

SACQ AUTHOR GUIDELINES

SACQ is a quarterly journal published by the Crime and Justice Programme of the Institute for Security Studies. SACQ is an open-access journal. The journal is published in hard copy and is available on our website: www.issafrica.org. It is also available on African Journals Online (from March 2014). The article is accredited by the Department of Higher Education of South Africa.

The journal is widely read nationally and internationally by criminal justice practitioners, researchers and academics.

Prospective authors may contact the editor, Chandre Gould (cgould@issafrica.org) to obtain information about deadlines and publication dates. The journal is published at the end of March, July, September and in early December each year. Deadlines for submissions are as follows:

March edition: articles to be submitted by 10 January (or the closet working day, if this falls on a weekend)

July edition: articles to be submitted by 10 April (or the closet working day, if this falls on a weekend)

September edition: articles to be submitted by 10 July (or the closet working day, if this falls on a weekend)

December edition: articles to be submitted by 10 September (or the closet working day, if this falls on a weekend)

Prospective authors are asked to take note of the following information:

- Articles should be between 3000 and 5000 words
- Language and tone:
The article should be written in an accessible way in other words so that non-experts are able to read and understand the piece. Please avoid using jargon as far as possible and when jargon is used (especially legal) it must be explained,
- Keep sentences short and paragraphs short.
- The journal is layed-out in two columns. Please keep subheadings short so that they fit on one line of a column if possible.
- As far as the content is concerned:
 - A 100 – 150 word abstract must be included. This should be a clear summary that draws readers in to the article
 - the topic being covered should be linked to current events, or to policy debates, legislation etc.
 - -we do want to hear your opinion of the issue – so positions can be taken. But, there should always be a clear presentation of the facts, background to the issue, etc as well.
- Format:
 - Use sub-headings wherever possible (to guide busy readers, and break up text)
 - Tables, boxes, bullet points, graphs most welcome
 - Please suggest a title for the article. It should be a punchy title with a descriptive subtitle.
 - Endnotes are used for all referencing (no sources in the text in brackets please).
 - A bibliography should precede endnotes (please see the SACQ style guide on the SACQ website for a description of the appropriate referencing style)
 - acknowledgements can be made at the end of the article if necessary.

GUIDELINES FOR CASE NOTES¹

1. **Check the SACQ style guide.** The journal uses endnotes rather than footnotes. It will save time if from the beginning you shape your case note in the correct style.
2. **The Introduction:** this identifies the area of law involved, the significance of the case and its central legal issue. The idea is to hook in the readers, alerting them to a change to or a clarification to or a wrong interpretation of the law. The Introduction provides a reason why they must continue reading. You may like to be provocative by saying what you intend to argue – eg that the case was wrongly decided / it constitutes good precedent / provides needed clarity etc. But be concise.
3. **A summary of the law before the case:** provide a summary of the existing law so that the reader can understand the significance of the case. This section may involve reference to the common law or part of a statute and the leading cases. It could be that the case you intend discussing is the first to interpret a statute - in which case your introduction may explain what you understand the purpose/mischief behind the statute. *NOTE: This section might more logically follow the next section.*
4. **The facts of the case:** This is a summary, clearly reported, avoiding words like Respondent / Applicant / Appellant which could cause the reader to lose track of who is who. Rather opt for descriptors like buyer / seller / employer / lessor etc. Unnecessary facts and dates should be pruned. Significant conflicting evidence should be briefly noted. In this section you are reporting, not judging or evaluating and this is not a long section. Ask yourself whether a detail has any bearing on the case at all. If not, cut. (Although sometimes a graphic detail makes the case memorable, like a dead snail in a ginger-beer bottle, as in *Donoghue v Stevenson*) Try and tell the story in an engaging way.
5. **Presenting the court's decision:** The theoretical key to the common law system of precedent is the distinction between the *ratio decidendi* and *obiter dicta* in a case. Your task is to isolate that portion of the judgment which contains the *ratio*. But as someone said "An *obiter dictum* in one case may become *ratio decidendi* in the next." Similarly, a minority judgment may find approval in a subsequent case. So alongside the *ratio* you may want to refer to a hypothetical consideration raised in *obiter* or to the minority judgment.
6. **The significance of the case:** this section amplifies the promise made in the Introduction. Here your critical voice must come through and you move from the descriptive factual account to an analytical and evaluative stage. **Key questions** to answer are:
 - 6.1 Was the court's decision appropriate?

¹ The guidelines for case notes were drafted by Prof Alan Rycroft who holds the chair in Commercial Law and is Deputy Dean of the faculty of law at the University of Cape Town.

- 6.2 Does this decision change / conform with existing law? Was the reasoning consistent with previous reasoning in similar cases? Is it likely that the decision will significantly influence existing law?
 - 6.3 Did the court adequately justify its reasoning? Was its interpretation of the law appropriate? Was the reasoning logical / consistent? Did the court consider all / omit some issues and arguments? And, if there was omission, does this weaken the merit of the decision?
 - 6.4 What are the policy implications of the decision? Are there alternative approaches which could lead to more appropriate public policy in this area?
 - 6.5 This section should also offer an analysis or description of existing literature about the case you are discussing.
7. If your finding is that the decision creates legal precedent, or conversely, upholds legal precedent, what does that mean? What are the implications for the legal and public policy contexts in which this decision sits?
 8. **Do not assume that judges get it right** – it is helpful to remember that they have chosen one approach and that the other party fought the case believing in another approach. You should feel free, if you can justify it with sound reasons, to be politely critical of the judge. Do not be intimidated by the thought that you are exposing yourself in print – the worst that can happen is that someone else will join the debate.
 9. You may be aware of the guidance given to first-year law students as to how to use a case note – they are told to use the **FIRAC model** (Facts, Issue, Rule of Law, Application, Conclusion). This is not a bad model to keep in mind for an academic case note.
 10. **Choose a title which is descriptive of the content.** While it is amusing to read humorous titles, if you want to attract a wide readership the title will be the single most significant way for readers to find it. As NRF rating measures ‘impact’ you might like to increase your chances of being cited elsewhere with a title which is accurate as to its content.