {1987}, courtname = {CanLII}, linkname = {SCC site}, mncurl = {https://can- lii.ca/t/1ftnd}, pagination = {atparagraph}, partya = {R}, partyb = {Collins}, reportpage = {265}, reportseries = {SCR}, reportvolume = {1}, reportyear = {1987}, url = {https://decisions.scc- csc.ca/scc-csc/scc- csc/en/item/201/index.do}, volyearneeded = {true}, }</pre>

Citation

Bibentry fields

`\ljcite[276]{kleefeld}` ↪
“typography matters”
– John C Kleefeld, “Book Review - OSCOLA, the Oxford Standard for Citation of Legal Authorities”, (2013) 13 Dalhousie Law Journal 269, p. 276
<2013 CanLIIDocs 760>

```
@ljarticle{kleefeld,  
  author = {John C Kleefeld},  
  journaltitle = {Dalhousie Law  
  Journal},  
  mncname = {CanLIIDocs},  
  mncnumber = {760},  
  mncyear = {2013},  
  pages = {269},  
  shortname = {Kleefeld},  
  title = {Book Review - OSCOLA,  
  the Oxford Standard for Cita-  
  tion of Legal Authorities},  
  url = {https://can-  
  lii.ca/t/t0zv},  
  volume = {13},  
  year = {2013},  
}
```

Citation

Bibentry fields

```
\lawcite[\lcsec{16(1)}}{maanulth}
```

↳

“Judicial notice shall be taken of Maanulth Laws.”

– *Maanulth First Nations Final Agreement Act*, SC 2009, c 18 s 16(1) <CanLII>

```
@statute{maanulth,  
chapter = {18},  
citeref = {canleg},  
linkname = {CanLII},  
svjy = {SC 2009},  
title = {Maanulth First Na-  
tions Final Agreement Act},  
url = {https://can-  
lii.ca/t/l292},  
}
```

[Ex-1] – Canadian style:

McGill ↦

‘...Chief Justice Lamer’s observations in *Residential Tenancies Act (1996)* where he invoked Lord Sankey’s famous admonition in the 1929 “Persons” case (*Edwards v Attorney-General for Canada*, 1929 CanLII 438 (UK JCPC), [1930] AC 134 (PC)) that the Constitution is a “living tree” to be interpreted flexibly...’^a

^aFrom *Reference re Code of Civil Procedure (Que.)*, art. 35, 2021 SCC 27 at para 303 <CanLII>.

produced by:



```
\mkbibquote{\ldots
Chief Justice Lamer’s observations in
\lcshorttitle{rta1996}
where he invoked Lord Sankey’s
famous admonition in the
\lcyear{edwardsa}
\lcnickname{edwardsa} case
\lcinlineparens{edwardsa}
that the Constitution is a
\mkbibquote{living tree}
to be interpreted
flexibly\ldots}\lawcite[From][303]{ccpref}
```

from

```
@case{edwardsa,
casenickname = {Persons},
casenumber = {438 (UK JCPC)},
caseshortname = {Edwards},
caseyear = {1929},
```

```

courtname = {CanLII},
mncurl = {https://www.canlii.org/en/ca/ukjcpc/doc/1929/1929canlii438/1},
note = {PC},
partya = {Edwards},
partyb = {Attorney-General for Canada},
reportpage = {134},
reportseries = {AC},
reportyear = {1930},
}

```

Note:

- the two nested mkbibquotes:
 - an explicit mkbibquote, for the direct quote
 - an implicit one, inside `\lcnickname`
- the case number field contains a note as well
 - `casenumber = {438 (UK JCPC)}`,
- the “PC” in the note field, and “134” in the reportpage field
 - `reportpage = {134 (PC)}`, is also possible
- and that `\lcinlineparens` ignores nesting of brackets for any note, to get `(...(note))` instead of a nested `(...[note])`.

[Ex-2] – lawcite style: fieldset 1
`\lawcite{cole}` \mapsto
Text^a

^a*R v Cole*, 2012 SCC 53, [2013] 3 SCR 34, <CanLII>.

[Ex-3] – ibid: fieldset 2
`\lawcite{cole}` \mapsto
Text^a

^a*Cole*, *supra* note *a*.

[Ex-4] – lawcite style, citeref canleg: fieldset 3
`\lawcite{tcca}` \mapsto
Tax Court of Canada Act, RSC 1985, c T-2

[Ex-5] – lawcite style, citeref canreg: fieldset 4
`\lawcite{fisc}` \mapsto
Fabricated Industrial Steel Components Anti-dumping and Countervailing Duty Remission Order, SOR/2019-297

[Ex-6] – lawcite style, citeref nsreg: fieldset 5
`\lawcite{dfns}` \mapsto
Dairy Farmers of Nova Scotia By-laws, NS Reg 366/2007

[Ex-7] – lawcite style, citeref sorreg: fieldset 6
`\lawcite{bears}` \mapsto
Polar Bear Pass Withdrawal Order, SOR/84-409

[FS-1] Fields for example 2: **cole** –

```
@case{cole,  
  casenumber = {53},  
  caseshortname = {Cole},  
  caseyear = {2012},  
  courtname = {SCC},  
  linkname = {CanLII},  
  mncurl = {https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/12615/i  
  pagination = {atparagraph},  
  partya = {R},  
  partyb = {Cole},  
  reportpage = {34},  
  reportseries = {SCR},  
  reportvolume = {3},  
  reportyear = {2013},  
  url = {https://canlii.ca/t/ft969},  
  volyearneeded = {true},  
}
```


[FS-2] Fields for example 2: **cole** –

```
@case{cole,  
  casenumber = {53},  
  caseshortname = {Cole},  
  caseyear = {2012},  
  courtname = {SCC},  
  linkname = {CanLII},  
  mncurl = {https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/12615/i},  
  pagination = {atparagraph},  
  partya = {R},  
  partyb = {Cole},  
  reportpage = {34},  
  reportseries = {SCR},  
  reportvolume = {3},  
  reportyear = {2013},  
  url = {https://canlii.ca/t/ft969},  
  volyearneeded = {true},  
}
```

[FS-3] Fields for example 4: **tcca** –

```
@statute{tcca,  
chapter = {T-2},  
citeref = {canleg},  
svjy = {RSC 1985},  
title = {Tax Court of Canada Act},  
}
```

[FS-4] Fields for example 5: **fisc** –

```
@statute{fisc,  
citeref = {sorreg},  
regnum = {297},  
title = {Fabricated Industrial Steel Components Anti-dumping  
and Countervailing Duty Remission Order},  
year = {2019},  
}
```

[FS-5] Fields for example 6: **dfns** –

```
@statute{dfns,  
citeref = {nsreg},  
regnum = {366},  
title = {Dairy Farmers of Nova Scotia By-laws},  
year = {2007},  
}
```

The collision took place in the River Thames, a little below Millwall Pier, at about 3.45 A.M., on the 5th of September, 1868. It was a fine moonlight morning, and the tide was about high water, and slack. The *Velocity*, a Steam-vessel of 179 tons, was going down the River on her way to Calais. The *Carbon*, a Screw-steamer of 399 tons, was proceeding up River to London with a cargo of coals. The *Velocity*

Figure 1: The *Velocity*, (1869) 6 Moo PC NS 263, 16 ER 725.

[FS-6] Fields for example 7: **bears** –

```
@statute{bears,
citeref = {sorreg},
regnum = {409},
title = {Polar Bear Pass Withdrawal Order},
year = {84},
}
```

3 Citation Commands

[4] This section describes the citation commands available for use with the @case and @statute bibentry types.

3.1 General

[5] The general, all-purpose, citation command is `\lawcite`.

[6] Initial citation: `\lawcite{hmb}`

Text¹

[7] Subsequent citation: `\lawcite{hmb}`

Text²

¹*H.M.B. Holdings Ltd. V Antigua and Barbuda*, 2021 SCC 44 <CanLII>.

²*H.M.B. Holdings Ltd. Supra* note 1.

