

Canadian Citation Committee
The Preparation, Citation and Distribution of Canadian
Decisions

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Foreword

The origins of the present guidelines date back to 1996, when the Judges Technology Advisory Committee (JTAC) of the Canadian Judicial Council adopted the *Standards for the Preparation, Distribution and Citation of Canadian Judgments in Electronic Form*. This document opened the way to a standardization that is crucial in order to take advantage of the electronic publication of decisions. Since then, the Canadian Citation Committee (CCC) teamed up with the JTAC to further develop these standards. These efforts led to the adoption of three standards: the *Neutral Citation Standard for Case Law* (1999), the *Canadian Guide to the Uniform Preparation of Judgments* (2002) and the *Uniform Case Naming Guidelines* (2006).

Canadian courts and tribunals as well as publishers of case law unanimously agree that decisions prepared in accordance with these standards can be disseminated more quickly and at lower costs.

The present guidelines consolidate and modernize the three above-mentioned standards. The consolidation does not put forward major changes to the standards themselves. The few changes that were made reflect the evolution of technology as well as experience from courts, the media and publishers during the implementation of these previous standards. The main goal of the authors is to clarify the applicable standards, better reflect current practices and deal with a few more issues that were previously unaddressed. The most important changes are as follows:

- The concept of “mandatory” and “optional” heading elements is discontinued. All essential elements of information about a decision are included in the “Heading”;
- A wider variety of labels can be used in the heading, as long as they are consistently used in a given court or tribunal;
- The title of the decision is now called “Case name” rather than “Style of cause” or “Short style of cause”. The term “Style of cause” refers to the complete description of the action as found in the heading of a decision;
- A new standard for citing legislative provisions within reasons for decision is introduced allowing courts and tribunals to indicate which version of the legislative provision is being cited;
- A new section on the distribution of decisions is added. It addresses issues such as file naming, how to handle corrected decisions and translations of decisions and what policies and protocols should be developed with respect to the public dissemination of decisions in electronic format.

The authors wish to thank the members of the Canadian Citation Committee, who generously contributed their time and expertise to improve previous versions of this document. A list of current and former CCC members can be found on the CCC website at <http://lexum.org/ccc-ccr>.

The current and former members of the Judges Technology Advisory Committee of the Canadian Judicial Council are also to be thanked for the guidance and support they have provided for the preparation of the former standards and especially for the present guidelines.

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1 General

- [1] This guide presents guidelines and best practices for preparing and distributing decisions in Canada. It is intended to be used by adjudicative bodies seeking to ensure timely and efficient dissemination of their decisions. “Court” in this guide refers to all courts, boards or tribunals.
- [2] This guide replaces three earlier standards adopted by the Canadian Judicial Council: the *Neutral Citation Standard for Case Law* (1999), the *Canadian Guide to the Uniform Preparation of Judgments* (2002) and the *Case Naming Guidelines* (2006).
- [3] All aspects of the preparation, citation and distribution of decisions not addressed in this guide, such as visual layout and design features, are left to the court’s discretion.

2 Formatting

- [4] Always use the proper features and tools from your word processing application that are specifically designed to properly format the text. Avoid manual formatting because there is a risk that a document will become illegible or difficult to index by search engines after it is converted into other formats. These features and tools include:
- Paragraph and heading numbering;
 - Alignment, indentation and spacing;
 - Character spacing;
 - Table formatting;
 - Footnotes and endnotes;
 - Headers and footers;
 - Pagination;
 - Tables of contents.

Example

The following is an example of traditional formatting for the style of cause. The table’s grid is displayed to show how a table structure was used to properly align words and closing parentheses, instead of trying to manually format this text using empty carriage returns and multiple tab characters.

Between)	
)	
HER MAJESTY THE QUEEN)	Alan Collins for the Respondent
- and -)	
CRAIG EDWARDS)	James McAdam for the Appellant
)	
)	HEARD: April 24, 2008

[5] Enter dates as text, not as an automated date code. The use of automated features to display a date, i.e. the pasting of a live date, may cause incorrect dates to appear on the decision when the decision file is later opened or processed.

[6] Use an accurate mix of upper and lower case fonts for the names of parties and other proper names. The use of all upper case characters can hide the proper capitalization of names (*e.g.* MacDougall and MACDOUGALL), and is discouraged.

3 Heading

[7] Include all applicable elements from the following table in the Heading of the decision, in the sequence set out in this table. Place the Heading at the very beginning of the document.

