McGill Legal Citation Usage Guide

for

the lawcite BIBLATEX style

Abstract

This is the instruction manual for using the (lawcite) BIBLATEX format to produce McGill-style legal citations.

Contents

1	Get	ting Ready	3						
	1.1	What you will need	3						
	1.2	Installing the files	3						
	1.3	The Workflow	3						
2	How lawcite works 4								
	2.1	McGill settings	4						
	2.2	The Data	5						
	2.3	The Data Model	5						
	2.4	The Option Settings	5						
	2.5	Changing Settings	5						
	2.6	Bibentries	5						
	2.7	Citations	5						
	2.8	Bibliographies	5						
3	Cases 9								
	3.1	Bibentries	9						
	3.2	Citations	12						
4	Stat	tutes	16						
	4.1	Bibentries	16						
	4.2	Citations	17						
	4.3	Regulations	18						
		4.3.1 Bibentries	18						
		4.3.2 Citations	18						
	4.4	Currently not covered	20						
5	Law	y Journals	20						
	5.1	Bibentries	20						
	5.2		21						
6	Oth	er Material	22						

1 Getting Ready

1.1 What you will need

1.2 Installing the files

Place the lawcite Biblatex definition files (lawcite.dbx, lawcite.bbx, lawcite.cbx, english-lawcite.lbx), and an index style file for SplitIndex to use (e.g., plain.ist), in a location where TEX can find them, for example, in the current folder.

McGill-style is activated via option settings when calling the Biblatex package.

```
\usepackage[
style=lawcite,
lawcitestyle=mcgill,
    use-toc-parnumrefs=false,
...
]{biblatex}
```

Settings used by lawcite may be changed inside the document, as well.

1.3 The Workflow

To compile a file *foo.tex*, do:

- xelatex/lualatex/pdflatex
- biber (collect bibliographic data)
- xelatex/lualatex/pdflatex (resolve citations, insert Table of Contents, Bibliography; page numbers change)
- splitindex (create the ToC etc files)

```
splitindex foo -- -s plain.ist -c
```

xelatex/lualatex/pdflatex (Table of Cases is inserted; page numbers change)

- splitindex (pick up the new page numbers)
- xelatex/lualatex/pdflatex (refresh the ToC, and any cross-references)

The index style file (for the Table of Cases, etc), is a plain dot-fill style:

```
delim_0 "\\space\\dotfill\\space "\hss
delim_1 "\\space\\dotfill\\space "\hss
delim_2 "\\space\\dotfill\\space "\hss
delim_n ", "
delim_r "--"
delim_t ""
encap_prefix ""
encap_suffix ""
```

2 How lawcite works

2.1 McGill settings

For a behind-the-scenes look, in terms of on/off switches (that is, where there is a typographical choice), the McGill style is defined as follows: party names are italic, party separator (the "v") is also italic, and not dotted, main citation method is footnoting, square brackets are not used for the year component of medium neutral citations, and so on...

```
\newcommand\lcsetstylemcgill{%
   \togglefalse{partysepdotted}
   \toggletrue{partysepitalic}
   \toggletrue{partynamesitalic}
   \setcounter{reftypemode}{3}
   \togglefalse{mncbrackets}
   \toggletrue{stattycomma}%after the title
   \togglefalse{stattyitalic}
   \togglefalse{stattyitalic}
   \togglefalse{stattyitalic}
   \toggletrue{statutecomma}%after the title
\toggletrue{commainindex}
\toggletrue{multicitecomma}
\toggletrue{casenamecomma}
```

```
\renewcommand\postnotedelim{\ }
  \togglefalse{ljarttitleitalic}
  \toggletrue{ljjnltitleitalic}
}
```

Other components of style depend on data input and/or user choice (the decision year if different to the reporting year); or 'fixed', in the sense that there is only one layout (like using "/" for some provincial regulation formats to separate regulation number and year, or year and regulation number). Coding can be done to the $n^{\rm th}$ degree, but, at some point, practicality switches on.

- 2.2 The Data
- 2.3 The Data Model
- 2.4 The Option Settings
- 2.5 Changing Settings
- 2.6 Bibentries
- 2.7 Citations
- 2.8 Bibliographies

Table of Cases

- \rightarrow References are to page numbers.
- \rightarrow 'Duplicated' entries are intentional.

