

Author Guidelines for Canadian Publications

(As of 3/15/2022)

NOTE: The following Guidelines apply to all new publications. Looseleaves and existing bound publications may have a style that deviates from the Guidelines, and in such cases the existing style should be maintained, unless your Content Development Associate advises otherwise.

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1.01 Introduction – Purpose of Author Guidelines for Canadian Publications

These Author Guidelines for Canadian Publications are designed to provide LexisNexis authors with guidance on the general format, structure, and style to be used in preparing manuscript for publication. Conformity with these guidelines is essential to achieving uniformity of style, appearance, and functionality across our analytical portfolio and to providing our readers with the highest-level customer experience possible. Standardized author guidelines also help meet editorial deadlines and production schedules and facilitate the smooth, efficient, and timely running of the publication process.

These Guidelines are intended as general instructions for most scenarios. You may be using an author tool (*e.g.*, Outbound, XWeb Editor) with instructions that supplement and/or conflict with these Guidelines. Consult your Content Development Associate if necessary.

These Guidelines apply to the preparation of new content as well as to the updating of existing publications and supplements. When updating existing publications or supplements, consult with the Content Development Associate to determine whether the format, structure, and style of an existing publication deviates from these Guidelines. If so, maintain the format, structure, and style of the existing publication or supplement, unless the Content Development Associate directs otherwise. If there is any doubt as to the format, structure, or style to be used for a particular publication, ask the Content Development Associate for guidance.

2.01 Responsibilities of Author and LexisNexis Content Development Associate

[1] Mutual Responsibilities

You and the Content Development Associate must work cooperatively to ensure the successful outcome of the publication process. At the outset, you and the Content Development Associate will mutually agree on the relevant scope of your work and the appropriate deadlines and process to be followed.

Before working on the manuscript for a new publication or a new chapter, you and the Content Development Associate will mutually agree on the topical coverage for the work. You will then prepare and submit an outline setting out a proposed table of contents or chapter synopsis with suggested chapter or section topics and section/subsection designations. You and the Content Development Associate will collaborate to refine the outline. Once the outline is final, you can begin drafting the manuscript. For revisions to existing chapters or general updates to a chapter, an outline is not necessary.

[2] Author's Responsibilities

You are responsible for providing complete and publishable manuscript that ensures the publication is up-to-date, accurate, and incorporates all relevant developments related to the area of law covered by the publication. This includes all relevant developments in case, legislative,

and regulatory law, as well as all appropriate court rules, and any developments in industry-wide practices or policies affecting the relevant area of law.

It is your responsibility to ensure that all citations in the manuscript are complete and accurate. You are also responsible for conforming the manuscript to all style guidelines provided by the publisher and for timely compliance with all deadlines for the submission of manuscript and, if necessary, the timely review of proofs.

[3] Content Development Associate's Responsibilities

Content Development Associates work with Authors to determine the appropriate schedule and style for each publication. Once the publication process is underway, the Content Development Associate will be responsible for the following:

1. Ensuring that all appropriate deadlines are met. The Content Development Associate may reject any manuscript that fails to meet relevant deadlines.
2. Determining the appropriate LexisNexis style guidelines for the particular publication and for providing you with those guidelines. The Content Development Associate may reject any manuscript that fails to conform to the appropriate guidelines.
3. Providing you with the appropriate documentation regarding the manuscript preparation method to be used. Files must be prepared using Microsoft Word or Outside Author Tools. The Content Development Associate will dictate which method is appropriate for use. Do not use files from previous editions that you may have retained; always ask the Content Development Associate for the most up-to-date files for you to use.

The Content Development Associate's role in ensuring compliance with relevant deadlines and style guidelines is essential to facilitate the smooth, efficient, and timely delivery of high-quality content to our customers.

3.01 Lexis Hierarchy and Chapter Structure

[1] Hierarchy in General

Maintaining a consistent hierarchy and chapter structure across all LexisNexis publications is essential to maximizing our customers' experience and successful use of our publications. Consistent hierarchy and structure are also critical in facilitating accurate electronic searching protocols and ensuring that the reader has full use of the material online.

[2] Sample Hierarchy and Structure

Each chapter begins with the chapter number, title of the chapter, and a synopsis showing the various sections contained in the chapter. The chapter hierarchy and structure are divided into main sections and subsections. Below is an example of typical chapter hierarchy and structure.

