

Canadian Citation Committee

Canadian Guide to the Uniform Preparation of Judgments

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Prepared for the
Canadian Judicial Council and the
Judges Technology Advisory Committee

By the Canadian Citation Committee
(http://www.lexum.umontreal.ca/citation/index_en.html)

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Warning: This Guide may be amended from time to time. The latest version is available at the following URL: <http://www.lexum.umontreal.ca/citation/guide/en>

Summary

This *Canadian Guide to the Uniform Preparation of Judgments* is a revised version of the *Standards for the Preparation, Distribution and Citation of Canadian Judgments in Electronic Form*, adopted in 1996 by the Canadian Judicial Council (CJC). It also integrates the *Neutral Citation Standard for Case Law*, adopted by the CJC in 1999. This document, like the two sets of standards that preceded it, is designed to disseminate best practices in judgment preparation and simplify the publication of case law.

This document improves and completes existing standards by:

- Explaining how to name and manage judgment files;
- Specifying the data elements needed to identify a judgment and clarifying their presentation. It also suggests additional elements for standardizing the insertion of information on publication restrictions, corrigenda and the status of a text;
- Simplifying the guidelines on judgment appearance and presentation. Indeed, it matters less how a collection of judgments looks when the main data elements are better defined and presentation is consistent throughout the collection;
- Proposing a major expansion of the use of the Neutral Citation Standard, so that it is used systematically for case law citation.

The present guide is the sequel to and streamlining of the preceding standards. It reflects a better understanding of electronic documents and the conditions that must be met to utilize their full potential. It deserves the same support from Canadian judicial institutions as its predecessors.

Members of the Canadian Citation Committee

This document has been produced by the Canadian Citation Committee (“CCC”). The CCC is an ad hoc group formed to support the standardization efforts of the Judges Technology Advisory Committee of the Canadian Judicial Council. The members volunteer their time to produce useful standards for the Canadian legal community.

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- Canadian Judicial Council
- Supreme Court of Canada
- Federal Court of Canada
- Tax Court of Canada
- Competition Tribunal
- Court of Appeal of British Columbia
- Supreme Court of British Columbia
- Court of Appeal of Alberta
- Court of Queen's Bench of Alberta
- Court of Appeal of Saskatchewan
- Court of Queen's Bench of Manitoba
- Court of Appeal for Ontario
- Superior Court of Quebec
- Tribunal Administratif du Québec
- Nova Scotia Court of Appeal
- Supreme Court of Prince Edward Island
- Supreme Court of Newfoundland and Labrador
- Supreme Court of the Yukon Territory
- Nunavut Court of Justice
- Ministry of Attorney General for British Columbia
- Alberta Justice
- Manitoba Justice
- Ministry of Attorney General, Ontario
- Nova Scotia Department of Justice
- Yukon Department of Justice
- Law Society of Saskatchewan
- Law Society of Newfoundland
- Faculty of Law, University of Manitoba
- Faculty of Law, University of Windsor
- Société québécoise d'information juridique (SOQUIJ)
- Canada Law Book
- CCH Canadian.

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Introduction: why standardize the way judgments are prepared?

- [1] The electronic publication of Canadian case law has become increasingly widespread over the last 25 years. This has resulted from the fact that computer use has gradually permeated all judicial spheres and from the efforts of publishers and others in the publication of legal texts. The explosive growth of the Internet has made this development all the more valuable.
- [2] Electronic publication of judgments offers clear advantages to courts, publishers, lawyers and the public. It is characterized by:
- Wider distribution;
 - More timely publication;
 - Reduced reproduction, distribution and storage costs;
 - Better information (better structured and with search and hypertext functions);
 - Facilitated citation.
- [3] In order to make the most of these advantages, Canadian courts have adopted shared standards for preparing their judgments. Documents prepared in accordance with these standards will be easier to publish, and the courts, like others, will benefit from reduced costs.
- [4] This document is an update of the *Standards for the Preparation, Distribution and Citation of Canadian Judgments in Electronic Form* that were adopted in 1996 by the Canadian Judicial Council (CJC). For more information about the evolution of CJC standards since 1996, see *Appendix A: CJC Standards Development Effort, 1996-2002*.
- [5] As the number of judgments rendered by courts has skyrocketed, storing, distributing and publishing them have become difficult, when only traditional means are employed. Fortunately, Canadian courts have moved ahead and now largely use computer tools. However, many of the potential benefits of new computer tools depend on standardization. Thus, standardization must be pursued and the present standards are an effort to do just that.
- [6] In print-based information systems, consistency in the way documents are presented is not very important. The information is recognized and identified by the human eye each time the document is consulted. Whether or not these documents were standardized, they used to be costly to distribute because the text and information they contained inevitably had to be re-entered. Electronic text facilitates reuse, but this benefit is partially neutralized if the information contained in texts can be identified only by consulting each document. This limits the potential advantages of the electronic format. Standardization is the only way to achieve more effective information systems that will reach the full potential of the technology.

