

THE CANADIAN LAW REVIEW WRITING GUIDE
FOR THE CANADIAN LAW REVIEW QUARTERLY

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SECTION 1: STYLE GUIDE

1. General Format

Typeface: Times New Roman

Font size: 12-point (except that 10-point should be used for footnotes)

Spacing: Double-space throughout, except for footnotes, bibliographies, tables of contents and block quotations, which are indented within the text. These should all be single-spaced.

Margins: 1" (2.5 cm) on all sides

Justification: Only full justification is acceptable.

Headers and footers: Do not use any. Headers and Page Numbers will be added in the final inclusion in the issue.

Headings: Capitalize, bold, and centre all main headings. Subheadings to these headings may be left-justified to distinguish them. For papers with more than two levels of headings,

Paragraphs: Insert a tab at the beginning of each paragraph (other than long, indented quotations) and maintain consistent indentation and justification throughout the paper. Do not add an additional space between paragraphs.

Quotations: If a quotation is longer than four lines of text, create a block quotation by single-spacing the quotation and indenting it by 1/2" (1.25 cm) from both the left and right margins. Indent a paragraph within a block quotation as you would a regular paragraph. Do not use quotation marks around block quotations.

2. Medium of Content

For Writing and Drafting: Google Docs only.

For Editing: Google Docs only.

For Communication: Slack, Email, or by comment/suggestion on Google Docs.

3. Sections and Requirements of the Paper

Paper Requirements: All papers should not be less than 12 pages and should not exceed 22 pages (excluding pages for the bibliography, but including one title page, one abstract page, the introduction, and the conclusion).

Title page: Double Spaced. After 5 Lines, in regular font, please write the title of your paper, center-justified. At the bottom of the page, there should be one line for your name, one line for the title of the publication, and a final line for the month and year of publication. There should be 3 lines between the final sentence and the end of the page.

Abstract: Required: minimum of 1 paragraph, maximum of 1 page. It should be double-spaced and italicized.

Table of Contents: Not permitted.

Body of the text: The introduction and conclusion should not exceed 2 pages, respectively, or 4 pages, combined. There should be a minimum of 8 pages for discussion, and no more than 24 pages for discussion.

Bibliography: Required. Please refer to the most recent edition of The Canadian Guide to Uniform Legal Citations (the “McGill Guide”) for the correct style for all citations.

Appendix: Not permitted.

4. Footnotes

Footnotes Format: Footnotes receive Arabic numerals, starting with “1.” They are to be single-spaced with space after each footnote. The space should be equivalent to one line. A footnote must be placed on the same page as the citation to which it refers. A short line should separate the footnote from the text. If the footnote carries over to the next page, it is common to separate the footnote from the text using a line that spans the width of the text, from one margin to the other.

Footnotes Style: McGill style. Please refer to the McGill Guide, chapter one, for information on when to footnote material. Footnote both directly and indirectly quoted (paraphrased) material. A good rule of thumb is that if the idea or the words are not yours, then they need a citation to their source.

Footnoting Electronic Sources: For cases, where a neutral (electronic) citation is available, cite the neutral citation first and one print citation second, preferably from an official source. The McGill guide provides more information. For statutes, articles and other materials, if the source is readily available in print, cite the printed source. If not, cite the electronic source, using parentheses at the end of the citation to note the source (e.g., (Lexis)).

Abbreviations: Consult the appendices to the McGill Guide or – especially for U.S. sources – The Bluebook: A Uniform System of Citation. These guides contain abbreviations for courts, places, and journals.

Ibid and Supra: You should use Ibid or Supra for sources previously cited. You may not begin a page with an Ibid footnote.

5. Number Formatting

Whole Numbers: All whole numbers are to be spelled out (e.g., thirty-seven, four hundred) unless they are part of statistical or scientific data, in which case use numbers.

Currency: All whole numbers of currencies are to be spelled out, but currencies with cent amounts are not to be spelled out (write twelve hundred dollars but \$35.67).

Fractions: Fractions are to be spelled out unless they are mixed fractions, which contain both a whole number and a fraction (e.g., three-fifths vs. 4 2/3).

Sentences beginning with a Number: If a sentence begins with a number, spell out the number (e.g., Three hundred and thirty-three years ago ...)

Percentages: If a number precedes %, do not spell out the number unless it begins a sentence, in which case spell out both the number and percent (e.g., Fifty-nine percent of all Canadians)

Time: Time of day is generally expressed in numerals if the time is followed by a.m. or p.m. (8:15 a.m.) or otherwise, spell out the time (e.g., eight o'clock in the morning)

Citation or Footnote Numbers: Citations of footnotes always retain their numerals (e.g. supra note 1).

Inclusive numbers: If the number sequence is less than 100 or begins with a multiple of 100, use all numbers (e.g., 36-54, 600-637). Otherwise, retain only the last two numbers (e.g., 1748-59) unless more are needed for clarity (e.g., 304-429).

Hyphenating inclusive numbers: Hyphenate inclusive numbers unless the number is preceded by the word from or between, in which case use to or and, as appropriate (e.g., “She attended law school from 2005 to 2008” or “The essays were published between 2003 and 2007”).