[8] If party's name ends with a dot (.), use \@ to tell biblatex that it is an abbreviation dot, otherwise the following party separator will be taken as the first letter of a new sentence and set to upper case. With \@, \lawcite{hmb2}:

Text³

```
@case{hmb2,  
...  
party = {H.M.B. Holdings Ltd.},  
...  
}
```

[9] Post-note: \lawcite[18]{hmb2}:

“the governing case ...calls for a liberal approach to the recognition and enforcement of foreign judgments”⁴

[10] Pre-note: \lawcite[See][wilson]:

Text⁵

[11] Pre-note and post-note: \lawcite[However, cf. “In my view, the purchase of articles in Idaho from a seller located there and their removal to Alberta for resale does not constitute carrying on business in Idaho.” –][13]{wilson}:

Text⁶

[12] Subsequent history of a case: build the history by hand:

³*H.M.B. Holdings Ltd. v Antigua and Barbuda*, 2021 SCC 44 <CanLII>.

⁴*H.M.B. Holdings Ltd.*, *supra* note 3 at para 18.

⁵See *Wilson v Hull* (1995), 1995 ABCA 374 (CanLII), 128 DLR (4th) 403 (Alta, CA).

⁶However, cf. “In my view, the purchase of articles in Idaho from a seller located there and their removal to Alberta for resale does not constitute carrying on business in Idaho.” – *Wilson*, *supra* note 5 at para 13 (Alta, CA).



```
Text\footnote{\lccinline{acme},  
rev'd \lawciteref{acmeca}.}
```

Text⁷

[13] Parallel reports: items are separated by *and*

“The result of the clause is that the effect of the original judgment depends upon the rules on recognition of foreign judgments in force in this Province. I refer to *Re Aero Trades Western Ltd and Ben Hochum & Son Ltd* (1974), 51 DLR (3rd) 617, [1975] 4 WWR 412.”⁸

@case{tdi,

...

parallel = {[1994] 9 WWR 153 and 70 WAC 302 and 95 Man
R (2d) 302 and 28 CPC (3d) 232 and [1994] MJ No 448
(QL) and 50 ACWS (3d) 206},

...

}

“In *Morguard Investments Ltd v Be Savoye* (1990), 1990 CanLII 29 (SCC), [1990] 3 SCR 1077, 76 DLR (4th) 256, 46 CPC (2d) 1, the Supreme Court of Canada broadened the criteria for the recognition and enforcement of foreign judgments. La Forest J., writing for the court, reviewed the nineteenth-century English rules governing the recognition of foreign judgments. He discussed the concept of Canada as a single

⁷*Acme Video Inc v Hedges and Retail Technologies (Video) Inc* (1992), 1992 CanLII 7653 (ON SC), 10 OR (3rd) 503, rev'd 1993 CanLII 8553 (ON CA), 12 OR (3rd) 16.

⁸*Moore v Mercator Enterprises Ltd* (1978), 1978 CanLII 2139 (NS SC) p. 600, 90 DLR (3rd) 590, 31 NSR (2d) 327, 7 CPC 150 (NSTD).

nation, the need to encourage the flow of trade and commerce between the provinces, and the reasons why the existing rules, as they were adopted in Canadian jurisprudence, require broadening for this country. He concluded that the "real and substantial connection" test for the recognition of foreign judgments should govern in Canada. That is, if the events, the parties or the circumstances giving rise to the conflict have a real and substantial connection to the jurisdiction from which a judgment emanates, that judgment should be recognized for enforcement purposes."⁹

[14] Using a different party separator (c for "contre"):

```
@case{calego,
...
partysep = {c},
...
}
```

“À cela s’ajoute le fait que, si le contrat de travail impose à un salarié certaines restrictions à sa liberté d’expression[25], il n’y a pas de raison pour que des restrictions du même ordre ne visent pas également l’employeur.”¹⁰

[15] Citing from a different jurisdiction (US), by changing the citation style mid-document:

Il y a plus d’un siècle, dans *McAuliffe v. Mayor and Board of Aldermen of New Bedford*, 29 NE 517 (1892), le juge Holmes écrivait, p. 517-8 : « There are few employments for hire in which the servant does not agree to suspend his constitutional right of free speech, as well as of idleness, by the implied terms of his contract. »¹¹

←
Indigo

⁹*TDI Hospitality Management Consultants Inc v Browne*, 1994 CanLII 10958 (MB CA) at para 3, 117 DLR (4th) 289, [1994] 9 WWR 153, 70 WAC 302, 95 Man R (2d) 302, 28 CPC (3d) 232, [1994] MJ No 448 (QL), 50 ACWS (3d) 206 (Man CA).

¹⁰*Calego International inc c Commission des droits de la personne et des droits de la jeunesse*, 2013 QCCA 924 at para 115, [2013] RJDT 517.

¹¹*Calego International inc*, *supra* note 10 note 25.

[16] To change the citation style mid-document, use one of the following switches:

- `\lcsetstyleaglc` for AGLC style (a footnote style)
 - Text¹²
- `\lcsetstylemlr` for MLR style (casename inline, caseref in footnote)
 - Text *Donoghue v. Stevenson*¹³
- `\lcsetstylemcgill` for McGill style (a footnote style)
 - Text¹⁴
- `\lcsetstyleindigo` for Indigo style (an inline style)
 - Text *McAuliffe v. Mayor and Board of Aldermen of New Bedford*, 29 NE 517 (1892)

[17] To explicitly override the currently active citation style:

- use `\lcinline` for an inline citation
 - Text *Donoghue v Stevenson*, [1932] AC 562 (HL)
- use `\lcinlineparens` for a parenthetical inline citation
 - Text (*Donoghue v Stevenson*, [1932] AC 562 (HL))
 - * Alternatively, do `(\lcinline{..})`
- use `\lcfoot` for a footnote citation
 - Text¹⁵
 - * Alternatively, do `\footnote{\lcinline{..}}..`
- use `\lawcitehf` for an MLR-style citation

¹²*Donoghue v Stevenson* [1932] AC 562 (HL).

¹³[1932] AC 562 (HL).

¹⁴*Donoghue v Stevenson*, [1932] AC 562 (HL).

¹⁵*Donoghue v Stevenson*, [1932] AC 562.

– Text *Donoghue v Stevenson*¹⁶

[18] Components of a citation can be retrieved individually for use as standalone items. For a given citation “*Donoghue v Stevenson* [1932] AC 562, p. 563 (HL)”: See also para [60].

- `\lawcitetitle` for the casename
 - *Donoghue v Stevenson*
- `\lawciteref` for the caseref
 - [1932] AC 562
- `\lcrefnn` for the caseref without the note
 - [1932] AC 562
- `\lcnote` for the note
 - HL
- `\lcshorttitle` for the short title (shipname, caseshortname, partya)
 - *Donoghue*
- `\lccasesn` for the case shortname (shipname, partya)
 - *Donoghue*
- `\lcyear` for the decision year
 - 1932
- `\lcnickname` for the case nickname
 - ‘snail in the bottle’
- `\lcpostnote` for the postnote
 - p. 563

¹⁶[1932] AC 562 (HL).

- `\lcciteref` for the citeref (for statutes)

—

[19] The bibentry `caseshortname` field is intended as the adhoc, user-assigned, shorthand for a case, e.g., *TDI Hospitality Management Consultants Inc v Browne* could be shortened to *TDI*; while the `casenickname` field is the shorthand as known generally among the profession, e.g., *Edwards v Attorney-General for Canada* is known as the ‘Persons’ case.

[20] One citation (inline) with multiple cases can be done with `\lcinline{clarke,tulk,cbc,vdn}`:

Text Clarke Institute of Psychiatry v Ontario Nurses’ Assn (Adusei Grievance) (2001), 95 LAC (4th) 154, *Tulk v Moxhay*, [1848] 1 H & Tw 105, *Alliance of Canadian Cinema Television and Radio Artists v Canadian Broadcasting Corporation* (1990), 91 CLLC 16, *VDN Cable Inc, on behalf of a corporation to be incorporated, Toronto, Ontario* (January 2005), 2005-1, online: CRTC <www.crtc.gc.ca> [perma.cc/LF5P-5MM3]

The parenthetical and footnote versions can be done the usual way (with `(...)`, and `\footnote{...}`).

[21] One citation with multiple cases, each case with its own prenote and postnote, and a overall prenote and postnote for the whole citation group, can be done with `\lawcitesinline`.

