

MEMORANDUM

TO: All Lawyering Skills Students

FROM: Lawyering Skills Faculty

RE: Plagiarism Policy

Plagiarism is an extremely serious offense that may result in discipline. There are two major types of plagiarism:

1. failure to cite the source of an idea, and
2. failure to use quotation marks around a direct quote.

Use of an idea. If you use the idea (or organization) of another author, you must attribute that idea to the other author. Merely paraphrasing the other author's words is not sufficient. You must also cite to the other source.

Use of the same words. If you use the idea and the words of another author, you must put quotation marks around those words and cite to the source. Both are required. If either the quotation marks or the cite is missing, you have plagiarized the other author's work.

Intent is not required for a writing to be plagiarized.

Using the ideas or words of another student may also be plagiarism.

Regardless of what rules you may have followed on this subject before law school or what practices you may observe elsewhere, this is the standard that you must adhere to in all of your Lawyering Skills classes, in all Moot Court briefs, and in all Law Review or Computer Journal papers.

PLAGIARISM

To help you avoid plagiarism and learn appropriate attribution, consider the examples based on this excerpt:

"A 'handicap' could be defined by listing certain traditionally-recognized handicapping conditions, or a legislature may choose to provide a more comprehensive list of the types of disabilities that will be considered 'handicapping conditions' in that state. These approaches are problematic, however, because they can lead to legislation that does not include certain groups of handicapped people simply because the legislature was not aware of a particular handicap."

Maureen O'Connor, Note, *Defining "Handicap" for Purposes of Employment Discrimination*, 30 Ariz. L. Rev. 633, 636 (1988).

Rule 1: You must acknowledge direct use of someone else's words.

Example: *The term "handicap" may be defined in general terms, or a legislature may choose to provide a more comprehensive list of the types of disabilities that will be considered "handicapping conditions" in that state.*

To avoid plagiarism, you need quotation marks around the words printed in bold, and a citation at the end of the sentence. When you **quote or copy words directly** from the source, you must use quotation marks and give a citation.

Rule 2: You must acknowledge any words you paraphrase from any source.

Example: *It is problematic to define a handicap by providing a list of the types of disabilities that will be covered because certain groups of handicapped people might be excluded. The legislature might simply be unaware of certain handicaps.*

To avoid plagiarism, you need a citation. If you change a few words and mix up the order of the source sentence, you must give a citation. It is permissible to paraphrase only if you give proper attribution.

Rule 3: You must acknowledge your direct use of someone else's idea.

Example: *The term "handicap" is difficult to define in a statute. Any attempt to provide a complete list of covered disabilities, however, will be inadequate; some conditions will inevitably be omitted.*

To avoid plagiarism, you need a citation because it expresses the same ideas as the source article. Unlike the first two examples, comparing the two statements side by side might not yield conclusive proof of plagiarism. But if you borrowed this idea from the source, you must include a citation. If you are ever in doubt, you should err on the side of giving credit; remember that a citation increases persuasiveness.

Electronic databases: Material obtained through any database, including LEXIS NEXIS ©, Westlaw ©, etc., must be attributed. Bluebook Rules 10.8.1(b) and 17.3. If the original source of any Internet material is not identified, you should document its source with a similar citation form.

CAREFUL LEGAL SCHOLARSHIP

Example 1: *When defining statutory terms, legislators should not attempt to draft a complete list specifying everything the statute is intended to cover. Such lists will inevitably be incomplete; someone will later make a claim that the legislators did not anticipate. Further, the statutory list may quickly become outdated.*

You should have a citation to the source preceded by a signal, pursuant to Bluebook Rule 1.2. Legal writers often **build on other sources** to arrive at their own analysis or conclusion. Sometimes a source may trigger a related idea. In these instances, even when there is no inference of plagiarism, citation to the original source, with an appropriate signal, should be included.

Example 2: *Arline illustrates that it is possible for the statutory definition included in section 504 of the Rehabilitation Act to be construed in such a way as to bring many handicapped individuals within its reach School Board v. Arline, 480 U.S. 273 (1987).*

You should have a citation not only to the case but also to O'Connor's law review article and page number where she discusses the case. When citing to a case mentioned in a law review article or referenced within another case (even if you go on to read the case, as you should), you should also attribute the compilation of the case and the idea to the author of the article.

UNAUTHORIZED COLLABORATION

Collaboration: Students may share work products only up to the point that their professor authorizes team work. Without the professor's authority, use of another student's written work is plagiarism.

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