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OSCOLA, the Oxford Standard for Citation of Legal Authorities

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Book Review

OSCOLA: The Oxford University Standard for Citation of Legal Authorities, 4th ed, by Donal and Sandra Meredith, eds, Oxford: Hart, 2012, 60 pages (wire-bound).

There are two golden rules for the citation of legal authorities. One is consistency. The other is consideration for the reader.¹

With the publication of the fourth edition of *OSCOLA* (the first being in 2000), the Ocolites, if I may adopt such a term,² have issued an implicit challenge to other contenders in the world of legal citation. I suggest that the challenge has four prongs. The first aims at what may be called the “hegemony of uniformity.”³ The second, at a tendency to what Judge Posner has declaimed as “hypertrophy”⁴ in the size of legal citation manuals. The third, at barriers to accessing such manuals. And the fourth prong, gentler and more tentative than the other three, at the notion that footnoting and referencing legal materials is purely a question of function, with little role for beauty, elegance, or style—such considerations being reserved, if at all, for the main body of legal texts in which the citations appear. These prongs are intertwined, but I will outline and address them separately below.

Unlike the *McGill Guide*⁵ or the *Bluebook*,⁶ *OSCOLA* doesn’t use the word “uniform” in its title. Nor does it purport to be the U.K.’s “definitive

1. Donat Nolan & Sandra Merediths, eds, *OSCOLA University Standard for Citation of Legal Authorities*, 4th ed (Oxford: Hart, 2012) [*OSCOLA*].

2. I cannot say “coin such a term,” because evidently the 1950s saw production of a gold-plated “Oscolite Fluid Lighter,” online: <www.auctionflex.com/showlot.ap?co=1&weiid=5438102&lang=En>; while the 1990s saw an Osco Lite Coated Aspirin, among other “Osco” products: *Lawrence Journal-World* (29 October 1995) 50, online: <<http://news.google.com/newspapers?nid=2199&dat=19951029&id=S5wyAAAAIBAJ&sjid=AukFAAAIBAJ&pg=2821,5541317>>.

3. The expression appears in various places. See, e.g., RD Johnson Mark, Haluk Soydan & Charlotte Williams, eds, *Social Work and Minorities: European Perspectives* (New York: Routledge, 1998) at 75; Virginia D Nazarea, *Cultural Memory and Biodiversity* (Tuscon: University of Arizona Press, 2005) at 115; and Ahmed Radi, “‘Visual Representation’ and ‘Cultural Geography’: Constructing Linkages—a Reading of Fatima Quazzani’s *At My Mother’s House*” (nd), online: <www.postcolonialweb.org/morocco/arts/radi3.html>.

4. Richard A Posner, “The *Bluebook* Blues” (2011) 120 Yale LJ 850 at 851.

5. McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 7th ed (Toronto: Carswell, 2010) [*McGill Guide*].

6. Harvard Law Review Association, *The Bluebook: A Uniform System of Citation*, 19th ed (Cambridge, MA: Harvard Law Review Association, 2010) [*Bluebook*].

style guide,” as the *Bluebook* does for the U.S.⁷ It does not even assert, as the *McGill Guide* does, that it is “essential to have a uniform system of rules in order to perform efficient legal research.”⁸ Rather, *OSCOLA* provides “guidelines...based on common practice in UK legal citation, but with a minimum of punctuation.”⁹ When citing materials not covered by *OSCOLA*, the suggestion is to “use the general principles in *OSCOLA* as a guide, and try to maintain consistency.”¹⁰

At first reading, I found this perplexing, even a bit unsettling. Wouldn't a uniform system of legal citation be a good thing, much like having a common global measurement system or harmonized tariffs? Well, yes and no. Certainly, uniformity is a laudable goal. If nothing else, it promotes efficiency, reduces the potential for misunderstanding or mistakes, and permits more seamless transitions. It is reassuring to know that any vehicle I might drive will likely have a speedometer and gauges showing fuel level, oil pressure, and so on. I might even find it reassuring to know that I can expect to find these gauges in roughly the same place on any vehicle's dashboard. But do they need to be the same size and design on different vehicles or use the same font for the numeric markings? To ask the question is to answer it, and to distinguish *uniformity* from *consistency*. As Posner explains, the dictates of one are not exactly the dictates of the other:

Within the same document, uniformity is desirable because without it readers will puzzle over whether the differences are accidents or have some intended significance. But across documents, slight differences in citation are untroublesome, though “slight” is an important qualification: differences large enough to make the reader pause to translate from a more familiar to a less familiar form impede easy reading. The basic legal citation convention of placing volume number before the name of a statute, case, or article and page number directly after is deservedly uniform, and likewise the abbreviations of [various reporters].¹¹

With some modification, Posner's comments provide a practical guide and accord with *OSCOLA*'s dual manifesto of consistency and consideration. So, for example, law review editors might consider it “deservedly uniform” to have consistency of citation style across articles within the review as a whole. Likewise for court reporters, though Posner notes that the *Federal Reporter* makes no such stipulation.¹² But even

7. *Ibid* at 1.

8. *Supra* note 5 at E-vii.

9. *OSCOLA*, *supra* note 1 at 1.

10. *Ibid*.

11. Posner, *supra* note 4 at 852–853.

12. *Ibid* at 853.

then, complete uniformity is bound to be an elusive and futile goal: several Canadian law journals, for example, publish articles in both English and French and there is no suggestion that the different practices for capitalizing the titles of the articles be made uniform. Likewise for books: the bilingual *McGill Guide* will continue to be styled *Canadian Guide to Uniform Legal Citation* in English and *Manuel canadien de la référence juridique* in French.¹³ And this is so even though there is a good case for preferring the French practice, as it is more consistent with how books and articles are cited in other disciplines and identified in library cataloguing systems.¹⁴

What all of this shows is that the drive to uniformity is likelier to be smoother if based on some conception of common practices or a common willingness to change them, rather than being imposed on users. Hence the criticism levelled against the seventh edition of the *McGill Guide*, summarized by Joanne Colledge and Léa Lapointe in a recent review.¹⁵ Colledge and Lapointe don't criticize most of the editors' stylistic changes, and indeed applaud much of the work done on this edition. But they suggest that the lack of consultation with certain stakeholders has led to mixed support for the edition, and even to the issuance of an embarrassing corrigendum indicating which courts should be deleted from the list of official adopters.¹⁶ The irony is that in its bid for uniformity—or what Posner describes in the case of the *Bluebook* as a “bid for monopoly”¹⁷—the seventh edition has created a fragmentation of uniformity in Canadian citation practice, particularly around punctuation usage. Suffice it to say that the *McGill Guide* has moved towards the more minimalist approach

13. Indeed, the *McGill Guide* mandates it, even when writing in the other language: “Keep the title of the source in the original language and follow that language's rules for capitalization.” *McGill Guide*, *supra* note 5 at E-7.

14. For example, APA style uses *Title of entry* format (also called *sentence case*, with only the first word and proper nouns capitalized) for books, chapters and articles, reserving *Title of Periodical* format (also called *title case*) for journal titles: *Concise Rules of APA Style*, 6th ed (Washington, DC: American Psychological Association, 2010) at 215-226. See also *International Standard Bibliographic Description (ISBD): Preliminary Consolidated Edition* (Munich: KG Saur, 2007) at 0-22, in general, capitalizing only the first word in any bibliographic area and following other capitalizing conventions in the applicable language.

15. Joanne V Colledge & Léa M Lapointe, “How Does a ‘Uniform’ Citation Guide Fail to be Uniform? A Review of the *Canadian Guide to Uniform Legal Citation*, 7th ed.” (2011) 74 Sask L Rev 275.

16. *Ibid* at 278–279, Saskatchewan courts deleted as official adopters.

17. Posner, *supra* note 4 at 852.

to punctuation used by both *OSCOLA* and the *Australian Guide*,¹⁸ but in doing so has caused a backlash that will take time to resolve.¹⁹ Colledge and Lapointe suggest that the backlash could have been avoided by using an advisory board drawn from the legal community, as was done for *OSCOLA* when revising the fourth edition.²⁰

