

## Guidelines Legal Writing

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### 1. General Information

This guide provides an overview of the key points to consider when writing a legal essay.

### 2. Aim of a Legal Essay

The aim of a legal essay is to provide the reader with an informed argument. To do so present a comprehensive analysis of the current state of knowledge (both scholarly opinions and case law) and, as far as possible, state and explain your own views on the topic. On a more precise note:

- Set the stage and identify the issue(s) you intend to analyze.
- State your research question / thesis and choose a coherent structure.
- Include the current state of knowledge (both scholarly opinions and case law) into the structure. Present diverging opinions and analyze them.
- Take a stand on the topic based on said analysis and substantiate your opinion.

Always use acts and statutes in their effective version and include up-to-date literature and case law. Please note that the most current opinions are often not yet reflected in textbooks or commentaries. For recent opinions please consult the website of the respective court as well as journals.

### 3. Grading

The work shall comply with both substantive and formal requirements.

**Formal requirements** include consistency in language and layout (including correct citation) as well as flawless grammar and orthography.

The **content** is evaluated based on the structure, the breadth and depth of discussion, novelty (scientific innovation, creativity, and new perspectives), implementation and analysis of the existing state of knowledge (both scholarly opinions and case law), independent reflection and level of complexity.

### 4. Structure

The essay should comply with the following structure:

- Title page (without page number)
- Tables and lists (roman page numbers: I, II, III etc.)
  - Table of contents
  - List of references
  - If needed: list of abbreviations and list of sources
- Body (arabic page numbers: 1, 2, 3 etc.)
- Annexes if needed (continued arabic page numbering of body)
- Declaration of Originality

#### 4.1. Title Page

The title page contains the title of the essay, the name of the course, the name of the professor as well as the name, address, phone number and e-mail address of the author. The title page is not included in the page numbering.

title of the essay	University of Zurich Faculty of Law	name of the course
	<b>E-Privacy</b>	
	Internet Law	
name, address, phone number and e-mail address of the author	Lecturer: Prof. Dr. iur. Florent Thouvenin	name of the professor
	submitted on May 23, 2025 by:	
	Vera Muster Bahnhofstrasse 3 8001 Zurich 079 123 45 67 vera.muster@uzh.ch	

#### 4.2. Table of Content

The table of content lists all headings contained in the essay with the respective page numbers. It provides the reader with an overview of the structure of the essay.

#### 4.3. Structure

With regard to the body, we recommend to use either the common list style (A./1./1./a)/aa) or the decimal system (1/1.1/1.2/1.2.1/1.2.2); avoid a mix of these styles. Solely use subheadings when they are needed, as in if there are at least two consecutive subheadings.

#### 4.4. List of References

**Important note:** The following guidelines only present one possible way to cite scholarly opinions. Instead, you may also use any internationally recognized standard, such as OSCOLA. Please ensure, however, that the chosen citation style is consistent throughout the essay.

The list of references serves documentation purposes and simplifies citations and references in footnotes. It contains all works cited in the essay. Please use the most recent editions and list all references in alphabetical order by the last name of the authors.

The list of references should only include *secondary literature* (no acts, statutes, judgements etc.).

#### Book by a single author

Please provide the following information in the list of references:

- name of the author (without academic titles) in SMALL CAPITALS
- first name of the author in SMALL CAPITALS
- title of the book, subtitle (divided by a comma)
- edition (if not the first edition)
- place and year of publication

*Examples:*

- WEITZENBOECK EMILY M., A Legal Framework for Emerging Business Models, Dynamic Networks as Collaborative Contracts, Cheltenham/Northampton MA 2012
- HUGUENIN CLAIRE, Obligationenrecht, 2<sup>nd</sup> edition, Zurich/Basel/Geneva 2014

### **Chapters in edited books or works in anthologies or edited collections (e.g. journal articles)**

Please provide the following information in the list of references:

- name of the author (without academic titles) in SMALL CAPITALS
- first name of the author in SMALL CAPITALS
- title of the article
- reference:
  - compilations: editor (last name followed by the designation „ed.“ (or „eds.“), no small caps) and title of the compilation
  - journals: name of the journal and year (without volume number, except if not determinable without)
- page numbers of the article (first and last page)

*Examples:*

- SCHWARTZ PAUL M./SOLOVE DANIEL J., Reforming the concept of personally identified information, U.S. privacy law and PII 2.0, in: Weber/Thouvenin (eds.), Neuer Regulierungsschub im Datenschutzrecht, Zurich/Basel/Geneva 2012, 55-68

### **Multiple authors**

The names of multiple authors are separated by a forward slash (/).

