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1 Submission Information

The submission deadline for Volume XIX is 6pm (GMT) on Sunday, 31 January 2016. Early submissions are welcome.

1.1 Instructions

Please send an electronic copy of your submission in an email with your name, year of study or graduation, course and contact details (email, phone number and postal address) in the main body of the email with your article attached.

Articles should be submitted in Microsoft Word format (.doc/.docx) rather than PDF, with font Times New Roman size 12 and the text justified.

Submissions may be in English, Irish, French, or German.

Maximum Word Counts: English articles: 10,000 words; Irish, French or German articles: 5,000 words; Casenotes: 4,000 words; Gernot Biehler Casenote Competition: 3,000 words.

The Editorial Board reserves the right to consider longer scripts.

Please do not include your personal details in the submission itself so as to avoid compromising the anonymity of the selection process.

Please email your submission to submissions@trinitycollegelawreview.org.

You will be notified as to the status of your submission by mid February 2016.
1.2 Guidelines

In evaluating a submission the Editorial Board considers:

1. The originality of the work;
2. The quality of argumentation in the work;
3. The accuracy of the work on legal facts;
4. The topicality of the work;
5. The structure and literary style of the work; and
6. Whether the work reads as an article rather than as an essay.

Consequently, articles that are selected for publication should generally fall under one of the following descriptions:

1. Articles with commentaries or opinions on a recent case or issue of a topical nature which has yet to receive significant analysis;
2. Articles taking a novel approach to a subject which has received considerable academic attention; or
3. Articles comprehensively stating and analysing an area of the law which has not been dealt with exhaustively in another text or publication.
1.3 Executive Summary of TCLR House Style

The following is an executive summary of the house style of the TCLR for quick reference only.

The authoritative version is fully developed and explained in the pages that follow.

1.3.1 Cases


1.3.2 Books


1.3.3 Articles


1.3.4 Websites


1.3.5 Irish Legislation

Local Government (Planning and Development) Act, 1963, s.27.

SI 94/1997 European Community (Natural Habitats) Regulations, regulation 29(5).

1.3.6 European Legislation

1.3.7 Using Ibid

If citing something in the previous footnote:

2 Ibid.

Ibid is never used for cases.
If the page number is different the following applies:

2 Ibid.
3 Ibid., at 56.

The reference number to the footnote is placed after the punctuation and after final quotation marks.

There is a full stop at the end of each footnote.
2 TCLR House Style

This is the house style to which all articles must conform.

2.1 General Grammar and Spelling

2.1.1 Spelling

Standard British English spelling should be used. In particular, “s” is used instead of “z” in words such as “standardisation”, unlike the American spelling.

2.1.2 Commas

The Oxford Comma should be used before a coordinator (and, or) in a list comprising three or more terms.

2.1.3 Foreign Quotes

Foreign quotes or phrases in modern languages should include relevant accents. Foreign quotes should also include translation in footnotes, and the source of the translation.

2.1.4 Latin Phrases and Maxims

These should always be in italics and “i” is to be used in place of “j”.

de facto, ius tertii, ultra vires, prima facie, actus reus.

2.1.5 Abbreviations

There are no dots between the letters of an abbreviation if it is used as a word in common usage.

US, EU, USSR, Unicef, TEU, JCB Ms, Mr, Ltd, Co, No, Plc, Inc

Latin abbreviations do not have dots, and are italicised.

ie, eg, etc, qed.

As a general rule, there are no dots between the letters of abbreviations.

2.1.6 References to Judges and Academics

Judges have the appropriate initials after their surname. There are no dots.


The exceptions to this are American judges (preceded by “Justice”) and Law Lords or UK Supreme Court justices (preceded by “Lord” or “Lady”):
Lord Scarman, Justice Brandeis, Chief Justice Burger

Academics, politicians etc should be referred to by their first name and surname on the first occasion they are mentioned, and thereafter by their surname only (unless two persons with the same surname are being referred to, in which case the first name should be given as well).

2.2 Quotations

2.2.1 Generally

In the case of short quotes (less than 3 lines long) doubled inverted commas (except for quotes within quotes which use single inverted commas) and smart quotes are always used (“ ”). Although logic often suggests otherwise, traditional typesetting requires that punctuation marks appear within the quotation.

According to Amnesty, his arrest “seems to be the ‘Pinochet effect’ in action.”

