

Plagiarism

Plagiarism is “[t]he act or an instance of copying or stealing another’s words or ideas and attributing them as one’s own.”¹ Because plagiarism is an ethical offense, disciplinary actions are most often enforced through academic or professional authorities instead of courts. However, if for example, the plagiarized work is protected by copyright, then in addition to academic or professional discipline, legal action may be taken for copyright infringement.² Furthermore, in some instances, discipline can include court-imposed sanctions.³

The Benjamin N. Cardozo School of Law holds students to the highest standards of academic integrity and warns students that plagiarism will be taken seriously. The law school utilizes services that electronically check student papers for evidence of plagiarism. Student papers submitted to the service become part of its database for purposes of checking future papers. CSL reserves the right to require all students’ papers to be submitted in electronic form, so that they can be processed by this service.⁴

Additionally, the school lists the following as acts that may result in disciplinary action:

Plagiarizing the work of another person in any area of a student’s work, including but not limited to, papers, journal notes, writing competitions, legal writing assignments, research projects, and competitions sponsored either by the law school or an outside organization, business or agency. Plagiarism includes, but is not limited to:

- a. Representing work completed by or with the assistance of another person as the student’s own work;
- b. Failing to attribute to its source any quotation, paraphrase, particular facts or information, or ideas taken from that source.⁵

Plagiarism can also have serious effects long after law school. Knowledge that a person has plagiarized can cause a major setback in a person's career as well as call into question other issues of a person's character. For example, in 1987, Senator Joseph Biden withdrew as a Democratic presidential candidate following the discovery that he had plagiarized a paper in law school and taken exact lines from a speech by Neil Kinnock, the British Labor Party Leader, without any attribution.⁶

¹ BLACK’S LAW DICTIONARY

² See *id.* (citing PAUL GOLDSTEIN, COPYRIGHT’S HIGHWAY 12 (1994)).

³ See, e.g., *In re Lamberis*, 443 N.E.2d 549 (Ill. 1982) (attorney who plagiarized significant portion of his thesis paper while obtaining his L.L.M. degree was censured by the court for engaging in deceitful conduct as prohibited by the state’s professional responsibility code).

⁴ OFFICE OF STUDENT SERVICES, BENJAMIN N. CARDOZO SCHOOL OF LAW, STUDENT HANDBOOK.

⁵ See all HANDBOOK references to the Disciplinary Code, Rules and Procedures.

⁶ See *Crossing Over the Line*, ARIZ. REPUBLIC, July 31, 2002, at 2; Mary Laney, *Student Shortcut Not Worth It in Long Run: Plagiarism Easier To Detect, Harder To Live Down*, CHI. SUN-TIMES, Apr. 25, 2002, at 41.

Proper acknowledgement of the original source of information, however, alleviates the concern of being accused of plagiarism. For this reason, students should not be afraid to use published materials in support of their own writing. In fact, when writing a Note for a journal, an essay, or completing a research project, students should use the statements and ideas of established authority to bolster their own arguments. Further, as practicing attorneys, analysis of case law and statutes, including citation to precedent, is what judges look for and expect in all submitted written work. Using established ideas is second nature in law. One simply must remember to give proper credit to the original source. *Always cite direct quotations, paraphrased words, facts and ideas.*⁷

The Association of American Law Schools has provided guidance to law school professors regarding when and how to properly acknowledge another's work. "When another's scholarship is used—whether that of another professor or that of a student—it should be fairly summarized and candidly acknowledged. . . . Publication permits at least three ways of doing this: shared authorship, attribution by footnote or endnote, and discussion of another's contribution within the main text."⁸ Whenever citing another's works, students should refer to the most recent edition of THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION. This intensive compilation informs students how to properly cite every imaginable source that may be used in their research. As a general rule, if a student ever has a question as to whether citation would be proper, always cite.

Common Examples of Student Plagiarism and How To Avoid These Mistakes

One very common form of plagiarism seen in law school papers is when a student will cite to a source, properly attributing recognition, but in the next sentence, or within the rest of the paragraph, use language from the same source previously cited without attributing proper author recognition. In order to avoid this, make sure that every sentence is properly footnoted or cited, if necessary. If the second sentence follows from the idea of the first sentence, and that idea was formulated because of someone else's work, then cite again to that authority. Students should not be afraid to cite liberally in their research assignments or Notes.

Students should also realize that even if they are paraphrasing another's work, if the student is taking specific language, even if it is not a full sentence, quotation marks should be utilized. As a general rule, if taking five or more consecutive words from a sentence, then quotation marks should be used. Conceptual reliance on the work of another also needs to be attributed, even where it is not done with specific language appropriation.

In order to best avoid plagiarism, start properly citing at the research and note-taking stage. Make sure to properly quote sources and cite references next to the research notes. Remember that ideas formulated through another's work without proper acknowledgment to that work is also plagiarism. Therefore, even when paraphrasing and when not quoting, but merely taking ideas, one should cite the material researched. This way, when writing the final draft, original sources can be easily cited. Don't try to start citing references and ideas for the first time when writing the final

⁷ See Avoiding Plagiarism in Law School: A Student's Guide To Sources and Their Acknowledgment (copied from Robert Brill, *Plagiarism in Law School: Close Resemblance of the Worst Kind?*, 31 SANTA CLARA L. REV. 103 (1990) [hereinafter *Avoiding Plagiarism in Law School*]).

⁸ The Association of American Law Schools, *Statement of Good Practices by Law Professors in the Discharge of Their Ethical and Professional Responsibilities* (Nov. 17, 1989) (providing "guidance to law professors . . . because law professors serve as important role models for law students"), available at www.aals.org/ethic.html.

draft.⁹ Unfortunately, sloppy work can often result in accusations of plagiarism. Citing at the research stage can help to avoid this from happening.

The internet has made it easier to research, but also easier to detect plagiarism. Professors are finding that by putting key phrases of a student's paper into internet searches, they can easily discover when a student is plagiarizing.¹⁰ Students should be aware of what plagiarism entails. Remember that it is not only permissible for students, scholars and attorneys to use direct language, facts and ideas of works not their own, but it is expected in the legal environment and enhances the authority and credibility of the work. What is unethical, however, is not properly acknowledging all sources of information.

This memorandum refers students to the law school Student Handbook, incorporates by reference all provisions of the Handbook, and is designed to be a quick guide and reminder to students on the issues of plagiarism and ethics in research, writing and scholarship. It does not provide the exclusive or even an exhaustive discussion of all aspects of these issues. Ask for guidance if you have questions. Avoid jeopardizing your legal education and career in any way through sloppy research or writing methods. When in doubt, cite. Attribution of all sources, whether specifically in quotes, or for their conceptual contribution, is the surest path to ethical research, writing, exam-taking and scholarship.

⁹ See Avoiding Plagiarism in Law School, *supra* note 7.

¹⁰ See Laney, *supra* note 6 at 41.