*Examples:*

- THOUVENIN FLORENT/BIRCHER MARCEL/FISCHER ROLAND, Repetitorium Immaterialgüterrecht, 3<sup>rd</sup> edition, Zurich 2016
- NOBEL PETER/WEBER ROLF H., Medienrecht, 3<sup>rd</sup> edition, Berne 2007

### **Multiple works by the same author**

If you cite multiple works by the same author, add an additional term to the citation for the avoidance of doubt. Please include said additional term in the reference in the footnote. Put works by the same author in chronological order.

*Example:*

- ALEXANDER KERN, Economic Sanctions, Law and Public Policy, London 2009 (referenced as: ALEXANDER, Sanctions)
- ALEXANDER KERN, European Banking Union, A Legal and Institutional Analysis of the Single Supervisory Mechanism and the Single Resolution Mechanism, European Law Review 2015, 154-187 (referenced as: ALEXANDER, European Banking Union)

## **4.5. List of Sources**

**Important note:** The following guidelines only present one possible way to cite primary sources. Instead, you may also use any internationally recognized standard, such as OSCOLA. Please ensure, however, that the chosen citation style is consistent throughout the essay.

The list of references includes secondary sources, such as scholarly opinions, only. It should not list statutes, compilations of statutes, case law or compilations of case law, etc. In case of significant use of remote primary sources

of law or materials, such as foreign statutes of little use, materials on statutes, statistics, private records, etc., it is advisable to add a list of sources after the list of references and prior to the list of abbreviations.

#### 4.6. List of Abbreviations

The list of abbreviations should explain any abbreviations used in the essay. Please include all abbreviations used in the essay in the list of abbreviations. You may not include common abbreviations in the list of abbreviations. In case of doubt, add the abbreviation to the list of abbreviations.

#### 4.7. Body

The body consists of:

- the introduction;
- the main part; and
- the conclusion.

The **introduction** introduces the reader to the topic and describes the aim of the essay. On a more precise note, you may narrow down the topic and provide a roadmap laying down the structure of the essay. Please do not include explanations on the author's personal efforts in dealing with the subject or in finding the relevant legal sources in the introduction or any other part of the essay.

The **main part** deals with the points presented in the table of contents.

Please note the following regarding **headings**:

- Headings should be as short as possible.
- Headings should be descriptive.
- Headings should not form entire sentences.
- Headings are not part of the text (this means that statements made in the headings should be repeated in the following text body).
- Headings never end with a period.

The essay should end with a summarizing **conclusion**. The conclusion should allow the reader to quickly gain an overview of the key elements of the essay and the of the author's argument / thesis.

### 5. Text Citations

**Important note:** The following guidelines only present one possible way to cite scholarly opinions and case law. Instead, you may also use any internationally recognized standard, such as OSCOLA. Please ensure, however, that the chosen citation style is consistent throughout the essay.

Every legal essay should analyze the current state of knowledge. Based on this, the author develops and presents his or her own thoughts and ideas. Therefore, it is crucial to correctly cite to the existing body of law, including scholarly opinions and case law. This not only applies to direct quotations, but also to indirect quotations, i.e., ideas or thoughts of other scholars that are presented in the legal essay in a paraphrased manner. The main principle is that all ideas and words of others must be properly and formally acknowledged. Missing quotation marks and/or references are considered plagiarism.

Thus, please take note that:

- You are obliged to reference all statements made by others.
- You should avoid direct quotation, whenever possible. In principle, paraphrase. Paraphrased quotations are followed by a reference. Missing references are considered plagiarism.