- [7] In an electronic information system based on standardized documents, information recognition and identification can be automated. Once properly identified, data can be marked up with languages such as XML (Extended Markup Language) and its well-known subset, HTML (Hypertext Markup Language). These languages express the logical structure and contents of documents by placing meaningful tags around pieces of data. A software application can then read this kind of document and interpret the marks with predefined sets of instructions, thereby displaying them in various ways. It can also facilitate contextual searching.
- [8] In the present guide, the data elements, e.g. judgment date, docket number, name of judge, are to be identified not by tags, but by a consistent set of significant labels placed before them. Labels are natural words or expressions that allow any reader to recognize information. Many of these labels are already used by courts, but the lack of uniformity compromises their effectiveness.
- [9] In the long term, ordinary legal documents will probably all be prepared with software that directly inserts the tags required for them to be managed by court software. Some courts are already considering this, which will be another step toward better use of computer technologies. However, in the short and medium terms, basic standardization of judgments is sufficient to improve accessibility and reduce costs.
- [10] In short, judgments must be standardized in order to make the most of the transition to electronic format; citizens, both within and outside the legal community, will benefit from it.
- [11] One of the goals of this revision is to limit the constraints on preparation to only the standards that are essential for revealing the structure and content of judgments. In the information age, the way documents are structured is more important than the way they are presented. This is why the emphasis is placed on standardizing the data elements that are required to identify and locate a judgment, such as its date and docket number, and it is left up to each court to make decisions with respect to appearance.
- [12] Another purpose of this revision is to refine, and even to replace some of the existing standards in order to solve implementation problems that have been identified since 1996 such as the method for naming files. This revision is also intended to provide general guidelines for dealing with new needs, e.g., the inclusion of graphics in judgments such as tables, diagrams and pictures.
- [13] All of these objectives are in line with the ultimate goal of standardization: the clear expression of the essential elements of a judgment so as to distribute it more broadly and

more efficiently. These objectives can be met without increasing the workload of staff responsible for preparing judgments in courts. The emphasis is on standardizing only the *most crucial* aspects of judgment formatting.

- [14] These standards will continue to evolve. Nevertheless, the authors are aware of the effort needed to implement them such that changes will always be made in moderation and only as required.

Canadian Guide to the Uniform Preparation of Judgments

1 Scope and application

- [15] The present guide replaces the *Standards for the Preparation, Distribution and Citation of Canadian Judgments in Electronic Form* approved in 1996 by the CJC.
- [16] It applies to the electronic preparation of judgments rendered and distributed by Canadian courts. All tribunals are invited to implement these standards as well.
- [17] It applies, where appropriate, to all decision-related documents issued by a court, whether from a judge, counsel, clerk of court or other authorized judicial officer.
- [18] It applies from the date it is adopted by a court, and is not intended to be retroactive. This guide may be implemented progressively, over the years, as courts revise their publishing procedures. It is meant to provide guidelines that each court could approach at its own pace.
- [19] Some standards found in this guide are based on the previous implementation of the *Neutral Citation Standard for Case Law* approved in 1999 by the CJC (the “*Neutral Citation Standard*”). This standard provides courts with a publisher-neutral citation method. Thus, cases are named in an official and permanent way without having to wait for their publication in printed law reports. This is all the more important for electronic distribution of judgments. It should be noted that courts may implement the *Neutral Citation Standard* without preparing the style of cause, which is not a core element of the neutral citation.
- [20] All aspects of the preparation of judgments that are *not* addressed by these standards are left to the court’s discretion.

2 Hardware and software

- [21] The electronic version of a judgment is prepared using any computer platform, operating system, software or other technical means that allows compliance with the present guide.

3 File naming and management

- [22] The standards set in the present section on file naming and management apply for distribution purposes. Internally, courts may name and manage their files as they see fit.

[23] The following table summarizes the file naming standards contained in the present section. It may be used as a quick reference for naming files.

File naming				
Filename (Sect. 3.1)	Order of qualifiers (where applicable)			File extension (Sect. 3.1)
	1) Language of a judgment (Sect. 3.3)	2) Corrections to a distributed judgment (Sect. 3.5)	3) Sequence of non-word processing files (Sect. 3.6)	
Core element of the neutral citation, without spaces	“.f” for French or “.e” for English only where courts usually proceed in another language	“.cor/n” for a corrected judgment or “.err/n” for a corrigendum where /n/ is a number corresponding to the ordinal number of the correction	“.n” where /n/ is a zero-filled two digits number corresponding to the ordinal number of the non-word processing file in the judgment	“.format” where [format] is the standard suffix indicating the file format
Examples: 2002skqb0024.wpd	Examples: 2002skqb0024.f.wpd	Examples: 2002skqb0024.f.err2.wpd	Examples: 2002skqb0024.f.cor1.02.jpg	Examples: 2002skqb0024.jpg
2002fct0043.html	2002fct0043.html	2002fct0043.cor1.html	2002fct0043.03.gif	2002fct0043.wpd
2002qcca076.doc	2002qcca076.doc	2002qcca076.err2.doc	2002qcca076.err2.01.ppt	2002qcca076.doc

