

APPEAL

REVIEW OF CURRENT LAW AND LAW REFORM



Submission Guidelines ***(Revised October 12, 2020)***

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I. Submissions

To ensure consistency for the graphic designer, edited papers must use Times New Roman font, size 12. Authors must also single-space their papers and use one-inch margins.

Authors must use the left alignment and footnotes.

Submissions must be formatted as Microsoft Word documents.

II. Conforming with the McGill Guide

Unless directly contradicted by this style guide all submissions must conform to the latest edition of the *Canadian Guide to Uniform Legal Citation*.

III. Formatting

A. Division of Paper into Parts

Where sections of the paper are referred to in the text, authors should refer to them using their parts : Part I, Part II, Part III, Part IV, etc.

B. Headings

Major headings must appear in bold, upper case letters. All major headings except for the **INTRODUCTION** and **CONCLUSION** use upper case Roman numerals. Minor headings must begin with an uppercase letter and appear in bold with capitalization following the normal rules for titles. Sub-headings must use unbolded lower case Roman numerals, and must be capitalized according to the regular rules for titles.

INTRODUCTION

I. THE TECHNOLOGIES AT ISSUE

A. Tracking Cookies

- i. How Tracking Cookies Work
- ii. Case Study – *Google AdSense*
 - a. Majority
 - b. Dissent

B. Deep Packet Inspection

- i. How Deep Packet Inspection Works
- ii. Case Study – *Phorm Inc.*

II. THE SCHEME OF *PIPEDA*

A. Jurisdiction and Reasons for Focusing on *PIPEDA*

B. Organization of *PIPEDA*

III. THE SOCIAL CONTEXT

IV. ANALYSIS

CONCLUSION

C. Lists

i. Bulleted Lists

Bulleted lists follow these rules:

- Authors should normally introduce lists using a colon and a complete sentence;
- Each bullet must begin with a capital letter, and end with a semi-colon or period (at the end of a list); and
- The grammatical construction of all of the bullet points should be consistent. (If the first item is a full sentence, all items should be full sentences. If one begins with a present tense verb, they should all begin that way.)

ii. Numbered lists

Two rules govern numbered lists:

1. Each numeral is followed by a period.
2. Line breaks separate list items.

D. Paragraphs

Do not indent paragraphs; instead, separate paragraphs with line breaks.

i. Tables of Contents

Only use a table of contents if the paper is over 8,500 words. They must follow the format described under “**Headings**” above, and they must not use bolded text.

ii. Works Cited and Bibliographies

Do not include works cited or bibliography pages.

IV. References and Footnotes

A. Acronyms

Authors should use the full official name of a court the first time they mention it before they establish an acronym. The author can then use said acronym throughout the paper. Once the author uses the full name, they may also use "the Court" to refer to the highest or only court mentioned in the paper. Authors can also use "the court" where it is clear which court they are referring to at their editor's discretion.

Established in 1976, the Canadian Radio-television and Telecommunications Commission ("CRTC") was conceived as an administrative body concerned with the maintenance of a distinctive Canadian culture.

B. Introducing Case Law and Legislation

i. Referring to Courts

Authors should use the full official name of a court the first time they mention it before they establish an acronym. Said acronym can then be used throughout the paper. Once the author uses the full name, they may also use "the Court" to refer to the highest or only court mentioned in the paper. Authors can also use "the court" where it is clear which court they are referring to at their editor's discretion.

ii. Referring to Scholars

Scholars, with a few exceptions, must first be introduced in the text by their full name. The exception is if the scholar is *very* well known. Authors should briefly describe the scholar to put the reference in context; the extent of this description varies depending on the circumstances. After the author uses the scholar's full name, the author can later refer to that scholar using their last name. Authors should attribute ideas to specific scholars within the text, rather than making statements such as "One commentator notes..." only including the scholar's name in the footnote.

In his extensive work on the sociology of apology, Nicolas Tavuchi recognizes that apology is more than just an expression of feeling.

Philosopher Alan Shrift has noted how these neo-liberal reforms have allowed a narrow self-interested form of reciprocal return to dominate current discourses.

iii. Referring to Places

Avoid nicknames and abbreviations when referring to a place (e.g., Victoria, not Vic; Nevada, not Nev.). Authors should also avoid acronyms of two-worded place names (e.g., British Columbia, not BC).

If a place has an accepted short form, or where they are comprised of three or more words (excluding “and” and “the”), said short forms or acronyms may be used (e.g., United Kingdom, rather than United Kingdom of Great Britain and Northern Ireland; DRC or DR Congo, rather than Democratic Republic of the Congo).

Authors should refer to places using their current names when they reference them in a contemporary context (e.g., Côte d'Ivoire, rather than Ivory Coast; Mumbai, rather than Bombay; Haida Gwaii, rather than Queen Charlotte Islands).

iv. Referring to Statutory Provisions

Authors must write “section 1” rather than “s. 1” in the text.