This code:



```
\togglefalse {pinpointaftermnc}
\lawcitesinline (Overall prenote:) (overall post-
note) [654-55] {wismer} [128-29] {mulroney} [189]
{toucheross} [394] {roglass}.
\toggletrue {pinpointaftermnc}
```

produces:

ANONYMOUS.

Æquitas sequitur legem.—Conscience never resisteth the law, nor addeth to it, but only where the law is directly in itself against the law of God, or the law of Reason; for in other things, *Æquitas sequitur legem* (Saint Germaine, fol. 85. 155).

Figure 2: *Anonymous* (1492), Cary 11, 21 ER 6 (B).

Overall prenote: *Re Wismer and Javelin International Ltd* (1982), 1982 CanLII 3132 (ON SC), 136 DLR (3rd) 647 pp. 654–55 (Ont HC), *Re Mulroney and Coates* (1986), 1986 CanLII 2613 (ON SC), 27 DLR (4th) 118 pp. 128–29 (Ont HC), *Touche Ross Ltd v Sorrel Resources Ltd* (1987), 1987 CanLII 2693 (BC SC), 11 BCLR (2nd) 184 p. 189 (SC), *Roglass Consultants Inc v Kennedy, Lock* (1984), 1984 CanLII 421 (BC CA), 65 BCLR 393 p. 394 (CA) overall postnote.

In this case, none of the citations have real MNCs, so `pinpointaftermnc` is toggled to false, so that the pinpoints appear after the law report reference and not after the CanLII “MNC”.

[22] The corresponding footnote version uses `\lawcitesfoot`:

Text¹⁷

[23] With nominate reports and their reprints in the English Reports, set up three bibentries. One bibentry has the casename and will be the ‘parent’ entry (and use the `skipbib` option:

```
@case{salter,  
  casenickname = {sawcy},  
  decisionyear = {1724},
```

¹⁷Overall prenote: *Re Wismer and Javelin International Ltd* (1982), 1982 CanLII 3132 (ON SC), 136 DLR (3rd) 647 pp. 654–55; *Re Mulroney and Coates* (1986), 1986 CanLII 2613 (ON SC), 27 DLR (4th) 118 pp. 128–29; *Touche Ross Ltd v Sorrel Resources Ltd* (1987), 1987 CanLII 2693 (BC SC), 11 BCLR (2nd) 184 p. 189; *Roglass Consultants Inc v Kennedy, Lock* (1984), 1984 CanLII 421 (BC CA), 65 BCLR 393 p. 394 overall postnote.

```

note = {note},
options = {skipbib=true},
partya = {Salter and Bellamy},
}

```

The two child entries will [crossref](#) back to the parent and inherit its fields (the party names), and one of the child entries will use the [skipbib](#) option:

```

@case{salternr,
casenickname = {sawcy},
decisionyear = {1724},
note = {note},
options = {skipbib=true},
partya = {Salter and Bellamy},
reportpage = {5},
reportseries = {Comb},
crossref = {salter},
}

```

and

```

@case{salterer,
casenickname = {sawcy},
decisionyear = {1724},
note = {B},
partya = {Salter and Bellamy},
reportpage = {309},
reportseries = {ER},
reportvolume = {90},
crossref = {salter},
}

```

give (with \lcinlinerr{salter, salternr, salterer}):

‘the corporation dieth not’ – *Salter and Bellamy* (1724),
Comb 5, 90 ER 309 (B)

[24] To follow the current cite style, use `\lawciterr{salter, salternr, buggy salterer}`:

Text^{18, 19 20}

Workaround for footnote styles: use `\footnote{\lcinlinerr{...}}`:
Text²¹

[25] To have an inline citation, use `\lcinlinerr{salter, salternr, salterer}`:

Text *Salter and Bellamy* (1724), Comb 5, 90 ER 309 (B)

[26] To have a footnote, use `\lcfootrr{salter, salternr, salterer}`:

Text²²

[27] Alternatively to the parent-child method, especially when pin-points are needed, two full bibentries with the components of their citations may be used; the casename and caseref from one bibentry, followed by the caseref of the other, with one of the entries having the `skipbib=true` option, so that, with

```
@case{ashnr,  
decisionyear = {1724},  
options = {skipbib=true},  
partya = {Ann Ash},  
partyb = {Lady Ash},  
reportpage = {357},  
reportseries = {Comb},  
}
```

and

¹⁸*Salter and Bellamy* (1724).

¹⁹ Comb 5.

²⁰, 90 ER 309.

²¹*Salter and Bellamy* (1724), Comb 5, 90 ER 309 (B).

²²*Salter and Bellamy* (1724), Comb 5, 90 ER 309 (B).

```
@case{asher,
decisionyear = {1724},
note = {B},
partya = {Ann Ash},
partyb = {Lady Ash},
reportpage = {526},
reportseries = {ER},
reportvolume = {90},
}
```

the combination `\lcinline[358]{ashnr}`, `\lawciteref[526]{asher}`. gives:

Ann Ash v Lady Ash (1724), Comb 357 p. 358, 90 ER 526 p. 526.

[28] A full inline citation can be done with `\lcinlinefull{snail}`:

Text *Donoghue v Stevenson*, [1932] AC 562 (HL)

[29] A full inline citation with no note can be done with `\lcinlinenn{snail}`:

Text *Donoghue v Stevenson*, [1932] AC 562

[30] A full footnote citation can be done with `\lcfootfull{snail}`:

Text²³

4 Statutes and Regulations

4.1 Statutes

[31] Statutes may be cited with `\lawcite{fla}`:

²³*Donoghue v Stevenson*, [1932] AC 562.

Family Law Act, SA 2003, c F-4.5

```
@statute{fla,  
chapter = {F-4.5},  
citeref = {canleg},  
svjy = {SA 2003},  
title = {Family Law Act},  
}
```

More examples:

Territorial Lands Act, RSC 1985, c T-7, s 3

Fair Trading Act, RSA 2000, c F-2

Safe Drinking Water Act, 42 USC §300f (1974)

This last uses the semantic structure of the @statute bibentry:

title	,	year		(jurisdiction)		(note)
-------	---	------	--	----------------	--	--------

to store

<i>Safe Drinking Water Act</i>	,	42 USC §300f			(1974)
--------------------------------	---	--------------	--	--	--------

The year value 1974 could just as easily have been stored in the jurisdiction field, with no note field, to produce an identical result.

[32] To display the jurisdiction for (non-Canadian) statutes, do:

`\toggletrue{statjurisdiction}` or `\setstatjurison`

Law of Property Act, 1969 (UK)

Crimes Act, 1900 (NSW)

`\togglefalse{statjurisdiction}` or `\setstatjurisoff`



```
\toggletrue{statjurisdiction}
```

```
\lawcite{prop}
```

```
\lawcite{crimnsw}
```



```
\togglefalse{statjurisdiction}
```

```
@statute{prop,  
statutejurisdiction = {UK},  
statutetitle = {Law of Property Act},  
statutetitleyear = {1969},  
}
```

4.2 Regulations

[33] In combination with a corresponding formatter `citeref` (if applicable), citation of regulations can use `\lawcite{canregnb}`:

NB Reg 2006-23

from

```
@statute{canregnb,  
citeref = {nbreg},  
regnum = {23},  
year = {2006},  
}
```

More examples:

`\lawcite{bears}`:

Polar Bear Pass Withdrawal Order, SOR/84-409

from

```
@statute{bears,  
citeref = {sorreg},  
regnum = {409},  
title = {Polar Bear Pass Withdrawal Order},  
year = {84},  
}
```

`\lawcite[s 9]{birds}`:

Migratory Birds Regulations, CRC, c 1035 s 9

```

from
@statute{birds,
chapter = {1035},
citeref = {crcreg},
title = {Migratory Birds Regulations},
}
\lawcite[s 2]{forests}:

```

Alberta Forest Land Use and Management Regulations,
Alta Reg 197/1976 s 2

```

from
@statute{forests,
citeref = {altareg},
regnum = {197},
title = {Alberta Forest Land Use and Management Regulations},
year = {1976},
}

```

[34] There is a multiplicity of regulation format types across the jurisdictions, and it is more flexible, from a data structure point of view, to use the `citeref` field in the `@statute` bibentry since it can process both (Canadian) statutes and regulations in one sweep.