Regarding the size challenge, *OSCOLA*'s most striking feature is its brevity. At 60 pages, including appendices, an index and a Quick Reference Guide on the back cover, *OSCOLA* seems downright diminutive compared to the *McGill Guide* (546 pages)²¹ and the *Bluebook* (528 pages).²² Even the *Australian Guide*, substantially revised in a third edition, has grown to 366 pages,²³ more than six times *OSCOLA*'s length. I refer to these only as examples; other manuals exhibit the same trend.²⁴ This citation-guide heft is what has prompted Posner's use of "hypertrophic," a term denoting both "a class of diseases in which an organ grows to an abnormal size because of the uncontrolled growth of the cells that constitute it" and "a structure or activity that has grown far beyond any apparent functional need."²⁵

How has *OSCOLA* avoided hypertrophy? I wondered whether the difference had to do with the fact that Canada, the U.S., and Australia are all federations, resulting in a need to provide guidance on more jurisdictions. But this doesn't fully explain it, particularly in light of *OSCOLA*'s "considerably expanded" treatment of Welsh, Scottish, and Northern Irish sources in the fourth edition, and the need to provide guidance to U.K. users on European Union legal sources and decisions of the European Court of Human Rights.²⁶ Part of the reason for the difference

18. *Australian Guide to Legal Citation*, 3d ed (Melbourne: Melbourne University Law Review Association, 2010) [*Australian Guide*] at 18–19: "Full stops should only be used to mark the end of a sentence or footnote." The *Australian Guide* can be viewed as a PDF file, online: <<http://mulr.law.unimelb.edu.au/go/aglc>>.

19. See Daniel Poulin & Frédéric Pelletier, "Are We to Live With Useless Periods Forever?" (15 February 2011) and the comments posted in reply thereto, online: Slaw <www.slaw.ca/2011/02/15/are-we-to-live-with-useless-periods-forever>.

20. See Colledge & Lapointe, *supra* note 15 at 289 and *OSCOLA*, *supra* note 1 at 1.

21. The English section is xix + 201 pp; the French, xiii + 204 pp; five appendices of legal abbreviations take up 109 pages and are common to both sections.

22. xvii + 511 pp.

23. xxv + 341 pp.

24. See, e.g., Darby Dickenson & Association of Legal Writing Directors, *ALWD Citation Manual: A Professional System of Citation*, 4th ed (New York: Aspen, 2010) (704 pp). First developed in response to the inefficiencies of the *Bluebook*, this guide has now outstripped the *Bluebook* in length. Another competitor, *The University of Chicago Manual of Legal Citation* (Chicago: University of Chicago Law Review, 2013), also known as the *Maroonbook*, has so far tried to buck the trend: it comprises 94 pages, inclusive of 26 pages of abbreviations. It can be downloaded for free online: <<http://lawreview.uchicago.edu/page/maroonbook>>.

25. Posner, *supra* note 4 at 851.

26. *OSCOLA*, *supra* note 1 at 1.

with the *McGill Guide* is that both the English and French versions of the *McGill Guide* are in the same edition. But deleting one of those versions and selling them separately would still leave a manual of over 300 pages. And there remains the disparity between *OSCOLA* and guides like the *Bluebook* and *Australian Guide*.

The answer to *OSCOLA*'s brevity lies chiefly in how it deals with international materials, foreign sources, and abbreviations. For international materials (treaties, etc.), users are directed to a 37-page extract from *OSCOLA* 2006, freely available on the *OSCOLA* website, as is the new edition of *OSCOLA* itself.²⁷ For foreign materials, *OSCOLA* simply suggests that users "cite primary sources as in their home jurisdiction, with the exception that full stops in abbreviations should be dropped [and users should cite] secondary sources in accordance with *OSCOLA* rules governing the citation of secondary sources."²⁸ A partial list of foreign citation guides is provided, though curiously, the reference for Canada is to the sixth edition of the *McGill Guide*, not the seventh.²⁹ A 9-page appendix provides a list of neutral citations for U.K. courts and tribunals and key abbreviations used for law reports, journals, and words or phrases typically abbreviated in legal citation. In comparison, the *McGill Guide* has over 70 pages for international and foreign materials plus 109 pages devoted to abbreviations; the *Australian Guide* has 163 pages for international and foreign materials, 34 pages for abbreviations; and the *Bluebook* has 187 pages dealing with international and foreign materials and their associated abbreviations. *Oscolites*, it seems, have so far resisted the temptation—it remains to be seen how long they can do so—of revising chiefly by adding to foreign citation forms and abbreviations.³⁰

The objection might be raised that a policy of brevity shows consideration to one group of readers—law students, law clerks, and practitioners—but not to another, that of law review editors and scholars writing for their publications. The *Bluebook* makes that sort of distinction in the *Bluepages*, a 48-page guide at the beginning of the *Bluebook*. It is "created primarily for practitioners and law clerks"³¹ with a nod to "first-year legal writing professors [who] may wish to rely on the *Bluepages* as a teaching aid."³² But first-year students, law clerks, and practitioners comprise by far the largest group needing legal citation help, and some

27. *OSCOLA*, *supra* note 1, available online: <<http://www.law.ox.ac.uk/publications/oscola.php>>.