- Direct quotations may only be used when the exact wording of a statement is of relevance, e.g. when analyzing the black lettered law. Indicate direct quotations by quotation marks followed by a reference. Missing quotation marks and/or references are considered plagiarism.
- Verify the cited references. A referenced work might relate to other circumstances or might have been understood incorrectly by the author.
- Put the references in footnotes on the same page as the corresponding text passage.

Use a consistent citation style throughout the essay. We recommend using the following style:

The footnote should include the author (in small capitals), the exact reference and the additional term set forth in the list of references, if applicable.

Generally, cite as precisely as possible: provide the relevant page number(s) (without the prefix p. or pp.). If the paragraphs of the cited works are numbered, provide the number of the paragraph instead of the page number. If a cited work is structured into chapters and paragraphs, provide both specifications (e.g. “§ 3 para. 93” or “chapter 7 para. 41”). Cite commentaries with the relevant article and paragraph (and not the page number).

*Examples:*

- SMITH, 45.
- JOHNSON, para. 312.
- NOBEL/WEBER, § 2 paras. 132 et seqq.

The abbreviations “et seq.” and “et seqq.” are used to indicate that reference is made to multiple consecutive pages, paragraphs etc.

*Examples:*

- SMITH, 40 et seq. (= pages 40-41)
- JOHNSON, paras. 312 et seqq. (= paragraphs 312-316)

Each footnote starts with a capital letter and ends with a period.

Author and page number are separated by a comma.

Several references are separated by a semicolon.

*Example:*

- HUGUENIN, para. 455; BK-Kramer, OR 21 para. 26.

**Journal articles** should be cited with the name of the journal and the year.

*Example:*

- MAHLMANN, AJP 2013, 1309.

**Commentaries** should be cited with the abbreviation of the act or statute, the article, and the paragraph (no commas).

*Example:*

- DOERR BIANKA S., CC 28 para. 10.

Citations of the **common Swiss commentaries** (Basel = BSK; Zurich = ZK, Bern = BK) should further include the abbreviation of the commentary as well as the last name of the author of the relevant section separated by a hyphen (BK-/ZK-/BSK-AUTHOR).

*Examples:*

- BSK-HONSELL, CC 2 para. 10.
- BK-REHBINDER, CO 319 para. 2.

**Decisions of the Swiss Federal Court** should be cited according to the official index, if possible.

Decisions included in the official index:

- BGE 132 I 181, consideration 3.2.
- BGE 132 I 181 (if the decision as a whole is referenced)

Decisions not included in the official index:

- Decision of the Federal Court of January 23, 2007, 1A.211/2006, consideration 2.3.

Decisions published in journals:

- Decision of the Federal Court, sic! 2011, 213.

**Official documents** should be cited with their abbreviation, the page numbers of the relevant chapter and the exact page number of the reference (without the prefix “p.” or “pp.”).

*Examples:*

- Dispatch on Financial Services Act, Federal Gazette 2008, 455 et seqq., 483.
- Official Bulletin 1998, 268.

Websites should be cited stating their full web address (URL) and the date of the last visit.

*Example:*

- <http://www.rwi.uzh.ch/lehreforschung/alphabetisch/thouvenin/lv/4656-1.html> (visited on: 4 May 2015).

## 6. Declaration of Originality

Please include the following Declaration of Originality at the end of the essay:

„Title of the essay“, „Name of the author “

I herewith declare that I prepared this written work independently and by using the indicated sources only. Furthermore, I assure that this work has not been previously submitted in return for credits. A verification of the work for plagiarism may be conducted by using appropriate software.

[Place], [Date] [Signature]

## 7. Submission

Submit the legal essay to the chair by e-mail ([lst.thouvenin@rwi.uzh.ch](mailto:lst.thouvenin@rwi.uzh.ch)) as a PDF and Word and **by the agreed deadline at the latest**. The Master Thesis Agreement must be submitted as original to: University of Zurich, Faculty of Law, Chair Thouvenin, Rämistrasse 74/49, CH-8001 Zurich.