

But it is also possible that plagiarism detection software will become a seriously effective tool. Plagiarism requires at a minimum the copying of a text document from another source without acknowledgement.

Whatever the motivation, plagiarism constitutes bad work, but if it results from a failure of understanding, or from time pressure or incompetence, it may not be appropriate to penalise it further. What causes our concern is the student who deliberately passes off another's work as his or her own, pretending to a merit that he or she does not possess. We take plagiarism so seriously, and punish it, because the motivation might be of the second type, rather than the first.

But suppose we lived in a world where the student knew the essay would be tested, and all sources discovered; indeed, he or she could even see the report, before the essay was submitted. Copying will be evidence of incompetence, rather than dishonesty. Indeed, once the taint of dishonesty is removed from the equation, we might even place a value on the ability simply to find material effectively on the Internet (while the value we place on this skill may not be high, we cannot entirely deny its utility in the modern world).

Plagiarism detection software will never be able to defeat the determined and well-funded cheat. Students will still be able to buy bespoke essays, written by others on their behalf, and if they are never re-used they will continue to go undetected. Since these essays will lose their value after just one use, and since the ghost-writers will know that their own work will be tested, it may be supposed that this form of cheating will become more expensive, and therefore rare. We may prevent only 95 per cent or 99 per cent of cheats, but that is a lot better than nothing, even if we cannot detect 100 per cent. That is, after all, the basis of much crime prevention.

I suggest, however, that the battle is one we have no choice but to join.

## The Law Workbook

Scott Beattie

The Federation Press, 2010, 250 pp

&

## Students' Guide to Legal Writing, Law Exams and Self Assessment

Enid Campbell, Richard Fox and Melissa de Zwart

The Federation Press, 2010, 99 pp

## BOOK REVIEW

Breaking with convention there are two book reviews in this edition. The justification for this is that the texts are produced by the same law publisher – Federation Press, are new editions of the original work, and both are concerned with providing basic forms of assistance to the law student.

The Law Workbook attempts to prepare the reader to become a legal researcher. The term researcher is used in the widest sense, and as the author explains in the Introduction: *'Reading this book will not automatically transform you into a researcher just as reading a cookbook will not make you into a chef instantly and reading a woodworking manual will not turn you into a carpenter. You learn by doing and this manual is a tool to help you get your hands dirty.'*

The reader will be able to gauge from this introductory paragraph that the style of the text is one of helping the researcher to achieve his or her aims. To achieve these aims it explains that it is concerned with encouraging researchers to audit their skills and then make a decision as to what new skills are needed and how one may plan to achieve these.

To assist in this process the book incorporates some learning elements throughout the text. These include: *Tips and hints; Think about it; Myths and legends; Key questions; and Some assembly required.*

An extract from *Myths and legends* will indicate the nature of the authors approach as to how these topics might assist the reader: *'Myths and legends – The study of law, like any field, is full of traps and misinformation for the unwary. In these sections we draw your attention to some commonly held, but entirely erroneous, beliefs which get in the way of study.'*

The text is divided up into five parts which relate to preparation, the materials required, the construction process and the project itself, culminating in things to make and do.

With regard to preparation, apart from the obvious requirements such as textbooks, lecture notes and set readings, the author draws attention to an often overlooked but useful aid, that of keeping a journal to record the potential researcher's thoughts and experiences.

The first part (Part A) also emphasises the importance of organisational skills and time management, pointing out that *workspace* is not only a matter of physical space but includes the conceptual, temporal and mental space in which a researcher works. This part also focuses on the

effect that communication skills have on the ability to perceive and understand the surrounding situation and how they impact on one's ethical management skills.

Your materials, the second part (Part B) of the text, deals with the raw materials or ingredients of the research process, these being information and knowledge, one chapter being concerned with how one works with information, whilst the other builds on this to the extent that there is a consideration of the field of legal knowledge as a research specialisation.

The third part (Part C) covers the process of assembling the law research project into an academic form emphasising the importance of originality within academic writing and how writing skills need to be developed in the design of the research thesis and for the construction of critical analysis.

Whilst the fourth part (Part D) contains two projects which assist the reader in applying the techniques already examined in the earlier part of the text, the fifth and final part (Part E) involves some of the theories and practice required for advanced research projects. This includes Milgram's 37 and other experiments by Tonia Walden which illustrate some of the ethical problems which can arise with regard to empirical research. Also included in the text is an Appendix which sets out some examples of legal problems.

In the opinion of this reviewer this book provides an invaluable aide-memoire to any law graduate intending to undertake legal research whether as a postgraduate student or in their practical role as a lawyer.

The Students' Guide to Legal Writing, Law Exams and Self Assessment is a more modest book of approximately 100 pages, primarily aimed at undergraduate law students or those students who might be undertaking legal studies which require either the submission of legal assignments or their presentation at law examinations.

As the authors explain, whilst written work for law subjects has to follow the normal conventions of scholarly disciplines, there are additional demands made by the discipline of law, which has its own conventions in respect of written submissions of a legal nature.

The major part of this text is divided up into three parts which follow a sequential process as to the procedure required for a written legal assignment. This includes how to prepare the written work, matters of style and the use of notes and references. For both new and more experienced students there is a helpful layout of all the aspects required in making a successful submission of a legal written assignment. Particularly helpful is that part which deals with to correctly making use of quotations in an assignment, the technical requirements when using quotation marks and the rules regarding interpolations, errors and omissions. On the same basis the text is similarly informative with regard to the correct usage of abbreviations, contractions, capitalisation and the use of brackets. It is extremely helpful to the student to have all these often neglected aspects of legal writing incorporated in a single part of the text.

The remainder of the book includes the approach which a student can adopt for preparing and undertaking law examinations, including such aspects as dealing with emergencies like illness or an application for special consideration or a deferred examination.

There is also a helpful short bibliography covering guides to writing essays and assignments, non-legal style guides, research guides and citation guides.

An additional section contains a self assessment check list regarding research skills that should have been acquired by the student in the first year and also tests the outcomes of the students as to whether their study practices have led to a positive attitude to a conducive successful career in law.

The authors are to be congratulated in producing a new edition of this easily readable and helpful text relating to the presentation of written work and successful examination techniques. Law students at all levels should find this a most valuable publication for their law studies.

**Emeritus Professor David Barker AM**  
**Editor**