3.1 Filename in general

[24] The basic name of a file containing a judgment corresponds to the core of its citation, in accordance with the *Neutral Citation Standard*. This name is followed by a dot and a suffix, called a “file extension”, indicating its file format (see *Appendix B: Formats and filename extensions*).

Example:

A judgment prepared in WordPerfect whose neutral citation is “2000 BCCA 34” should be saved as “2000bcc34.wpd”.

[25] Some courts may wish to zero-fill the filename to facilitate sorting judgments within court systems.

Example:

A judgment prepared in Word whose neutral citation is “2001 BCSC 56” may be saved as “2001bcsc0056.doc”.

[26] The filenames for judgments from courts that have not adopted the *Neutral Citation Standard* are based on a naming convention that provides a unique identifier. The names of parties or docket numbers should not be used without a further identifier, for this could cause duplication when several judgments are rendered in single or related actions.

[27] The filename does not contain spaces, punctuation or any special characters, except for dot (.), hyphen (-) and underscore (_) characters.

[28] Occasionally, judgment file names will require qualifiers for language, correction or non word processing files sequence (see sect. 3.3 to 3.6). If more than one qualifier is needed in a

filename, they are separated by a dot and placed in the following order: 1) language, 2) correction and 3) sequence.

Example for a judgment file:

A judgment prepared in WordPerfect whose neutral citation is “2002 ONCA 45”, written in French and corrected for the second time after previous distribution should be saved as “2002onca045.f.cor2.wpd”.

Example for a non-word processing file:

An Excel file that is the third file associated with the judgment whose filename is “2002onca045.f.cor2.wpd” should be saved as “2002onca045.f.cor2.03.xls”.

3.2 Multiple reasons

[29] Multiple reasons are saved in a single file.

3.3 Language of a judgment

[30] The original and translated versions of a judgment are saved as separate files, each one named in accordance with its neutral citation or otherwise identified uniquely. Courts that usually proceed in only one language may indicate the use of another language by adding a language qualifier after the name and before the file extension, e.g. the letter “e” for an English judgment and “f” for a French judgment.

Examples:

“2002fct0043.wpd” would be a filename for the English version of a Federal Court of Canada Trial Division judgment. The court identifiers establish a distinction between the English and French versions. For the French version, the filename would be “2002cfpi0043.wpd”.

“2002onca022.f.doc” would be a filename for a French judgment from the Ontario Court of Appeal.

3.4 Supplementary reasons (or “Addendum”)

[31] Supplementary reasons, also called “addendum”, are additional reasons related to a case in which a judgment has already been issued. In jurisdictions where such an addendum exists, it is considered and treated as a new judgment, in a separate file with its own neutral citation.

3.5 Corrections to a judgment

[32] To correct errors that occurred in a distributed judgment, courts may issue either a corrigendum (or “erratum”), or a corrected judgment.

3.5.1 Corrigendum (or “Erratum”)

- [33] A corrigendum, also called “erratum”, is a document that contains corrections to make to a previously distributed judgment. Corrigenda, in and of themselves, are not considered new judgments for file distribution purposes. They do not receive a new neutral citation, for they must keep their relation with the original judgment.
- [34] When a corrigendum is issued, its filename is the same as the original judgment, with the addition of an erratum qualifier before the file extension. This qualifier is “.err1” for the first corrigendum, “.err2” for the second, and so on.

Example:

“2002skqb0024.err2.wpd” would be the filename for the second corrigendum issued for a Saskatchewan Court of Queen’s Bench decision whose original filename is “2002skqb0024.wpd”.

3.5.2 Corrected judgment (or “Revised judgment”)

- [35] A corrected judgment is the revised version of a judgment that replaces a previously distributed one. At the discretion of the court, there are two possible ways to issue a corrected judgment. It may either contain:
- a. only the corrected text of the judgment; or
 - b. the text of the judgment, corrected or not, with an appended corrigendum (see sect. 7 for the location and labelling of the appended corrigendum).
- [36] The filename of the corrected judgment is the same as the previously distributed judgment, with the addition of a correction qualifier before the file extension. This qualifier is “.cor1” for the first correction, “.cor2” for the second, and so on.

Example:

“2002skqb0024.cor2.wpd” would be the filename for the second revision issued for a Saskatchewan Court of Queen’s Bench decision whose original filename is “2002skqb0024.wpd”.