Chapter 6

COMMERCIAL OPINIONS: NON-CORPORATE ENTITIES

SYNOPSIS

§6.01 Partnerships

- [1] Creation and Existence
- [2] Power and Capacity
- [3] Authorization

§6.02 The Crown

- [1] The Meaning of the Crown
- [2] Crown Agents
- [3] Capacity to Contract
 - [a] General Principles
 - [b] Limitations on the Capacity to Contract
 - [i] Appropriation of Funds
 - [ii] Limits on Borrowing
 - [A] Federal Crown Corporations
 - [B] Provincial Crown Corporations
 - [iii] Rule Against the Fettering of Powers
- [4] Authority to Bind the Crown
- [5] Enforceability

§6.03 Natural Persons

- [1] Power and Capacity
- [2] Execution and Delivery

[3] Rules for Chapter Hierarchy and Structure

- Main sections (*i.e.*, § 1.01, § 1.02, etc.) may be divided into subsections labelled [1], [2], [3], etc. These subsections may be further subdivided into three additional levels labeled [a], [b], [c], etc.; [i], [ii], [iii], etc.; and [A], [B], [C], etc., as shown above. Subdivision beyond the [A], [B], [C], etc. level is not permitted.
- When subsections are used, there must always be at least two. For example, a subsection [1] in any section must always have a subsection [2], and a subsection [a] must always be followed by a subsection [b].
- Text must always begin at the lowest level of subdivision used. Intervening text may not be inserted between sections and subsections. Nor may intervening text be inserted between subsections and sub-subsections. Thus, in the Chapter 7 example above, the text for § 7.01 will not begin until sub-subsection [A] Expenses for Zone of Danger Injuries.
- Intervening text (often referred to as bridge text) is not permitted because the use of intervening text compromises the online search capabilities on Lexis Advance

Quicklaw.

Attached to these guidelines as Appendix A is a sample chapter showing the appropriate use of the hierarchy and structure.

4.01 Layout and Format; Parts of a Manuscript

[1] Front Matter

The front matter of a publication consists of the following components:

- Title and Copyright page (Publisher will create)
- Publication Table of Contents, which sets out the sections for each chapter (Publisher will create)
- About the Authors (written by the Author) — optional
- Dedication (written by the Author) — optional
- Foreword (typically written by a third party) — optional
- Preface (introductory information written about a book by its Author; explains the purpose for writing the book and the need it fills) — optional
- Acknowledgments (recognizes and thanks those individuals who helped the Author write the book) — optional
- Introduction (written by the Author about the subject of the book; summarizes the general topical coverage) — optional

[2] Font Size

Font used must be 12-point Times New Roman.

[3] Page Count; Length

One page of text, single-spaced, in a Word document equates to roughly one page of printed text in the final version of the printed publication. Although this calculation is not exact, it serves as a good guide for estimating the approximate length of the material to be submitted.

NOTE: Work with your Content Development Associate to ensure that chapters, sections and subsections are not so long as to cause issues with LexisNexis tools and processes. When possible, submit a sample chapter so that the material can be evaluated before the entire manuscript is submitted. This allows any potential problems to be caught at an early stage.

[4] Headings

Section and subsection headings must be descriptive and contain a specific key phrase that is indicative of the content in the section or subsection. The key words and phrases are the main method a reader will use to find a subject in the chapter. The headings also help form the basis of the index. The headings contain neither articles nor citations to authority, but may reference a seminal case when appropriate, *e.g.*, *R. v. Jordan*. Avoid using general, non-

descriptive headings, such as “Overview,” “Generally,” “Introduction,” or some other similarly non-descriptive title. If necessary, these general headings can be made descriptive by adding the topic that is discussed, *e.g.*, “Overview of Solar Projects.” Do not apply formatting (*i.e.*, bold, italics, underlining) to the headings. Italics may be used for emphasis if required (*e.g.*, for case names, statute titles).

[5] Cross-References

- To avoid duplication of material, use cross-references to direct the reader to another part of the publication where similar or related material is discussed.
- Cross-references may be included as part of the text or in the footnote. All cross-references must be preceded by a signal. Cross-references do not contain the words “above” or “below” or “infra” or “supra” unless required for consistency with existing content.
- Cross-references are made at the chapter or section level. Cross-references to subsections are discouraged. This is necessary to maintain consistency between the printed publication and the online version that appears on Lexis Advance Quicklaw and to maximize the search functionality of Lexis Advance Quicklaw. In addition, limiting cross-references to the chapter or main section levels avoids the need to revise cross-references when there is a change at the subsection level, which occurs far more frequently than at the chapter or main section level.
- Cross-references to another chapter must include the chapter number and title. Use the following format for chapter cross-references: See Ch. 111, Change of Venue.
- Cross-references to a particular section in another chapter must be in the following format: “Understanding the relationship between a convenience transfer and a *forum non conveniens* dismissal requires an analysis of the jurisdiction’s procedural rules. See Ch. 111, Change of Venue, § 111.03.”
- If cross-referring in text to a main section within the same chapter, include only the section number. Do not include title or headings of the section. See § 81.05 for further discussion.
- Section cross-references in footnotes look like this: See § 20.14.
- Cross-references to specific page numbers and footnotes are prohibited.
- Cross-references to other footnotes (*e.g.*, “see § 111.03, fn. 3”) are prohibited.

[6] Indenting

To create a first-line indent for a new paragraph, use the tab key. Do not use the space bar for tabs.