Alliance of Canadian Cinema Television and Radio Artists v Canadian Broadcasting Corporation, 91 CLLC 16
Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America), [1986] ICJ Rep No 14
Fucella v Ricker, 35 OR (2d) 423
Graham v R, [1978] 6 WWR 48, 90 DLR (3d) 223 11
Hopp v Lepp, [1980] 2 SCR 192 9
Massachusetts v Environmental Protection Agency, (2007) 549 US 497 127 S Ct 1438
R v Cole, 2012 SCC 53
Swiss Bank Corp v Air Canada, [1988] 1 FC 71 10
Tulk v Moxhay, [1848] 1 H & Tw 105 16

VDN Cable Inc, on behalf of a corporation to be incorporated, Toronto, Ontario, 2005-1, online: CRTC <www.crtc.gc.ca> [perma.cc/LF5P-5MM3]</www.crtc.gc.ca>
Table of Statutes
ightarrow References are to page numbers.
Criminal Code, RSC 1985, c C-46
Fair Trading Act, RSA 2000, c F-2
Law of Property Act, 1969 (UK)
Safe Drinking Water Act, 42 USC §300f (1974)
Territorial Lands Act, RSC 1985, c T-7
Table of Regulations
ightarrow References are to page numbers.
Alberta Forest Land Use and Management Regulations, Alta Reg 197/1976 18, 23 Alta Reg 62/2009
BC Reg 278/2008
Man Reg 351/87 19, 23 Maple Products Regulations, CRC, c 289 19, 23 Migratory Birds Regulations, CRC, c 1035 18, 23
NB Reg 2006-23 18, 19, 23 Nfld 19/97 19, 23 NLR 4/9 19, 23

NS Reg 235/2007	23
NWT Reg 26-2008	23
PEI Reg 2002-249	23
Regulations Amending the Food and Drug Regulations, SOR/98-580 19, 23	0.
Sask Reg 444/67	23
YOIC Reg 1995/87	23

3 Cases

3.1 Bibentries

```
Medium Neutral Citation: \lcinline{cole}
  R v Cole, 2012 SCC 53
@case{cole,
partya = \{R\},
partyb = {Cole},
caseyear = \{2012\},
courtname = {SCC},
casenumber = \{53\},
   The default party separator is "v". Use the partysep= field to spe-
cify a different party separator, e.g., contre: \lcinline{arbia}
  Arbia c Brousseau, 2020 QCCA 1073
@case{arbia,
partya = {Arbia},
partysep = \{c\},
partyb = {Brousseau},
caseyear = \{2020\},
courtname = {QCCA},
casenumber = \{1073\},
  Printed report, by year: \lcinline{hopp}
  Hopp v Lepp, [1980] 2 SCR 192
@case{hopp,
partya = {Hopp},
partyb = {Lepp},
reportyear = \{1980\},
volyearneeded = {true},
reportvolume = {2},
```

```
reportseries = {SCR},
reportpage = {192},
  Printed report, by volume: \lcinline{fucella}
  Fucella v Ricker (1982), 35 OR (2d) 423. (H Ct J)
@case{fucella,
partya = {Fucella},
partyb = {Ricker},
decisionyear = {1982},
reportvolume = {35},
reportseries = {OR (2d)},
reportpage = {423},
note = \{H \ Ct \ J\},
  Printed report, by year, decided and published in different years:
\lcinline{swissair}
  Swiss Bank Corp v Air Canada (1987), [1988] 1 FC 71
@case{swissair,
partya = {Swiss Bank Corp},
partyb = {Air Canada},
decisionyear = \{1987\},
reportyear = \{1988\},
volyearneeded = {true},
reportvolume = {1},
reportseries = {FC},
reportpage = {71},
}
```

```
Parallel reports: \lawcitesinlinerr{grahamwwr,grahamdlr}
  Graham v R, [1978] 6 WWR 48, 90 DLR (3d) 223. (Sask QB)
@case{graham,
partya = {Graham},
partyb = \{R\},
options = {skipbib=true},
@case{grahamwwr,
reportyear = {1978},
volyearneeded = {true},
reportvolume = {6},
reportseries = {WWR},
reportpage = {48},
options = {skipbib=true},
crossref = {graham},
@case{grahamdlr,
reportvolume = {90},
```

reportseries = {DLR (3d)},

reportpage = {223},
crossref = {graham},
note = {Sask QB},

3.2 Citations

NOTE: Pinpoints are illustrative only.