3.6 Non-word processing files

- [37] Sometimes files that are not word processing text files are required to form part of the judgment. These may include graphical images, video, digital audio, other multimedia files, spreadsheets, transcripts, and presentation files among others. Wherever possible it is recommended that these files be inserted in the word processing judgment file at the desired location.

- [38] All measures must be taken to ensure the stability and confidentiality of the content of judgments. For instance, external objects are pasted without live links and not “embedded” to the source file (for further details on the insertion of objects in word processing documents, see the companion document: *The preparation of documents for electronic distribution*, source: <<http://www.lexum.umontreal.ca/citation/guide/en/distribution.en.html>>). Also, bitmap images are generally less dependent on the data processing environment and therefore more stable.
- [39] Inserting a file is not always technically feasible. When needed, separate files may be distributed together with the judgment word processing file and each should be named according to the present guide (see *Appendix B: Formats and filename extensions*). References to these associated files must appear in the text of the judgment.
- [40] When more than one of these files are attached, their presentation sequence in the document must be indicated by a qualifier in the filename. This qualifier is a number preceded by a dot, and must be zero-filled to facilitate sorting: “.01” for the first file, “.02” for the second, and so on.

Examples:

“2000bcsc0056.01.tif”, “2000bcsc0056.02.ppt”, and “2000bcsc0056.03.tif” are filenames for three multimedia documents distributed with a British Columbia Supreme Court judgment file named “2000bcsc0056.wpd”.

4 Text structure and format

4.1 Typesetting

- [41] Typesetting and design characteristics of judgments, such as font attributes, line spacing, justification and page setup are at the court’s discretion.
- [42] All text in a judgment, including headings and titles, appears in an accurate mix of upper and lower case fonts. The use of all upper case characters can cause confusion especially as to the proper capitalization of names, and is discouraged.
- Example:
Use MacKenzie, not MACKENZIE or MacKENZIE.
- [43] As an exception, some courts may continue to use upper case characters for emphasis as long as some database systems do not preserve bold or italic formatting.
- [44] Where, especially in French texts, two words or characters must be read together, they are separated by a non-breaking space.

Examples:

40°000 or Date°, the non-breaking space being represented here for convenience as an empty bullet (°).

4.2 Paragraphs

- [45] The text of a judgment is set out in paragraphs. Each paragraph is numbered using consecutive Arabic numerals placed between square brackets.
- [46] Paragraph numbering is continuous in a judgment, from the beginning of the disposition or reasons by the first judge to the end of the reasons of the last judge.
- [47] A paragraph may contain many components such as: lists, indented quotations, tables, graphical elements. These components always appear below the numbered paragraph to which they adhere.
- [48] Titles and headings, as well as components of a paragraph are not considered to be paragraphs in and of themselves. Thus, they are not numbered in the sequence of paragraphs.

Example:

[43] The respondent was responsible for all of the company's accounting, even though he was not an accountant by profession. He performed such varied tasks as:

- a) collecting overdue accounts
- b) bookkeeping
- c) performing bank deposits and withdrawals
- d) managing supplies

[44] Therefore, the Court concludes that...

4.3 Citations

- [49] The citation of a case includes its neutral citation, if there is one.
- [50] When footnotes or endnotes are used, they are numbered in one sequence from the beginning to the end of the text. Also, footnotes and endnotes are not used together in the same text.

5 Word processing features and tools

- [51] Word processing software has many features designed to enhance the format and page layout of a document. Courts are encouraged to make use of these features and to avoid formatting documents with the manual entry of carriage returns, spaces, multiple tabs and manual alignment.

Example:

Obsolete typesetting design features such as a vertical line of closing parentheses to group information on a page or line up text must be avoided. The better practice is to use table formatting features.

[52] Format of text elements is always defined by using the proper tools from a word processing application. In particular:

- Paragraph numbering;
- Paragraph and list alignment, indentation and spacing;
- Pagination;
- Line spacing;
- Character scaling, spacing and kerning;
- Font face, size and appearance;
- Table formatting;
- Reference mark insertion, reference number and location of footnotes or endnotes;
- Content and location of page numbers, headers and footers;
- Tables of content and cross-references.

Example:

In order to have the word “ B e t w e e n ” appear with a wider white space between each letter, the proper tool is the character spacing function of the word processing application, and not the manual insertion of multiple spaces between the letters.

[53] Notwithstanding the preceding paragraph, dates are always entered as text and not as a date code. The use of date codes may cause incorrect dates to appear on the judgment when subsequently printed or displayed on a screen.

[54] Some of the features and settings of word processing software insert hidden information in the text that may not be intended for publication. In order to protect the confidentiality of judicial data, courts should use appropriate methods to ensure that this information is effectively removed when judgment files are prepared for distribution. This issue is further developed in the companion document: *The preparation of documents for electronic distribution*, source: <<http://www.lexum.umontreal.ca/citation/guide/en/distribution.en.html>>.