[7] Creating and Numbering Footnotes

- To create a new footnote, follow the instructions for the specific Author tool (*e.g.*, use the Reference/Insert Footnote feature in Word).
- Authors are not responsible for footnote numbering. In a new chapter of a bound book, the footnote tool in Word will automatically number the new footnotes consecutively throughout the chapter. When revising an existing chapter, the existing footnote numbers

in the chapter remain static. Thus, the first new footnote added will be numbered “1,” the second “2,” etc. **Do not be concerned** that the new and existing footnote numbers are out of sequence and **do not attempt** to integrate the numbering of new footnotes with those of the existing footnotes. All the footnotes will be renumbered sequentially by an automatic numbering tool after the manuscript is submitted.

- Other author tools might require manual input of footnote numbers for added footnotes. These numbers will be reviewed internally after the manuscript is submitted.
- Do not use endnotes. All footnotes must appear on the page on which the footnote reference appears.

[8] Enumerated Series of Items; Enumerated Lists; Footnote/Citation Placement

[a] Description and Examples of Enumerated Items and Lists

An enumerated series of items may be written in sentence form or list format. Examples of these types of enumerations are shown below:

Example—Sentence Format:

A consumer may maintain an action under the *Fraud Act* whenever the consumer has suffered actual damages produced by any one of the following: (1) the use or employment of a false, misleading, or deceptive act or practice; (2) a breach of an express or implied warranty; or (3) an unconscionable action or course of action.

Example—Numbered List:

When preparing the complaint, include the following three allegations:

1. Plaintiff has complied with all prerequisites such as the making of a demand for payment.
2. Plaintiff was required to obtain the services of an attorney.
3. Plaintiff suffered damages in excess of the minimum jurisdictional limits of the court.

Example—Bulleted List:

The following activities are exempt from Section 404’s permit requirements:

- Established (ongoing) farming, ranching, and silviculture activities;
- Maintenance (but not construction) of drainage ditches; and
- Construction and maintenance of irrigation ditches.

[b] Guidelines for Series of Items in Sentence Format

When sentence format is used, follow normal grammar and punctuation rules and designate the listed items with a numeral enclosed in parentheses. When a citation accompanies the items in the sentence format, the citation/footnote reference typically appears after the colon

but may appear at the end of the enumerated list. Additional citations may also be included after individual items, if necessary. Examples are shown below:

Example (footnote after colon with additional citations):

The Clean Power Plan final rule for existing sources included three elements:¹²³ (1) CO₂ emission performance rates;¹²⁴ (2) state-specific emission rate-based and mass-based CO₂ goals; and (3) guidelines for the development, submission, and implementation of state plans.

¹²³ Main Citation.

¹²⁴ Specific Item Citation.

Example (footnote at end):

A consumer may maintain an action under the *Fraud Act* whenever the consumer has suffered actual damages produced by any one of the following: (1) the use or employment of a false, misleading, or deceptive act or practice; (2) a breach of an express or implied warranty; or (3) an unconscionable action or course of action.¹²⁵

¹²⁵ Main Citation at End of Enumerated List.

[c] Guidelines for Series of Items in List Format

When list format is used for enumerated items, the list is introduced by a colon. After the list, if the subsequent text is part of the same paragraph as the list, the text begins flush left. But, if the subsequent text starts a new paragraph, that text is indented to indicate the start of the new paragraph.

If there is a footnote or citation associated with the list, the footnote/citation will generally follow the colon introducing the list; separate footnotes/citations may follow the elements if necessary.

Examples are shown below:

Example—Numbered List (footnote after colon with additional citations):

When preparing the class-action complaint, it is important to include the following three allegations:⁶⁴

1. Plaintiff has complied with all prerequisites such as the making of a demand for payment.
2. Plaintiff was required to obtain the services of an attorney.⁶⁵
3. Plaintiff suffered damages in excess of the minimum jurisdictional limits of the court.

⁶⁴ Main Citation.

⁶⁵ Specific Item Citation.

Example—Bulleted List:

The following activities are exempt from Section 404's permit requirements:⁷²

- Established (ongoing) farming, ranching, and silviculture activities;
- Maintenance (but not construction) of drainage ditches;⁷³
- Construction and maintenance of irrigation ditches;
- Construction and maintenance of farm or stock ponds;
- Construction and maintenance of farm and forest roads, in accordance with best management practices;⁷⁴ and
- Maintenance of structures such as dams, dikes, and levees.

⁷² Main Citation.

⁷³ Specific Item Citation.

⁷⁴ Specific Item Citation.

[9] Graphics, Illustrations, Tables and Charts

Follow these guidelines when submitting graphics images (*e.g.*, figures, graphs, diagrams, charts, etc.):

- The graphic image file supplied must be of the highest resolution possible (of at least 600 dpi), grey scale preferred over color, and be the final version.
- The image file may be sent as a Tagged Image File Format (TIFF), an Encapsulated Postscript (EPS), a JPEG (Joint Photographic Experts Group) or PDF (Portable Document Format). Please note a PDF file cannot be manipulated or altered to improve the quality of the image.
- If the graphic, illustration, table, or chart is not of your own creation, permission is required for reproduction of all or part of it. For further information, see § 10.01, Reprint Permissions.