28. *Ibid* at 8.

29. *Ibid* at 49-50.

30. On this point, see Posner, *supra* note 4 at 860.

31. *Bluebook*, *supra* note 6 at 3.

32. *Ibid* at 2.

manuals seem to have lost sight of this. Yes, I may some time need to cite Decree 2,385 of the French High Commissioner of 17 Jan. 1924 (Leb.) (to pick a *Bluebook* example³³) or to know that Singapore's *Housing and Development Conveyancing Fees Rules* are cited as Cap 129, R 2, 1999 Rev Ed Sing (to pick a *McGill Guide* example³⁴). But should my need be subsidized by spreading the cost of such comprehensiveness over the thousands of students who are exhorted to buy a citation manual at the outset of their legal careers, and who are unlikely ever to flip to the pages on citing Lebanese or Singaporean law?³⁵ Such a need could be met in other ways, including Internet sources or a paper reference guide, available in looseleaf format and updated as required.

This relates to my third point: access. Barriers to access include both cost barriers and efficiency barriers. *OSCOLA* has always been freely available, and the fourth edition was first launched as a downloadable PDF file in 2010; feedback resulted in addition of an index and some minor changes that are now reflected in both the online and print versions.³⁶ The editors thank Hart Publishing "for agreeing to publish *OSCOLA* while allowing us to continue to make the online version available free of charge from the *OSCOLA* website."³⁷ Hart has picked a price (£7.50 or \$15.00³⁸) that makes it, if not a loss leader, then at least economical enough for some users to pay for the greater durability and functionality of a wire-bound (i.e., lies-flat-on-desk) print version. The *Australian Guide* and the *Maroonbook* take similar approaches.³⁹ Other free online resources include *Queen's University's Introductory Guide*,⁴⁰ Cornell's guide,⁴¹ written with

33. *Ibid* at 359.

34. *McGill Guide*, *supra* note 5 at E-184 or F-188.

35. Singapore has been included in the *McGill Guide* since the fifth edition, perhaps a *quid pro quo* for the National University of Singapore's endorsement of the *McGill Guide* as the "preferred style guide for legal writing at the NUS Faculty of Law." Online: NUS Libraries <<http://libguides.nus.edu.sg/content.php?pid=189659&sid=1591385>>. Expanding the market in this way no doubt keeps down the cost of the *McGill Guide* for Canadian students and fills a gap in the *Bluebook*, which does not include Singapore in its foreign jurisdictions. But why do Singapore's law students need a French/English citation guide and how is it "preferred"?

36. *Supra* note 27. It is licensed for reproduction under a Creative Commons licence.

37. *OSCOLA*, *supra* note 1 at 2.

38. Hart distributes books in Canada through U of T Press, so there are no overseas shipping charges.

39. *Supra* note 18 and note 24. The *Australian Guide* is stated to be "viewable only," but is in fact easy to download. It is a PDF file with hyperlinked navigation capability. With the most recent version of the *Maroonbook* available as a free PDF file, the editors have decided not to release a print version: email from Samuel Eckman, editor-in-chief, to author (4 September 2012).