[35] The ‘traditional’ `@statute` fields can still be used, but they are formatted only at the level of statutes, and regulations that look like statutes.

(using `citeref` field)

Criminal Code, RSC 1985, c C-46, s 515 provides that ...

(using statute bibentry fields)

Criminal Code, RSC 1985, c C-46, s 515 provides that ...

The corresponding bibentries are:

```

@statute{crimcodecan,
chapter = {C-46},
citeref = {canleg},
svjy = {RSC 1985},
title = {Criminal Code},

```

}

versus

```
@statute{crimcan,  
statutetitle = {Criminal Code},  
statutetitleyear = {RSC 1985, c C-46},  
}
```

[36] The available [citeref](#) values for regulations are:

...reg	Example of format (from AGLC3)
crc	<i>Maple Products Regulations</i> , CRC, c 289
sor	<i>Regulations Amending the Food and Drug Regulations</i> , SOR/98-580
alta	Alta Reg 62/2009
bc	BC Reg 278/2008
man	Man Reg 351/87
nb	NB Reg 2006-23
nfld	Nfld Reg 19/97
nlr	NLR Reg 4/9
nwt	<i>Archives Regulations</i> , NWT Reg 26-2008
ns	NS Reg 235/2007
nu	Nu Reg 40-99
o	O Reg 361/8
pei	PEI Reg EC 2002-249
qc	OC 764-97, 25 June 1997, GOQ 1997.II.2737
sask	Sask Reg 444/67
yoic	YOIC Reg 1995/87

[37] When using the [\citeref](#) field, the bibentry data fields required by the various Canadian regulation types are:

Reg Type					
crc	title	chapter			
sor	title		year	regnum	
alta			year	regnum	
bc			year	regnum	
man			year	regnum	
nb			year	regnum	
nfld			year	regnum	
nlr			year	regnum	
nwt			year	regnum	
ns			year	regnum	
nu			year	regnum	
o			year	regnum	
pei			year	regnum	
qc			year	regnum	fulldate gazette
sask			year	regnum	
yoic			year	regnum	
verb				regnum	

[38] For the non-federal regulations, if a title field is available, it will be printed.

[39] For regulations with no available pre-set format, use the [verbreg](#) citeref, and type the full reference (and any code) into the [regnum](#) field, and it will be printed as-is:

Road Rules 2008 – **Reg 15** What is a vehicle (New South Wales)

```
@statute{anyregverb,
citeref = {verbreg},
regnum = {Road Rules 2008 -- Reg 15 What is a vehicle (New
South Wales)}},
}
```

4.3 Currently not covered

[40] The following instruments are not currently covered by [lawcite](#).

- Bills
- Constitutions and Charters
- Treaties, Agreements, and Accords

5 Law Journals

[41] Some law review articles: Bruce Ryder, “The Past and Future of Canadian Generalist Law Journals”, (2001) 39 *Alberta Law Review* 625 <2001 CanLIIDocs 128>; Matthew Renaud, “From Reading Courses to Robson Hall: The Development of Legal Education in the Province of Manitoba, 1877–1968”, (2019) 42 *Manitoba Law Journal* 286.

[42] The @ljarticle bibentry type is for law journals and law reviews.

```
@ljarticle{kleefeld,
author = {John C Kleefeld},
journaltitle = {Dalhousie Law Journal},
mncname = {CanLIIDocs},
mncnumber = {760},
mncyear = {2013},
pages = {269},
shortname = {Kleefeld},
title = {Book Review - OSCOLA, the Oxford Standard for Citation
of Legal Authorities},
url = {https://canlii.ca/t/t0zv},
volume = {13},
year = {2013},
}
```

[43] The information can be accessed with the following commands.

- [\ljcite](#): John C Kleefeld, “Book Review - OSCOLA, the Oxford Standard for Citation of Legal Authorities”, (2013) 13 *Dalhousie Law Journal* 269, p. 276 <2013 CanLIIDocs 760>

- `\ljfootcite`: Text²⁴
- `\lcljauthor`: John C Kleefeld
- `\lcljauthorfn`: KLEEFELD
- `\lcljtitle`: “Book Review - OSCOLA, the Oxford Standard for Citation of Legal Authorities”
- `\lcljyear`: 2013
- `\lcljjournaltitle`: Dalhousie Law Journal
- `\lcljvolume`: 13
- `\lcljpage`: 269

[44] ‘Ordinary’ articles can be stored in the @article bibentry type:

Ewan McKendrick. In: *Modern Law Review* 54.1 (Jan. 1991), p. 162. Rev. of *Chitty on Contracts*. 26th ed. Sweet and Maxwell, 1989. *Clerk and Lindsell on Torts*. 16th ed. Sweet and Maxwell, 1989

6 Legal Monographs

[45] Legal textbooks are stored in the @book bibentry type, with the keyword `lawbook` to direct them into the relevant section of a bibliography.

```
@book{lrcns,
...
keywords = {lawbook},
...
}
```

²⁴John C Kleefeld, “Book Review - OSCOLA, the Oxford Standard for Citation of Legal Authorities”, (2013) 13 Dalhousie Law Journal 269, p. 276 <2013 CanLIIDocs 760>.

[46] They may be cited with the normal citation commands (such as `\cite`): Law Reform Commission of Nova Scotia, *The Rule Against Perpetuities*.

[47] The `\lcbook` command does a specialised footnote.²⁵

[48] Non-legal books do not have the keyword: Dolin, *Fiction and the Law*

[49] For the customary treatise shorthand references of the *Clerk and Lindsell on Torts* kind, see para 53.

7 Quotations and Epigrapha

‘The analogy between the process of the legal trial and the techniques and concerns of the English novel has often been remarked upon’

— Kieran Dolin
Fiction and the Law

[50] Quoted material can be stored as a bibentry (of type `@quote`):

```
@quote{q5,  
author = {Kieran Dolin},  
options = {skipbib=true},  
quotetext = {The analogy between the process of the legal  
trial and the techniques and concerns of the English novel  
has often been remarked upon},  
title = {Fiction and the Law},  
year = {1999},  
crossref = {litlaw},  
}
```

This allows use of cross-referencing and other biblatex features.

[51] Available citation commands are:

²⁵Law Reform Commission of Nova Scotia, *The Rule Against Perpetuities. Final Report* (2017).

- `\qcite` (quoted text, with attribution):

‘The analogy between the process of the legal trial and the techniques and concerns of the English novel has often been remarked upon’ — Kieran Dolin, *Fiction and the Law*

- `\qcitetext` (quoted text):

‘The analogy between the process of the legal trial and the techniques and concerns of the English novel has often been remarked upon’

- `\qcitetextnoqq` (plain text, no quotes):

The analogy between the process of the legal trial and the techniques and concerns of the English novel has often been remarked upon

- `\qqcite` (formatted epigraph quote):

‘The analogy between the process of the legal trial and the techniques and concerns of the English novel has often been remarked upon’

— Kieran Dolin
Fiction and the Law

- `\qqcitefn` (formatted epigraph quote with footnote mark, to be used in association with `\footnotetext`):

‘The analogy between the process of the legal trial and the techniques and concerns of the English novel has often been remarked upon’

— Kieran Dolin
*Fiction and the Law*²⁶

[52] An example of a case-related epigraph:

‘In this appeal, the Court is called upon to answer the age-old question: If a tree falls in the forest and you are not around to replant it, how does it affect your taxes?’

— *Daishowa-Marubeni International Ltd v Canada*, 2013 SCC 29, [2013] 2 SCR 336

[53] Authorial attribution can be formatted as the customary *A on B* with `\lcepigraphp`, for the possessive case: *Howie and Johnson’s Annotated Criminal Legislation New South Wales*.

[54] And `\lcepigraph`, with no possessive: *Addison on Torts* (2nd ed. 1872).

[55] The bibentry fields used (if they exist) are:

- author (using family name(s) + on/’s)
- shorttitle or title
- edition
- year

8 Ancillary Commands

[56] For style authors, various ancillary commands are available.

8.1 Meta Commands

[57] Basic meta commands are:

²⁶Some text.