Heading			
Sect.	Element	Label	Example (fictitious)
3.1	Court name	[Label not required]	<p style="text-align: center;">In the Court of Appeal of Alberta</p> <p>Citation: R v. Martin, 2006 ABCA 39</p> <p style="text-align: right;">Date: 20060921 Docket: 0704-0185-A Registry : Edmonton</p> <p>Between:</p> <p style="text-align: center;">Daniel Martin, Appellant – and – Her Majesty the Queen, Respondent</p> <p style="text-align: center;">[Official English translation]</p> <p>Restriction on publication: By court order made under subsection 486.4(1) of the Criminal Code, information that may identify the person described in this judgment as the complainant may not be published, broadcast, or transmitted in any manner.</p> <p>Corrected Decision: The text of this decision has been corrected according to the appended corrigendum (released November 29, 2006).</p> <p>Before: The Honourable Mr. Justice James Ward.</p> <p>On appeal from: An interim decision from the Court of Queen’s Bench of Alberta dated April 9, 2005 (R. v. Martin, 2004 ABQB 231, docket T102665).</p>
3.2	Citation	Citation:	
3.3	Decision date	Date:	
3.4	Docket number	Docket:	
3.5	Registry [if applicable]	Registry:	
3.6	Style of cause	[Label not required]	
3.7	Translation notice [if applicable]	[Label not required]	
3.8	Publication restriction notice [if applicable]	Restriction on publication:	
3.9	Correction notice [if applicable]	Corrected decision:	
3.10	Name(s) of judge(s) hearing the matter	[Any consistent label]	
3.11	Case origin [if applicable]	On appeal from or On judicial review from or Supplementary reasons to	

[8] Other elements may be included in the heading of the judgment but they are not common features for all courts. A list of some of those is presented in Section 5 - Other elements.

3.1 Court name

[9] Place the name of the court as the first element in the Heading. It may include any distinctive visual element such as the court’s coat of arms.

Example



The Court of Appeal for Saskatchewan

3.2 Citation

[10] Use the label “Citation:” for this element. The citation consists of a case name followed by the neutral citation.

Example

Citation: Jones v. Smith, 2006 NBQB 102		
Label	Case name	Neutral citation

3.2.1 Case name

[11] The following is a quick summary of the applicable case naming guidelines. For further guidance, details and examples please refer to the appended *Case Naming Guidelines*.

[12] The case name is the abbreviated title of the decision. It provides an informal and concise tool to refer to a case. The case name of a decision will be used in all future legal publication: websites, databases, other court and tribunal decisions, legal texts, encyclopaedias, citators and law journals. For this reason, be careful when creating the case name.

Form

[13] When the style of cause (see 3.6 - Style of cause) lists at least two opposed parties, create a case name containing the surname of the first party named as the plaintiff, applicant, petitioner or appellant, followed by the surname of the first party named as the defendant or respondent. Separate the two parties with “v.” when the reasons are in English, and with “c.” when the reasons are in French. Omit references to other parties, such as “et al.”.

See also the appended Uniform Case Naming Guidelines, sections A. General Principles and C. Form of Case Name

Example

<i>Style of cause</i>	<i>Case name</i>
Between: George Siket et al., plaintiffs, and Eugeniusz Milczek and David G. Amy, defendants	Siket v. Milczek

- [14] In criminal proceedings name the Crown first, in the form “R.”

Example

<i>Style of cause</i>	<i>Case name</i>
Between: Dennis Richardson, Accused, and Her Majesty the Queen	R. v. Richardson

- [15] When the style of cause does not clearly list at least two opposed parties, use the first party named, followed by “(Re)”.

Example

<i>Style of cause</i>	<i>Case name</i>
In the matter of an application by Michele Cianci pursuant to s. 74(2) of the Firearms Act	Cianci (Re)

Persons

- [16] Use a person’s surname only. When identity protection is required, use their initials or a pseudonym.

See also the appended Uniform Case Naming Guidelines, Rules 6. Surname, 7. Protection of Identities, 8. Unknown or Anonymous Person, and 10. Deceased Person

Example

<i>Style of cause</i>	<i>Case name</i>
Between T. S., an infant by her litigation guardian Mr. Tom Broadbent, Plaintiff And Mrs. Deborah Van de Wiel, Defendant	T.S. v. Van de Wiel

- [17] For the estate of a deceased person, add “Estate” after the person’s surname.

Example

<i>Style of cause</i>	<i>Case name</i>
Between: The Estate of Emidio Frasca, Applicant -and- Domenico Pisani, Respondent	Frasca Estate v. Pisani

- [18] Persons whose names appear in the decision’s style of cause merely because they are acting for or representing another person, a group of persons, an organization, or a government body are not acting in their personal capacity in the proceeding, but rather in an official capacity. In the case name, use only the name of the person or entity being represented.

See also the appended Uniform Case Naming Guidelines, Rule 10. Person Acting for Others and Section B.5 Person or Body Representing Others

Example

<i>Style of cause</i>	<i>Case name</i>
Mike Perry, Director of West Bay Child and Family Services And Chief of Police John Smith of the Toronto Police Service	West Bay Child and Family Services v. Toronto (Police Service)

Organizations

- [19] Use the name of the organization as provided in the decision’s style of cause. Omit terms that are not part of the name itself (articles such as “The” are omitted unless they cannot be segregated from the full name).