40. Online: Lederman Law Library: <<http://library.queensu.ca/law/lederman/legalcitation>>.

41. Peter W Martin, *Introduction to Basic Legal Citation* (2011), online: <www.law.cornell.edu/citation> [*Cornell Guide*].

the *Bluebook* in mind and probably the most accessible alternative to it,⁴² and the *Cardiff Index to Legal Abbreviations*.⁴³

All these are steps in the direction of increased accessibility, but fall short of a free, comprehensive, online service. The Queen's guide suffices for most references to Canadian law, but doesn't help if you actually need to know how to cite Singapore law. Cornell's guide is similarly useful for citing to U.S. jurisdictions, but a print guide is needed for greater coverage. The Cardiff Index offers amazing breadth for abbreviations of legal publications, with over 10,000 entries spanning some 300 jurisdictions and a search engine that lets you search by abbreviation or title. But it has only a limited set of abbreviations for courts and neutral citations, so for these, it may be necessary to consult a print guide (e.g., *McGill Guide*, Appendices B2 and B3) or online sources such as those prepared by the Canadian Citation Committee⁴⁴ and American Association of Law Libraries.⁴⁵ Thus, when writing a citation-heavy article for a Canadian audience that draws from many jurisdictions, one typically needs to draw on several sources for guidance. This is hardly efficient.

And so with the plethora of citation guides and revisions thereto, the case for a single, free, online resource becomes compelling. If written in Internet-based markup language, with hyperlinks and an advanced search engine, such a resource "would actually be useful"⁴⁶ to a global audience. The cost of developing and maintaining it would not be insignificant, but such a project would be consistent with the Montreal Declaration on Free Access to Law,⁴⁷ and there is already a funding model for it in CanLII, supported through a levy on Canadian lawyers.⁴⁸ Law schools could

42. The *Cornell Guide* is a hyperlinked html file but also comes as a PDF version with hyperlink navigation and versions for use on various ebook readers or apps.

43. Online: <<http://www.legalabbrevs.cardiff.ac.uk>>.

44. Frédéric Pelletier, Ruth Rintoul & Daniel Poulin, *The Preparation, Citation and Distribution of Canadian Decisions* (2 April 2009), online: Lexum <www.lexum.ca/ccc-ccr/index_en.html>.

45. *AALL Universal Citation Guide*, ed 2.1, online: <www.aallnet.org/Documents/Publications/ucg/>.

46. John N Davis, commenting on the ability in HTML5 to use abbreviation tags so that readers could unobtrusively know that "'Gr.'" refers to <abbr title='Green's New Jersey Law Reports'>Gr.</abbr>, not <abbr title='Grant's Upper Canada Chancery Reports'>Gr.</abbr>, in a particular document." Posted in response to Poulin & Pelletier, *supra* note 19 on 16 February 2011.

47. Free Access to Law Movement, *Montreal Declaration on Free Access to Law*, online: <www.falm.info/declaration>.

48. CanLII, the Canadian Legal Information Institute, is Canada's free legal research service and is one of 40 LIIs that comprise the Free Access to Law Movement. Through CanLII's association with the Federation of Canadian Law Societies, CanLII is funded by levies exacted through each provincial law society. In 2011, the average contribution of Canadian lawyers and Quebec notaries to CanLII was \$34. *CanLII: Strategic Priorities 2012 to 2014*, online: <www.canlii.org/en/info/CanLIIStratPlan_2012-14_Text_EN.pdf> at 5.

champion it, perhaps charging a per-student access fee that ought to cost less than the annual purchase of thousands of print manuals.

The fourth and final prong of the *OSCOLA* challenge relates to style. Though *OSCOLA* is positioned as a citation guide, not a style guide, *OSCOLA* fairly oozes style. I use *style* in at least two senses: “a distinctive appearance, typically determined by the principles according to which something is designed” and “elegance and sophistication.”⁴⁹ The method of neutral citation (also called public-domain or media-neutral citation) exemplifies both senses. The design principle—year of decision, unique court or tribunal identifier, and decision number within the year, all without punctuation other than spaces between these three elements—is a model of elegance and has a distinctive appearance that has slowly but steadily gained acceptance. Thus it is now considered standard practice to provide a neutral citation where there is no print version, and to give the neutral citation first when providing parallel citations: *R v Law*, 2002 SCC 10, [2002] 1 SCR 227.⁵⁰

Despite this, the legal profession has not traditionally been comfortable with concerning itself much over how text appears on the page. One of the law’s mysteries is that elegant and sophisticated legal arguments are still often presented with inelegant and unsophisticated formatting, including outmoded features like monotype (fixed width) fonts, underlining, block capital letters, and overuse of Teutonic forms like “Plaintiff” and “Defendant.” This is changing, with lawyers becoming aware, for example, that typography matters, if for no other reason than that “it helps conserve the most valuable resource you have as a writer—*reader attention*.”⁵¹

From a Canadian viewpoint, the most obvious stylistic choice in *OSCOLA* is the minimal-punctuation principle, which in turn, is one facet of the compactness principle common to all legal citation forms.⁵² Abbreviations omit periods, a practice introduced by Butterworths in the

49. *Oxford Dictionaries*, online: <www.oxforddictionaries.com>, *sub verbo* “style.”

