TMU Law Review
Style Guide
for Authors

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About the TMU Law Review Style Guide for Authors

The Toronto Metropolitan University Law Review (TMU Law Review) follows the latest edition of the *Canadian Guide to Uniform Legal Citation* (McGill Guide) (presently, the 10th edition). Where the McGill Guide is silent on an issue or requires supplementation, or if a conflict arises between the McGill Guide and the TMU Law Review Style Guide, this style guide will prevail.

For general style, formatting, spelling and grammar, the TMU Law Review relies on the *Canadian Oxford Dictionary* and the *Chicago Manual of Style*.

Formatting Basics

Please **do not include** the below formatting elements. The editorial team will add these elements ahead of publishing, as required.

1. Title page and abstract
2. Headers and footers (exclusive of footnotes and page numbers)

Please **do include** the following formatting elements:

1. **Page size**: 8.5 x 11 inches.
2. **Margins** (all margins, including figures or images): 2.54 cm (1 inch).
3. **Alignment and column**: Please align left and use only a single column.
4. **Spacing**: Single space.
5. **Font**: Arial or Times New Roman.
   a. Paragraphs: 12-point font.
   b. Footnotes: 10-point font.
6. **Colour of text**: Black. Avoid the use of colours outside of figures and tables. We aim to make every published work accessible and provide ease of readability.
7. **Paragraph length and spacing**: Align paragraphs left. Indentations, where required, should be one tab spaced. Paragraphs are ideally one-third to one-half page in length, where possible.
8. **Headings**: Please follow the general hierarchy for headings below. Spacing and indentation will be finalized in our typesetting process.

Heading Level	Formatting
INTRODUCTION	First level – Left justified, bold, all caps.
I. MAJOR HEADING	Second level – Left justified, all caps, Roman numeral list
1. Subheadings	Third level – Left justified, title capitalization, numbered list

a. Sub-subheadings	Fourth level – Left justified, title capitalization, lettered list
CONCLUSION	See first level formatting

Punctuation, Grammar and Language

Abbreviations and Acronyms
Abbreviations of decisions, legislation and other legal materials follow the McGill Guide. Otherwise, abbreviations of long titles are encouraged for ease of readability. Avoid abbreviations that can only be used once. Do not use punctuation within acronyms.

When abbreviating, spell out the entire title when it first appears and include the abbreviation in parentheses immediately after. Use your judgment if there is a large gap between the introduction of an abbreviation and its subsequent use in the text. In such cases, you may reuse the full title later in the work.

Apostrophes
Use an apostrophe and an "s" for the possessive version of singular nouns. Use only an apostrophe for the possessive version of plural nouns. This guidance extends to proper nouns regardless of in what letter they end (e.g., we are taking Suhas's car).

Do not italicize the possessive apostrophe when a proper noun is italicized.

Do not italicize pluralized years (e.g., the 2000s).

Capitalization
For capitalization in quotations and lists, see the Quotation and List sections below.

Commas
Use a comma to separate three or more elements in a sentence. Use the common before a conjunction, if there is a conjunction in the sentence (e.g., and, but, or, although).

Colons and Semicolons
Use colons to introduce a list of items, points and formal statements. Use semicolons to separate elements in a series and independent clauses that are not joined by a conjunction.

Dates
See the Numbers and Dates section below.

Ellipses
See the Quotations section below for the use of ellipses within block and run-in quotes.

Chapters, Figures, Tables and Sections

Capitalize Chapter, Figure and Table in text and footnote references, and use numerals for figure, table, and chapter notation (e.g., Figure 1, Chapter 11).

Do not capitalize the word "section" in text when referencing legislation. Do spell out the word "section" in-text and abbreviate to "s" or "ss" in footnotes (**see McGill Guide, Section E.2.1.10 Pinpoint**).

Italicization

For italicization within quotes, including added emphasis, see the Quotations section below.

Use italics for Latin and non-English words. However, please be cautious when using uncommon non-English words.

Lists

Use bullets or numbers for lists. Numbers are encouraged where references are made to list items. Indent the list and justify left. If the list is a quote, follow the guidance in the Quotations section below for block quotations.

If the points in the list are complete sentences, capitalize each point and use a period at the end of the sentence. If the points are incomplete sentences, **do not** capitalize each point, and end with a semicolon. Where semicolons are used, follow the second-last point with "and" after the semicolon. Then, end the last point with a period.