See also the appended Uniform Case Naming Guidelines, Rules 12. Name of Organization, 13. Former Name, Trade Name and Alias, 14. Governing Body of an Organization, 15. Division of an Organization or Corporation and 16. Subsidiary of an Organization

Examples

<i>Style of cause</i>	<i>Case name</i>
Point North Investments (In trust)	Point North Investments
Goodman Price Henderson LLP	Goodman Price Henderson LLP
The College of Teachers, a body corporate	College of Teachers
The Smith Financial Corp.	Smith Financial Corp.
The Banker & the Bandit Limited	The Banker & the Bandit Limited

- [20] For municipalities, use their common geographical name, followed by their descriptive designation such as “city”, “municipality” or “regional municipality”, in parentheses. When a municipal subsidiary body is named, use the name of the community followed by the name of the subsidiary body in parentheses, and omit the descriptive designation.

See also the appended Uniform Case Naming Guidelines, Rule 17. Municipality

Examples

<i>Style of cause</i>	<i>Case name</i>
City of Toronto	Toronto (City)
Regional Municipality of Sudbury	Sudbury (Regional Municipality)
Winnipeg Police Service	Winnipeg (Police Service)
Public Utilities Commission of the Corporation of the Town of Kincardine	Kincardine (Public Utilities Commission)
Township of Langley	Langley (Township)

[21] For a worker's union, use the name of the smallest unit or local name first, followed in parentheses by the name of the parent organization(s) and the local number, if present. Use the following format: [local name] ([parent name], [local number]).

See also the appended Uniform Case Naming Guidelines, Rule 20. Worker's Union

Example

<i>Style of cause</i>	<i>Case name</i>
Cape Breton Municipal Office Employees, Canadian Union of Public Employees (CUPE), Local 1545	Cape Breton Municipal Office Employees (Canadian Union of Public Employees, Local 1545)

Government Entities

[22] For government bodies in civil proceedings, use the common geographical name of the jurisdiction. When the style of cause refers to a specific department, ministry or other core government office (agency, board or commission) or to a court or tribunal, use the jurisdiction name followed by the core name of the entity in parentheses.

See also the appended Uniform Case Naming Guidelines, Section B.3 Government Body in Civil Proceedings

Examples

<i>Style of cause</i>	<i>Case name</i>
Her Majesty the Queen in Right of Canada as represented by the Minister of State for Citizenship and Immigration	Canada (Citizenship and Immigration)
Public Works and Government Services Canada	Canada (Public Works and Government Services)
The Minister of National Revenue	Canada (National Revenue)
Minister of Forests and Range and Minister Responsible for Housing	British Columbia (Forests and Range)
Treasury Board of Canada	Canada (Treasury Board)
Canadian Human Rights Commission	Canada (Canadian Human Rights Commission)
The Provincial Court of Alberta	Alberta (Provincial Court)
Cour du Québec	Québec (Cour du Québec)
British Columbia Labour Relations Board	British Columbia (Labour Relations Board)

3.2.2 Neutral citation

[23] The neutral citation contains three elements: a year, a court identifier and a number.

Example

2006	NBQB	102
Year	Identifier	Number

Year

[24] Use the year of the decision (see 3.3 - Decision date), indicated by four digits.

Identifier

[25] The court chooses the identifier when adopting the neutral citation. It should contain no more than eight characters.

[26] For all practical purposes, all Canadian courts and many tribunals have now chosen their identifier (see the list at <http://lexum.org/ccc-ccr/neutral/index_en.html>). However, since a growing number of tribunals are starting to implement the neutral citation the following conventions are provided to ensure that each court identifier is unique.

[27] For courts and tribunals at the federal level, use an identifier that corresponds to the name of the court or tribunal.

Examples

- Federal Court of Canada: FC for English decisions, CF for French decisions;
- Canadian Human Rights Tribunal: CHRT for English decisions, TCDP for French decisions
- Public Service Labour Relations Board: PSLRB for English decisions, CRTFP for French decisions

[28] For courts and tribunals at the provincial or territorial level, use a prefix corresponding to the two-letter code of the jurisdiction, according to the international standard *Country Subdivision Codes* (ISO-3166-2), followed by a suffix of at least two letters, corresponding to court's name.

Examples of established practices for the suffix

- CA for a Court of Appeal
- SC for a Superior Court or a provincial Supreme Court (CS in French)
- SCTD for a Supreme Court Trial Division;
- QB for a Court of Queen's Bench (BR in French);
- PC for a Provincial Court (CP in French and CQ in Quebec); and

- CJ for a Court of Justice.

Examples of actual court identifiers

- ONCA for the Court of Appeal of Ontario
- ONWSIAT for the Workplace Safety and Insurance Appeals Tribunal of Ontario
- PESCTD for the Supreme Court of Prince Edward Island - Trial Division
- QCCQ for the Cour du Québec.