Authors must make statutory provisions block quotations. Said block quotation must replicate how the text appears in the statute.

Section 296 of the Canadian *Criminal Code* prohibits blasphemous libel. The statute reads:

296. (1) Everyone who publishes a blasphemous libel is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

(2) It is a question of fact whether or not any matter that is published is a blasphemous libel.

v. Referring to Judges

Refer to judges using their full, capitalized title throughout the text.

Justice Dickson (as he then was) ...

Chief Justice Dickson

vi. Terms of Art

While terms of art are sometimes necessary, authors should use plain English if it can effectively convey the same idea.

““guilty mind” instead of “mens rea”

“complete ownership of an interest in land” is less efficient than “fee simple absolute”

vii. Terms in Other Languages

Terms in other languages (e.g., French, Latin) must appear in italics. Unless the author explains them in the text, words and phrases in other languages must be translated in a footnote.

Toronto (City) v CUPE, Local 79 was Justice LeBel’s *cri de coeur*.¹

V. Grammar, Punctuation, and Spelling

A. The Oxford Comma

Commas should normally separate items in in-text lists. Where a colon precedes the list items, the author must use a semi-colons instead of commas. If the in-text list is long and/or complex, consider using a numbered or bulleted list instead. All lists must include the Oxford comma—the comma following the penultimate list item.

Mark’s favourite foods are pizza, pie, ice cream, cake, and chicken.

Answering this question depends upon determining whether the following premises hold true: that a law against blasphemy is consistent with freedoms of expression and religion; that these laws are justified in a multicultural society; and that laws against blasphemy are necessary to prevent public disorder.

¹ This is a French turn of phrase which translates to English as “a passionate outcry.”

B. Spelling

Where alternative spellings of a word exist, authors must use the Canadian Oxford Dictionary's primary spelling (accessible online through University of Victoria Libraries).

VI. Style

A. Capitalization

Capitalize the following:

- Names of courts;
- Titles of legislation;
- Geographic place names;
- People's names, titles, and nicknames;
- Words of family relationship used as names;
- Nationalities, tribes, races, and languages;
- Names of historical events, periods, movements, documents, and treaties;
- Government departments, agencies, and commissions;
- Trademarked names and company names;
- Names of ships and aircraft (which are also italicized) (e.g., HMCS *Yellowknife*);
- Months, days of the week, and holidays;
- Names of religions, religious books, special religious days, and deities; and
- Other proper nouns.

B. Emphasis

Authors can use *italics* for emphasis, but may not use other methods such as underlining and bolding. When an author adds emphasis in a citation, they must add [emphasis added] at the end of the citation in the footnotes. The rule also applies to quotations. If italics are used for emphasis in the original quote [emphasis in original] must be added at the end of the citation in the footnotes, after the citation before the punctuation mark. It is not italicized.

Crucially, Justice Wilson noted:

It is of interest to note in this connection that La Forest J. completely agrees with Cory J. about the importance of freedom of expression in the abstract. He acknowledges that it is fundamental in a democratic society. He sees the issue in the case, however, as being whether an open court process should prevail over the litigant's right to privacy. *In other words, while not disputing the values which are protected by s.2(b) as identified by Cory J., he takes a contextual approach to the definition of the conflict in this particular case.*²

C. Gender-Neutral Language

Avoid using gendered pronouns when referring to an unnamed hypothetical person or a generic person. The construction “he or she” should be avoided where possible.

Not ideal: *If a person is unhappy with the result, he may contest it*

Better, but not ideal: *If a person is unhappy with the result, he or she may contest it.*

Correct: *If a person is unhappy with the result, they may contest it.*

D. Numbers

Numbers from one to nine must be spelled out except for listing purposes. Authors must use numerals for decimal numbers (e.g., 0.928 or 9.27), and numbers greater than nine (e.g., 10 or 142) except at the beginning of a sentence. Where the author uses numbers below and above ten in the same sentence, use numerals throughout. Spell out rounded numbers above one thousand (e.g., eight million), unless they represent years or data points.

“Percent” should be written as text, unless it appears in bracketed material.

Sixty percent of the student body was in attendance (75% of the first-years, 45% of the second-years, 15% of the third-years).

E. Passive Voice

Avoid using passive voice.

² *Ibid* at para 47 [emphasis added].

F. Use of First Person

Try to avoid using the first person outside of introductions and conclusions.

VII. Additional Resources

Citations

Canadian Guide to Uniform Legal Citation, 9th Edition (the McGill Guide)

(See also UBC Law Library Legal Citation Guide:

<http://guides.library.ubc.ca/legalcitation>)

Grammar and Punctuation

Chicago Manual of Style [University of Victoria Libraries electronic resource]:

<http://voyager.library.uvic.ca/vwebv/holdingsInfo?bibId=1600075>