6 Judgment structure and content

[55] A judgment document contains various data elements in addition to the main text of the judgment which are the reasons and/or the disposition. Some elements are mandatory and others are optional. Most of them should be preceded by a label in order to be recognized.

7 Mandatory elements

[56] Mandatory elements are those which must be present in a judgment. They are placed at the very beginning of a judgment file, except for the corrigendum if applicable. Their sequence is also mandatory and follows that of their description in the present section.

[57] The following table may be used as a quick reference for identifying those mandatory elements and placing them in proper sequence.

Mandatory elements (mandatory presence and sequence)			
Sect.	Element's Name	Label (English/French)	Examples
7.1	Name of court	(none)	Cour Supérieure Canada Province de Québec
7.2	Neutral Citation	Citation:/Référence :	Citation: 2002 NBCA 402 or Citation: <i>R. v. Van Nguyen</i> , 2002 NBCA 402
7.3	Judgment Date	Date:/Date :	Date: 20020421
7.4	Docket number	Docket:/Dossier :	Docket: C983119
7.5	Registry (mandatory only if applicable)	Registry:/Grefe :	Registry: Vancouver
7.6	Full style of cause	Between:/Entre : or Parties:/Parties : or In the Matter of/Dans l'affaire de	Between: Her Majesty the Queen, Respondent – and – Lang Van Nguyen, Appellant
7.7	Translation Notice (mandatory only if applicable)	[Official English translation] /[Traduction française officielle]	[Official English translation] Translation certified true on this 17 th day of February 2000. Maria Klein, revisor.
7.8	Publication restriction notice (mandatory only if applicable)	Restriction on publication: /Publication restreinte :	Restriction on publication: The publication of these reasons is prohibited until further order and these reasons are not to be delivered in open court.
7.9	Correction notice (mandatory only if applicable)	Corrected judgment: /Jugement corrigé: or Revised judgment: /Jugement rectifié :	Revised Judgment: The text of the judgment has been corrected accordingly to the appended corrigendum (released November 29, 2001).
7.10	Name(s) of judge(s) hearing the matter	(any consistent and meaningful label deemed appropriate by the court, e.g. “Judge:”, “Coram:”)	Judge: W.J. Quinn, Master in Chambers or Coram: Justices Morden, Carthy and Moldaver J.J.A.

[58] As an exception, besides the mandatory elements appearing in the preceding table, when a corrected judgment contains a corrigendum (see sect. 3.5.2), the text of this corrigendum is appended after the disposition or reasons of the original judgment and must be preceded by the label “Corrigendum:” or “Erratum:” in English and “Rectificatif:” or “Erratum :” in French.

7.1 Name of Court

[59] Information identifying the court appears first in a judgment. It may include text, but also any distinctive visual elements such as lines or pictures like for instance the court's coat of arms.

Example:

**Cour Supérieure
Canada
Province de Québec**

Another example:



The Court of Appeal for Saskatchewan

7.2 Neutral citation

[60] The neutral citation for a judgment is formed in accordance with the *Neutral Citation Standard*. Therefore, it contains the core elements of the citation: year, tribunal identifier and ordinal number.

[61] The neutral citation is preceded by the label “Citation:” in English and “Référence :” in French.

Example:

Citation: 2002 NBCA 402

[62] It must be noted that only the core elements of the neutral citation are intended to be mandatory. The short style of cause is added before those core elements only at the court’s discretion. The preparation of the short style of cause may be supported by the existing guides [Quicklaw, McGill, CLIC]. More work will be required to develop a national standard in this respect.

Example :

Citation: *R. v. Van Nguyen*, 2002 NBCA 402

7.3 Judgment date

[63] The judgment date is the date the judgment becomes effective, based on the law of the issuing court. It is formatted in metric form, using eight digits: four for the year, two for the month and two for the day (yyyymmdd), without punctuation.

[64] The judgment date is preceded by the label “Date:” in English and “Date :” in French.

Example:

Date: 20020421

7.4 Docket (or court file) number

[65] The docket number, also called “court file number”, is attributed by a court to an action. There may be more than one docket number per action, and more than one judgment per docket number.

[66] A docket number is made up of numbers or letters, and may contain a separator to distinguish its components. It is better practice to use the hyphen (“-”) as a separator in docket numbers.

[67] A docket number is preceded by the label “Docket:” in English and by “Dossier :” in French.

Example:

Docket: C983119

[68] If more than one docket number is assigned to an action, the second and following numbers are separated from the preceding ones by a semi-colon and should not be separated by any other data element.