“I have always fancied myself as a bit of a player.”

A substantial quotation (3 lines or more long) should be indented in the text with no quotation marks and with a spare line above and below. Double inverted commas should be used for a quote within such a quote. One can lead into the indented quote as a continuous sentence without a colon.

Faced with a similar dilemma in Texas v Johnson, Justice Kennedy reasoned

[s]ometimes we must make decisions we do not like. We make them because they are right...in the sense that the law and the Constitution, as we see them, compel the result. This decision comes clearly into this category. To burn a flag is to offend our nation, our founders and our dead to the very core.

Of course there are further implications in this statement that must now be looked at in great detail.

Alternatively, one can use a colon before the quote. The preceding sentence should be amended, if necessary, to render the colon grammatically appropriate. That is, the indented quotation should read as a complete statement, and the preceding sentence should introduce that statement. If necessary, this formulation can be achieved by inserting words into the quotation in square brackets so as to make it complete.

Faced with a similar dilemma in Texas v Johnson, Justice Kennedy came to the following conclusion:

Sometimes we must make decisions we do not like. We make them because they are right...in the sense that the law and the Constitution, as we see them, compel the result. This decision comes clearly into this category. To burn a flag is to offend our nation, our founders and our dead to the very core.
Of course there are further implications in this statement which must now be looked at in
great detail.

The word “that” introduces an indirect statement and should never be followed by quotation marks.

Faced with a similar dilemma in Texas v Johnson, Justice Kennedy concluded that
sometimes judges had to make a decision they did not like.

Within a sentence, a direct statement is introduced by a comma, double quotes and a small letter.

Faced with a similar dilemma in Texas v Johnson, Justice Kennedy concluded,
“[s]ometimes we have to make a decision we do not like.”

2.2.2 In Footnotes

The same applies to footnotes except there is no line gap above and below the indented quotations.¹

2.3 Footnotes

There is a full stop at the end of each footnote.

2.3.1 References to the Immediately Preceding Footnote

If the immediately preceding footnote refers to (either as a full cite or in the shortened forms) the
same source as the new footnote then the word “Ibid” should be used in italics, and with a capital
“I” if at the start of the new footnote. If the page number is identical or no page number is needed to
be specified then “Ibid” alone will suffice. If the page number is different then “, at page number”
should be added.

In his theory of labelling criminology, Becker focuses on the societal role of defining
crime.² This focus develops into three areas. First, the distinction between primary and
secondary crime.³ Second, the reaction of the individual to labels.⁴ Third, the process by
which society creates labels.⁵ We shall focus on this third area and the further distinction
drawn by Becker between impacting and subpacting processes of definition.⁶

¹ Faced with a similar dilemma in Texas v Johnson Justice Kennedy came to the following conclusion:

The hard fact is that sometimes we must make decision we do not like. We make them because they are right...
in the sense that the law and the Constitution, as we see them compel the result. This decision is comes clearly
into this category. To burn a flag is to offend our nation, our founders and our dead to the very core.

³ Ibid., at 56-89.
⁴ Ibid., at 98-110.
⁵ Ibid., at 108-190.
⁶ Ibid.
2.3.2 References to Earlier Discussions in the Essay Itself

To make an internal reference to a discussion within the essay itself then “Supra, at [page no].” should be used for discussions preceding the current reference; and “Infra, at [page no].” should be used for discussions subsequent to the current reference. These should only be used where they are genuinely useful for the reader, and not as mere “footnote padding”.

As has been discussed the outcome of Brennan v Savage Smith leaves the Supreme Court open to accusations of class bias, and these accusations will now be dealt with in turn. First, we must focus on the fundamental subjectivity in tort law before discussing the Constitutional implications of such apparent inequality.7

2.4 Constitutions

2.4.1 Constitution of Ireland 1937

In the main text it should simply be cited exactly as it appears in the text of the Constitution. The “°” symbol is attained by pressing Shift + Ctrl + ‘ + Space. Some parts of the Constitution have unnumbered paragraphs which may be informally numbered in the main text.

In its third paragraph Article 40.6.1°(i) states...

In footnotes the same numbering should be used, with unnumbered paragraphs numbered subsequent to the official numbering in small letters, fully spelled and with an intervening comma.