[29] The language used in the reasons for decision may have an impact on the identifier used for the case. Courts that are required to issue their decisions in both official languages will generally choose two identifiers, one for each language. Courts that do not have this obligation will generally choose only one identifier for all decisions, and the language of the reasons will not be reflected in the court identifier for these courts. Two linguistic versions of a decision may have exactly the same neutral citation. However, when a court creates two different identifiers for each language, they should be used consistently to reflect the language of the reasons.

Examples

- The Federal Court uses FC for decisions in English and CF for decisions in French.
- The Quebec Superior Court uses QCCS for all decisions, in French or English.
- The New Brunswick Court of Queen's Bench (Cour du Banc de la Reine) uses NBQB for decisions in English and NBBR for decisions in French.

[30] When used in an international context, the neutral citation should be preceded by a three-letter international standard Country code (ISO 3166-1 alpha-3), which is CAN for Canada.

Example

Euro-Excellence Inc. v. Kraft Canada Inc., CAN 2007 SCC 37

Number

[31] Use a unique number for each decision, in combination with the year and court identifier. Create a new sequence of numbers for each new year, starting with "1" on January 1st. Avoid internal separators in the number. Please note that the number is to be interpreted numerically, that is to say, "001", "01" and "1" are the same number for the purposes of the neutral citation.

[32] For translated or corrected decisions, use the same number as the original. For Supplementary reasons, use a new number since they are considered a new decision decision (see 6.6 – File Handling).

[33] The decision number normally reflects the chronological order in which decisions are rendered in a given year, although there is no requirement to this effect. It might also happen that a given number is assigned, but for whatever reason never used in an actual decision. Gaps in the sequence of numbers are permitted by the standard. Courts might want to apply a more restrictive rule as they see fit, since an uninterrupted sequence helps in the assessment of the number of decisions published in a given year. Nonetheless, the only requirement is that each decision has a unique neutral citation.

[34] The decision number should be assigned with a certain degree of coordination among the various judicial districts and registries of a court, in order to ensure that each decision has a unique neutral citation. Most probably, the number will be assigned by the court clerk's office or by an automated system under his or her supervision.

[35] Where decisions are issued from many different locations, and where there are no means to centralize the assigning of unique numbers, a good practice is to add a numeral prefix to a locally assigned number, the suffix, to allow for multiple series of unique numbers. This approach requires the suffix to be of fixed length in order to prevent ambiguities. The length of the suffix is determined by the expected number of decisions rendered each year by the court.

Example

Local registries could assign numbers beginning with the prefix 1 for district #1, 2 for district #2, and so on. Thus, the number would be formatted as follows:

- 20001 for the 1st decision of the year in district #2;
- 80345 for the 345th decision of the year in district #8;
- 240023 for the 23rd decision of the year in district #24.

3.3 Decision date

[36] Use the label “Date:” before the decision date. Use the date on which the decision becomes effective, which may depend upon the law of the issuing court. It is usually the date of delivery or the filing date of the decision.

[37] Format the decision date according to the international standard for the representation of the date (ISO 8601). Use eight digits: four for the year, two for the month and two for the day (yyyymmdd). Add leading zeros to the month and day if required. Although the basic format of the decision date does not need separators between the year, month and day, the hyphen may be used as a separator for increased readability (yyyy-mm-dd).

Examples

Date: 20080421

Date: 2008-04-21

3.4 Docket number

[38] Use the label “Docket:” before the court docket number assigned to an action (also called “file number”). There may be more than one docket number per action, and more than one decision per docket number.

[39] A docket number should be a continuous string of numbers or letters, without spaces. It may contain a separator to distinguish its components. It is best practice to use the hyphen (-) as a separator in docket numbers.

Example

Docket: T-98-3119

[40] If more than one docket number is assigned to an action, use semi-colons (;) between the numbers. Do not place any other data element between docket numbers. For example, place the Registry information (see 3.5 – Registry) on a separate line.

Examples

Citation: R. v. Smith, 2001 MBQB 311

Date: 20010430

Docket: CI01-03-25672;

CI01-03-26678

Registry: Winnipeg

Or, where a large number of court files are joined together:

Citation: R. v. Smith, 2001 MBQB 311

Date: 20010430

Docket: CI01-03-25672; CI01-03-26678; CI01-03-26687; CI01-03-26688; CI01-03-26701;

Registry: Winnipeg

Do not break the sequence of docket numbers, as in the following example, where the registry name is on the same line as the second docket number

Citation: R. v. Smith, 2001 MBQB 311

Date: 20010430

Docket: CI01-03-25672;

Registry: Winnipeg

CI01-03-26678

3.5 Registry

- [41] If applicable, use the label “Registry:” before the name of the registry location or judicial district. Registry information indicates where the court file is stored. The registry name should be included in the heading only if the docket numbering system does not prevent two or more registries from assigning the same docket numbers.

Example

Docket: CI01-03-20729

Registry: Winnipeg

3.6 Style of cause

- [42] The style of cause provides a description of the court proceeding that includes the full names of the parties and their role in the proceeding. It may also contain other information such as a reference to a legislative provision that governs the proceeding.

