

LEGAL WRITING

Contribution to the course from the perspective of European, in particular German legal education

Questions for the mid-term examination

(15 of 100 points for the course)

Legal Writing is a scientific method and therefore must follow the intellectual and formal standards of scientific writing. In practice, however, we sometimes find deficits in the art of *scientific citing*.

1. What is the purpose of a reference in a footnote and when is such a reference necessary? (5 of 15 points)
2. Which information do you need to provide in such a reference and what exactly are the requirements? (10 of 15 points)
3. Additional question (optional): Why is it in legal science, unlike in political science, usually appropriate to place the reference in a footnote and not in parantheses in the main text? (up to 4 extra points until a maximum of 15 points)

Note: Please send your answer until the end of the day with a short message directly to the lecturer (tschmit1@gwdg.de). Please structure your answer well and answer only the questions asked! After the exam, all *students are welcome to contact me to discuss the strong and weak points of their paper.*

Additional note: Stick to these standards in your next course papers - make your lecturers happy! 😊

See for detailed information my course material "How to write a course paper (basic rules)", p. 2 and 3, which can be downloaded at my Indonesian website, www.thomas-schmitz-yogyakarta.id/Downloads/Schmitz_LegalWriting_Write-course-paper.pdf.

Question 1

/ 5 points

- a) The purpose of a reference / 2 p.
 - to *allow quick access to information & easy verification of your information* (and, thus, to ensure accuracy & precision and show intell. honesty) (and, of course, also to give credit to the author of a used source)
- b) When is a reference necessary? / 3 p.
 - whenever you provide *any information* (for every single info!) in your paper *which is not evident (obvious)* (and, of course, when you lean on the work of others)

Question 2: The information to provide and the requirements for a reference

/ 10 points

- a) Indicate *where exactly* the information can be found / 5 p.
 - refer to the exact page, marginal number, paragraph, footnote etc. / 4
 - when citing journal articles, refer to first and cited page / 1
- b) Indicate *what exactly* is the information (or consideration) in the cited source / 4 p.
 - pay special attention to the *correct context!* / 2
 - place the footnote accurately (behind the paragraph, sentence, relevant part of the sentence, special term etc.) / 1
 - add clarifications to elucidate the exact context, if necessary (or mark a vague context with "cf.") / 1
- c) Verify all citations of others (e.g. in books, articles) before copying them / 1 p.

Question 3 (optional additional question): Why to place the reference in a footnote?

up to 4 extra points

- In legal science you have *more references* because you do not work with a small number of publications which you read and process completely but with many publications of which often only small parts are relevant. Too many references in the main text would make it difficult to read.
- In legal science you have *much longer references* because you often need to refer to several sources or add clarifications to elucidate the exact context. Long references in parantheses in the main text would render it very difficult to read.