

Using the Canadian Guide to Uniform Legal Citation

The Canadian Guide to Uniform Legal Citation (McGill Guide) is the style guide most commonly used by Canadian courts, law journals, universities, and legal practitioners.

Legal citation: general rules

Most academic papers in law and legal studies require the use of numbered footnotes or endnotes.

Footnotes – listed at the bottom of each page

Endnotes – appear at the end of the paper

The first time you cite a work in your paper, you should provide a complete citation for the work in an endnote, or footnote (see note 1 below).

Subsequent citations may use *ibid* or *supra*.

Ibid: Abbreviation for the Latin word *ibidem* meaning “in the same place.” Use *ibid* when referring to the same source as in the immediately preceding reference. *Ibid* may be used after a *supra*, or even after another *ibid*.

Supra: Latin word meaning “above.” Use *supra* when referring to a source for which you have already provided a full citation (but not the immediately preceding citation).

1. *R v Sharpe*, 2001 SCC 2, [2001] 1 SCR 45 at para 25, 194 DLR (4th) 1 [Sharpe].
2. *Ibid* at para 26.
3. Sanjeev Anand, “A Case for Upholding the Child Pornography Law” (1999) 25 CR (5th) 312.
4. Sharpe, *supra* note 1 at para 26.
5. Anand, *supra* note 3 at 313.

Short forms: Make a short form for the source. For example, see note 4 above. Use a short form if you will be referencing a source multiple times, especially if the title is longer than three words. Place the short form for the source in brackets at the end of the first citation of the source (see note 1 above). For books or articles, simply use the author’s last name for subsequent references (see note 5 above).

Pinpoints: It is often necessary to identify the precise page you are relying on. This is called a pinpoint. The format for a Pinpoint paragraph reference is demonstrated in notes 1, 2 and 4 above

Pinpoint **page reference** is demonstrated in note 5 in the example above (note that **page or p** are not written prior to the pinpoint page reference, but *para* is used prior to a pinpoint paragraph reference)

Avoiding repetition: Do not repeat information provided in the text in the citation. If name of the case is being cited in your paper, do not repeat the name in the citation.

McGill: Sample Paper

Introduction

Since the early 1990s, the contextual approach has been used as a standard mode of judicial analysis of the “reasonable person” standard for exculpatory defence, such as self-defence and provocation.¹ However, in the recent SCC decision in *R. v. Cairney*,² McLachlin J, the contextual approach did not fully apply, but rather it was interpreted using the “reasonable person” standard in a rigid mechanical manner. Due to this troubling approach, a stricter and higher standard of provocation defence resulted, which undermines and even jeopardizes the very purpose of the design of the provocation defence itself.

Reasonable Person Standard on *R. v. Cairney*

The issue before the Supreme Court is whether the provocation is self-induced provocation, and whether objective and subjective elements of provocation are established so as to lead to an air of reality to the defence. The real question underlying the issue is how to understand and interpret “reasonable person” standard. On behalf of the majority of the SCC, Justice McLachlin states that the defence of provocation requires two elements: First, objective element which requires a wrongful act or insult and it must be sufficient to deprive an ordinary person of the power of self-control.³ Second, the subjective element requires that the accused actions are in response to provocation and done before he or she has time to cool off.⁴

¹ Shalin M Sugunasiri, “Contextualism: The Supreme Court’s New Standard of Judicial Analysis and Accountability” (1999) 22 *Dalhousie L J* 126 at 129 (QL).

² *R v Cairney*, 2013 SCC 55.

³ *Ibid.*

⁴ Sugunasiri, *supra* note 1 at 123.

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