Example

Between:

Charles Davidson – Respondent

– and –

Paul Jones – Appellant

- [43] Please note that there may be two or more styles of cause in the heading of a decision, where a decision involves multiple dockets. Keep elements such as the docket number, registry locale and style of cause grouped together meaningfully. Place the docket number for each action immediately above the style of cause for that action.

Example

Citation: Davidson v. Jones, 2008 PESCAD 23 Date: 20080223
Docket: AD-03-0915
Registry: Charlottetown

Between:

Charles Davidson – Respondent
– and –
Paul Jones – Appellant

And

Docket: AD-03-0916
Registry: Charlottetown

Between:
Frank Webber – Respondent
– and –
John Smith – Appellant

3.7 Translation notice

[44] If a document is a translated version of a decision, add a notice to this effect between square brackets (See also 6.6 – File Handling). Specify whether or not the translation is official.

Examples

[English translation]
[Official English translation]

3.8 Publication restriction notice

[45] The protocol adopted by the Canadian Judicial Council (CJC) regarding the use of personal information in judgments states “that the ultimate responsibility to ensure that reasons for judgment comply with publication bans and non-disclosure provisions should rest with the judge drafting the decision.” ([Use of Personal Information in Judgments and Recommended Protocol](#), CJC, 2005, para. 9). Proper restriction notices are essential to ensure compliance with applicable publication restrictions.

[46] When full public access to a decision is limited by a legal restriction on publication or access, include this information in the heading of the decision. Use a standard label such as “Restriction on Publication:”, “Restricted Access:” or “Ban on Publication:” before the text of the notice. The publication restriction notice is a statement informing members of the public and the media that the publication of this specific decision is restricted by a court order or by a statutory provision. It also provides information about the content of the

publication ban so that the decision can be reported or published in full compliance with the law.

[47] The publication restriction notice should include the following details:

- a reference to the applicable statutory provision or court order;
- the scope of the ban and the type of information that should not be published; for example, a reference to the specific individual whose identity must remain confidential (a complainant, witness, child or other person); and
- for interim or temporary restrictions, the date or event after which the restriction will expire, if it is possible to determine this date or event.

Examples

Restriction on publication: By court order made under subsection 486.4(3) of the *Criminal Code*, information that may identify the persons who are the subjects of child pornography mentioned in this judgment shall not be published in any document or broadcast or transmitted in any way.

Restriction on publication: Pursuant to subsection 648(1) of the *Criminal Code*, no information regarding this portion of the trial shall be published in any document or broadcast or transmitted in any way before the jury retires to consider its verdict. The publication restriction expired on September 19, 2007.

[48] To avoid uncertainty, use a publication restriction notice even for matters where publication ban orders are customary and frequent, and routine statutory restrictions apply, and even where the public version of the decision complies with the restriction.

Example

Restriction on publication: By court order made under subsection 486.4(3) of the *Criminal Code*, information that may identify the persons who are the subjects of child pornography mentioned in this judgment shall not be published in any document or broadcast or transmitted in any way. This public version of the judgment complies with the court order.

[49] This section does not cover all the elements that a court may want to communicate in relation to a restriction on publication. For instance, an editorial note may also be part of the notice.

Example

On behalf of the Government of Alberta personal data identifiers have been removed from this electronic version of the judgment.

3.9 Correction notice and handling of corrections

[50] The best practice to correct errors found in a distributed decision is to issue a corrected decision to replace the previously distributed one. In the heading, use the same neutral

citation that was assigned to the original decision and include a correction notice (see also 6.6 – File Handling, in order to create a unique file name). Append the text of the erratum or explanation of the corrections to the end of the decision. In any event, when an erroneous decision has been distributed, avoid the release of a corrected version without any indication of the changes.

- [51] The correction notice informs readers about how the correction was handled. Use the label “Corrected decision:” or “Amended decision:” before the notice. Inform readers that the current document is a new version of a previously distributed decision. State whether or not the corrections were integrated into the main text of the original judgment. Indicate that an erratum or explanation of the corrections is appended to the document, with its release date.

Example of a correction notice

Corrected decision: The text of the original judgment was corrected on November 29, 2007 and the description of the correction is appended.

Example of an appended erratum or explanation

Corrections made

November 29, 2007: The amount in paragraph 33 was replaced by \$9,435.

- [52] Although inadvisable for it fragments information related to the decision in more than one document and may lead to errors, a court may elect to only issue an erratum (also called “corrigendum” or “correction notice”), indicating only the corrections to be made to a previously distributed decision. In the heading, use the same neutral citation that was assigned to the original decision and include a correction notice providing readers complete numbered paragraphs to be changed in the original decision (see also 6.6 – File Handling, in order to create a unique file name).

Example of a correction notice when issued without the corrected decision

Corrected decision: The following paragraphs replace the corresponding paragraphs in the original judgment issued on February 12, 2007:

[18] During his lifetime, Mr. Turn made many cash gifts to Ms. Finch. The respondent calculated that those gifts amounted to over \$500,000.