5.01 Writing Style

[1] Cite Law in Footnotes

State the current law in the text and provide a footnote to the applicable authority. The only exception to this Guideline is for publications that do not use footnotes. In those instances, consult with the Content Development Associate to determine the appropriate way to cite authorities within the text. For publications that use footnotes, DO NOT cite applicable authorities in the text. For example, say “The *Access to Information Act* provides Canadian citizens, permanent residents, and individuals and corporations present in Canada a right to access records under the control of government institutions” with an accompanying footnote citing to R.S.C. 1985, c. A-1. Do not say “The *Access to Information Act*, R.S.C. 1985, c. A-1, provides Canadian citizens, permanent

residents, and individuals and corporations present in Canada a right to access records under the control of government institutions.”

[2] Gender-Neutral Language

LexisNexis is committed to the use of gender-neutral language. Avoid the use of gender-specific pronouns. Some strategies for avoiding the use of gender-specific pronouns include using the plural pronoun, repeating the noun, replacing the pronoun with an article (*e.g.*, the, a, an), and recasting the sentence. The following examples illustrate these strategies:

1. Use the plural:

(before) A plaintiff must plead his claims for relief clearly and simply.

(after) Plaintiffs must state their claims for relief clearly and simply.

2. Repeat the noun:

(before) If an absent person is required “to be joined when feasible,” the court on proper motion must order him to be joined.

(after) If an absent person is required “to be joined when feasible,” the court on proper motion must order the absent person to be joined.

3. Replace the pronoun with an article:

(before) The plaintiff must not plead legal conclusions in his complaint.

(after) The plaintiff must not plead legal conclusions in the complaint.

4. Recast the sentence:

(before) Even if the plaintiff asserts a claim against a public official, he need not anticipate the potential defense of qualified privilege.

(after) A plaintiff who asserts a claim against a public official need not anticipate potential affirmative defenses such as the qualified privilege of public officials.

In addition to avoiding gender-specific language, avoid any language that might be offensive to certain groups of people.

[3] Grammar and Punctuation

[a] Capitalization

[i] Headings

In headings, all words with four or more letters are capitalized, as are verbs such as “Is,” and words important to the meaning of the heading, such as “Not” or “But.”

Do not capitalize the following articles, prepositions and conjunctions (unless they are the first or last word in a heading, or if they come after a colon):
the, an, to, as, and, for, or, by, of, in, from, a, with, without, between, under, over

Do not use italics in headings that use all caps (**except** for Halsbury's publications)

Retain italics (*e.g.*, Latin terms, statute names, case names) in headings.

(b) Food Safety in the *Food and Drugs Act*: Is the Food We Eat Safe?

For headings that are already in italics, put any terms that would have been in italics (*e.g.*, Latin terms, statute names, case names) in roman:

(iii) *The Use of Compassion in the Criminal Code: Too Much or Too Little?*

[b] Italics and Bolding

[i] Case Names

Case names are always italicized, including the *v.* or *c.* that separates them. The following examples illustrate this rule:

- As the court said in *Jones v. Smith*, subject-matter jurisdiction cannot be waived by the parties.
- Subject-matter jurisdiction cannot be waived by the parties. *Jones v. Smith*, [2005] S.C.J. No. 245, [2005] 2 S.C.R. 370 (S.C.C.).

Example of case in text with corresponding footnote:

- In *Pierson Motors v. Sanderson*,¹² car dealers and manufacturers challenged the government's adoption of greenhouse gas regulations for passenger vehicles.

Here's the corresponding footnote:

¹² [2004] B.C.J. No. 3325, 2004 BCSC 219 (B.C.S.C.).

[ii] Definitions

A word or term being defined is italicized or put in quotation marks in sentences or phrases defining terms. Definitions found in reproduced legislation should be reproduced as is.

[c] Numbers

Whole numbers from one through nine are written out in text. Numbers from 10 up are expressed in numerals. This rule applies even when the numbers are used in phrases such as “eight-year-old” and “17-year-old boy.”

This rule also applies to ordinal numbers: first through ninth are spelled out, and 10th and above are expressed as numerals. Dollar amounts follow the same rule; use the dollar symbol (\$) whenever numerals are used.

[d] Percentage

If the number is written out, use the word per cent. If numerals are used, use the per cent symbol, *i.e.*, %.

[e] Dates

In writing a date, insert a comma between the date of the month and the year and then again after the year if there is more text in the sentence. (*E.g.*, “As noted in the statute, June 30, 2022, will be the effective date of the new law.”) No comma is needed between the month and the year if a specific date is not indicated. (*E.g.*, “As noted in the new statute, June 2022 will be the effective date of the new law.”)