Dates: The preferred style is either day-month-year (e.g., 13 May 2009) or month-day-year, but must include the associated ordinal (e.g., May 13th, 2009). Use the style of choice consistently.

6. Spelling, Grammar, Punctuation, and Style

Spelling: Only Canadian spellings are acceptable, and the paper’s language must be consistent. If a word or phrase in a different language is necessary for the conveyance of a message, it is key to explain the purpose and meaning of the word or phrase, either in the text or in the footnotes. The exception to this rule would be for quotations, where the language and spelling should be copied from the original text.

Abbreviations: All words should be spelled out in their first usage unless they are part of an official company name (e.g., Rogers & Co.). Acronyms can be substituted subsequently, provided that the acronym is first placed in parentheses directly following the initial spelled-out usage of the term (e.g., Energy Resources Conservation Board (ERCB)).

Dashes: Use two hyphens together to create an em-dash. Use an em-dash to indicate extra material in the sentence that could also be enclosed by parentheses (e.g., The judge noted that the colour -- not blue but closer to turquoise -- matched the description of the colour of the clothes worn by the defendant.).

Hyphens: A single hyphen can be used in compound words but should be used only when grammatically necessary. If in doubt about whether or not to hyphenate, consult an unabridged Oxford or Webster's dictionary. In fully justified texts, hyphens can be used to divide words at the end of lines. Divide words between syllables, and use hyphens sparingly.

Periods and semi-colons: Semi-colons and periods often have the same function. Use semi-colons to separate two separate but linked thoughts (e.g., First-year associates often find the time commitment daunting; however, the long hours enable them to assimilate quickly to the culture of their new firm.) Semi-colons may also be used to separate items in a complex list that includes commas (e.g., The committee considered the following locations for the conference: Kingston, Ontario; Quebec City, Quebec; and Red Deer, Alberta.).

Colons: Use colons to separate a general complete thought from specific items within a list (e.g., There are three kinds of fruit in the basket: apples, oranges, and grapes.).

Commas: Use commas to create ease in reading. Commas are used to separate dependent clauses (e.g., “My sister, who loves Renaissance art, arrived home from Italy last week”); prepositional phrases (e.g., In case of emergency, break glass); and elements in a series (e.g., The following courses are mandatory in the first year: Torts, Constitutional, Property, Crime, and Contracts.). A comma is never used to separate two complete sentences unless the comma is followed by a conjunction, such as *and*, *but* or *or* (e.g., Rome wasn't built in a day, but Nero's fire destroyed it in just a few hours.). If the second sentence shares the same subject, the second subject can be dropped and the comma omitted (e.g., Jane loved dogs but loathed cats.). Oxford commas are always required. We write “sheep, pigs, and goats” instead of “sheep, pigs and goats.” The serial comma at times avoids important ambiguities.

Quotation marks: The rule regarding the placement of quotation marks depends on the type of punctuation that ends the sentence. Place all commas and periods inside quotation marks. Place all colons and semi-colons outside quotation marks. For question marks and exclamation points, determine if the punctuation applies just to the quotation or to the entire sentence. If it applies just to the quotation, place

the punctuation inside the quotation mark. If it applies to the entire sentence, place the punctuation outside the quotation mark (e.g., The professor asked the class, “How can this ruling be applied?” vs. How can we avoid the “tragedy of the commons?”).

Double vs. single quotation marks: Use single quotation marks to enclose a quotation or title that occurs within another quotation (e.g., The author mused, “What message does the ‘tragedy of the commons’ offer us today?”). Never use either single or double quotation marks around a word or phrase to emphasize it or give it an ironic meaning.

Bold: Do not use bold to emphasize a word or give it an ironic meaning.

Emphasis: Italics should be used sparingly to emphasize words.

Brackets: Square brackets are primarily used to enclose material that is not originally in the quoted text but is needed for clarification (e.g., In order to evaluate their [the NDP’s] success, one must begin by looking to their Saskatchewan roots.).

Parentheses: Use parentheses to enclose related information and for glosses or translations of unfamiliar or foreign terms (e.g., *ex turpi* (illegality)) and for the first occurrence of an acronym immediately following its spelled-out form.

Underline and Strike Out: You may not underline or strike out text. If you have a special request, please consult your editor.

7. Stylistic Considerations

Paragraphing: In general, limit paragraphs to one idea per paragraph; however, do not write one-sentence paragraphs. There may be rare exceptions to this rule, but one should be thoroughly confident and fluent before breaking it.

Sectioning: You may section your paragraphs into ideas throughout the paper. A section should be no less than 2 paragraphs and no less than 2 pages. If you are using a sectional style, you must have at least 2 sections in addition to your introduction and conclusion. All sections should be separated by headings or subheadings.