50. Example from the *McGill Guide*, *supra* note 5 at E-51. See also *OSCOLA*, *supra* note 1 at 16-17; and the *Bluebook*, *supra* note 6 at 96-97.

51. Matthew Butterick, *Typography for Lawyers: Essential Tools for Polished and Persuasive Documents* (Houston, TX: Jones McClure, 2010) at 23. Judges, too, are becoming conscious of typographic choice as a matter of respect for judicial process. See, e.g., *Sanders v Clarica Life Insurance Company*, 2003 BCSC 403, 30 CPC (5th) 364: statement of claim capitalized “bad faith,” “wanton,” “wilful,” “wrongful,” and “conduct designed to make an economic benefit,” apparently to drive the point home; *held* by Hutchison J at para 17 that “such capitalization within pleadings is not in keeping with the respect normally accorded to the court, and should be struck and replaced with the same words in lower case.”

52. See the *Cornell Guide*, *supra* note 41 at § 1-300, categorizing citation principles as falling in four categories: “full address” principles, other “minimum content” principles such as subsequent case history, “compacting” principles, and “format” principles.

early 1970s⁵³ and later adopted by other Anglo-Australian law reporters.⁵⁴ Now, under both *OSCOLA* and the *McGill Guide*, cases are cited similarly. What would previously have been written as “*Gould Estate v. Stoddart Publishing Co.* (1998), 39 O.R. (3d) 545 (C.A.)” is, in the *McGill Guide*, written as “*Gould Estate v Stoddart Publishing Co* (1998), 39 OR (3d) 545 (CA).”⁵⁵ *OSCOLA* goes a step further, eliminating the comma after the date or reserving it to mark a parallel citation: “*Gould Estate v Stoddart Publishing Co* (1998) 39 OR (3d) 545, 161 DLR (4th) 321(CA).” The ten-character saving in this example (nine periods and a comma) might seem trivial, but over many citations, has a non-trivial cumulative effect, and one that takes on extra significance for both reader and writer with the increasing use of mobile devices and the associated need to display more information in a small space.

OSCOLA also uses a comma to signal multiple non-contiguous pages in a pinpoint citation (“pincite”), eliminating the “at” that remains in the *McGill Guide*. Thus, for example, *Beattie v E & F Beattie Ltd* [1938] Ch 708 (CA) 720, 723⁵⁶ (pincite to pages 720 and 723 of the Court of Appeal decision in the *Beattie* case, reported at page 708 in the 1938 volume of *Chancery Reports*). Paragraph numbers, where assigned, are enclosed in square brackets. This distinguishes them from page numbers, though in my view, unnecessarily trips the eye, especially when square brackets are also used to enclose the year of judgment or publication. Thus, rather than reading “[1]–[37],” I would prefer “paras 1–37,” the style used in print reporters like *The Law Reports* and the *All England Law Reports*.

Any style guide must cope with the idiosyncrasies of existing reporting systems, as well as court structure and nomenclature, including changes thereto over time. There are plenty of such idiosyncrasies in the U.K., starting with the top level of the judicial system, the jurisprudence of which now includes cases from the new U.K. Supreme Court, the former Appellate Committee of the House of Lords, and the Privy Council. Considering England and Wales alone, there are then two intermediate appellate courts—the Civil and Criminal Divisions of the Court of Appeal—and eight courts or divisions of the High Court at the next level

53. Introduced in the [1970] volume of the *All England Law Reports* and the [1971] volume of the *New Zealand Law Reports*, both Butterworths publications (now LexisNexis Butterworths).

54. Introduced in volume 183 (1994/1995) of the *Commonwealth Law Reports*, a Law Book Co publication; and in the [2001] volumes of *Appeal Cases*, *Chancery Reports*, *Queen’s Bench Reports*, and *The Weekly Law Reports*, all published by the Incorporated Council of Law Reporting.