[f] Punctuation

- punctuation belongs outside quotation marks, unless a full sentence quote (*e.g.*, As it was a “high-risk excavation”, he said: “I am not amused.”)
- use single-quote marks for quotes within a quote (*e.g.*, The judge cited Shakespeare in his decision in *Jones v. Smith*: “The plaintiffs demonstrated despicable behaviour, and for this I say ‘a pox on both their houses’.”)
- do not use multiple exclamation marks or question marks to indicate emphasis; one will suffice
- do not use emoticons (*e.g.*, happy/sad faces)
- for quotes within a block quote, retain double-quote marks
- italicize *i.e.*, *e.g.*, *etc.* (include roman comma after *i.e.*, and *e.g.*)
- use a space before and after em-dashes (*e.g.*, It was — and still is — a big deal.)

[g] French Typography

The following rules apply in French-language material (but do **not** apply to French-language case citations in English material):

- all quotes should be surrounded by French quotation marks (these are called “guillemets”): *e.g.*, « L’interprétation de la Charte : reconsidération de l’approche téléologique et réévaluation du rôle du droit international » (2001), 80 R. du B. can. 534. There must be a space between the marks and the material in quotes. The punctuation goes outside the marks

- there must be a space:
 - before a colon (see example above)
 - before a percent symbol (50 %)
 - before ellipsis points (...)
 - between money amounts and the symbol for the currency: (100 \$) (Note that the currency symbol comes at the end)
- a comma is used instead of a decimal point; *e.g.*, 2,5 cm
- dates: 24 septembre 2007
- footnote reference numbers come before the periods, not after (*e.g.*, *R. c. Tremblay*¹²³.)
- Lexis Advance Quicklaw Cites: [1996] A.C.S. no 112
- capitalize only the first letter and proper nouns in French statutes (*e.g.*, *Code criminel*; *Charte canadienne des droits et libertés*; *Loi sur la Société de développement autochtone de la Baie James*; *Code civil du Québec*)

6.01 Citations

[1] Citations Generally

Generally, every proposition of law must be supported by citation to authority. However, this does not mean that every sentence needs its own citation or that every variant or detail of a general rule of law is an independent proposition of law.

Unless the style of a particular publication forbids the use of footnotes, all citations should be set forth in footnotes. Do not use partial or short citations. Do not use *infra*, *supra*, *Id.* or *Ibid.* Rather, repeat the full citation.

Avoid lengthy textual discussion in footnotes. Any important or relevant discussion must appear in the text.

LexisNexis Canada **does not** follow the *McGill Guide* regarding punctuation in citations. LexisNexis Canada includes all punctuation in citations.

[2] Statute Citation Format

Statute citations should be footnoted the first time the statute appears in the chapter. If a statute is mentioned multiple times in a chapter, it doesn't need to be footnoted each time.

Example

As of June 17, 2019, the *Trademarks Act*¹ recognizes a broadened description of what can constitute a trademark. Also included in the Act are geographical marks for wines and spirits (section 11.11) and marks adopted by various Canadian and foreign governments and public bodies (section 9).

¹ R.S.C. 1985, c. T-13.

- Act and Regulation names are italicized: *Criminal Code*, R.S.C. 1985, c. C-46; *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194. If a year is part of the statute title, it is also italicized: *Workplace Safety and Insurance Act, 1997*, S.O. 1997, c. 16, Sch. A.
- Quebec legislation is cited as CQLR (no periods, comma after CQLR): *Public Administration Act*, CQLR, c. A-6.01.
- The *Charter of Rights and Freedoms* is cited as: *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.
- The *Constitution Act, 1867* is cited as: 30 & 31 Vict., c. 3.

[3] Case Citation Format

Lexis Canada **does not** follow the *McGill Guide* regarding punctuation in citations. Lexis Canada includes all punctuation in citations.

Canadian Cites:

Peters v. Brosseuk, [2004] B.C.J. No. 325, 2004 BCSC 239 (B.C.S.C.).
Smith v. Jones, [2005] S.C.J. No. 24, [2005] 2 S.C.R. 330 (S.C.C.).

B. (A.) (Litigation guardian of) v. Canada (Ministry of Employment and Immigration), [2005] O.J. No. 2 (Ont. S.C.J.)

** Note: do not use ampersands for government bodies, even if they appear that way on Lexis Advance Quicklaw (**not** Ministry of Employment & Immigration)

U.S. Federal Cites:

Riley v. California, 573 U.S. 373, 134 S. Ct. 2473, 189 L. Ed. 2d 430 (2014)
Swartz v. Burger, 412 F.3d 1008 (4th Cir. 2012)
Spacesaver Corp. v. Marvel Group, Inc., 621 F. Supp. 2d 659 (W.D. Wisc. 2009)
ePlus, Inc. v. Lawson Software, 2014 U.S. App. LEXIS 14150, at *14–*25 (Fed. Cir. July 25, 2014) (unpublished)