Example:

Citation: *R. v. Smith*, 2001 MBQB 311

Date: 20010430

Docket: CI 01-01-25672;

CI 01-01-25672

Registry: Winnipeg

But not (where the registry locale breaks the sequence of numbers):

Citation: *R. v. Smith*, 2001 MBQB 311

Date: 20010430

Docket: CI 01-01-25672;

CI 01-01-25672

Registry: Winnipeg

7.5 Registry (mandatory if applicable)

[69] In courts where a reference to the registry’s locale (or “judicial district”) is necessary to avoid confusion between docket numbers, the identification of this data element is mandatory. The registry’s locale is preceded by the label “Registry:” in English and “Greffé :” in French.

Example:

Docket: CI 00-01-20729

Registry: Winnipeg

7.6 Full Style of Cause

[70] The full style of cause is a description of the action. It may contain titles of statutory enactments, full names and status of parties or other relevant information, at the court’s discretion. There may be more than one full style of cause associated with a judgment.

[71] When parties are opposed in an action, the full style of cause begins with the label “Between:” or “Parties:” in English and “Entre :” or “Parties :” in French.

Example:

Parties:
 YMJ Inc. (Sales),
 Appellant-Defendant
 v.
 Excelled Leather Coat Corp.
 and
 2909223 Canada Inc.,
 Respondents-Plaintiffs

- [72] When the action is an application or a reference, the style of cause begins with the label “In the matter of” in English and “Dans l’affaire de” in French.

Example:

In the Matter of the Insurance Act, R.S.B.C. 1996, c. 266
 And:
 In the Matter of the Canada Life Assurance Company, BC Rail LTD.

- [73] Where a judgment deals with several matters involving multiple dockets, registries and so forth, it is important to keep elements such as Docket, Registry and Full Style of Cause information grouped together meaningfully.

Example:

Citation: Davidson v. Jones, 2002 PESCAD 8

Date: 20020223
 Docket: AD-0915
 Registry: Charlottetown

Between:

Charles Davidson – Respondent
 – and –
 Paul Jones – Appellant

and

Between:

Frank Webber – Respondent
 – and –
 John Smith – Appellant

Docket: AD-0865
 Registry: Charlottetown

7.7 Translation notice (mandatory if applicable)

- [74] If a judgment is a translated version, a notice to this effect is added to the judgment.
- [75] The translation notice is “[Official English translation]” for the English version and “[Traduction française officielle]” for the French version. This could be followed by any relevant pieces of information concerning the translated version, such as the names of the translator or revisor, or the date of translation certification.

Example:

[Official English translation]

Translation certified true on this 17th day of February 2000.

Maria Klein, revisor.

7.8 Publication restriction notice (mandatory if applicable)

[76] The publication restriction notice is a statement informing readers of the scope of any restrictions with respect to the circulation or publication of a judgment. At the discretion of the court, the statement itself could be a generic one, but must provide enough details on the specific status of the publication ban.

[77] The publication restriction notice is preceded by the label “Restriction on publication:” in English and “Publication restreinte :” in French.

Example:

Restriction on publication: The publication of these reasons is prohibited until further order and these reasons are not to be delivered in open court.

Another example:

Restriction on publication:

Warning

The president of the panel hearing this appeal directs that the following should be attached to the file:

A non-publication and non-broadcast order in this proceeding under s. 486(3) of the Criminal Code shall continue. This subsection and s. 486(5) of the Criminal Code, which is concerned with the consequence of failure to comply with an order made under s-s.(3), read:

486.(3) Subject to subsection (4.1), where an accused is charged with an offence under section 151, 152, 153, 155, 159, 160, 170, 171, 172, 173, 271, 272, 273, 346 or 347, the presiding judge or justice may take an order directing that the identity of the complainant or of a witness and any information that would disclose the identity of the complainant or witness shall not be published in any document or broadcast in any way.

[...]

(5) Everyone who fails to comply with an Order made pursuant to subsection (3) is guilty of an offence punishable on summary conviction.

7.9 Correction notice (mandatory if applicable)

[78] When a corrected judgment is issued (see sect. 3.5.2), a correction notice is added in the judgment. The correction notice is a statement informing readers that the current document is a revision of a previously distributed judgment. The notice states whether or not the corrections were integrated into the main text of the original judgment. It also indicates if a corrigendum is appended.

[79] The correction notice is preceded by the label “Corrected judgment:” or “Revised judgment:” in English and “Jugement corrigé :” or “Jugement rectifié :” in French.

Example:

Revised judgment:

The text of the original judgment has been corrected with text of corrigendum (released November 29, 2001) appended.

7.10 Name(s) of judge(s) hearing the matter

- [80] A judgment contains the names of the judge(s) hearing the matter. This is preceded by any consistent label deemed appropriate by the court, such as “Judge:”, “Before:” or “Coram:” in English and “Juge :”, “Devant :” or “Coram :” in French.

