

Referencing in Legal Writing

When writing about legal issues or problems, referencing is very important. Not only does it allow you to acknowledge the ideas of others, but it also demonstrates your ability to find scholarly sources and use them correctly.

Citing cases

- *Introduction to Law* only requires you to find cases in a textbook, lecture notes or slides. Reference them if you quote or summarise the statements made from or about a case.
- Give the full citation of the case in the body of the essay.
- Full citation is both of the primary parties' names, (*in italics* or underlined), year, the case reports' volume number, the abbreviated name of the report series and finally the page number.

Example:

Hedley Byrne & Co Ltd v Heller & Partners [1963] 2 All ER 575

- A case may only have an internet citation. In this situation, the case is cited as the names of parties, year and any other relevant details available.

Example:

[1999] HCA 60 (13th August 1999).

Citing legislation

- The usual method of statute citation is citation by short title.
- The short title of the Act is cited first, then the year it passed through parliament, (*both in italics*), and the accepted abbreviated form of that parliament, in brackets.
- This should be inserted directly into the text

Example:

As outlined in Section 22 of the *Competition and Consumer Act 2010* (Cth), the state is ultimately responsible for the regulation of the sale of textile materials within Western Australia.

In-text citation using APA or Harvard

- Cite where you got your information from in brackets at the end of the sentence (author's surname or organisation name, year).
- A quote also requires a direct page number after the year within the in-text citation.
- You must acknowledge direct quotes using "quotation marks."
- If the quote exceeds 3 lines:

It should start on a separate line, with indents at both the left and right margins and it should be single-spaced.

Example

How do you start answering an assignment question?

Before the task of researching is commenced, the topic question should be analysed. “This means you need to break the topic down into manageable parts” (Crosling & Murphy, 2010, p. 108). As Crosling and Murphy (2010) point out, the question asked must be addressed; it is not acceptable to simply put down all that you know about the topic. Try restating the question in your own words. Before starting your research you may need to clarify some particular terms (UWA Library Services, 2012).

List of References

...

Crosling, G. M. & Murphy, H. M. (2010). How to Study Business Law. (3rd ed.). Sydney, NSW: Butterworths.

...

*For more information consult the Information Services [Guides](http://www.is.uwa.edu.au/current-students/guides) (<http://www.is.uwa.edu.au/current-students/guides>) or [Study Smarter](http://www.student.uwa.edu.au/learning/studysmarter/on-campus) (<http://www.student.uwa.edu.au/learning/studysmarter/on-campus>).

Oxford Referencing Style

This referencing style uses footnotes, rather than in-text citations. This is the most common style of referencing in legal scholarly writing (it is found in most legal publications and journal articles), however in your undergraduate Law major, the **Harvard referencing style is preferred**.

The main components of the Oxford referencing style are:

- citation in the body of the text uses a superscripted footnote after the cited material (ex^{1 2 3 4 5})
- footnotes are located at the bottom of each page, indicating the full references for each citation
- a bibliography at the end of the essay gives full references to the works or publications referenced.

Example

the legal owner's conscience. It is also settled that not performing a promise to give property to another is not sufficient to bind the legal owner's conscience.¹ Maxims are not intended to be specific principles of law; they are summary statements of 'broad themes which underlie equitable concepts and principles.'² Many exceptions have been recognised to the rule, with

Correlated footnotes, located at the bottom of the page:

¹ Dal Pont, G. E., *Equity and Trusts in Australia* (4th ed, 2007) p. 20.

² *Corin v Patton* (169) CLR 540 at 557.

Bibliography

Dal Pont, G. E., *Equity and Trusts in Australia* (4th ed, 2007).

Meagher, R. P., *Meagher, Gummow and Lehane's Equity: Doctrines and Remedies* (4th ed, 2002).