U.S. State Cites:

Bowling Green v. Godwin, 110 Ohio St. 3d 58, 2006-Ohio-3563, 850 N.E.2d 698
Beachy v. Becerra, 259 Neb. 299, 609 N.W.2d 648 (2000)

Partial Citations with Placeholders:

Church v. Accretive Health, ___F.R.D. ___, 2014 U.S. Dist. LEXIS 56939, at *5–*6 (S.D. Ala. Apr. 24, 2014)

If the Lexis Advance Quicklaw online database indicates that a case is unpublished, include that information in a separate parenthetical. For U.S. cases, all citations to the Fed. Appx. reporter are considered unpublished:

Wall v. Mefford, 758 Fed. Appx. 328, 328 (4th Cir. 2019) (unpublished)

United States v. Coleman, 2019 U.S. App. LEXIS 10197, at *8 (11th Cir. Apr. 8, 2019) (unpublished)

[4] Subsequent History

- use the following abbreviations for case histories: affd (affirmed); affg (affirming); vard (varied); varg (varying); revd (reversed); revg (reversing); supp. reasons (supplementary reasons)
- do not include the jurisdiction and/or court level for leaves to appeal; *e.g.*, use “leave to appeal allowed/refused”, not “leave to appeal to S.C.C. allowed/refused” when it is evident by the jurisdiction and/or court level that appear at the end of the citation

[5] Point Pages (Jump or Pinpoint Cites)

Case citations must include the actual, or point, pages on which the statement or proposition of law being cited may be found. When citing a page range, use all the numbers of the pages. Do not cut off the first number of the last page, *e.g.*, cite the page range as “110–112” not “110–12.” For pinpoint references, use the following page range conventions:

Ell v. Alberta, [2003] S.C.J. No. 35, [2003] 1 S.C.R. 857 at para. 37 (S.C.C.)
Turner v. Turner (2005), 57 B.C.L.R. (3d) 602 at paras. 125-127 (B.C.C.A.)

Smith v. Jones, [2004] B.C.J. No. 139, 43 B.C.L.R. (2d) 13 at 117-118 (B.C.C.A.)
Turner v. Turner (2005), 57 B.C.L.R. (3d) 602 at 603-606 (B.C.C.A.)

[6] Citation Parentheticals

Brief statements describing a case or statute or regarding some fact or twist about the case may be included at the end of the citation in a parenthetical. Some general principles:

- Articles (a, an, the) are not permitted except when necessary for the statement to make sense.
- Avoid extraneous language, such as “court held that” at the beginning of parentheticals.
- Do not use participles (“-ing” words) at the beginning of parentheticals (“holding that”).
- Quotations from the authority are acceptable in parentheticals.
- Parentheticals appear after subsequent history, not before.

Example: (failure to abide by statutory requirement of two witnesses makes private agreement unenforceable)

7.01 Quotations

[1] Quotation Marks for Short Quotations; Block Indent for Long Quotations

Avoid using extensive quotations from statutes or cases. Short quotations are enclosed within quotation marks. Punctuation, except for colons and semi-colons, is placed inside quotation marks.

A lengthy quotation (of 50 words or more) is set off from the text in an indented block; quotation marks are not used. The citation appears after the colon introducing the quotation.

When quoted material also contains a block quote, the internally quoted material should be nested.

[2] Material Omitted from Quotations

Omission of a word or words within a quotation is indicated by the insertion of ellipsis points, which appear as three dots (...). Use the ellipsis symbol in Word.

8.01 Website References (URL Citations)

Citations to web pages are permissible in a manuscript. The “address” of a web page is known as the “Uniform Resource Locator” (URL). For all URLs cited, check each one for accuracy and currency prior to submitting the manuscript. When citing to a web page, always cite the full URL, including the “http://” at the beginning. For Lexis products available to our customers in electronic format (*e.g.*, eBook, Lexis+, or Lexis Advance), web page URLs included within the text will be active links.

It is preferable to cite to the general home page of the target web site, rather than to a specific page within the web site. Specific pages become outdated causing linking issues. For example, to direct readers to the CRA web page on administering tax laws, cite to the main web page for the Canada Revenue Agency (<https://www.canada.ca/en/revenue-agency.html>) from which readers can find the URL for the more specific web page on income tax (<https://www.canada.ca/en/services/taxes/income-tax.html>). Since URLs for specific pages are often revised or deleted, citing to the more general URL (which is rarely revised or deleted) will minimize future problems with upkeep of the citations and will minimize the likelihood of citing to “dead” links.

URLs that direct readers to materials they can download for their own use (*e.g.*, forms, checklists) must direct readers only to material that is in the public domain (*e.g.*, local court rules, government forms). Do not direct readers to websites that may raise copyright issues if the material is downloaded and used by the readers. However, citing a URL for reference purposes to support, dispute, or provide analysis of a point being made in the text is permissible. If there is any question as to whether citation to a certain web page could raise copyright issues, consult with your Content Development Associate.