Article 40.6.1°(i), third paragraph

The exception to this is where the footnote performs the function of a commentary rather than a reference, in which case it may be informally referred to as in the main text.

2.4.2 Other Constitutions

In the main text references to foreign constitutions and the 1922 Free State Constitution should use the numbering as used in their official texts. The word Article should be used where appropriate, including the capital “A”. Where the original text uses the term section then this should be used with a large “S”. The text should state whatever is necessary to make clear that this is not a reference to the 1937 Constitution.

Article IV(4) of the US Constitution states....

Footnotes of a referential nature should be cited as: Constitution Name Year, Article/Section number.


7 Infra, at 176.
2.5 Case Law

2.5.1 Generally

Case names are cited in italics. There is no dot after the intervening “v.” The full name of the case must be used somewhere in the main text or footnotes. Where there is an official (vendor neutral) citation, this should be given first.


The short name used for the case should be consistent, and indicated after the full name of the case either in the main text or in a footnote.

*Stephens v Flynn Ltd* [2008] IESC 4 [hereinafter *Stephens*].

In the situation of cases in a series involving the same litigants then the case number should be put in brackets at the end of the name and should also be in italics.

*Lawlor v Flood (No 7).*

The rules applying to abbreviations also apply to case names. Thus family law cases with initials have no dots.

*JCB Ltd v Ford Motor Co.*
*JM v MM.*

2.5.2 Irish, English, and Commonwealth Cases

Neutral citation (where applicable); – volume year – volume number (where applicable) – abbreviation – starting page number.


Square brackets should be used where the reports are indexed by year.

*State v Treanor* [1924] 2 IR 193.

Round brackets should be used where they are indexed by volume number.

*Donnellan v O'Neill* (1870) IR 5 Eq 523.

Where the case is cited in more than one report, you should separate the citations with a semicolon.

2.5.3 US Cases

These should be cited as: volume number – abbreviation – starting page number – year. Where appropriate the series number of the report should be inserted after the report abbreviation, and the court district should be placed in the brackets before the year and appropriately abbreviated. Where there is more than one citation for the case, then the year (and if applicable the district) should be placed only once at the end.

345 US 663; 73 S Ct 900; 97 L Ed 1331 (1953).

104 FRD 468 (N Dist Ill, 1992).

151 Ill App 3d 287; 502 NE 2d 1292 (1st Dist, 1986).

2.5.4 European Community, European Union and ECHR Cases

European Community and European Union cases should be referred to in the main text only by their short name, and in footnotes their full name should be cited, including the case reference number which goes first. The case number is not italicised, nor is there a comma between it and the case name. The chapter numbers, paragraph numbers or other non-page numbers are not to be used, even in the case of European Court Reports.

Case 26/62 Van Gend en Loos v Nederlandse Administratie der Belastingen [1963] ECR 1

Case C-413/99 Baumbast and R v Secretary of State for Home Department [2002] ECR 1-7091.

Case C-34/09 Gerardo Ruiz Zambrano v Office national de l’emploi (ONEm), 8 March 2011 (ECJ).

For decisions of the European Court of Human Rights, the European Human Rights Reports should be preferred. If there is no reported copy available, provide a neutral citation.


Balogh v Hungary App no 47940/99 (ECtHR, 20 July 2004).

2.5.5 Unreported Judgments

If there is a vendor neutral citation, this should be used. Otherwise, these should be cited: Date - (Court initials in brackets). There is no reference to the judge’s name.

Ellis v Rudall 18 November 2003 (HC).

Ellis v Rudall 19 July 2004 (SC).
2.5.6 Subsequent Citations

Cases referred to again never refer to the previous footnote. Instead the citation is repeated in full except for the case name. The case name itself need not be accompanied by a footnote citation every time it is used if not referring to a specific part of the case.

2.6 Legislation

2.6.1 Irish Legislation

Full Title Act, Year, section. The word “section” should not be fully spelled out. Use the following abbreviations: section “s.”; sections “ss.”; subsection “subs.”; subsections “subss.”; paragraph “para.”; and paragraphs “paras.” These are all in lower case. Subsections and smaller sections should be placed in round brackets, with no intervening spaces.

Local Government (Planning and Development) Act, 1963, s.27.

Local Government (Planning and Development) Act, 1963, subs.26(2).