- `\cmd` to add a backslash
 - `\cmd{xyz} \mapsto \xyz`
- `\braces` to wrap something in braces
 - `\braces{xyz} \mapsto {xyz}`
- `\brackets` to wrap something in brackets
 - `\brackets{xyz} \mapsto [xyz]`
- overall use:
 - `\cmd{command}\brackets{option}\braces{code} \mapsto \command[option]{code}`

[58] Additional meta-commands:

- `\bcmd`: same as `\braces`
 - `\bcmd{xyz} \mapsto {xyz}`
- `\cmdb`: backslash, current colour
 - `\cmdb{xyz} \mapsto \xyz`
- `\cmdc`: blue, no backslash
 - `\cmdc{xyz} \mapsto xyz`
- `\mcmd`: `\cmd` with braces, current colour
 - `\mcmd{xyz} \mapsto \xyz{ }`
- `\bracketsb`: highlighted brackets
 - `\bracketsb{xyz} \mapsto [xyz]`
- `\parens`: in parentheses
 - `\parens{xyz} \mapsto (xyz)`
- `\disp`: display, with frame

- `\disp{xyz}` \mapsto xyz
- `\dispb`: display as a block
 - `\dispb{xyz}` \mapsto xyz
- `\dispeg`: display, with `\par`
 - `\dispeg{xyz}` \mapsto xyz

8.2 Demo Mode

[59] Switch demo mode on and off with `\lcsetdemoon` and `\lcsetdemooff`, for highlighting citation components.

- *Donoghue v Stevenson*, [1932] AC 562 (HL)
- *City of Columbus v Becher*, 173 Ohio St 197, 180 NE 2d 836 (Ohio SC, 1962)

[60] Illustrations of cases, statutes and law journals may be made. When finished, change back to the document style (see para 16).

- Use `\lccitedemo{key}{pinpoint}` to illustrate the various cite-styles for a case citation.

snail

<code>\lawcite (default)</code> Text ²⁷
<code>\lawcite (MLR)</code> <i>Donoghue v. Stevenson</i> ²⁸
<code>\lawcite (McGill)</code> Text ²⁹
<code>\lawcite (Indigo)</code> <i>Donoghue v. Stevenson</i> , [1932] AC 562 (HL), p. 563
<code>\lawcite (AGLC)</code> Text ³⁰

²⁷*Donoghue* n 12 p. 563 (HL).

²⁸[1932] AC 562 (HL), p. 563.

²⁹*Donoghue*, *supra* note 12 p. 563 (HL).

³⁰*Donoghue* (n 12) p. 563 (HL).

`\lawcite (all above)` *Donoghue v Stevenson* [1932] AC 562 (HL),
 p. 563
`\lawcite (name only)` *Donoghue v Stevenson*, p. 563
`\lcinline` *Donoghue v Stevenson* [1932] AC 562,
 p. 563 (HL)
`\lcinlinenn` *Donoghue v Stevenson* [1932] AC 562,
 p. 563
`\lcfoot` Text³¹
`\lcnickname` ‘snail in the bottle’
`\lawcitetitle` *Donoghue v Stevenson*
`\lawciteref` [1932] AC 562
`\lcrefn` [1932] AC 562
`\lcnote` HL
`\lcpostnote` p. 563
`\lcshorttitle` *Donoghue*

- Use `\lccitedemorr{key}` to illustrate the various citestyles for an *-rr* case citation.

columbus, columbussr, columbusne

`\lcinlinerr` *City of Columbus v Becher*, 173 Ohio St 197,
 180 NE 2d 836 (Ohio SC, 1962)
`\lcinlinennrr` *City of Columbus v Becher*, 173 Ohio St 197,
 180 NE 2d 836
`\lcfootrr` Text³²
`\lcnicknamerr`
`\lawcitetiterr` *City of Columbus v Becher*
`\lawciterefrr` , 173 Ohio St 197, 180 NE 2d 836
`\lcrefnrr` , 173 Ohio St 197, 180 NE 2d 836
`\lcnoterr` Ohio SC, 1962
`\lcshorttitlerr` *Becher*

- Use `\lccitedemostat{key}` to illustrate the various citestyles for a statute citation.

³¹*Donoghue v Stevenson* p. 563.

³²*Becher*, 173 Ohio St 197, 180 NE 2d 836.

crimcan

`\lawcite (default)` *Criminal Code RSC 1985, c C-46*
`\lawcite (MLR)` *Criminal Code RSC 1985, c C-46*
`\lawcite (McGill)` *Criminal Code, RSC 1985, c C-46*
`\lawcite (all above) ..` *Criminal Code RSC 1985, c C-46*
`\lcciteref`

crimcodecan

`\lawcite (default)` *Criminal Code, RSC 1985, c C-46*
`\lawcite (MLR)` *Criminal Code, RSC 1985, c C-46*
`\lawcite (McGill)` *Criminal Code, RSC 1985, c C-46*
`\lawcite (all above) ..` *Criminal Code, RSC 1985, c C-46*
`\lcciteref` <canleg>

- Use `\lccitedemo``\j{key}` to illustrate the various citestyles for a law journal citation.

renaud

`\ljcite` Matthew Renaud, *From Reading Courses to Robson Hall: The Development of Legal Education in the Province of Manitoba, 1877–1968*, (2019) 42 Manitoba Law Journal 286
`\lcljauthor` Matthew Renaud
`\lcljauthorfn` RENAUD
`\lcljtitle` *From Reading Courses to Robson Hall: The Development of Legal Education in the Province of Manitoba, 1877–1968*
`\lcljyear` 2019
`\lcljvolume` 42
`\lcljjournaltitle ...` Manitoba Law Journal
`\lcljpage` 286

smythsc

`\ljcite` Russell Smyth, *What do Intermediate Appellate Courts Cite? A Quantitative Study of the Citation Practice of Australian State Supreme Courts*, (1999) 21 Adelaide Law Review 51
`\lcljauthor` Russell Smyth
`\lcljauthorfn` SMYTH
`\lcljtitle` *What do Intermediate Appellate Courts Cite? A Quantitative Study of the Citation Practice of Australian State Supreme Courts*

\lcljyear 1999
\lcljvolume 21
\lcljjournaltitle ... Adelaide Law Review
\lcljpage 51

9 Bibentry Fields

9.1 @case

[61] Fields available for use in an @case bibentry are listed in the following:

attribution source of quote, for quotetext entry

casename for in-progress case

casenickname the generally-known shorthand name for the case

casenumber medium-neutral citation case number

caseshortname user-assigned shorthand name for the case

casestatus for in-progress case

caseyear medium-neutral citation year

courtcasenumber for in-progress case

courtdivision for in-progress case

courtfullname for in-progress case

courtjurisdiction for in-progress case

courtlist for in-progress case

courtname medium-neutral citation courtname

crossref key of entry to inherit fields from

decisionyear year for the case name, if none of the reports identify the year

icaseyear the case year to appear in the table of cases

linkname text for the url

mncurl the MNC url

note note for the bibentry

options Biblatex processing options, e.g, skipbib=true

pagination setting for postnote (default is ‘p’, for ‘page’): e.g. bib-string ‘atparagraph’

parallel parallel reports, all as one string

partya the party bringing the action or cause, or the description of the cause

partyajur jurisdiction of partya, if applicable (e.g., NSW)

partyasn shortname for partya (e.g., DPP)

partyb the responding or defending party, if any

partybjur jurisdiction of partyb, if applicable (e.g., NSW)

partybsn shortname for partyb (e.g., DPP)

partysep separator between party names (default: v)

partysepx

reportpage page that the reported cases starts on

reportseries name of the report series

reportvolume volume number of the report series

reportyear year of the report series

shipname name of the ship (admiralty cases)

thumbnail image file name

url url for a secondary link, the display text will come from linkname

volyearneeded true = the reportyear is needed to identify the report series volume

[62] An MNC case would generally use these fields: `partya`, `partyb`, `partysep` (if not `v`), `caseyear`, `courtname`, `casenumber`.

[63] A paper-report case would use these fields: `partya`, `partyb`, `partysep` (if not `v`), `reportyear`, `reportvolume`, `volyearneeded`, `reportseries`, `reportpage`.

[64] The ‘in-progress case’ fields are defined in the data model but are not linked into any citation command yet: `casename`, `courtdivision`, `courtlist`, `courtjurisdiction`, `courtcasenumber`, `courtfullname`, `casestatus`.