55. Example from Ted Tjaden, “McGill Guide—New 7th Edition—What’s Different?” (2010), online: Slaw <www.slaw.ca/2010/08/20/mcgill-guide-new-7th-edition-whats-different/>.

56. *Ibid* at 19.

down. Each of these has its own designation, so that, for a given case, there can be a neutral citation that shows the year, neutral court identifier, a more specific court identifier, and judgment number; often there will also be a print reporter citation.⁵⁷ To make matters more confusing, the names of print reporters don't necessarily correspond with the court levels of the decisions reported in them. The "Queen's Bench Division" edition of *The Law Reports*, for example, has decisions of that court as well as appeals from it and, increasingly, EU decisions. Thus in a case in which Asda Stores was sued by an aspartame manufacturer for advertising its own food products with the words "No hidden nasties," the parallel neutral-and-print citation to the High Court decision is "*Ajinomoto Sweeteners Europe SAS v Asda Stores Ltd* [2009] EWHC 1717 (QB), [2010] QB 204," while the appellate decision is cited as "*Ajinomoto Sweeteners Europe SAS v Asda Stores Ltd* [2010] EWCA Civ 609, [2011] QB 497."⁵⁸ *OSCOLA* does the best it can with the situation.

A word about foreign cases. Since *OSCOLA* cites primary sources "as in their home jurisdiction, with the exception that full stops in abbreviations should be dropped," this yields the greatest compactness among the various contenders for style supremacy.⁵⁹ The following table, showing three U.S. cases cited according to *Bluebook*, *McGill Guide*, and *OSCOLA* rules, illustrates the similarities and the differences.⁶⁰

57. *OSCOLA*, *supra* note 1 at 44.

58. If only the print version were being cited, one would add "(CA)" after "[2011] QB 204." It is unnecessary here because "EWCA" in the neutral portion of the citation indicates the court level.

59. *OSCOLA*, *supra* note 1 at 8.

60. The total number of characters for the three examples, not including spaces, is 131 for the *Bluebook* style, 128 for the *McGill Guide*, and 120 for *OSCOLA*.

Bluebook	McGill Guide	OSCOLA
Kleppe v. New Mexico, 426 U.S. 529, 531, 546 (1976) ⁶¹	Kleppe v New Mexico, 426 US 529 at 531, 546 (1976)	Kleppe v New Mexico 426 US 529, 531, 546 (1976)
Wilson v. Mar. Overseas Corp., 150 F 3d 1, 6-7 (1st Cir. 1998) ⁶²	Wilson v Mar Overseas Corp, 150 F 3d 1 at 6-7 (1st Cir 1998) ⁶³	Wilson v Mar Overseas Corp, 150 F 3d 1, 6–7 (1st Cir 1998) ⁶⁴
Beck v. Beck, 1999 ME 110, ¶ 6, 733 A.2d 981, 983 ⁶⁵	Beck v Beck, 1999 ME 110 at para 6, 733 A 2d 981 at 983 ⁶⁶	Beck v. Beck, 1999 ME 110 ¶ 6, 733 A 2d 981, 983

OSCOLA also eschews the use of “Latin gadgets” like *supra*, *infra*, and *contra* on the basis that they aren’t widely understood.⁶⁷ Thus, OSCOLA would simply say “Butterick (n 51) 78–79” if referring to that author’s counsel that underlining has long been passé, other than for “Track Changes” in a word processing document or hyperlinked text. OSCOLA exempts *ibid*, short for *ibidem*, meaning “in the same place,” since this can be a useful shortcut, but suggests that authors could just as simply repeat the citation without using *ibid*, as long as they are consistent in their choice. A similar sort of flexibility shows up in OSCOLA practices for short forms. Legislation, for example, can be given a short form when first cited, and then be used without cross-citation to the full citation “where the proximity of the full citation enables this to be done without confusing

61. Example from the *Bluebook*, *supra* note 6 at 68. Idiosyncratically, the *Bluebook* has a different standard for italicizing case names depending on where they appear. In a court brief or textual sentence in a law review article, case names are italicized; in a law review footnote, they are not, except for procedural phrases like *ex rel*: *Bluebook*, *supra* note 6 at 62. This example assumes that the case name appears in a law review footnote. The rationale seems to be that italics in the latter context are for introductory signals like *See* or *Contra*. In US law journals, such signaling has been elevated to a high art: *see Bluebook*, *supra* note 6 at 54–56; Posner, *supra* note 4 at 853.