Available commands: Ex 1 key \lawcite{key} footer, single key \lawcite{cole} Text¹ key postnote Ex 2 \lawcite[postnote]{key} footer, single key, single cite \lawcite[\nopp at 67]{cole} Text² *prenote* key Ex 3 **\lawcite**[prenote][]{key} footer, single key \lawcite[See also][]{cole} Text³ prenote key postnote Ex 4 \lawcite[prenote][postnote]{key} footer, single key, single cite \lawcite[See also][\nopp at 67]{cole} Text⁴

¹ R v Cole, 2012 SCC 53.

²R v Cole, 2012 SCC 53 at 67.

³See also *R v Cole*, 2012 SCC 53.

⁴See also *R v Cole*, 2012 SCC 53 at 67.

key1 key2 ... Ex 5 \lawcitesfoot{key1,key2} footer, multi key \lawcitesfoot{cole,mcleanbclr} Text⁵ key1,key2 postnote Ex 6 \lawcitesfoot[postnote]{key1,key2} footer, multi key, single cite \lawcitesfoot[\addcomma\addspace both on point]{cole,mcleanbclr} Text⁶ prenote key1,key2 Ex 7 \lawcitesfoot[prenote][]{key1,key2} footer, multi key \lawcitesfoot[See also][]{cole,mcleanbclr}

prenote key1,key2 postnote

Lx 8

\lawcitesfoot[prenote][postnote]{key1,key2}

footer, multi key, single cite

\lawcitesfoot[See also][\addcomma\addspace both on point]{cole,mcleanbclr}
Text⁸

Text⁷

⁵R v Cole, 2012 SCC 53; McLean v Pilon (1978), 7 BCLR 99.

⁶R v Cole, 2012 SCC 53; McLean v Pilon (1978), 7 BCLR 99, both on point.

⁷See also *R v Cole*, 2012 SCC 53; *McLean v Pilon* (1978), 7 BCLR 99.

⁸See also *R v Cole*, 2012 SCC 53; *McLean v Pilon* (1978), 7 BCLR 99, both on point.

overall-pre prenote key
1 postnote, prenote key
2 postnote overall-post

Ex 9

\lawcites foot(overall prenote)(overall postnote)[prenote][postnote]{key1} [prenote][postnote]{key2}

footer, multi key, multi cite

\lawcitesfoot(There are two further cases\addcomma)(\addcomma\addspace but neither case directly applies)[a criminal matter][at para 42]{cole}[and also][101]{mcleanbclr}

Text⁹

Corresponding inline commands

```
\lawcitesfoot \lawcitesinline
\lawcitesfootrr \lawcitesinlinerr
```

- \rightarrow There are two further cases, a criminal matter *R v Cole*, 2012 SCC 53 at para 42, and also *McLean v Pilon* (1978), 7 BCLR 99 p. 101 (SC), but neither case directly applies
- \rightarrow See firstly *McLean v Pilon* (1978), 1978 CanLII 237 at para 42, and secondly 7 BCLR 99 at 101 (SC)

Thre is also:

\lawcitetitle \lawcitetitlerr R v Cole McLean v Pilon (1978)

⁹There are two further cases, a criminal matter *R v Cole*, 2012 SCC 53 at para 42; and also *McLean v Pilon* (1978), 7 BCLR 99 p. 101, but neither case directly applies.

key1 key2 ...
\lawcitesfootrr{key1,key2}

Ex 10

footer, multi key, parallel, multi cite

\lawcitesfootrr{mcleanlii,mcleanbclr} Text¹⁰

 ${\tt key1}\ postnote, {\tt key2}\ postnote$

Ex 11

\lawcitesfootrr[postnote]{key1}[postnote]{key2}

footer, multi key, parallel, multi cite

 $\label{lawcites} $$ \operatorname{longp} at para 42]{mcleanlii}[\nopp at 101]{mcleanbclr}$

Text¹¹

prenote key1, prenote key2

Ex 12

\lawcitesfootrr[prenote][]{key1}[prenote][]{key2}

footer, multi key, parallel, multi cite

\lawcitesfootrr[See firstly][]{mcleanlii}[and secondly][]{mcleanbclr}
Text¹²

 $prenote \; key 1 \; postnote, prenote \; key 2 \; postnote$

Ex 13

\lawcitesfootrr[prenote][postnote]{key1}[prenote][postnote]{key2}

footer, multi key, parallel, multi cite

Text¹³

¹⁰ McLean v Pilon (1978), 1978 CanLII 237; 7 BCLR 99.

