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13. Referencing and avoiding plagiarism

Chapter: (p. 271) 13. Referencing and avoiding plagiarism
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Introduction

This chapter deals with referencing and avoiding plagiarism. These skills are of critical importance to your studies since your academic work will inevitably require you to read, critically consider, and evaluate the work of others. However, you must ensure that you carefully and meticulously distinguish between your own work, ideas, and arguments and those of the authors or judges that you have encountered during your research. This is done by providing thorough references to the sources that you have used in your work. Falling to do so may leave you vulnerable to accusations that you have presented the work of others as your own—that is, plagiarism. This chapter will explain what is meant by plagiarism in more detail and introduce you to the most widely used system of referencing in academic law which will help you to avoid inadvertent plagiarism: footnote referencing (specifically, the Oxford University Standard for Citation of Legal Authorities, invariably abbreviated to OSCOLA). We will then show you how to reference the most commonly encountered sources using OSCOLA. This chapter should be read in conjunction with the chapters on writing essays (chapter 14), answering problem questions (chapter 15), and writing dissertations (chapter 17) which follow.

The ability to reference thoroughly, properly, and consistently should become second nature to you as you progress through your legal studies. Plagiarism is invariably treated very seriously by institutions and any suspected cases are investigated thoroughly. If a case of suspected plagiarism is upheld, then it is likely that some adverse penalty will be
Page numbers

For referencing purposes (pinpoints), the page numbers are scattered across the pages.

1.2.3 Reasons to avoid plagiarism

As well as the automated plagiarism detection provided by Turnitin, many experienced lecturers have also developed an instinctive ‘nose’ for suspected plagiarism which often proves to be correct. Overall, it is virtually impossible to copy from a urce of material that cannot be detected, therefore resorting to plagiarism in an attempt to acquire a good mark will ultimately be unsuccessful. Such is the battle against plagiarism that many institutions annotate degree (p. 278) transcripts to include ar planation that a mark in the relevant subject was amended following a finding of plagiarism; something which is hardly going impress future employers. Moreover, the Law Society and the Bar Standards Board require universities to notify them of even cases of plagiarism: since plagiarism involves dishonest academic practice, a proven finding against a student suggests that they are not of good character for the purposes of a career in the legal profession. This is particularly so if, as is reassuringly common, you are required to sign some sort of statement that all due credit has been given to the work of others part of your submission rules. Dishonestly signing a false declaration would not be received well by your university or the professional bodies.

More than this, plagiarism is actually counterproductive as it deprives the student of the opportunity to test what they have done and how well they are able to express this. In other words, the learning opportunity provided by the coursework is withheld and the student learns nothing as a result. You will never improve your legal skills if you are not prepared to receive feedback on your ability. There is nowhere else in the progression of becoming a lawyer that you will be able
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