

Factum Citation Guide

The following General Rules are from the *Canadian Guide to Uniform Legal Citation* 7th ed (Toronto: Carswell, 2010) (McGill Guide) pages E-5 – E-6.

Please follow these Rules when citing references in your Factum. In addition, consult the McGill Guide for any citation question you may have.

General Rules

- Use the short form (case name) in parentheses immediately after the text.
- Write the complete reference **at the end of each paragraph**. Indent from both margins and use a smaller font size.
- Write the short form, used in the body of the text, in brackets after the first citation.
- Organize the references **in the order in which they appear in the text**. Start a new line after each reference. Do not use a semicolon.
- Follow the usual rules for *supra* (section 1.4.3). Instead of referring to a footnote number, the number following the *supra* indicates the number of the paragraph in which the source was mentioned for the first time (e.g. *Whiten*, para 5 at para 195). **Do not use *infra*** (section 1.4.4) in a factum.
- **Do not use *ibid*** in a factum. At the end of the paragraph, include the pinpoint references that apply to the whole paragraph (e.g. *Whiten v Pilot Insurance*, 2002 SCC 18 at paras 69, 101, 110, [2002] 1 SCR 595).

1.2.2 Factum (example reference)

5. In addition to the requirement of an “actionable wrong” independent of the breach sued upon, punitive damages will only be awarded “where the defendant’s misconduct is so malicious, oppressive and high-handed that it offends the court’s sense of decency” (*Hill*). Such behaviour has included defamation (*Hill*), failing to provide medical care (*Robitaille*), and exceptionally abusive behaviour by an insurance company (*Whiten*).

Hill v Church of Scientology of Toronto, [1995] 2 SCR 1130 at para 196, 184 NR 1, Cory J [*Hill*].

Robitaille v Vancouver Hockey Club, [1981] 3 WWR 481, 124 DLR (3d) 228 (BCCA).

Whiten v Pilot Insurance, 2002 SCC 18, [2002] SCR 595 [*Whiten*].

6. Since the primary vehicle of punishment is the criminal law, punitive damages should be scarcely used. It is also important to underline that there cannot be joint and several responsibility for punitive damages because they arise from the misconduct of the particular defendant against whom they are awarded.

Whiten, supra para 5 at para 69.

Hill, supra para 5 at para 195.