¹¹McLean v Pilon (1978), 1978 CanLII 237 at para 42; 7 BCLR 99 at 101.

¹²See firstly McLean v Pilon (1978), 1978 CanLII 237; and secondly 7 BCLR 99.

 $^{^{13}}$ See firstly *McLean v Pilon* (1978), 1978 CanLII 237 at para 42; and secondly 7 BCLR 99 at 101.

\lawcitesinline{key}

Re Sarg Oils Ltd, 2011 ABERCB 32

Clarke Institute of Psychiatry v Ontario Nurses' Assn (Adusei Grievance) (2001), 95 LAC (4th) 154. (OLRB)

Tulk v Moxhay, [1848] 1 H & Tw 105

Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America), [1986] ICJ Rep No 14

Alliance of Canadian Cinema Television and Radio Artists v Canadian Broadcasting Corporation (1990), 91 CLLC 16. (CLRB)

VDN Cable Inc, on behalf of a corporation to be incorporated, Toronto, Ontario (January 2005), 2005-1, online: CRTC <www.crtc.gc.ca> [perma.cc/LF5P-5MM3]

R v Crete (18 April 1991), Ottawa 97/03674. (Ont Prov Ct)

Clearbrook Ironworks Ltd v Letourneau, 2006 FCA 42 at para 3, Sexton JA

\lawcitesinlinerr{key}

Massachusetts v Environmental Protection Agency, (2007) 549 US 497, 127 S Ct 1438

R v Syncrude Canada Ltd, 2010 ABPC 154, 2010 CarswellAlta 981. (WL Can)

4 Statutes

4.1 Bibentries

Ordinary statutes: \lawcite{fla}

Family Law Act, SA 2003, c F-4.5

```
@statute{fla,
citeref = {canleg},
title = {Family Law Act},
svjy = {SA 2003},
chapter = {F-4.5},
}
```

4.2 Citations

```
\lawcite{key}

Family Law Act, SA 2003, c F-4.5

Territorial Lands Act, RSC 1985, c T-7, s 3

Fair Trading Act, RSA 2000, c F-2

Safe Drinking Water Act, 42 USC §300f (1974)

This last uses the semantic structure of the @statute bibentry:

title, year (jurisdiction) (note)

to store

Safe Drinking Water Act, 42 USC §300f (1974)
```

The year value 1974 could just as easily have been stored in the jurisdiction field, with no note field, to produce an identical result.

To display the jurisdiction for non-Canadian statutes, do:

```
\toggletrue{statjurisdiction} or \setstatjurison
   Law of Property Act, 1969 (UK)
\togglefalse{statjurisdiction} or \setstatjurisoff
```

4.3 Regulations

4.3.1 Bibentries

```
Ordinary regulations: \lawcite{canregnb}

NB Reg 2006-23

@statute{canregnb,
citeref = {nbreg},
year = {2006},
regnum = {23},
sorttitle = {nbreg200623},
}
```

4.3.2 Citations

```
\lawcite{key}
NB Reg 2006-23

Polar Bear Pass Withdrawal Order, SOR/84-409

Migratory Birds Regulations, CRC, c 1035, s 9
```

Alberta Forest Land Use and Management Regulations, Alta Reg 197/1976, s 2

Because of the multiplicity of regulation format types, in the data structure, using the citeref field in the @statute bibentry is the more flexible method since it can process both (Canadian) statutes and regulations in one sweep; although, the 'traditional' statute fields can still be used, but operate only at the level of statutes, and regulations that look like statutes.

```
(using citeref field)

Criminal Code, RSC 1985, c C-46, s 515 provides that ...

(using statute bibentry fields)

Criminal Code, RSC 1985, c C-46, s 515 provides that ...
```