9.01 Practice Aids

Consult with your Content Development Associate as to whether Practice Aids (such as Practice Tips and Checklists) are to be included in your publication. If a publication will be using Practice Aids, the Content Development Associate will provide you with separate specific guidance for preparing Practice Aids.

10.01 Reprint Permission

[1] When to Seek Permission

If the manuscript includes any written material, table, chart, illustration, image, photograph, etc., that is copyrighted, obtain permission to reproduce the material. Failing to obtain the necessary permissions could delay publication of the manuscript.

If the form of a table or a chart has been changed so that it is substantially different from the original table or chart, it is not necessary to obtain permission. However, acknowledge the source of this material in a source note.

To request reprint permission, use a permission and release form, which can be obtained from your Content Development Associate or may be found as an Exhibit at the end of your Publishing agreement. Permission requests must be sent out no later than two months before the manuscript submission date.

[2] Seeking Reprint Permission in Canada

- In Canada, every piece of writing, whether previously published or not, is covered by the law of copyright for 50 years after the death of the creator.
- Canadian government publications, both federal and provincial, are copyrighted by the Crown for 50 years after publication. The exceptions are cases and legislation, which are considered to be in the public domain and for which permission to reproduce is not required.
- You do not need permission for the “Fair Dealing” of any material. The Canadian *Copyright Act* allows the use of material from a copyright-protected work without permission for the following purposes: research, private study, education, parody, satire, criticism, review, and news reporting. In order to ensure your copying is fair, you need to consider several factors, such as the amount you are copying, whether there are alternatives to the copying, and whether your copying might have a detrimental effect on the original work. If you are unsure whether you have chosen to reproduce more material than would be considered “fair dealing,” consult with your Content Development Associate.

[3] Seeking Reprint Permission in the United States

- You do not need to seek permission to reproduce material from the United States Government. However, permission must be requested to reproduce material from Restatements.
- You do not need permission for the “Fair Use” of any material. The Fair Use doctrine permits limited use of copyrighted material without having to first acquire permission from the copyright holder. In general, a “fair use” includes the reprinting of copyrighted material for the purpose of commenting on, criticizing, or parodying a copyrighted work. Such uses can be done without permission from the copyright owner. There is no clear rule as to how much of a copyrighted piece can be reprinted before the use is no longer considered “fair.” If you are unsure whether you have chosen to reproduce more material than would be considered “fair use,” consult with your Editor.

The above discussion is a high-level overview of the permission process. It’s always best to confer with your Content Development Associate, who can address any questions that may arise in navigating this process.

11.01 Submitting Final Manuscript

Upon completion of your manuscript, deliver it to your Content Development Associate as follows:

- Submit the manuscript in the electronic form previously agreed to by the Content Development Associate and Author.
- Submit separate files for each component (front matter, each chapter, appendices).
- Submit files in final form only. Do not submit preliminary or draft manuscript unless requested by the Content Development Associate.
- Always retain copies of submitted files.
- If the manuscript is an update to an existing publication, provide highlights of the material being added or deleted from the publication to aid in the preparation of the Publication Update. If you need an example of what kinds of things to highlight, ask your Content Development Associate for a sample Publication Update.

12.01 Author Review of Proof Pages

If your contract provides for author review of proof pages, the Editor or Content Development Associate assigned to your publication will provide you with PDF copies of the manuscript at the time of proof review. The purpose of proof review is to identify gross errors that will substantially compromise the readers’ ability to understand the text or to add significant, late-breaking material that cannot wait till the next update of the publication. It is not an opportunity to make further edits or style changes or to reorganize or move chapters, sections, or subsections.

The Editor or Content Development Associate will advise you on how much time is allotted for proof review; it is typically 5 days. If you do not meet the deadline for proof review, the Editor may proceed without your return of the proofs.

13.01 Supplement Updating

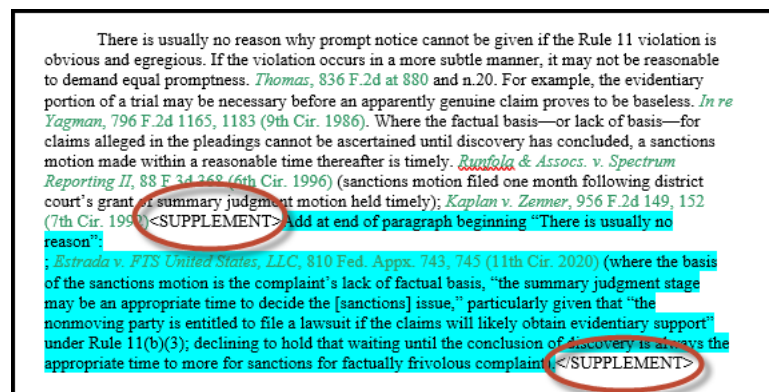
[1] Adding Supplement Content to Main Chapter Files

Some publications include a pocket part or supplement as a separate component. Create or update these separate supplementary components directly in the main text by following the guidelines in this section. Also, as noted in § 1.01, follow the existing style of the supplement and any instructions associated with any specific authoring tool that you are using to submit the manuscript. Consult the Editor for further guidance if necessary.