Examples:

Judge: W.J. Quinn, Master in Chambers

Coram: Justices Morden, Carthy and Moldaver JJ.A.

8 Optional elements

- [81] Optional elements are those which may not be needed in every judgment. They follow mandatory elements. Their sequence is at the court’s discretion, with the exception of Appendixes (sect. 8.6), which are placed after the Disposition or Reasons, and Cover and Backing Sheets (sect. 8.7), which are placed at the very end of the file.

- [82] The following table may be used as a quick reference for identifying those optional elements.

Optional elements (optional presence and sequence)			
Sect.	Element’s Name	Label (English/French)	Examples
8.1	Dates and place of hearing, and other dates	(any label that differentiates it from the judgment date)	Appeal heard on October 6, 7 and 8, 1997, in Vancouver, B.C. Written reasons: January 11, 1998
8.2	Case origin or judicial history	On appeal from:/En appel de : or On judicial review from: /En révision judiciaire de :	On appeal from: A conviction for first degree murder by Justice James M. Donnelly, with a jury, dated January 31, 2001 (2001 BCSC 34, Docket: CC981332, Registry: Vancouver).
8.3	Disposition	Held:/Arrêt : or Disposition:/Dispositif :	Held: For the reasons given, the appeal is dismissed with costs.
8.4	Reasons	(any consistent and meaningful heading deemed appropriate by the court)	<u>Reasons for judgment</u> or By the Court:
8.5	Names of counsel	Appearances:/Ont comparu : or Solicitors:/Procureurs : or Counsel:/Avocats :	Appearances: Mr. Robert W. Smith, For the Applicant Mr. Marcel Trudel, For the Respondent
8.6	Appendices	Appendix <i>n</i> :/Annexe [<i>n</i>] : or Schedule [<i>n</i>] :	Appendix A: Exhibit #3
8.7	Cover and backing sheets	(none)	

- [83] Furthermore, according to their tradition and needs, courts may use any additional optional elements, e.g. keywords, authorities cited, summary. When included in a judgment, these additional optional elements are preceded by a consistent and meaningful label deemed appropriate by the court.

8.1 Dates, place of hearing and other dates

- [84] Where a court chooses to include dates and places of hearing relating to the judgment other than the judgment date, these are labelled in a way that differentiates them from the judgment date. The format of these other dates is at the court's discretion but should be consistent.

Examples:

Appeal heard on October 6, 7 and 8, 1997, in Vancouver, B.C.

Written reasons: January 11, 1998.

8.2 Case origin or judicial history

- [85] When information related to case origin or judicial history is included in a judgment, it provides sufficient information to identify the referenced judgments, such as the neutral citation, date, docket numbers and name of judge.

- [86] The origin of a case is labelled with the opening words "On appeal from:" or "On judicial review from:" in English, and "En appel de " or "En révision judiciaire de :" in French.

Example:

On appeal from: A conviction for first degree murder by Justice James M. Donnelly, with a jury, dated January 31, 2001 (2001 BCSC 34, Docket: CC981332, Registry: Vancouver).

8.3 Disposition

- [87] In some judgments, the disposition stands by itself, apart from the reasons. The disposition is the holding of a case or a specific order from a judgment. It usually consists of a brief statement, but may also contain many paragraphs. Only when it is separated from the reasons, the disposition is identified with the label "Order:", "Held:", or "Disposition:" in English and "Ordonnance:", "Arrêt : " or "Dispositif : " in French. When it is drafted as a part of the reasons, it is not required to be identified as a distinct element of the judgment.

Example:

Held: For the reasons given, the appeal is dismissed with costs.

Another example:

Arrêt:

[1] LA COUR, statuant sur le pourvoi de l'appelante contre un jugement de la Cour du Québec, chambre civile, prononcé le 8 juin 1993 par l'honorable Robert Sauvé qui rejetait son action avec dépens.

[2] Après étude du dossier, audition et délibéré;

[3] Pour les motifs exposés dans l'opinion écrite de la juge Deschamps auxquels souscrivent les juges Fish et Nuss;

[4] REJETTE l'appel avec dépens.

- [88] The paragraphs included in the disposition may be numbered or not, at the court's discretion. If they are numbered, then they follow the same sequence as those of the reasons.

8.4 Reasons

- [89] The reasons are the rationale for the judgment. Although present in most judgments, certain types of decision-related documents may not contain reasons, but only a disposition.
- [90] The reasons begin with any consistent and meaningful heading deemed appropriate by the court, such as "Judgment", "Memorandum of Judgment", "Reasons for Order", or "By the Court".
- [91] The reasons contain a sequence of numbered paragraphs. They may also contain headings, citations and the judge's signature lines.