9.2 @statute

[65] The `@statute` bibentry handles various types of data, depending on whether either or both of the `citeref` and `statutechapter` fields are present or not.

[66] An `@statute` bib entry with the `citeref` field set to `canleg` produces this structure:

title, svjy, c chapter

so that an entry

```
@statute{cancorp,  
chapter = {33},  
citeref = {canleg},  
svjy = {1974-75-76 (Can.)},  
title = {Canada Business Corporations Act},  
}
```


produces³³

Canada Business Corporations Act, 1974-75-76 (Can.), c 33

and a bib entry without the `citeref` field produces this structure:

statutetitle, *statuteshorttitle*, c *statutechapter*

and so an entry

```
@statute{cancorp2,  
statutechapter = {33},  
statuteshorttitle = {1974-75-76 (Can)},  
statutetitle = {Canada Business Corporations Act},  
}  
produces34
```

Canada Business Corporations Act, 1974-75-76 (Can), c 33

[67] Again, this time from the Revised Statutes:

Canada Corporations Act, RSC 1970, c C-32 (non-citeref)
Canada Corporations Act, RSC 1970, c C-32 (citeref)

[68] The postnote may be retrieved separately with `\lcpostnote`, allowing for a variation in the flow of text, if required: *<Criminal Code, RSC 1970, c C-34 s 457(1)>* versus *<s 457(1) of the Criminal Code, RSC 1970, c C-34>*.

[69] The `@statute` bibentry handles three types of data structure: with a `statutechapter`; without a `statutechapter`; with a `citeref`.³⁵

[70] When `statutechapter` is present and `citeref` is not, the following structure is used:

³³Note that the dot `<.>` in `<(Can.)>` is marked as an abbreviation dot with `<\@>`, thus `<(Can.\@)>`, so that biblatex's punctuation tracker will add `<, c>` to the output rather than start a new sentence with `< C>`.

³⁴This entry has `<(Can)>` rather than `<(Can.)>`.

³⁵The actual details of the typeset output will vary slightly, according to the style options and overrides in play.

statutetitle, *statuteshorttitle*, *c statutechapter*

[71] When both *statutechapter* and *citeref* are not present, the following structure is used:

statutetitle, *statutetitleyear*

[72] When *citeref* is present, the following structure is used (depending on the *citeref* value - see para 37):

title, PEI Reg EC year-regnum

[73] The available fields are listed in the following:

chapter for the *citeref* method, chapter of the statute or regulation

citeref for the *citeref* method, specifies the formatting template of the statute or regulation

fulldate for the *citeref* method, fulldate of the regulation (Qbc)

gazette for the *citeref* method, gazette reference of the regulation (Qbc)

regnum for the *citeref* method, regulation number of the statute or regulation

statutechapter chapter of the statute

statutejurisdiction jurisdiction of the statute

statutelongtitle

statutenickname

statuteregnalyear

statuteshorttitle used for the SVJY for Canadian statutes (i.e., when *statutechapter* is defined)

statutetitle title of the statute

statutetitleyear year of the statute as part of the statute's title

statutevolume

statuteyear year of the statute

svjy for the [citeref](#) method, the SVJY of the statute

title for the [citeref](#) method, title of the statute or regulation

year for the [citeref](#) method, year of the statute or regulation

9.3 @ljarticle

[74] Available fields for the `ljarticle` bibentry type are listed in the following:

author author(s) of the article

crossref cross-reference, the name of the entry to inherit fields from

date year of the journal

journaltitle title of the journal

linkname text to display for the url

mncname medium-neutral citation of the journal name

mncnumber medium-neutral citation number of the article

mncurl the MNC's url

mncyear medium-neutral citation year of the article

options list of processing options for the bibentry, e.g., `skipbib=true`

pages page number of the journal the article starts on

pagination what string or bibstring to display as prefix for a numeric postnote; default is p.

shortname

subtitle subtitle of the article

thumbnail image filename

title title of the article

url url of the article

volume volume number of the journal

[75] For law journals, the CanLII link may be stored as if it were an MNC, or not. In either case, the [url](#) will be used as link.

Ghislain Otis, “Les droits ancestraux des peuples autochtones au carrefour du droit public et du droit privé: le cas de l’industrie extractive”, (2019) 62 Les Cahiers de droit 451 <2019 CanLIIDocs 4154>

from

```
@ljarticle{otis,  
  journaltitle = {Les Cahiers de droit},  
  mncname = {CanLIIDocs},  
  mncnumber = {4154},  
  mncyear = {2019},  
  pages = {451},  
  shortname = {Otis},  
  title = {Les droits ancestraux des peuples  
autochtones au carrefour du droit public et du  
droit privé },  
  url = {http://www.canlii.org/t/xkhr},  
  volume = {62},  
  year = {2019},  
}
```

versus

William Tetley, “Evasion/Fraude à la loi and Avoidance of the Law”, (1994) 39 McGill LJ 303 <1994 CanLIIDocs 67>

from

```
@ljarticle{tetley,  
  journaltitle = {McGill LJ},  
  linkname = {1994 CanLIIDocs 67},  
  pages = {303},  
  title = {Evasion/Fraude à la loi and Avoidance of  
the Law},  
  url = {https://canlii.ca/t/2bk9},  
  volume = {39},  
  year = {1994},  
}
```

10 Examples

A plea of guilty is not an admission of any facts giving rise to the charge. It is evidence only that that particular accused considers that he ought to plead guilty to the charge preferred against him. A plea of guilty in no way proves any of the circumstances of the crime. *Phipson on Evidence*, 9th ed., page 19 points out that a plea of guilty only admits that the accused committed the offence charged and does not admit the truth of any depositions. See *Regina v. Riley* (1896), 18 Cox, C.C. 285 at p. 295 per Hawkins J.³⁶

Phipson on Evidence, 9th ed., page 19 points out that

Phipson on Evidence, 9th ed., page 19 points out that



```
\renewcommand\postnotedelim{,\ }%  
\lcaonbttitle{phipson9},  
\lcaonbedition[page 19]{phipson9}  
\lcsetstylemcgill  
points out that
```

See *R v Riley* (1896), 18 CoxCC 285 at p 295 per Hawkins J



```
\lcinline[See][at p 295 per Hawkins J]{riley}
```

³⁶*R v Berry*, [1957] OR 249, <1957 CanLII 115 (ON CA)>.

The ability to cross-examine a witness as to the basis for his opinion and the factors which he has taken into account and those which he has omitted can be relevant, pertinent and indeed vital to testing that opinion: see, for example, *R. v. Rosik* (1970), 2 C.C.C. (2d) 351, [1971] 2 O.R. 47, 13 Crim. L.Q. 224 (Ont. C.A.) (appeal to the Supreme Court of Canada dismissed 2 C.C.C. (2d) 393n, [1971] 2 O.R. 89n, [1971] S.C.R. vi), and *R. v. Abbey* (1982), 68 C.C.C. (2d) 394, 138 D.L.R. (3d) 202, [1982] 2 S.C.R. 24 (S.C.C.).³⁷

R v Rosik (1970), 2 CCC (2d) 351, [1971] 2 OR 47, 13 CrimLQ 224 (Ont CA) (appeal to the Supreme Court of Canada dismissed 2 CCC (2d) 393n, [1971] 2 OR 89n, [1971] SCR vi), and *R v Abbey* (1982), 68 CCC (2d) 394, 138 DLR (3d) 202, [1982] 2 SCR 24 (SCC).



`\linline{rosik}`
(appeal to the Supreme Court of Canada dismissed
`\lawciteref{rosikappeal}`),
and
`\linline{abbey}`.

Rosik

In *Rosik*, a psychiatrist testified, relaying the contents of a conversation with the accused. This does not prove that what the accused said was true. The accused did not testify. Cross-examination tests the veracity of what a person says, and their credibility.

³⁷*R v Howard* (1986), 15 OAC 255, 29 CCC (3d) 544. <1986 CanLII 4725 (ON CA)> pp. 559–560.