[23] Mr. Turn died in April 2006. Ms. Finch did not notify the respondent that Mr. Turn was seriously ill until after his death.

3.10 Name of Judge(s)

[53] Use any consistent label such as “Judge:”, “Before:” or “Coram:”. The names of the judges are styled at the court’s discretion.

Examples

Judge: W.J. Quinn, Master in Chambers

Coram: Justices Morden, Carter and Moldaver.

3.11 Case origin

[54] Use the label “On appeal from”, “On judicial review from” or “Supplementary reasons to” for the opening words of the case origin. The case origin is a short statement that allows for tracking the decision’s judicial history, when it has one. Include the name of the court or tribunal that rendered the appealed or reviewed decisions, as the case may be. Include the earlier decision’s neutral citation. Include other relevant information such as the date, docket number, or parallel citations, where possible.

Examples

On judicial review from a decision in the Provincial Court, cited as 2007 MBPC 598. Supplementary reasons to Monroe Estate (Re), 2008 SKQB 220.

On appeal from a decision of the Quebec Court of Appeal, 2005 QCCA 277, [2005] R.J.D.T. 693, [2005] Q.J. No. 1724 (QL), setting aside a decision of the Quebec Superior Court, 2004 QCCS 3121, [2004] Q.J. No. 7555 (QL), dismissing an application for judicial review of an arbitral award.

4 Reasons for decision

[55] Begin the reasons for decision with any consistent title chosen by the court, such as “Judgment”, “Memorandum of Judgment”, “Reasons for Order”, or “By the Court”.

[56] The reasons contain the text of one or more opinions of the judge(s), and may also include a table of contents, subtitles and notes. When the decision contains multiple opinions, the order of the opinions is at the court’s discretion.

4.1 Paragraphs

[57] Number each paragraph of the reasons using numbers in square brackets. Use consecutive numbers from the beginning to the end of the reasons. When there are two or more opinions in the reasons, use a continuous sequence of paragraph numbers, from the beginning of the first opinion to the end of the last opinion.

[58] A paragraph may contain many components, such as lists, indented quotations, tables, or graphical elements. When these internal components are or need to be numbered, ensure that they have a numbering scheme or format that is different from that of the main paragraph numbers.

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...

4.2 Footnotes and endnotes

[59] When using footnotes and endnotes, number them sequentially from the beginning of the first opinion to the end of the last opinion. Insert them using the proper word processing function to avoid formatting and viewing problems when electronic decisions are converted for use in online databases.

[60] When citing legal authorities, it is good practice to insert the citation within the body text, as done by the Supreme Court of Canada, instead of using footnotes or endnotes.

Example

Driedger and Sullivan generally describe procedural law as “law that governs the methods by which facts are proven and legal consequences are established in any type of proceedings”: Sullivan, *supra*, at p. 583. Within this rubric, rules of evidence are usually considered to be procedural, and thus to presumptively apply immediately to pending actions upon coming into force: *Howard Smith Paper Mills Ltd. v. The Queen*, [1957] S.C.R. 403.

4.3 Citation to Case law

[61] When citing a case, include its neutral citation, if it has one. If you add parallel citations place them after the neutral citation, which should immediately follow the case name.

Example

Smith v. Jones, 2006 NBQB 435, 87 D.L.R. (4th) 334, [2006] N.B.J. No. 198 (QL).

[62] Add pinpoint references to paragraph numbers where available, preceded by "at para." or "at paras."

Example

Smith v. Jones, 2006 NBQB 435 at paras. 34 and 36-39.

4.4 Citation to a Legislative Provision

[63] When referring to a legislative provision, give its full citation when first citing it, including its title.

[64] When citing consolidated legislation, it is best practice to indicate to readers which version of a legislative provision is being discussed in the case, as the provision may have been amended a number of times since the triggering event of the litigation. Where possible, include the citation of the last amending statutory enactment, which is usually found in an editorial note at the end of each section of a consolidated statute or regulation. Use the following format: [cited legislation] (as amended to [last amending statute]).

Example

Subsection 3(2) of the Hazardous Products Act, R.S.C. 1985, c. H-3 (as amended to S.C. 2004, c. 15, s. 68)

5 Other elements

[65] Courts may include other elements that are not described in the above sections, such as hearing dates, keywords, authorities cited, summary and a separate disposition. Place them anywhere in the decision, with the exception of appendices, cover and backing sheets,

which should be placed at the very end of the document. A few of these elements are discussed below.

5.1 Counsel or Solicitors' Names

[66] Use a consistent label such as “Appearances:”, “Counsel:” or “Solicitor of Record:”. You may precede or follow names of counsel or solicitors with a short statement describing their roles in the matter.

Examples

Appearances:

Paulette Giroux, in person, for the Intervenor.

Anne W. Smith, Q.C., for the Applicant.

Kevin Dawson and Robert Potvin, for the Respondent.

Solicitors for the Applicant: Smith, Norris and Martin, Toronto.