Statutory instruments should be cited as: SI Number/Year Regulation Name. Where you are referring to a particular provision of the SI, you follow the citation with, order 12 or, rule 12 or, regulation 12 or, article 12, depending on which terminology is used in the SI itself. Smaller sections should be placed in round brackets, with no intervening spaces.

SI 431/1947 District Court Rules, rule 85.

SI 94/1997 European Community (Natural Habitats) Regulations, regulation 29(5).

2.6.2 UK and Other Legislation

UK legislation is treated the same as Irish legislation, except that there is no comma between the word “Act” and the year for all legislation dating from the 1920s on. It should be made clear in the main text that the legislation is not Irish.

Public Order (Control of Terrorism) Act 1976, s 12(1).

2.6.3 US Legislation

Federal and state legislation in the US is treated similarly for citation purposes. All US legislation is published in codes. When referring to legislation in the body of the article, the full title of the law should be stated. Then, in the footnote, the code reference should be provided.

When the Foreign Intelligence Surveillance Act of 19788 was passed…

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8 50 USC ch 36 § 1801 et seq.
2.6.4 European Union Legislation

Legislation Type and number – date of enactment or adoption – full title, OJ reference (volume number/start page number), date of OJ.


2.7 International Treaties

2.7.1 EU Treaties

Current references to the EC Treaty (Now TFEU or TEU) should be made using their post-Lisbon numberings with the old pre-Lisbon number included in brackets and preceded by the word “ex” for the first mention of the given Article, but not thereafter. The word “Article” (with a capital “A”) should always precede the number.

There are now twenty-seven Commissioners. From November 1st 2014 the number of Commissioners will change to correspond to two thirds of the number of Member States, unless the Council in accordance with Article 17(5) (ex Article 213(1) EC) unanimously decides otherwise.

Quotations from sources using the old numbering should be left as is with square brackets added indicating the new numbering with the word “now”.

The Court in *Van Gend en Loos* set out certain criteria for the direct effect of a Treaty provision:

The wording of Article 12 [now Article 30] contains a clear and unconditional prohibition which is not a positive but a negative obligation. This obligation, moreover is not qualified...

2.7.2 International Treaties

References to Treaties other than the Treaty founding the EC as amended, should be followed by “ECSC”, “Euratom” or “EU” as appropriate.

Article 21 Euratom refers to some fascinating issues dealing with coal.
2.8 Books

2.8.1 Generally

Author First name and Surname, Title (Edition, Publisher, Year). Subtitles should be separated from the main title by a colon. Where there is only one Edition then it should not be specified. All words in the title should start with a capital letter, except for those “link” or “small” words which are conventionally in small letters.


To refer to a particular point in the book place a comma after the correct citation followed by the word “at” and the relevant page number. When referring to a series of pages the start and end pages should be fully written, with sequential pages separated by an en dash [–] and non sequential pages by a comma.


2.8.2 Contributions to Edited Books

Author First Name and Surname, “Article Title” in [book citation] starting page of article. Note the requirement of “in”.


Where there is more than one editor note the requirement for eds.

David Cameron, “Climate Change in Business” in David Freestone and Charlotte Streck eds., *Legal Aspects of Implementing the Kyoto protocol Mechanism: Making Kyoto Work* (Oxford University Press, 2005).

2.8.3 Subsequent Citations

The surname(s) of the author(s) should be used followed by a comma and a reference to the footnote in which the reference first appeared. After that, one inserts a comma and the relevant page, paragraph or chapter number. Note the comma before the “at” should not be in italics.

Hogan and Whyte, note 8, at 890.

Charleton, McDermott and Bolger, note 11, at 76.

Where the same author on his own or author combination has edited or authored more than one work referred to in a particular footnote, then the name of the work should also be included and followed by note X. The purpose of the rule here is to make it clear to the reader to whom you are referring.
2.9 Articles

2.9.1 Law Journal Articles

Author First Name and Surname, “Article Title” Law Journal Citation. The citation to be used is that officially designated by the journal itself and is usually found in the opening pages of the journal. In the absence of such an official abbreviation then the full name of the journal should be used. Square brackets should be used where the journals are indexed by year, round brackets where they are indexed by volume number (as is nearly always the case with journals). This is almost the same as citing reports, with the important difference that the journals abbreviation is always in italics. If the core readership of the journal is unlikely to be aware of the journal, its full title (in italics) should be given on the first occasion it is referred to.