Abbey

“ A general principle of evidence is that all relevant evidence is admissible. The law of evidence, however, reposes on a few general principles riddled by innumerable exceptions. Two major exceptions to this general principle are hearsay evidence and opinion evidence. There are also exceptions to the exceptions. ”

Abbey

“ The main concern of the hearsay rule is the veracity of the statements made. The principal justification for the exclusion of hearsay evidence is the abhorrence of the common law to proof which is unsworn and has not been subjected to the trial by fire of cross-examination. Testimony under oath, and cross-examination, have been considered to be the best assurances of the truth of the statements of facts presented. Not all statements by a witness of that which he heard someone else say are, however, necessarily hearsay. ”

As Woods J.A. said in *R. v. Perras* (1972), 1972 CanLII 868 (SK CA), 8 C.C.C. (2d) 209, at p. 213, “The evidence of a physician stating what a patient told him about his symptoms is not evidence as to the existence of the symptoms. To accept it as such would be to infringe the rule against hearsay.”³⁸

R v Perras (1972), 8 CCC (2d) 209 p. 213



`\lccinline{perras}`

R v Perras (1972), 1972 CanLII 868 (SK CA), 8 CCC (2d) 209 p. 213



`\ycite[213]{perras}`

from

```
@case{perras,
  linkname = {1972 CanLII 868 (SK CA)},
  partya = {R},
  partyb = {Perras},
  reportpage = {209},
  reportseries = {CCC (2d)},
  reportvolume = {8},
  url = {https://www.canlii.org/en/sk/skca/doc/1972/1972can-
  lii868/1972canlii868.html},
  yoptions = {:getcasename,comma,space,:getcase-
  url,comma,space,:getcaseref},
}
```

[76] The `\ycite` citation command reads the bibentry’s `yoptions` field of comma-separated meta-fields through a *for*-loop, and so is

³⁸*Abbey*, 68 CCC (2d) 394, 138 DLR (3d) 202, [1982] 2 SCR 24 (SCC). <CanLII> pp. 45–46.

somewhat static; the `\lcycite` is more dynamic and reads the meta-field list from the `prenote` field, and the citation can be differently structured each time.

[77] For an actual prenote, key it in manually.

See *R v Perras* (1972), [1972 CanLII 868 \(SK CA\)](#), 8 CCC (2d) 209 p. 213



```
See \lcycite[:getcasename, comma, space,  
:getcaseurl, comma, space,  
:getcaseref][213]{perras}
```

[1972 CanLII 868 \(SK CA\)](#) – *R v Perras* (1972) – p. 213



```
\lcycite[:getcaseurl, endash,  
:getcasename, endash][213]{perras}
```

11 yoptions Metafields

[78] Metafields for user-defined citation formatting can be used on a per-entry basis in the `yoptions` bibfield, or on a per-citation basis in the `prenote` field of the `\lcycite` citation command.

[79] This section lists the metafields available for use.

11.1 A-on-B Metafields

```
:getaonbedition ..... 9th ed.  
:getaonbtitle ..... Phipson on Evidence  
:getedition ..... 9th ed.  
:geteditionyear ..... (9th ed. 1966)
```

```

:getlastnames ..... Phipson
:getshorttitle ..... Evidence
:gettitle ..... Evidence

```

11.2 Case Metafields

```

:getcasename ..... Donoghue v Stevenson
:getcasenamefull ... Donoghue v Stevenson
:getcاسenameref ..... Donoghue v Stevenson, [1932] AC 562
:getcاسenamereffull Donoghue v Stevenson, [1932] AC 562
:getcاسenamerefnofn Donoghue v Stevenson, [1932] AC 562
:getcاسenickname ... 'snail in the bottle'
:getcاسenumber .....
:getcاسeref ..... [1932] AC 562
:getcاسeshortname ... Donoghue
:getcاسesn ..... Donoghue
:getcاسeurl .....
:getcاسeyear ..... 1932
:getcاسcourtname .....
:getcاسibid ..... ibid
:getcاسibidsupra ..... supra
:getcاسibidsupranote ... , supra note 12
:getcاسparallelreports
:getcاسpartynamesa ..... Donoghue
:getcاسpartynamesb ..... Stevenson
:getcاسpartysep ..... v
:getcاسreportpage ..... 562
:getcاسreportref ..... [1932] AC 562
:getcاسreportseries ... AC
:getcاسreportvolume ...
:getcاسreportyear ..... [1932]

```

11.3 In-Progress Case Metafields

```

:getcاسproc .....
:getcاسproc .....

```

11.4 Lawcite-lite Metafields

```
:lclgetlegalfull ....  
:lclgetlegalref .....  
:lclgetlegalrefstat  
:lclgetlegalrefcase  
:lclgetlegaltitle ...
```

11.5 Law Journal Metafields

```
:getljarticle ..... Michael Kirby, "Forty Years of the  
Alberta Law Reform Institute — Past, Present, Future", (2009) 46 Al-  
berta Law Review 831 <2009 CanLIIDocs 235>  
:getljarticle:ibid .....  
:getljarticleauthor ..... Michael Kirby  
:getljarticleauthorsc ..... KIRBY  
:getljarticlejournaltitle .... Alberta Law Review  
:getljarticlepage ..... 831  
:getljarticlequotes ..... "Forty Years of the Alberta Law  
Reform Institute — Past, Present, Future"  
:getljarticletitle ..... Forty Years of the Alberta Law Re-  
form Institute — Past, Present, Future  
:getljarticleurl ..... 2009 CanLIIDocs 235  
:getljarticlevolume ..... 46  
:getljarticleyear ..... (2009)  
:getljarticleyear:plain ..... 2009  
:getljartshortname .....
```

11.6 Legislation Metafields

```
:getcanleg ..... Maanulth First Nations Final Agree-  
ment Act, SC 2009, c 18  
:getcanreg ..... , c  
:getcanreg2 .....  
:getchapter ..... 18  
:getciteref ..... <canleg>  
:getstatutechapter .....
```

:getstatutejurisdiction	
:getstatutelongtitle	
:getstatutename	
:getstatutenameref	
:getstatutenickname	
:getstatuteregnyear	
:getstatuteshorttitle	
:getstatutetitle	
:getstatutetitleyear	
:getstatutevolume	
:getstatuteyear	
:getsvjy	SC 2009
:gettitle	<i>Maanulth First Nations Final Agree-</i>
	<i>ment Act</i>

11.7 Quote Metafields

:getlcepigraph	
:getlcepigraphp	
	‘We are entitled to assume that lawyers have not only some general background in law, but that they have some general background in obtaining information from electronic data bases and are using appropriate means to acquire that information.’
:qqcitebox	— <i>Kelly v Lundgard</i> , unreported, Memorandum as to costs for computer charges, 1997, Alberta Court of Queen’s Bench

:quotebox

‘We are entitled to assume that lawyers have not only some general background in law, but that they have some general background in obtaining information from electronic data bases and are using appropriate means to acquire that information.’

— *Kelly v Lundgard*, unreported, Memorandum as to costs for computer charges, 1997, Alberta Court of Queen’s Bench

Bibliography

Legislation

Alberta Forest Land Use and Management Regulations, Alta Reg 197/1976.
Alta Reg 62/2009.
Archives Regulations, NWT Reg 26-2008.
BC Reg 278/2008.
Canada Business Corporations Act.
Canada Business Corporations Act, 1974-75-76 (Can.), c 33.
Canada Corporations Act.
Canada Corporations Act, RSC 1970, c C-32.
Crimes Act, 1900.
Criminal Code, RSC 1985, c C-46.
Criminal Code, RSC 1970, c C-34.
Criminal Code, RSC 1985, c C-46.
Dairy Farmers of Nova Scotia By-laws, NS Reg 366/2007.
Fabricated Industrial Steel Components Anti-dumping and Countervailing Duty Remission Order, SOR/2019-297.
Fair Trading Act, RSA 2000, c F-2.
Family Law Act, SA 2003, c F-4.5.
Law of Property Act, 1969.
Maanulth First Nations Final Agreement Act, SC 2009, c 18.
Man Reg 351/87.
Maple Products Regulations, CRC, c 289.
Migratory Birds Regulations, CRC, c 1035.
NB Reg 2006-23.
Nfld Reg 19/97.
NLR Reg 4/9.
NS Reg 235/2007.
Nu Reg 40-99.
OC 764-97, 25 June 1997, GOQ 1997.II.2737.
O Reg 361/8.
PEI Reg EC 2002-249.
Polar Bear Pass Withdrawal Order, SOR/84-409.
Regulations Amending the Food and Drug Regulations, SOR/98-580.