62. Example from the *Cornell Guide*, *supra* note 41 at § 3-210. This example assumes that the case name appears in a brief or a textual sentence: *see ibid*.

63. Following the general form of the *McGill Guide*, *supra* note 5 at E-158.

64. The vigilant reader may notice that the page range is separated here by a dash, specifically, an *en* dash. The *en* dash—longer than a hyphen but shorter than the *em* dash used to signal interjections like this one—is used in OSCOLA and many style manuals to signify numerical ranges, including dates, pages, and paragraph numbers (7–8, 19). The convention is especially useful when referring to documents that already use hyphens in page numbering. So, for example, a reference to pages 161 to 163 of the English version of the *McGill Guide* would read as E-161–163 (or E-161–E-163).

65. Example from the *Bluebook*, *supra* note 6 at 97. The ¶, called a *pilcrow*, is used to mark paragraph numbers in US neutral citation. See *Wikipedia*, “Pilcrow,” online: <<http://en.wikipedia.org/wiki/Pilcrow>>.

66. Following the general form of the *McGill Guide* at E-158 and E-160. On the inside cover of the English version, the example given for *Delgamuukw v British Columbia* uses a pilcrow (¶ 50), but this is inconsistent with the page references given (using “at para”) and with the inside cover of the French version, which has the example for *R c Oakes* (using “au para 39”).

67. OSCOLA, *supra* note 1 at 7.

the reader.”⁶⁸ Thus “Council Directive (EC) 93/104 concerning certain aspects of the organization of working time [1993] OJ L307/18” can, thankfully, be referred to as “Working Time Directive”⁶⁹ without further cross-citation, unless there is a large gap in the text before it is referred to again. Similar thinking is evident in *OSCOLA*’s deletion of the city when citing publishing information for a book, which accords with *Bluebook* style. The *McGill Guide* has yet to take this step, and still requires authors to let the world know that Carswell is based in “Scarborough, Ont.”⁷⁰ a quaint holdover from the days when one sent book orders to cities, rather than computer servers. *OSCOLA* suggests that “Andrew Ashworth, *Principles of Criminal Law* (6th edn, OUP 2009)” does the trick quite nicely, at least where OUP is well known as the abbreviation for “Oxford University Press.”⁷¹

The upshot of all this is that *OSCOLA* is now widely used by U.K. law schools and by many U.K. publishers,⁷² with usage also spreading outside the U.K. It has, for example, been adopted by the European Journal of Legal Studies,⁷³ the University of Malta,⁷⁴ and Reykjavik University, “adjusted to the Icelandic ways of writing in addition to special rules applying to primary sources.”⁷⁵ Other adaptations include *OSCOLA* Ireland, a collaborative effort with *OSCOLA* that uses Irish examples,⁷⁶ and *OSCOLA*-specific bibliographic software.⁷⁷ As I have indicated, *OSCOLA*’s influence is also evident in a number of the changes to the seventh edition of the *McGill Guide*. No small feat, for a guide that has been around for little more than a decade and that purports to be neither “uniform” nor “definitive”!

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68. *Ibid* at 6.

69. *OSCOLA* does not italicize legislation.

70. *McGill Guide*, *supra* note 5 inside cover.

71. *OSCOLA*, *supra* note 1 at 6.

72. Sandra Meredith, “Oscola, a UK Standard for Legal Citation” (2011) 11 Legal Information Management 111.

73. European Journal of Legal Studies, online: <www.ejls.eu>.

74. University of Malta, Faculty of Laws, *Guidelines Regarding LL.D. Theses: 2011 Version*, online: <http://www.um.edu.mt/_data/assets/pdf_file/0003/140664/GUIDELINES_FOR_LLD_THESIS.pdf>.

75. Reykjavik University, School of Law, online: <<http://en.ru.is/law/rules/oxford-standard-for-the-citation-of-legal-authorities---oscola/>>.

76. *LegalCitation.ie: A Comprehensive System of Legal Citation for Ireland*, online: <<http://www.legalcitation.ie>>. A PDF file can be downloaded for free at this site.

77. See “OSCOLA for EndNote, Latek, Refworks and Zotero,” online: <http://www.law.ox.ac.uk/publications/oscola_endnote.php>.