

Practice Memorandum No. 3

Neutral Citation and Paragraph References

Case law that has a neutral citation should be referred to by that citation. Other citations that refer to a report series, or an electronic database, may be included after the neutral citation.

A reference to a decision that has been published in numbered paragraphs should pinpoint the relevant paragraphs, unless the decision is referred to generally.

For more details, and some examples, see the attached Direction on Use of Neutral Citation for Case Law made by the Court of Appeal on September 17, 2010.

Direction
Use of Neutral Citation for Case Law

The purpose of this Practice Direction is to ensure that counsel provide the Neutral Citation to any case law cited in court submissions for all courts in Nova Scotia.

Since its establishment in 1999, Canadian courts in all jurisdictions have progressively implemented the Neutral Citation for Case Law. When a court assigns a Neutral Citation, the reference is conspicuously located near the top of the decision. It looks like this:

Smith v. Jones, 2006 NSCA 435

the last part (“2006 NSCA435”) being the essential element that allows easy access to the decision.

The Neutral Citation was implemented for decisions for all of the courts of Nova Scotia in the year 2000. The citation is assigned by the court prior to the release of a decision so that counsel and litigants can cite and retrieve decisions without having to rely on a citation that is specific to a case law reporter service.

Effective October 1, 2010 counsel are directed to use the Neutral Citation where available to refer to case law in their submissions to this court.

Where counsel choose to use parallel citations from reporter series or electronic databases, the Neutral Citation shall be the first used, as in the following example:

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

Pinpoint references shall be made to paragraph numbers where available, preceded by “at para.” or “at paras.”, as in the following example:

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

The Honourable Chief Justice Michael MacDonald
for the Nova Scotia Court of Appeal

September 17, 2010