The available citeref values are:

```
Example of format (from AGLC3)
...reg
      Maple Products Regulations, CRC, c 289
crc
      Regulations Amending the Food and Drug Regulations, SOR/98-580
sor
alta
      Alta Reg 62/2009
bc
      BC Reg 278/2008
      Man Reg 351/87
man
      NB Reg 2006-23
nb
nfld
      Nfld Reg 19/97
      NLR Reg 4/9
nlr
      NWT Reg 26-2008
nwt
      NS Reg 235/2007
ns
      Nu Reg 40-99
nu
      O Reg 361/8
0
      PEI Reg EC 2002-249
pei
      OC 764-97, 25 June 1997, GOQ 1997.II.2737
qc
sask
      Sask Reg 444/67
yoic
      YOIC Reg 1995/87
```

The bibentry data fields required by the various Canadian regulation types are:

Reg Type						
crc	title	chapter				
sor	title		year	regnum		
alta			year	regnum		
bc			year	regnum		
man			year	regnum		
nb			year	regnum		
nfld			year	regnum		
nlr			year	regnum		
nwt			year	regnum		
ns			year	regnum		
nu			year	regnum		
0			year	regnum		
pei			year	regnum		
qc			year	regnum	fulldate	gazette
sask			year	regnum		
yoic			year	regnum		

For the non-federal regulations, if a title field is available, it will be printed.

4.4 Currently not covered

- Bills
- Constitutions and Charters
- Treaties, Agreements, and Accords

5 Law Journals

5.1 Bibentries

Law Review articles: \lipcite{renaud}

Matthew Renaud, From Reading Courses to Robson Hall: The Development of Legal Education in the Province of Manitoba, 1877–1968, (2019) 42 *Manitoba Law Journal* 286

```
@ljarticle{renaud,
author = {Matthew Renaud},
subtitle = {The Development of Legal Education
in the Province of Manitoba, 1877-1968},
title = {From Reading Courses to Robson Hall},
mncyear = {2019},
mncname = {CanLIIDocs},
mncnumber = {4192},
date = {2019},
volume = {42},
journaltitle = {Manitoba Law Journal},
pages = {286},
}
```

5.2 Citations

\footnote{\ljcite{key}}

- * Looking at the 1914 Manitoba Law School lecture schedule, ¹⁴ Contracts, Torts, Real Property, Criminal Law, Evidence, Equity, and so on it becomes obvious that things haven't changed much, for any law school.
- * "it has been argued¹⁵ that, stylistically, dissents are often looser than majority judgments." ¹⁶

\ljcite{key}

* the "amorphous ... swirl of text, unwritten principles, and internal architecture" of the open-ended definitions within the constitutional stories, "the narratives that [we tell ourselves] about the constitution and its meanings as a whole" — Eric M Adams, Canadian

¹⁴Reproduced in Matthew Renaud, From Reading Courses to Robson Hall: The Development of Legal Education in the Province of Manitoba, 1877–1968, (2019) 42 *Manitoba Law Journal* 286 p. 295

¹⁵By Lawrence Friedman, Robert Kagan, Bliss Cartwright, Stanton Wheeler, State Supreme Courts: A Century of Style and Citation, (1981) 33 *Stanford Law Review* 773 785 (covering 16 state supreme courts in the period 1870-1970), as cited by Russell Smyth.

¹⁶Russell Smyth, What do Intermediate Appellate Courts Cite? A Quantitative Study of the Citation Practice of Australian State Supreme Courts, (1999) 21 *Adelaide Law Review* 51 59.

Constitutional Identities, (2015) 38 *Dalhousie Law Journal* 311 at p316, and p313 n7.

ightarrow The author, Eric M Adams, uses the word, 'amorphous', a second time, at p 318: "sub-national provinces with amorphous constitutional roles".¹⁷

It may indeed seem long-winded rigmarole, typing < \lclipauthor{adams} > and < \lcpostnote[at p 318]{adams}>, to get

<Eric M Adams> and <at p 318>,
instead of typing plain text, but ...

ADAMS, in a recent issue of the *Dalhousie Law Journal*, has stated that ...

Lawrence Friedman, Robert Kagan, Bliss Cartwright, Stanton Wheeler, in their classic article in the *Stanford Law Review*, ...

The Friedman paper in the Stanford Law Review, for example, ...

6 Other Material

Text¹⁸ Text¹⁹ Text²⁰ Text²¹

For R v Cole, see supra, n 1, and n 10 for McLean v Pilon (1978).