2.9.3 Newspaper Articles

Author First name and Surname, “Article Title” Newspaper citation.


2.9.4 Pinpointing

To refer to a particular point in any source place a comma after the correct citation followed by the word “at” and the relevant page number. When referring to a series of pages the start and end pages should be fully written, with sequential pages separated by an en dash [–] and non-sequential pages by a comma.


2.9.5 Missing Information

The house style rules for books relating to multiple same surname authors, foreign titles, foreign spelling, American spelling and capitalisation all apply here. The rules for incomplete information also apply, except that in the case of journal citation all information must be provided. In the case of untitled editorials these should be given the title of “Editorial” in inverted commas. Untitled Articles should not be in inverted commas. Unattributed notes can have “Note” inserted where the author’s name would usually go.


Bartholomew, Untitled (1998) 8 JSPTL 76.


2.9.6 Subsequent Citations

The same principles that apply to books apply to articles.

Korah, note 8, at 400.

Cooke, note 11, at 76.

Where the same author on his own or author combination has edited or authored more than one work referred to in a particular footnote, then the name of the work should also be included and followed by note X. There is a non-italicised comma after the title. The rule here is to make it clear to the reader to whom you are referring.

Korah, “The Concept of a Dominant Position in Article 86”, note 14, at 34. [referring to his article]

Korah, Competition Law, note 14, at 432. [referring to his book]

2.10 Parliamentary Debates

Dáil and Seanad debates are to be referenced as follows:


2.11 Law Reform Commission Reports

Law Reform Commission reports from the Republic of Ireland are to be referenced as:


Law Commission reports from other common law countries should be cited in a similar fashion.

2.12 Electronic Sources

2.12.1 Generally

These should be cited as: Author First name and Surname, Top Level Title of Material <Uniform Resource Locator> (date last visited). This should not be converted into a hypertext link. The word “visited” should be used. Spaces may be inserted into long URLs to avoid excess spacing.


2.12.2 Online Law Journals

Citations to journals which only appear on the internet should be cited as: Author First Name and Surname, “Title” – Year – Volume No. Journal Abbreviation – Sequential Article No – full stop – <URL>. There is no need for a last visited date as this is satisfied by the year.


To refer to a particular point in online journals paragraph numbers should be used (using the word “para.”). When referring to a series of paragraphs the start and end pages should be fully written, with sequential pages separated by an en dash [–] (using the word “paras”) and non-sequential paragraphs by a comma.

2.13 Official Publications

There is no standard way of citing reports of semi-state bodies, nongovernmental organisations, etc. They follow the general format for books. Author/Body, Title (Publisher, Year). Reports that are available online should include a web address and date of access.

3 Useful Books on Legal Writing, Grammar and Style

3.1 Books on Style, Grammar and Spelling

- William Strunk, *The Elements of Style* (Macmillan, 1979);

3.2 Books on Legal Writing

- Thomas O’Malley, *Sources of Law: An Introduction to Legal Research and Writing* (2nd ed., Round Hall Sweet & Maxwell, 2001);
- Paul Rylance, *Legal Writing and Drafting* (Blackstone Press, 1994).

4 Article Titles from (2015) 18 TCLR

- Ireland and Judicial (In)dependence in Light of the Twenty-Ninth Amendment to the Constitution, by Clare Elizabeth Kelly
- Legal Indeterminacy: Causes and Significance, by Conor Casey
- The Role of Dignity in Human Rights Theory: Constituent or Teleological?, by Tom Lowenthal
- The Exclusion Clause and the Intersection of International Criminal Law and the Refugee Convention, by Sarah Creedon
- European Insolvency Law: Development, Harmonisation and Reform; A Case Study on the European Internal Market, by Emilie Ghio
- Decoupling Voting Rights from Economic Interest: The Case of Empty and Negative Voting, by David Marais
- Case Note: PP v Health Service Executive, by Clara Hurley
- Case Note: Gaeilge Bhriste: Irish Language Rights in *O Maicin v Ireland*, by Hazel Bergin
- Affaire Vincent Lambert: Le Juge, le Medecin et la Loi, by Alexandra Gouin
- Strafmundigkeitsalter in Irland: Ist die Zeit nun Reif fur Eine Reform, Das, by Shauna Keniry

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