Solicitor for the Respondent: Robert Blackcombe.

5.2 Date of hearing and other dates

[67] Where a court includes dates of hearing or other dates that are not the decision date, use labels or other means to clearly differentiate them from the decision date (see 3.3 – Decision Date). The format of these other dates is at the court’s discretion.

Examples

Appeal heard on October 6, 7 and 8, 2006, in Vancouver, B.C.

Written reasons: January 11, 2007.

5.3 Appendices

[68] Appendices may follow the reasons. When the appendices include numbered paragraphs, ensure that they have a distinct numbering scheme. Do not continue the numbering sequence from the reasons.

5.4 Cover and backing sheets

[69] Courts sometimes include cover or backing sheets to better identify printed decisions. Place these pages at the very end of the decision file. Cover and backing sheets should not be required to identify a decision.

6 Distribution of decisions

[70] Courts should ensure consistent and efficient dissemination of their decisions to the public, the media and legal publishers. This section proposes best practices for distributing and providing public access to decisions in electronic format.

6.1 Policy development

[71] Decision distribution should be guided by court-wide policies. Courts should designate a judicial committee with the mandate to issue policies regarding the preparation and distribution of decisions. Important sources of guidance for developing court policies include these papers from the Canadian Judicial Council (CJC):

- [Model Policy for Access to Court Records in Canada](#); and
- [Use of Personal Information in Judgments and Recommended Protocol](#).

[72] The most obvious need for distribution policies exists in relation to matters such as:

- Circulation of decisions from the judge's chamber to a central distribution office;
- Treatment of privacy-sensitive matters such as family and child protection;
- Distribution (or not) of oral, Interlocutory or procedural decisions and endorsements;
- Redaction and anonymization policies where the court creates public versions of decisions to comply with legal publication restrictions;
- How should corrections be made to distributed decisions;
- Communication of important information related to the publication of decisions such as restrictions on publication and corrections to decisions.

6.2 Decision release procedure

[73] A decision release procedure should be established and the person in charge of its application identified. The distribution procedure should address issues such as:

- Assignment of a valid neutral citation;
- Application of policies defining which decisions are distributed;
- Application of policies regarding compliance with publication bans and redaction of decisions;
- Procedures to deal with hidden information in decisions files before their release.

6.3 Central distribution office

[74] Even though each court is different, it is best practice to establish a central distribution office for the distribution of decisions to the public. Such a distribution office may more easily implement the court decided policies and procedures governing the processing of decisions, privacy-sensitive matters and other court processes relating to distribution. For instance, it may streamline the preparation of decisions for distribution in a consistent and safe manner with regard to neutral citation and the cleansing of hidden metadata.

[75] The registrar's office, through the court registry, is the natural outlet for distributing decisions to litigants, their counsel, legal publishers, the press and the public. The registrar's office will, in most cases, be the central distribution office. Under the direction of the registrar, other offices may be responsible for the decision distribution process.

[76] The contact information for the central distribution office should be published on the courts website.

6.4 Redacted decisions and the court record

[77] The official record of the decision is the version that is filed in the court record. It consists of all elements of the decision: the written reasons, a heading, front and back covers, etc., signed by the judge(s). The parties generally have access to this official version.

[78] Some courts prepare redacted versions of decisions to comply with applicable legal restrictions on publication or on public access to the court record. These versions should be clearly labeled as redacted versions. They should be filed in the court record with the original decision and they should be the versions that are distributed or made available to the public.

6.5 Hidden data

[79] Some of the features and settings of word processing software may insert hidden information (also called "metadata") in a decision file that may not be intended for publication. Ensure that revision marks, comments or text coming from previous versions of the document are removed from the file when decisions are prepared for public

distribution. The risk of issuing hidden confidential and sensitive information in distributed electronic files once was a significant concern for users of word processing applications. However, recent versions of commonly used word processor software include safety features which deal flawlessly with this problem (see for instance features such as “Save without metadata” in WordPerfect or “Document Inspector” in MS Word). The best practice for Canadian courts is to update their word processor software to a version providing control of hidden information and to integrate the systematic use of these safety features in their distribution procedure.

6.6 File handling

[80] When a decision is distributed it should contain all text and all documents pertaining to this decision in a single file, including multiple opinions, schedules and non-textual content, except for translations which should be kept in separate files. The following table provides a quick reference to certain handling requirements for decision files as described in this subsection.