--0000000--

 $^{^{17}\}mathrm{Eric}$ M Adams, Canadian Constitutional Identities, (2015) 38 *Dalhousie Law Journal* 311 at p 318

¹⁸Eco, Come si fa una tesi di laurea p. 110.

¹⁹Butt, *Legal Usage* p. 42.

²⁰Howie and Johnson, *Annotated Criminal Legislation New South Wales* para [2.4].

²¹Bishop, *The First Book of the Law c* 1.

Bibliography

Legislation

Alberta Forest Land Use and Management Regulations, Alta Reg 197/1976.

Alta Reg 62/2009.

BC Reg 278/2008.

Criminal Code, RSC 1985, c C-46.

Criminal Code, RSC 1985, c C-46.

Fair Trading Act, RSA 2000, c F-2.

Family Law Act, SA 2003, c F-4.5.

Law of Property Act, 1969.

Man Reg 351/87.

Maple Products Regulations, CRC, c 289.

Migratory Birds Regulations, CRC, c 1035.

NB Reg 2006-23.

Nfld Reg 19/97.

NLR Reg 4/9.

NS Reg 235/2007.

Nu Reg 40-99.

NWT Reg 26-2008.

OC 764-97, 25 June 1997, GOQ 1997.II.2737.

O Reg 361/8.

PEI Reg EC 2002-249.

Polar Bear Pass Withdrawal Order, SOR/84-409.

Regulations Amending the Food and Drug Regulations, SOR/98-580.

Safe Drinking Water Act, 42 USC §300f.

Sask Reg 444/67.

Territorial Lands Act, RSC 1985, c T-7.

YOIC Reg 1995/87.

Jurisprudence

Alliance of Canadian Cinema Television and Radio Artists v Canadian Broadcasting Corporation (1990), 91 CLLC 16.

Arbia c Brousseau, 2020 QCCA 1073.

Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America), [1986] ICJ Rep No 14.

Clarke Institute of Psychiatry v Ontario Nurses' Assn (Adusei Grievance) (2001), 95 LAC (4th) 154.

Clearbrook Ironworks Ltd v Letourneau, 2006 FCA 42.

Fucella v Ricker (1982), 35 OR (2d) 423.

Graham v R, 90 DLR (3d) 223.

Hopp v Lepp, [1980] 2 SCR 192.

Massachusetts v Environmental Protection Agency, (2007) 549 US 497.

McLean v Pilon (1978), 7 BCLR 99.

R v Cole, 2012 SCC 53.

R v Crete (18 April 1991), Ottawa 97/03674.

R v Syncrude Canada Ltd, 2010 ABPC 154.

Re Sarg Oils Ltd, 2011 ABERCB 32.

Swiss Bank Corp v Air Canada (1987), [1988] 1 FC 71.

Tulk v Moxhay, [1848] 1 H & Tw 105.

VDN Cable Inc, on behalf of a corporation to be incorporated, Toronto, Ontario (January 2005), 2005-1, online: CRTC <www.crtc.gc.ca> [perma.cc/LF5P-5MM3].

Secondary Materials: Monographs

Bishop, Joel Prentiss. *The First Book of the Law*. Boston: Little, Brown, and Company, 1868.

Howie, Roderick N and Peter A Johnson. *Annotated Criminal Legislation New South Wales*. 2014-2015. LexisNexis Butterworths, 2015.

Secondary Materials: Articles

- Eric M Adams, Canadian Constitutional Identities, (2015) 38 *Dalhousie Law Journal* 311.
- Lawrence Friedman, Robert Kagan, Bliss Cartwright, Stanton Wheeler, State Supreme Courts: A Century of Style and Citation, (1981) 33 Stanford Law Review 773.
- Matthew Renaud, From Reading Courses to Robson Hall: The Development of Legal Education in the Province of Manitoba, 1877–1968, (2019) 42 *Manitoba Law Journal* 286.
- Russell Smyth, What do Intermediate Appellate Courts Cite? A Quantitative Study of the Citation Practice of Australian State Supreme Courts, (1999) 21 *Adelaide Law Review* 51.

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Butt, Peter. Legal Usage. A Modern Style Guide. LexisNexis Butterworths, 2018.

Eco, Umberto. *Come si fa una tesi di laurea. Le materie umanistiche*. 15th ed. Bompiani, 2004.

General Index

amorphous	22
dissents	21
lecture schedule	21