Numbers and Dates

Spell out numbers one through ten, inclusive (1-10), where a number starts a sentence, or any number followed by hundred, thousand, million, etc.

Spell out centuries and decades up to ten. Use numerals beyond the tenth century (e.g., 20th century).

Otherwise, use numerals for numbers, including fractions. For percentages, use numerals followed by the word "percent" (e.g., 30 percent).

For numbers of one thousand or greater, use commas to group numerals by threes (e.g., 1,500,000). This rule does not apply to years with more than three numerals (e.g., the year 2022).

For dates in running text, use the "month day, year" format, where the month is spelled out and the use of superscripts is avoided for the day (i.e., December 1, instead of December 1st). Set off the year with a comma. For example, December 1, 2010.

Parentheses and Brackets

When using in-text notes to note information about citations, use brackets following the citation to provide the information. Parenthetical information must refer to the citation

immediately preceding it and not be more than one sentence in length. This commonly includes examples such as (i.e.,), (e.g.,) or (see *xyz*).

Parentheses and brackets should be in the same font as the surrounding text (i.e., roman or italic) if the surrounding and enclosed text are in different fonts.

Pronoun Use
Gender-inclusive language is preferred where gender-specific pronouns are not most appropriate based on the subject (e.g., firepersons vs firemen, people vs men, they vs he or she, humankind vs mankind).

Punctuation
Place all punctuation within quotation marks **unless** it is a colon, semicolon or footnote number. If a colon or semicolon and a footnote number are used together, the footnote number comes before the colon or semicolon.

Avoid periods in abbreviations (e.g., "etc" vs "etc."), except when using "e.g.," "i.e.," and "cf." (**See McGill Guide, Section E-1.3.6 Introductory Signals**).

Periods should otherwise only be used to end sentences, if required in a style of cause (**See McGill Guide, Section E-3.3 Style of Cause**) or elsewhere in the McGill Guide.

If an abbreviation that ends in a period comes at the end of a sentence, do not add a second period.

Quotations

Block Quotations
Block quotations are quotes that take up four lines or more. They do not require quotation marks. For block quotations, separate from the paragraph and indent the quote. Do not adjust spacing outside of the general guidance in the TMU Style Guide.

You must retain all original spelling and punctuation within the quotation. If a misspelled word or grammatical error occurs, use an italicized [*sic*] in brackets.

You may indent legislative provisions that are less than four lines for ease of readability.

It is encouraged to use an introductory sentence when using a block quotation for ease of readability.

Run-in Quotations
Run-in quotations are quotes that take up less than four lines. Enclose run-in quotes with double quotation marks.

Use single quotation marks to denote quotations within quotations.

<u>Changes to Quotations</u>
Breaks in the original quotation (i.e., omitted words, lines, paragraphs) should be followed by an ellipsis (…) with a space preceding and following the ellipses. Ellipses are also used at the end of a sentence to indicate an incomplete sentence.

Use square brackets to denote any changes you make to the quotation, including where required to ensure the first letter of the quotation is capitalized. If footnotes are omitted, indicate [footnotes omitted] in square brackets at the end of the citation. If you wish to add emphasis, italicize the word(s) or section and note [emphasis added] in square brackets at the end of the citation. Similarly, if the emphasis came from the original quote, include [emphasis in original] in square brackets at the end of the citation.

Footnotes and Citations

The TMU Law Review follows the McGill Guide for citations and footnotes. This section summarizes commonly used requirements from the McGill Guide. For further reading on these topics, **see McGill Guide, Sections E-1.3 Footnotes: Rules, E-3.2 General Form, E-3.3 Style of Cause, E-3.5 Neutral Citation, E-3.6 Pinpoint, and E-6.1 Journals**.

1. When citing a reference for the first time, include the full form citation in the footnotes, in accordance with the McGill Guide. All subsequent citations for that source must also be footnoted. In subsequent citations, a short title and pinpoint reference should be provided, where applicable, and a cross-reference to the initial or immediately preceding citation must also be included (i.e., *ibid* or *supra*). See further details below under the *ibid* and *supra* sections.
    a. ***Ibid***: Use *ibid* to refer to the immediately preceding footnote. Do not provide a note to indicate the number of the immediately preceding footnote. A short title is not required, but where the immediately preceding footnote contains more than one reference, use the author's last name(s) to specify to which source you are referring (e.g., Borrows, *ibid*). *Ibid* is always italicized and is capitalized when it starts a reference or sentence.
    b. ***Supra***: Use *supra* to refer to an original footnote containing a full citation. Begin the citation with a short title. Include a note and number for the original citation and a pinpoint, where appropriate (i.e., *Short title*, *supra* note 5 at para 150). *Supra* should never refer to a *supra* or *ibid* reference. *Supra* is always italicized and is capitalized when it starts a reference or sentence.
2. Abbreviations and short titles
    a. Abbreviations of journal titles should be in accordance with Appendix D of the McGill Guide. If no abbreviation is available, use the full journal title.
    b. When identifying authors, use their full name in the text and footnotes when they are first mentioned. In subsequent references, use only the last name. Judgement should be used if there is a large gap between the first use of the author's full name and its next use in the text. In such cases, you may subsequently reuse the full name.

