

# Legal citation using a »[McGill](#)-like« lawcitestyle

13-Nov-2021

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## 1 Quick Overview

CASE

## Citation

## Bibentry fields

`\lawcite[23]{collins}`  $\mapsto$

“and if the manner in which the search was carried out is reasonable”<sup>a</sup>

<sup>a</sup>*R v Collins*, 1987 CanLII 84 at para 23, [1987] 1 SCR 265, <SCC site>.

```
@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},
}
```

## Citation

## Bibentry fields

`\ljcite[276]{kleefeld}`  $\mapsto$   
“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,  
  journaltitle = {Dalhousie Law  
  Journal},  
  mncname = {CanLIIDocs},  
  mncnumber = {760},  
  mncyear = {2013},  
  number = {1},  
  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...’<sup>a</sup>

<sup>a</sup>From *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{ed-  
wardsa} case \lcinlineparens{edwardsa} that the Consti-  
tution is a \mkbibquote{living tree} to be interpreted flex-  
ibly\ldots}\lawcite[From][303]{ccpref}`

```
@case{edwardsa,  
casenickname = {Persons},  
casenumber = {438 (UK JCPC)},  
caseshortname = {Edwards},  
caseyear = {1929},  
courtname = {CanLII},  
mncurl = {https://www.canlii.org/en/ca/ukjcpc/doc/1929/1929can-  
lii438/1929canlii438.html},  
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<sup>a</sup>  

---

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

[Ex-3] – ibid: fieldset 2  
`\lawcite{cole}`  $\mapsto$   
Text<sup>a</sup>  

---

<sup>a</sup>*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  
dex.do},  
  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  
dex.do},  
  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},
}
```

## 2 Citation Commands

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

### 2.1 General

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

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

Text<sup>1</sup>

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

Text<sup>2</sup>

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

<sup>2</sup>*H.M.B. Holdings Ltd. Supra* note 1.

[5] 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}:

Text<sup>3</sup>

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

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

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

[7] Pre-note: \lawcite[See][]{wilson}:

Text<sup>5</sup>

[8] 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}:

Text<sup>6</sup>

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

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

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

<sup>4</sup>*H.M.B. Holdings Ltd.*, *supra* note 3 at para 18.

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

<sup>6</sup>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.” – *Wilson*, *supra* note 5 at para 13 (Alta, CA).

Text<sup>7</sup>

[10] 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.”<sup>8</sup>

```
@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 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

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<sup>7</sup>*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.

<sup>8</sup>*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).

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.”<sup>9</sup>

[11] 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.” – <sup>10</sup>

[12] Citing from a different jurisdiction (US)

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. »<sup>11</sup>

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<sup>9</sup>*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).

<sup>10</sup>*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.

<sup>11</sup>*Calego International inc*, *supra* note 10 note 25.



# Bibliography

## Legislation

*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.  
*Maanulth First Nations Final Agreement Act*, SC 2009, c 18.  
*Polar Bear Pass Withdrawal Order*, SOR/84-409.  
*Tax Court of Canada Act*, RSC 1985, c T-2.

## 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.  
*Calego International inc c Commission des droits de la personne et des droits de la jeunesse*, [2013 QCCA 924](#), [2013] RJDT 517.  
*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.  
*H.M.B. Holdings Ltd. v Antigua and Barbuda*, 2021 SCC 44.  
*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.  
*R v Cole*, [2012 SCC 53](#), [2013] 3 SCR 34.  
*R v Collins*, [1987 CanLII 84](#), [1987] 1 SCR 265.  
*Re Aero Trades Western Ltd and Ben Hochum & Son Ltd* (1974), 51 DLR (3rd) 617, [1975] 4 WWR 412.  
*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.

*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.

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

### **Secondary Materials: Articles**

Kleefeld, John C. “Book Review - OSCOLA, the Oxford Standard for Citation of Legal Authorities”, (2013) 13 Dalhousie Law Journal 269.

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