The main content and supplement text will appear fully integrated online; users will not need to toggle between the main volume and a separate supplement. In print, the supplements are provided separately from the main publication, and therefore authors must provide direction lines for each supplement entry. *See* [3], *below*.

[2] Viewing Supplement Content

Supplement content is searchable within, and easily distinguishable from, main chapter text. The supplement text is usually shown as highlighted text in a turquoise font within the main chapter text. The supplement content will be surrounded by <supplement> and </supplement> wrapper tags so that you can easily search for the supplement text. Below is an example from a Word file using the Outbound tool:

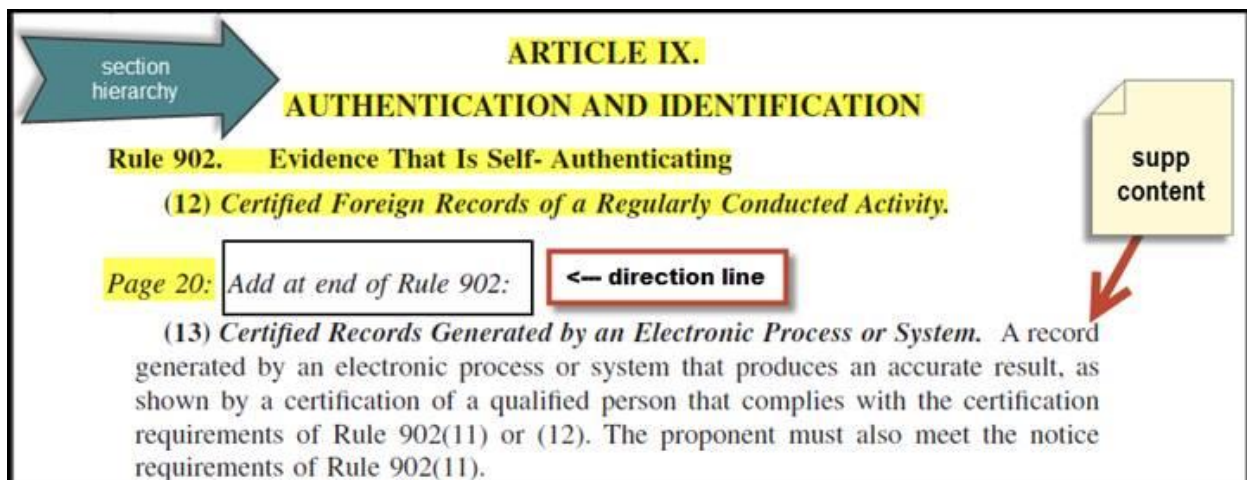


[3] Creating New Supplement Content; Direction Lines

When updating the main chapter text with new supplement content, follow the guidelines of the particular author tool or method used. All methods, whether manual or automatic, will include supplement “wrappers” surrounding the supplement update (*see* example in [2]). The final supplement entry consists of:

- Section hierarchy (generated internally)

- Page number (generated internally)
- Direction line, italicized (created by Author)
- Supplement content, including proper punctuation in relation to the main text (created by Author)



Direction lines ensure that readers of the print product know where the supplementary material belongs in the text of the main publication. The process for creating direction lines will vary depending on the author tool. Examples can be found in author tool documentation, but here are a few examples of direction lines:

Add after second full paragraph:

Add to end of footnote 128:

Add after Smith citation in third paragraph:

Replace first paragraph with following:

As indicated above, you do not need to designate the chapter, section, subsection number or letter, or page number; those will be added by LexisNexis after you submit the new material.

[4] Updating Existing Supplement Text

To edit or add new content to existing supplement text, type the changes within the supplement text; do not add additional direction lines:

frivolous.”) *See also A.L. v. Jackson Cmty. Sch. Bd.*, 2016 U.S. App. LEXIS 10613 (11th Cir. June 13, 2016) (“the purpose of Rule 11 is to deter frivolous lawsuits and not to enter novel legal arguments or cases of first impression”; reversing sanctions imposed for claim never ruled upon in Circuit and supported by precedent in other Circuits). <SUPPLEMENT> **Add at end of paragraph beginning “Several circuits have ruled”:**
As discussed in the immediately following section (§ 10(CA)(3)(b)), the Supreme Court would appear to have gone even further. *See McKnight v. GMC*, 311 F.3d 639 (1994). <SUPPLEMENT>

“Of course, a claim that is utterly insupportable may be sanctionable even if the circuit has not addressed *Richie ex rel. J* novelty of a le *Waltman, Mc*

Erroneous interpretation
clude that the
en legal principles
les are not
ter novel legal
claim never ruled

Existing direction line

new updates