File handling			
Document type	Neutral citation	Distributed File	Filename
New Decision (6.6.1)	New neutral citation	Single word processing file	Create a unique filename based on the decision’s neutral citation, with a standard word processing file extension Ex.: 2008bcsc56.doc
Translation (6.6.2)	Court with a single Identifier - Same neutral citation for both languages	Two files, one for each language	Add a language qualifier to create a unique filename for the translated decision file Ex.: 2007abca45en.wpd
	Court with two Identifiers - Two different neutral citations but with the same number	Two files, one file for each language	The different Identifiers allow for unique filenames for each file Ex.: English decision: 2006tcc102.doc French translation: 2006cci102.doc
Corrected decision (6.6.3)	Same neutral citation as the original decision	Single file, including an appended erratum	Add a correction qualifier after the neutral citation Ex.: 2008skqb24cor.doc
		Permitted but not recommended -Erratum in a single file	Add an erratum qualifier after the neutral citation Ex.: 2002skqb24err2.doc
Supplementary reasons (Addendum) (6.6.4)	New neutral citation	Single file, as a new decision	Create a unique filename based on the decision’s neutral citation Ex.: 2008bcsc56.doc
Non-textual content (6.6.5)	Same neutral citation as the main decision	Separate file only if the content can’t be inserted in the main decision file	Choose a standard file extension that corresponds to the file format Ex.: 2000bcsc0056.tif

6.6.1 Filename

[81] The filename of a new decision should be unique. Use the decision’s neutral citation, followed by the standard word processing file extension such as “.wpd”, “.doc” or “.docx”.

Example

Neutral citation: “2008 NSCA 34”

Filename: “2008nsca34.wpd”

- [82] In order to make it easier to sort the decision files, a court may choose to create fixed-length filenames by adding leading zeros to the decision number.

Example

Neutral citation: “2008 BCSC 56”

Fixed-length filename: “2008bcsc0056.doc”.

- [83] Other file naming conventions may apply for translations and corrected decisions, as described below.

6.6.2 Translation

- [84] Save the original version of a decision and translated versions as separate files. Use the same neutral citation decision number for both versions. In the heading, insert a translation notice in the translated version (see 3.7 - Translation notice).

- [85] Where the court created different neutral citation court identifiers for French and English decisions, the neutral citation assigned to each version will be different (the same decision number but different identifiers). Therefore, their filenames will be unique.

Example

The Tax Court of Canada uses different court identifiers for English (TCC) and French (CCI) decisions. The filenames of both linguistic versions of the same decision will be unique because their neutral citation is different, e.g. “2006tcc102.doc” for the English decision cited 2006 TCC 102 and “2006cci.102.doc” for a French translation cited 2006 CCI 102.

- [86] Where the court created a single neutral citation court identifier for both the original and translated versions, the neutral citation assigned to both versions will be identical. Since the neutral citations are not different, by themselves they do not provide unique filenames for each version. In that case create unique filenames by adding a consistent language qualifier in the filename of the translated version, such as “fr” or “en”, after the decision number.

Example

The Alberta Court of Appeal uses only one court identifier (ABCA). The filename of a translated decision should then have a language qualifier in order to be unique, e. g. “2007abca45en.wpd” for the English translation of a decision cited 2007 ABCA 45.

6.6.3 Corrected decision

[87] When a corrected judgment is issued, add a consistent correction qualifier such as “cor” to its filename.

Example

Neutral citation: “2008 SKQB 24”

Filename: “2008skqb24cor.doc”

[88] If the court elect to simply issue an erratum without a corrected decision (even though this is not the best practice, see 3.9 – Correction Notice and Handling of Corrections), it is not considered a new decision. Use the same filename for the erratum as for the original decision, but add an erratum qualifier to the filename. This qualifier is "err1" for the first erratum, "err2" for the second, and so on.

Example:

Neutral citation: “2002 SKQB 24”

Filename of original decision: “2002skqb0024.doc”

Filename for the second erratum issued for this decision: "2002skqb0024err2.doc"

6.6.4 Supplementary reasons

[89] Supplementary reasons (sometimes called “addendum” and including “endorsements”) are additional reasons relating to a case in which a decision on the merits has already been issued. Treat supplementary reasons as a new decision. Assign a new neutral citation and save the document in a separate file. In the heading, include a case origin note that provides information about the main decision: case name, neutral citation, decision date and other relevant information (see 3.11 - Case origin).

6.6.5 Non-textual content

[90] Sometimes a decision includes non-textual content such as multimedia files, spreadsheets and presentation files among others. Insert these files in the decision’s word processing file at the desired location wherever possible. In doing so all measures should be taken to ensure the stability and confidentiality of the content of decisions. For instance, be certain to paste external objects, such as spreadsheet extracts, without live links to the source file.

[91] In rare situations where it is not technically feasible to insert non-textual content in the word processing decision file, distribute it as a separate file together with the decision's word processing file. Refer to this associated file in the text of the decision. The filename for this separate file should clearly show its relation to the corresponding decision by using the decision's neutral citation followed by the standard media file extension that corresponds to its format such as ".jpg" or ".avi". Add a numerical suffix to the filename when more than one of these files are distributed with the decision.

Example

"2000bcsc0056.tif", "2000bcsc0056.01.avi", and "2000bcsc0056.03.avi" would be the filenames for three multimedia documents distributed with a decision file named "2000bcsc0056.doc".

Appendix: Case Naming Guidelines
See <<http://www.lexum.org/ccr-cn/en>>