Road Rules 2008 – **Reg 15** What is a vehicle (New South Wales).
Safe Drinking Water Act, 42 USC §300f.
 Sask Reg 444/67.
statutetitle, *statutetitleyear*, svjy, c chapter.
statutetitle, *statutetitleyear*.
statutetitle, *statutetitleyear*.
statutetitle, *statutetitleyear*.
statutetitle, *statutetitleyear*, PEI Reg EC year-regnum.
Tax Court of Canada Act, RSC 1985, c T-2.
Territorial Lands Act, RSC 1985, c T-7.
 YOIC Reg 1995/87.

Jurisprudence

Acme Video Inc v Hedges and Retail Technologies (Video) Inc (1992),
1992 CanLII 7653 (ON SC), 10 OR (3rd) 503.
Acme Video Inc v Hedges and Retail Technologies (Video) Inc, **1993**
CanLII 8553 (ON CA), 12 OR (3rd) 16.
Alliance of Canadian Cinema Television and Radio Artists v Canadian
Broadcasting Corporation (1990), 91 CLLC 16.
Ann Ash v Lady Ash (1724), 90 ER 526.
Anonymous (1492), 21 ER 6.
Calego International inc c Commission des droits de la personne et des
droits de la jeunesse, **2013 QCCA 924**, [2013] RJDT 517.
City of Columbus v Becher.
City of Columbus v Becher, 173 Ohio St 197.
City of Columbus v Becher, 180 NE 2d 836.
Clarke Institute of Psychiatry v Ontario Nurses' Assn (Adusei Grievance)
 (2001), 95 LAC (4th) 154.
Donoghue v Stevenson, [1932] AC 562.
Edwards v Attorney-General for Canada, **1929 CanLII 438 (UK JCPC)**,
 [1930] AC 134.
H.M.B. Holdings Ltd. V Antigua and Barbuda, 2021 SCC 44 <**CanLII**>.
H.M.B. Holdings Ltd. v Antigua and Barbuda, 2021 SCC 44 <**CanLII**>.
McAuliffe v Mayor and Board of Aldermen of New Bedford, 29 NE 517.

Moore v Mercator Enterprises Ltd (1978), [1978 CanLII 2139 \(NS SC\)](#), 90 DLR (3rd) 590, 31 NSR (2d) 327, 7 CPC 150.

Morguard Investments Ltd v Be Savoye (1990), [1990 CanLII 29 \(SCC\)](#), [1990] 3 SCR 1077, 76 DLR (4th) 256, 46 CPC (2d) 1.

partya (*partyajur*) *partysep partyb* (*partybjur*) (decisionyear), [caseyear](#) [courtnam](#) [casenumber](#), [reportyear] reportvolume reportseries reportpage, parallel. [<linkname>](#).

R v Abbey (1982), 68 CCC (2d) 394, 138 DLR (3d) 202, [1982] 2 SCR 24 (SCC). [<CanLII>](#).

R v Berry, [1957] OR 249, [<1957 CanLII 115 \(ON CA\)>](#).

R v Cole, [2012 SCC 53](#), [2013] 3 SCR 34, [<CanLII>](#).

R v Collins, [1987 CanLII 84](#), [1987] 1 SCR 265, [<SCC site>](#).

R v Howard (1986), 15 OAC 255, 29 CCC (3d) 544. [<1986 CanLII 4725 \(ON CA\)>](#).

R v Perras (1972), 8 CCC (2d) 209, [<1972 CanLII 868 \(SK CA\)>](#).

R v Riley (1896), 18 CoxCC 285.

R v Rosik (1970), 2 CCC (2d) 351, [1971] 2 OR 47, 13 CrimLQ 224 (Ont CA). [<CanLII>](#).

R v Rosik, 2 CCC (2d) 393n, [1971] 2 OR 89n, [1971] SCR vi.

Re Aero Trades Western Ltd and Ben Hochum & Son Ltd (1974), 51 DLR (3rd) 617, [1975] 4 WWR 412.

Re Mulroney and Coates (1986), [1986 CanLII 2613 \(ON SC\)](#), 27 DLR (4th) 118.

Re Wismer and Javelin International Ltd (1982), [1982 CanLII 3132 \(ON SC\)](#), 136 DLR (3rd) 647.

Reference re Amendments to the Residential Tenancies Act (N.S.) [1996 CanLII 259](#), [1996] 1 SCR 186.

Reference re Code of Civil Procedure (Que.), art. 35, 2021 SCC 27 [<CanLII>](#).

Roglass Consultants Inc v Kennedy, Lock (1984), [1984 CanLII 421 \(BC CA\)](#), 65 BCLR 393.

Salter and Bellamy (1724), 90 ER 309.

The Velocity, 16 ER 725.

TDI Hospitality Management Consultants Inc v Browne, [1994 CanLII 10958 \(MB CA\)](#), 117 DLR (4th) 289, [1994] 9 WWR 153, 70 WAC 302, 95 Man R (2d) 302, 28 CPC (3d) 232, [1994] MJ No 448 (QL), 50 ACWS (3d) 206.

Touche Ross Ltd v Sorrel Resources Ltd (1987), 1987 CanLII 2693 (BC SC), 11 BCLR (2nd) 184.
Tulk v Moxhay, [1848] 1 H & Tw 105.
VDN Cable Inc, on behalf of a corporation to be incorporated, Toronto, Ontario (January 2005), 2005-1, online: CRTC <www.crtc.gc.ca> [perma.cc/LF5P-5MM3].
Wilson v Hull (1995), 1995 ABCA 374 (CanLII), 128 DLR (4th) 403.

Secondary Materials: Monographs

Addison, C G. *The Law of Torts*. 2nd ed. Abridgement. Boston: Little, Brown, and Company, 1872.
 Howie, Roderick N and Peter A Johnson. *Annotated Criminal Legislation New South Wales*. 2014-2015. LexisNexis Butterworths, 2015.
 Law Reform Commission of Nova Scotia. *The Rule Against Perpetuities. Final Report*. 2017.
 Phipson, Sidney. *Phipson's Manual of the Law of Evidence*. Ed. by D W Elliott. 9th ed. London: Sweet & Maxwell, 1966.

Secondary Materials: Articles

Kirby, Michael. "Forty Years of the Alberta Law Reform Institute — Past, Present, Future", (2009) 46 Alberta Law Review 831 <2009 CanLIIDocs 235>.
 Kleefeld, John C. "Book Review - OSCOLA, the Oxford Standard for Citation of Legal Authorities", (2013) 13 Dalhousie Law Journal 269 <2013 CanLIIDocs 760>.
 Otis, Ghislain. "Les droits ancestraux des peuples autochtones au carrefour du droit public et du droit privé: le cas de l'industrie extractive", (2019) 62 Les Cahiers de droit 451 <2019 CanLIIDocs 4154>.
 Renaud, Matthew. "From Reading Courses to Robson Hall: The Development of Legal Education in the Province of Manitoba, 1877–1968", (2019) 42 Manitoba Law Journal 286.

- Ryder, Bruce. "The Past and Future of Canadian Generalist Law Journals", (2001) 39 Alberta Law Review 625 <2001 CanLIIDocs 128>.
- Smyth, Russell. "What do Intermediate Appellate Courts Cite? A Quantitative Study of the Citation Practice of Australian State Supreme Courts", (1999) 21 Adelaide Law Review 51.
- Tetley, William. "Evasion/Fraude à la loi and Avoidance of the Law", (1994) 39 McGill LJ 303 <1994 CanLIIDocs 67>.
-

General Material

- Dolin, Kieran. *Fiction and the Law. Legal Discourse in Victorian and Modernist Literature*. Cambridge University Press, 1999. ISBN: 9780521623322.
- McKendrick, Ewan. In: *Modern Law Review* 54.1 (Jan. 1991), p. 162.
- Rev. of *Chitty on Contracts*. 26th ed. Sweet and Maxwell, 1989. *Clerk and Lindsell on Torts*. 16th ed. Sweet and Maxwell, 1989.