     c. If more than one work by an author is cited, you may use the author's last name and a short title of their works, separated by a comma, for clarity.

     d. When creating short titles for cases, use a distinctive part of the style of cause or one of the parties' surnames. If there is a common shorthand in circulation for the case, and especially if an existing shorthand is included in quotations, then use that shorthand for clarity.

     e. Place the short title directly after the citation in square brackets, but prior to any parenthetical information, if applicable. Once you introduce a short title, use it for all subsequent references. Do not include the short title in square brackets following the reference in subsequent references (i.e., when *ibid* or *supra* are used to refer to the preceding or original citation).

3. When pinpointing, use "at para" to indicate a paragraph or "at paras" to indicate multiple paragraphs. Use only "at" to indicate a page number. Do not use "page" or "p" to indicate a page reference.

4. When citing consecutive pages or paragraphs, use a hyphen (e.g., at 1-15). When citing non-consecutive pages, use a comma (e.g., at paras 1, 6 and 8).

5. Use a neutral citation where possible for case citations. If a neutral citation is unavailable, provide two citations from case law reporters.

Spelling and Words to Use Cautiously

We include general guidance for reference, but it is not exhaustive. Refer to the *Canadian Oxford Dictionary* as required.

1. Follow spelling conventions in the *Canadian Oxford Dictionary*. For instance, "favour" not "favor", and "analyze" not "analyse".

2. Use commonly confused terms with caution (e.g., that vs which, affect vs effect).

3. Use of i.e. vs e.g.
     a. **I.e**.: Use "i.e.," where saying "that is" would be appropriate, or where you are indicating a closed list. For example: They enjoy only three types of vegetables (i.e., carrots, zucchini, and cauliflower).
     b. **E.g.**: Use "e.g.," where saying "for example" would be appropriate, or where you are indicating an open list. For example: They enjoy many types of fruit (e.g., apples, oranges, and pears).

4. Follow the McGill Guide (**See Section E – 1.3.6 Introductory Signals**) for appropriate use of introductory signals, including but not limited to: *cf.*, see, see also, and see generally.

Appropriate use of Indigenous terminology

We provide recommendations to guide authors in the use of commonly accepted descriptors for Indigenous peoples in Canada. We acknowledge the imperfection of providing a guide to Indigenous terminology when individual Indigenous communities have differences and particular preferences, informed by their histories. The purpose of this guide is to promote appropriate and respectful terminology when writing about Indigenous peoples and topics, and to promote the use of terminology preferred by

Indigenous peoples. We encourage authors to consult additional resources, including Indigenous groups that you are writing about, or appropriate and knowledgeable experts, to confirm how a particular community self-identifies. For example, you may wish to consult *The University of British Columbia's Indigenous Peoples: Language Guidelines*[1] for a further exploration of terminology.

We also recognize that, in the legal context, it can be necessary to use terminology that is not embraced by Indigenous communities to achieve precision when writing about colonial legal definitions and concepts.

Terms

1. **Indigenous**: Currently, the most used umbrella term (within Canada and internationally, including by the United Nations). Indigenous includes First Nations, Métis, and Inuit peoples, which are culturally, historically, and legally distinct groups.

   Indigenous law specifically refers to the legal traditions that govern Indigenous peoples, which are distinct from Canadian colonial laws that purport to govern Indigenous peoples.

2. **First Nations**: While there is no legal definition of "First Nations," this term commonly includes peoples with "Indian status" that are included in a "band" under s 2(1) of the *Indian Act*.[2] Many communities associated with a reserve refer to themselves as First Nations. This is not true of *all* communities that are associated with a reserve. When referring to a specific First Nations community, it is always preferable to reference the group(s) by their self-identified name (i.e., Six Nations of the Grand River, instead of a First Nation community).

