Referencing using OSCOLA

Section 4- Journal Articles

Updated September 2018
What information do you need?

- Author’s name
- Title of the article
- Name of the journal
- Volume number (if there is one)
- Year of publication
- First page of the article
Reconstructing European insolvency law – putting in place a new paradigm

Gerard McCormack
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This paper critically examines the European Insolvency Regulation. It suggests the Regulation contains a fatal flaw at its heart; namely the ‘centre of main interests’ or COMI test governing the exercise of universal insolvency jurisdiction. The paper argues for greater jurisdictional flexibility to replace the COMI test and defends this proposal against charges that it will contribute to an excess of ‘forum shopping’ and encourage a ‘race to the bottom’. The American experience with bankruptcy court competition is considered in this connection.

INTRODUCTION

This paper calls for reform of the European Insolvency Regulation (the Regulation).¹ The Regulation is widely considered to be unsatisfactory and has been the subject of urgent attention by reform-oriented lobbyists.² The Regulation is in the process of review, although this is the normal process of review built into the Regulation rather than any extraordinary or emergency review.³ In this paper, I put the case for a radical revision of the Regulation. This revision would recognise the reality of modern corporate groups and replace the ‘centre of main interests’ with the fact of incorporation in a particular State as the principal connecting factor governing the exercise of insolvency jurisdiction. The paper consists of six parts. The first part sketches out the background. The second part sets out the reasons why the Regulation is considered to be unsatisfactory. The third part considers various proposals for reform and advances and develops a specific proposal for radical revision of the Regulation. The American experience is examined as illustrating how the proposal might work in practice. The fourth part considers objections to the proposal and the American experience of bankruptcy forum shopping and objections thereto are considered in this connection.
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As with books, the first thing is the author, followed by a comma:

Gerard McCormick,
Now the title of the article

‘Reconstructing European insolvency law – constructing a new paradigm’ – in single quotation marks
When it was published

(2010)

Round or square brackets?

- round brackets if there is a separate volume number, but square brackets if there isn’t a separate volume number.
- In this example we know there is a volume number – Vol 30 no 1
And finally…where to find it

30(1) LS 126

The volume number, followed by the issue number in brackets
Then the title of the journal – which can be abbreviated
Then the first page of the article
So the complete reference is…

Pinpointing

• When pinpointing, put a comma between the first page of the article and the page pinpoint.

The formulae for journal articles

• author, | ‘title’ | [year] | journal name or abbreviation | first page of article

• [OR]

• author, | ‘title’ | (year) | volume | journal name or abbreviation | first page of article
Examples of references without and with volume numbers


• Alison L Young, ‘In Defence of Due Deference’ (2009) 72 MLR 554.
Finding abbreviations for journals

- List in section 4.2.1 of the OSCOLA guide
- For other journals, use the Cardiff Index to Legal Abbreviations
  - http://www.legalabbrevs.cardiff.ac.uk/
- Above all, be consistent!
Cardiff Index to Legal Abbreviations

This database allows you to search for the meaning of abbreviations for English language legal publications, from the British Isles, the Commonwealth and the United States, including those covering international and comparative law.

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- Phrase (ALL words in order)
- Keyword (ANY words, any order)
Recap: Example for Journal Articles

Author, | ‘Title of Article’ | [(Year)] | Volume | Abbreviation | First Page

• **Footnote:** Graham Virgo, ‘Why Study Law: the Relevance of Legal Information’ (2011) 11 LIM 221.

• **If pinpointing page 223:** Graham Virgo, ‘Why Study Law: the Relevance of Legal Information’ (2011) 11 LIM 221, 223.

• **Short form:** Virgo (n #).