



Common Law Review

Publication Guidelines for the Authors of Article for CLR

(Revised as of 13 November 2007)

The Editorial Board of the Common Law Review ("**Review**") applies the following rules in relation to the drafting of articles for the Review.

1. STYLE

1.1 Understandability

Short and clear sentences are not a sign of insufficient professional background but of good drafting skills of an author. The article should attract the attention of readers. The best way to do that is to use case law. This applies both for common law as well as Czech law.

1.2 Structure

Every article published in the Review has to be internally structured in terms of introduction, main part and conclusion. The introduction (two to three paragraphs, i.e. max. 350 words including footnotes) should outline which questions the author will be dealing with. The main part then focuses on the questions indicated in the introduction. The conclusion should briefly summarize the answers which the author has described in the main part. The conclusion is not a place for introducing new information or arguments and it should be confined to two to three paragraphs (with max. 350 words including footnotes). The golden rule applies for the introduction and conclusion: the conclusion contains the answers to the questions raised in the introduction. Both parts are logically connected: if there are three questions raised in the introduction, the conclusion should include an answer on each of them. Within the main text, the individual arguments should be separated in paragraphs, with a paragraph not exceeding 10 lines.

2. LENGTHS OF THE ARTICLES AND THEIR FORMATS

2.1 Length

Each article should be between 2.000 to 3.000 words long, including footnotes. Only in exceptional cases, the Editorial Board of the Review accepts shorter or longer articles.

2.2 Format

Each contribution should be sent to the Editorial Board of the Review at commonlawreview@gmail.com in English, in .doc or .rtf format, size of font 12, type of font Times New Roman and spacing 1.5.

2.3 Terms in Latin and other languages

The authors should avoid using terms in Latin or other languages (except of legislation titles) and they should use the English translation instead. If this is not possible and a foreign term is used, it is necessary to use the correct spelling for such term (such as, for example, French accents, German Umlauts, etc.). The term in Latin should be written in italics (such as the term *ibid.* in the footnotes).

2.4 Headings

For an ease of reference, headings should be used in each article. If the headings are numbered, it should be ideally in the same way as these guidelines, with maximum two levels of headings (e.g. heading for level one is 2, heading for level two is 2.1).

2.5 Footnotes

The purpose of the footnotes is generally to refer to the literature and not as the content notes, i.e. for the description of the arguments. The footnotes are numbered by Arabic (i.e. Western) numerals.

2.6 Referencing¹

In particular, the references to the source materials should assist a reader to find them. With regards to the references to books, collections of papers, government or corporate body publications and electronic documents, the Review applies the numeric system of referencing of the source materials (“numeric system”) according to the British interpretation of ISO 690. With regards to the references to the legislation and case law, it is necessary to follow the manner of referencing applied in the relevant jurisdiction, otherwise the basic idea about citation would be impeded, namely how to find a resource. In the jurisdiction where no applicable citations partly or entirely exists (such as for Czech case law located on the internet), it is always useful to adopt an approach that would enable a reader to follow the reference to the source. The following subsections 2.6.1 to 2.6.7 should give you indication which approach the Review prefers.

2.6.1 Books

Craig, P. and De Burca, G. *EU Law. Text, Cases, and Materials*. 4th Ed. Oxford: Oxford University Press, 2007, p. 45.

2.6.2 Collection of Papers

Dow, S. R. Energy Law in the United Kingdom. In: Roggenkamp, Martha; Renne, Anita (eds.). *Energy Law in Europe. National, EU and International Law and Institutions*. Oxford: Oxford University Press, 2001, pp. 902 – 903.

2.6.3 Government or Corporate Body Publications

World Meteorological Organization. (1997). *The world's water: is there enough?* Geneva: World Meteorological Organization: Unesco. WMO no. 857, p. 25.

2.6.4 Electronic publications

Weiler, J.H.H. *The Rule of Lawyers and the Ethos of Diplomats: Reflections on the Internal and External Legitimacy of WTO Dispute Settlement*. Harvard Jean Monnet Working Paper 09/00. <http://www.jeanmonnetprogram.org/papers/00/000901.html> (23.04.2003).

2.6.5 Journals

The references to journals are similar to the books, although it is the name of the journal rather than the name of the article which should be in italics. Some of the legal journals are using abbreviations

¹ There are various systems for referencing. One of the detailed guides is available at <http://www.reading.ac.uk/nmsruntime/saveasdialog.asp?IID=10342&sID=40236>; see also International Organization for Standardization. *Excerpts from International Standard ISO 690-2* [online]. Ottawa, Canada: National Library of Canada. Available at: <http://www.nlc-bnc.ca/iso/tc46sc9/standard/690-2e.htm> [11 November 2007].

for the referencing which should be respected, such as Harv. L. Rev (Harvard Law Review), E.L.Rev. (European Law Review), RTD eur. (Revue trimestrielle du droit européen), JAP (Zeitschrift für Juristische Ausbildung und Praxisvorbereitung). The examples of references are as follows:

Rasmussen, H. Remediating the Crumbling EC Judicial System. [2000] 37 *C.M.L.Rev.* 1071

Toner, H. Thinking the Unthinkable? State Liability for Judicial Acts after Factortame (III) [1997] 17 *Yearbook of European Law* 165.