Writing Style: The writing style should default to academic professionalism. Certain symbols like ampersands, abbreviations such as ‘etc...’, unprofessional punctuation such as exclamation marks, and slang words or colloquialisms such as ‘y’all’ should be avoided, unless absolutely necessary. The exception to this rule would be formal legal abbreviations or terms such as, but not limited to, *supra*, *de novo*, *per se*, *intra vires*, *ultra vires*, *de facto*, *corpus*, *habeas corpus*, *ad idem*, *at litem*, *certiorari* (or *cert.*), *ex parte*, *bona fide*, *prima facie*, *amicus curiae*, *per curiam*, *causa proxima*, *coram*, *corpus delicti*, *coram non iudice*, *in forma pauperis*, *pro tempore*, *quid pro quo*, *ab initio*, *non est factum*, *nudum pactum*, *viz.*, *consensus ad idem*, *in camera*, *voir dire*, and *at bar*.

Capitalization: All racial categories and ethnic backgrounds should be capitalized, i.e. Black, White, Indian, Middle Eastern, etc... All Titles, unless specified otherwise, should be capitalized. All names and proper nouns should be capitalized.

Point of View: The writing should default to third-person and should not refer to “I” or “Me” or “You”, unless relevant and necessary to the topic at hand.

For additional writing inquiries, you may refer to the Canadian Guide to Uniform Legal Citation (McGill Style) and Turabian's [*A Manual for Writers of Term Papers, Theses, and Dissertations*](#). You may direct

any questions to your editor. If you are unsatisfied with the answer, you may direct your question to the Editor-in-Chief(s), who has the final say.

SECTION 2: GUIDELINES FOR LEGAL WRITING

1. Style of Cause

Canadian and other Commonwealth Jurisprudence: There should be no period following the v. For example, in Canadian cases pursued by the Crown, the style of cause would be *R v Accused*. The ‘R’ stands for Rex or Regina, depending on the head of state. For American cases, the style of the case could be *The People v Accused*, or *The United States v Accused*, or *California v Accused*.

Emphasis for Case: Case names should be italicized.

2. References to the Judiciary

Judges: Always first refer to judges with their title preceding their last name. For example, Justice Nordheimer. Following the first reference, you may refer to judges only by their last name; (e.g. Justice Nordheimer ruled in favour of the defendant... Nordheimer’s ruling created a precedent in the law of contracts). You may, sparingly, use alternative titles for Judges, if appropriate and approved; for example, referring to Lord Denning as Master of the Rolls).

Canadian and other Commonwealth Justices: When referring to a justice use their surname followed by the abbreviation for their judicial office; e.g. (Abella J.). You may also refer to them by their official title (e.g. The Honourable Madame Justice).

American Justices: When referring to a justice use their surname with their title preceding their name; e.g. (Justice Scalia).

SECTION 3: GUIDELINES FOR LEGAL REASONING

1. Application of the Constitution or the Canadian Charter of Rights and Freedoms

Section 1; Reasonable Limits: In cases with any reference to a Charter infringement, it is key to do a Section 1 Analysis (Application of the Oakes Test)

Section 52/53; Division of Powers: For any cases discussing the governance of a topic, or suggesting that a judicial, executive, or legislative authority takes into account or addresses a topic, it is key to note the divisions of powers as set forth in the Constitution. For topics that possess various areas of governance, it is key to distinguish and discuss each respective division of power. For topics that have ambiguity as to their area of jurisdiction, it is key to provide reasons as to why one authority was discussed and the other wasn’t, or both should be considered. For emerging topics that are not enumerated under the divisions of power set forth in the Constitution, nor deemed analogous per a legislative, executive, or judicial authority, it is key to consider the paramountcy doctrine and the Peace, Order, and Good Government clause mentioned in the Constitution.

2. Discussion of Judgements or Legislation

Evaluating Judgements or Legislation. Consider all applicable rules, doctrines, and precedents in the evaluation of judgements or legislation. Consider judgements at all levels of ruling and concurring or dissenting judgements. Consider the philosophies of the presiding judges. Consider the burden of proof and the standard of proof. Consider whether a subjective or objective analysis was used. For example, in cases of failure to obtain informed consent, plaintiffs must meet a subjective and an objective standard. As well, the degree of mens rea (if applicable). For further example, some criminal offences require full subjective mens rea, whereas absolute liability regulatory offences require no subjective mens rea, and strict liability regulatory offences will consider mens rea on a balance of probabilities if put forward by the defendant.

Critiques of Judgements or Legislation: In cases critiquing or discussing judicial decisions or legislation, it is key to ensure that newer updates to the judicial decisions or legislation are discussed and noted. Similarly, offering a history of prior judicial decisions or legislation central to the topic at hand provides more nuance and comprehensiveness in a discussion or critique of a law or legal precedent.

Advocacy Regarding the Application of a Law: In arguments advocating for or against the application of a law, it is key to evaluate historical perspective. This includes taking into account social attitudes and legal principles of the time, as well as noting that laws, for the most part, are not retroactive. For issues of substantial importance, it is key to consider, discuss, and explain overarching residual policy considerations, the precedent on future cases, public opinion, and other lasting legal effects.

Discussion of Judgements or Legislation relating to International Law: For topics relating to both domestic and international principles, customs, or statutes, it is key to consider, discuss, and explain both, and it may be prudent to select one of the two to focus on. Similarly, when applying international legal statutes, customs, or principles, it may be key to discuss whether the state in question is a signatory and whether the state has codified it in domestic law.