   The term First Nations does not include Métis and Inuit peoples, who are historically, culturally, and legally distinct. Similarly, First Nations is not synonymous with the term "Indigenous peoples," but rather, refers to a subset of Indigenous peoples.

   First Nation is an identifier that some communities prefer over the colonial term "Indian," which is rooted in the *Indian Act*.[3] Some communities self-identify as First Nations instead of as "bands," which is an *Indian Act* term.[4] However, the term First Nations is broadly used and does not necessarily denote whether a group of First Nations people is "status" or "non-status Indian" under the *Indian Act*. When referring to a specific First Nation, it is preferable to use the name of the specific First Nation.

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[1] The University of British Columbia, "Indigenous Peoples: Language Guidelines" (2021), online (pdf): *University of British Columbia* <assets.brand.ubc.ca/downloads/ubc_indigenous_peoples_language_guide.pdf>.

[2] *Indian Act,* RSO 1985, c I-5, s 2.

[3] *Ibid*, s 2(1).

[4] *Ibid*.

First Nation (singular) can also refer to an individual who has "Indian status" under the *Indian Act*. When referring specifically to peoples who are "status Indians" under the *Indian Act*, it is clearer to indicate this instead of using "First Nations", which can include both "status" and "non-status Indians".

3. **Métis**: A distinct Indigenous group in Canada that is not included in the *Indian Act*. The term may be used in the singular or plural to refer to a community or an individual within a Métis community.

4. **Inuit**: A distinct Indigenous group in Canada that is not included in the *Indian Act*. Inuit is the plural form, while Inuk is the singular form.

5. **"Aboriginal"**: Historically, "Aboriginal" also referred to First Nations, Métis, and Inuit peoples, akin to saying Indigenous peoples. Aboriginal is no longer commonly used as the inclusive, widely accepted term in Canada. However, the term "Aboriginal" is used in the *Constitution Act, 1982*,[5] and commonly throughout Canadian case law.

   Aboriginal law refers to Canadian law that purports to govern Indigenous peoples in Canada. Use of the term "Aboriginal" may be appropriate when discussing colonial laws and related court decisions that impact Indigenous peoples, and Canadian legal instruments.

6. **"Indian" and "Indian status" (as relates to the *Indian Act*)**: Refers to an individual's legal status as an "Indian," as defined by the *Indian Act*.[6] Use of the term "Indian" should be avoided unless required for precision in a legally defined term, within a community name, document title, or included in a direct quotation.

7. **Describing lands and territories:** "Reserve" refers to certain land under the *Indian Act*.[7] "Traditional territory" refers to lands historically used and/or occupied by Indigenous peoples, which may or may not be recognized by colonial laws. Generally, "unceded territory" refers to lands that Indigenous peoples never surrendered to the Canadian government. Treaty lands are lands that are subject to agreements between the Canadian government and Indigenous peoples that define rights and obligations related to lands.

General Commentary

1. In recognition of the sovereignty of Indigenous peoples, refrain from possessive language to refer to the relationship between Canada and Indigenous peoples. For instance, avoid phrases like "Canada's Indigenous peoples." Instead, you could use "Indigenous peoples in Canada" to exclude peoples in the United States, for instance.

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[5] *Constitution Act*, 1982, being Schedule B to the *Canada Act* 1982 (UK), 1982, c 11.
[6] *Indian Act*, *supra* note 3, s 2(1).
[7] *Ibid.*

2. Use descriptors as adjectives, not nouns. For instance, the use of "Aboriginal peoples" versus "Aboriginals."
3. Capitalize Indigenous, Aboriginal, First Nation, Métis, Inuit, and other descriptors.
4. Take care in qualifying a particular group or describing the relationship between an Indigenous group and a colonial law or legal context. Not every Canadian legal definition or court decision applies to all Indigenous peoples in Canada. For example, you would not describe jurisprudence that impacts First Nations with "Indian status" under the *Indian Act* as impacting Indigenous peoples generally. Instead, you would refer to the impact on the group(s) affected.
5. Terms to avoid unless required (i.e., for precision in a legally defined term, within a community name, document title, or included in a direct quotation): "Native", "Aboriginal", "Indian", and "Eskimo".

Legal Terminology

1. **Referring to courts**: When referring to a specific court, capitalize "Court" and use the full name of the court. In subsequent references to a specific court, you can refer to "the Court" as a short title. Use your judgement to ensure clarity and readability if there are multiple courts being discussed within a paragraph or section. When referring to courts generally, do not capitalize "court".