2.6.6 Legislation

With regards to the references to the legislation, it is necessary to follow the manner of referencing applied in the relevant jurisdiction. The examples of references are as follows:

s. 6 of the Companies Act 1985,

s. 7 of Verwaltungsgerichtsordnung (VwGO) vom 21. Januar 1960 (BGBl. I, S. 17), zuletzt geändert durch Gesetz vom 31. August 1998 (BGBl. I, S. 2600)

s. 1 of Décret n° 2002-387 du 20 mars 2002 modifiant le décret n° 2001-1004 du 2 novembre 2001 relatif à l'attribution d'une prime de sujétions spéciales à certains personnels des services déconcentrés de l'administration pénitentiaire, J.O. n° 70 du 23 mars 2002 page 5170,

Art. 1 of Commission Regulation (EC) No 622/2003 of 4 April 2003 laying down measures for the implementation of the common basic standards on aviation security [2003] O.J. L48/9,

s. 3 of Zákon č. 131/2002 Sb., o rozhodování některých kompetenčních sporů, ve znění pozdějších předpisů.

2.6.7 Case law

With regards to the references to the case law, it is necessary to follow the manner of referencing applied in the relevant jurisdiction.²

If a case is divided into paragraphs/side letters (or pages) (which is generally not the case of Czech case law), it is also necessary to insert a reference to them!

English case law – citation of case reports (Proprietary Citation)

Civil cases: Booth v Phillips [2004] 1 WLR 3292, at 10

Criminal cases: R v Dica [2004] QB 1257, at 5

Judicial Review: R (Williamson and others) v Secretary of State for Education and Employment [2005] 2 A C 246, at 6-10

English case law - medium neutral citation (introduced by Practice Note of Lord Woolf CJ on 11 January 2001)

1. party names, 2. year, 3. abbreviation of the court, 4. number of the case, 5. abbreviation of the division of the court (if not included before the number of the case). Examples are as follows:

Aaron v Shelton [2004] EWHC 1162 (QB), at 5

Eyeson v Milton Keynes CC [2005] EWHC 1160, at 7

Marcic v Thames Water Utilities Ltd [2002] EWCA Civ 64, at 8

R v Dietschmann [2003] UKHL 10, at 7

ECJ case law

² For details on referencing to case law of some jurisdictions, see, for example, http://en.wikipedia.org/wiki/Case_citation

Before 1990: Case 113/80 *Commission v Ireland* [1981] ECR 1625, paragraph 11
After 1990: Case T-504/93 *Tiercé Ladbroke v. Commission* [1997] E.C.R. II-923, paragraph 24
Case C-2/90 *Commission v Belgium* [1992] ECR I-4431, paragraph 24

Opinion of Advocate General Tesaurò in Case C-120/95 *Decker* [1998] ECR I-1831

US case law

Unocal Corp. v. Mesa Petroleum Co., 493 A.2d 946, 955 (Del. 1985)
Lowrance v. Patton, 710 P.2d 108, 111 (Okla. 1985)
Cede & Co. v. Technicolor Inc., 634 A.2d 345 (Del. 1993)

Czech case law

Czech Supreme Court, dated 10 May 2005, Ref. No. 29 Odo 589/2004

German

BGH 8.12.1998, XI ZR 302/97, IPRax 2000, pg. 128-129

2.7 In-Text Citations

As to the citations in your article, you should only cite texts which are necessary for the arguments you use. The citation should not generally be longer than four lines. The beginning and end of the citations should be separated by parenthesis and the citation should be in italics. There should be a footnote with a reference to the source material at the end of the sentence where a citation is located. If a part of the original cited text is left out, it should be indicated by square brackets as follows: [...].

An example:

For the purpose of guidance for health care professionals, consent has been defined as “*a patient’s agreement for a health professional to provide care. [...] Patients may indicate consent non-verbally (for example by presenting their arm for the pulse to be taken), orally or in writing.*”³

2.8 Later references to a case previously cited in full:

If the same source is referred to repeatedly in footnotes, the complete reference is made only once at the first footnote. The subsequent footnotes only refer to the previous one. For these purposes, two Latin abbreviations are used. Use *ibid.* when the later citation immediately follows the full citation. Use *op. cit.*, note ... when the later citation does not immediately follow the full citation. Examples:

1 Olowofoyeku, A. *Suing Judges*. Clarendon Press, Oxford 1993, p. 23.

2 Craig, P. and De Burca, G. *EU Law. Text, Cases, and Materials*. 4th Ed. Oxford: Oxford University Press, 2007, p. 45.

3 Craig, P. and De Burca, *ibid.*, p. 45.

4 Olowofoyeku, *op. cit.*, note 1, p. 25.

2.9 Bibliography

The references to the source materials (i.e. bibliographic references) should be indicated continuously in the footnotes of the article. The Review does not reprint the list of bibliography at the end of an article.

³ Department of Health. *Good Practice in Consent Implementation Guide: Consent to Examination or treatment*. November 2001, p. 3, available at: www.doh.gov.uk/consent/implementationguide.pdf (24.12.2007).