8.5 Names of counsel

- [92] When included in a judgment, the list of counsel and their roles in the matter should be preceded by the label "Appearances:", "Solicitors:" or "Counsel:" in English, and "Ont comparu :", "Procureurs :" ou "Avocats :" in French.

Example:

Appearances:

Mr. Robert W. Smith, For the Applicant

Mr. Marcel Trudel, For the Respondent

8.6 Appendices

- [93] Appendices appear after the disposition or reasons.
- [94] An appendix is preceded by "Appendix [n]:" or "Schedule [n]:" in English and by "Annexe [n] :" in French, where [n] is the numeric or alphabetic designation of the appendix.

Example:

Appendix A: Exhibit #3

- [95] When numbered, the paragraphs of an appendix use a sequence distinct from those of the reasons.

8.7 Cover and backing sheets

- [96] Courts sometimes include cover sheets or backing sheets to distinctively identify printed judgments according to rules of practice or court tradition. These pages are placed at the very end of the judgment file.
- [97] No data elements needed to identify a judgment are contingent on the presence of cover and backing sheets.

Appendix A: CJC Standards Development Effort, 1996-2002

- [1] In May 1996, the Judges Technology Advisory Committee (JTAC) approved the *Standards for the Preparation, Distribution and Citation of Canadian Judgments in Electronic Form* (the 1996 Standards). This opened the way to the standardization of a number of formal aspects of Canadian judgments by defining three aspects of electronic publication of case law: preparation, citation and authentication (the last aspect has not yet been developed).
- [2] In the 1996 Standards, the JTAC focused on setting out guidelines for the first aspect, that of the preparation of judgments in electronic format. Many of these standards are now applied by Canadian courts. The data elements that allow a judgment to be identified are now included systematically in the file containing the reasons. If there are multiple reasons, they are now grouped in a single file. Finally, the most important result is no doubt the numbering of paragraphs. This practice frees case law from the pagination of printed documents.
- [3] The way of citing judgments, the second aspect in the 1996 Standards, was barely developed in the original document. However, it has been given extensive treatment subsequently by the Canadian Citation Committee in its *Neutral Citation Standard for Case Law*, which enables courts to produce a definitive designation for each judgment. This standard was adopted by the CJC, in 1999. Since then, most of the Canadian superior courts are applying it, including the Supreme Court of Canada since January 2000.
- [4] In recent years, the various Canadian producers and publishers have continued to work on the essential aspects of the standards for judgment preparation. The *Canadian Guide to the Uniform Preparation of Judgments* is the result of these reflections, and continue the work done in 1996.

Appendix B: Formats and filename extensions

- [1] Common office software allows users to prepare documents in a variety of formats. However, efficient dissemination of documents requires adherence to established standards and practices regarding filename extensions. This appendix presents these conventions.
- [2] A file format corresponds to a particular organization of data on an electronic medium. This organization determines the manner with which a system will be able to store, display or handle this data. The filename extension is a set of characters preceded by a dot, which usually constitutes the suffix of the filename (i.e. *name.extension*).
- [3] The filename extension is useful and even sometimes necessary for identifying a file format for retrieving, conversion or decompression purposes. It is consequently recommended to make use of standard file extensions adopted by software industry for naming files. Software generally applies these standards by default while creating or converting files. The following table shows the most common standard file extensions.

	Format or software	Extension
Text	Text (e. g. ASCII, ANSII, Unicode)	.txt
	RTF (Microsoft Rich Text Format)	.rtf
	Microsoft Word	.doc
	Corel WordPerfect	.wpd
	StarOffice Writer	.sdw or .sxw
	Lotus WordPro/Ami Pro	.sam
	XML (Extended Markup Language)	.xml or .xhtml
	HTML (Hypertext Markup Language)	.htm or .html
Graphic	JPEG (ISO Joint Photographic Experts Group)	.jpg
	GIF (Compuserve Graphics Interchange Format)	.gif
	PNG (W3C Portable Network Graphics)	.png
	SVG (W3C Scalable Vector Graphics)	.svg
	TIFF (Tagged Image File Format)	.tif or .tiff
	Windows Bitmap	.bmp
	WordPerfect Graphics	.wpg
	PC Paintbrush	.pcx
Spreadsheet	Microsoft Excel	.xls
	Corel Quattro Pro	.wkq or .qpw
	StarOffice Calc	.sdc
	IBM Lotus 123	.wks
Presentation	Microsoft PowerPoint	.ppt
	Corel Presentation SlideShow	.shw
	StarOffice Presentation	.sdd
Multimedia	Postscript	.ps
	PDF (Acrobat Portable Document Format)	.pdf
	MPEG (Moving Picture Experts Group)	.mpg or .mpeg
	Windows Media	.wm or .wma
	MP3 (MPEG1 Audio Layer 3)	.mp3
	Windows Waveform Audio	.wav
Compression	WinZIP or PkZIP	.zip