2. **Referring to judges**: In the first reference, use the judge's full name and official title. Subsequently, use the judge's last name and abbreviated title. Do not use periods in title abbreviations (e.g., Chief Justice Richard Wagner and Wagner, CJ). Appropriate abbreviations are:
   a. Chief Justice: CJ
   b. Justice/Judge(s): J (singular); JJ (plural)
   c. Justice/Judge of Appeal(s): JA (singular); JJA (plural)

Citation Examples for Common Forms

These examples of commonly used citation forms are provided for ease of reference. Please follow the McGill Guide for full guidance. Reference to the applicable section of the McGill Guide is provided below.

For jurisprudence, if a neutral citation or CanLII citation is available, no parallel citation is needed. The jurisdiction and court are required unless a neutral form is provided.

The hierarchy of sources is a neutral citation, then CanLII citation, then other sources. There is no hierarchy among other sources. However, McGill Guide examples list commercial database providers ahead of print reporters.

1. **General Form**
   Form: *Style of cause,* | main citation | pinpoint, | parallel citation | (jurisdiction | court) [*short form*].

Example: *Fisher v Fisher*, 2008 ONCA 11 at paras 52-59 [*Fisher*].
Example: *Borowski v Canada (AG)*, 1989 CarswellSask 241, [1989] 1 SCR 342 (SCC).
See McGill Guide, Section E-3.2 General Form.

2. **Style of Cause**
If a style of cause (i.e., a short-form title of jurisprudence) is provided by the court, a reporter, or on CanLII, then keep it. Otherwise, follow the McGill Guide.
Example – full citation: *Douez v Facebook, Inc,* 2017 SCC 33, [2017] 1 SCR 751.
Example – style of cause: *Douez v Facebook*.
See McGill Guide, Section E-3.3 Style of Cause.

3. **Neutral Citation**
Form: *Style of cause*, | neutral citation | pinpoint | [*short form*].
Example: *Smith v Gagnon*, 1999 SCC 150.
See McGill Guide, Section E-3.5 Neutral Citation.

4. **CanLII Citation**
Form: *Style of cause*, | CanLII citation | pinpoint | (jurisdiction and court, if applicable) | [*short form*].
Example: *Bank of Montreal v Duguid*, 2000 CanLII 5710 (ONCA).
See McGill Guide, Section E-3.7.1 CanLII.

5. **Other Sources of Jurisprudence**
Form: *Style of cause,* | main citation | pinpoint, | parallel citation | (jurisdiction | court) | [*short form*].
Example: *Gordon v Goertz,* [1996] 2 SCR 27 at para 13, 134 DLR (4th) 321 (SCC) [*Gordon*].
See McGill Guide, Section 3.7 Online Database Services (other than CanLII) and Section 3.8 Printed Reporter.

6. **Legislation**
Form: *Title,* | statute volume | jurisdiction | year, | chapter, | other indexing elements, | (Session or supplement), | pinpoint.
Example: *Criminal Code*, RSC 1985, c C-46, s 745.
See McGill Guide, Section 2.1 Statutes.

7. **Legal Journals**
Form: Author, | "title of article" | (year) | volume: | issue | abbreviation of journal | first page | pinpoint.
Example: Joseph T Robertson, "Good Faith as an Organizing Principle in Contract Law: *Bhasin v Hrynew* – Two Steps Forward and One Look Back" (2016) 93:3 Can Bar Rev 809 at 810.
See McGill Guide, Section E-6.1 Journals.
See McGill Guide, Section E-6.1.6 and E-Appendix D for legal journal abbreviations.

8. **Newspapers**
   Form: Author | "title of article", | *newspaper* | (date) | page, | electronic source.
   Example: "Ottawa Eyes Six Candidates in Search of New Supreme Court Judge", *Canadian Press* (17 October 2005) (QL).
   See McGill Guide, Section E-6.12 Newspapers, Newswires, and Other News Sources.

9. **Electronic Sources**
   Form: Author, | "title of the page/article" | (date of the page/article) | pinpoint, | online | *(type of electronic source)*: | <URL> [archived URL].
   Example: "Condom use can be a condition of consent in sexual assault cases, Supreme Court rules" (July 29, 2022), online: *Global News* <globalnews.ca/news/9024345/supreme-court-b-c-sexual-consent-condom-use-ruling/> [perma.cc/XY1X-Y11X].
   See McGill Guide, Section E-6.18 Electronic Sources.