

Research, Writing, and Analysis
Plagiarism Handout & Acknowledgment Form

Please review the attached handout on plagiarism and turn in the completed acknowledgment form to your RWA professor at your first RWA class.

After reading the handout and before the first class, complete the quiz on the MSU d2l web site. Using your net id and password, log in at d2l.msu.edu. You will find the RWA plagiarism quiz under My Courses. If the quiz doesn't appear under My Courses, click View All Courses. Click on the assessments pull down menu, and then click on the quizzes link. The quiz will be available beginning the week of August 5.

STUDENT ACKNOWLEDGMENT FORM

Date: _____

[month, date, year]

I, _____,

[print name]

have read and will comply with the RWA Plagiarism Handout, the [MSU College of Law Code of Student Discipline and Plagiarism Policy](#) and the plagiarism policy in the RWA Syllabus, partially quoted above.

[signature]

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LAW SCHOOL PLAGIARISM v. PROPER ATTRIBUTION¹

LAW SCHOOL PLAGIARISM

plagiarism (pla'j•riz'•m) n. Taking the literary property of another, passing it off as one's own without appropriate attribution and reaping from its use any benefit from an academic institution.

Committing plagiarism is a serious violation under any law school's code of academic conduct. If a violation is proven, the committee or other body that oversees the code may impose severe sanctions—ones that could affect a grade or credit for the course or even require suspension or expulsion from school. In addition, the school may require the administration to report the incident to the bar or any jurisdiction to which the sanctioned student applies.

Possible Sanctions

- Academic
- Disciplinary
- Both

Types

- Failing grade
- Suspension
- Expulsion
- Temporary notation on student record
- Permanent notation on student record
- Public reprimand
- Private reprimand
- Denial of certification for moral fitness for sitting for the bar
- Combination of the above

¹ Unless otherwise noted, material used by permission of the Legal Writing Institute.

CHANGING CONTEXTS, CHANGING EXPECTATIONS

Writers must be aware of the customs, conventions, and expectations of their audiences. The overriding constant should be a diligent and meticulous attention to detail; writers should err on the side of providing, rather than omitting, reference information.

Undergraduate School

“You must acknowledge all material quoted, paraphrased, or summarized from any published or unpublished work. Failing to cite a source, deliberately or accidentally, is plagiarism—representing as your own the words or ideas of another.” *Harbrace College Handbook* 412 (12th ed. 1994). Undergraduate professors accept “common knowledge” without citation, that is, facts most readers would already know, and facts available from a wide variety of sources, for instance, the date of D-Day or the name of the previous U.S. President. Common knowledge is distinguished from a unique set of words. *The New St. Martin’s Handbook* 495 (4th ed. 1999).

Law School

Citation: The expectation is that writers will rely, almost exclusively, on existing legal authority. Thus, citing existing authority adds credibility to the writer’s discussion. Legal authority generally derives from case law or statute and must be cited.

Student Collaboration: Students may share work product only up to the point that their professor authorizes team work. [Consult the RWA Syllabus and your RWA professor for the specific course policies regarding student collaboration.]

Legal Practice

In practice, an attorney’s goal is achieving a specific result for a client, as opposed to a law school student’s goal of receiving individual credit. Therefore, practicing lawyers freely collaborate and also use forms and firm file banks without documenting those sources.²

Nevertheless, like law school writers, lawyers continue to depend on legal citations to provide authority.

² Used by permission of the University of Maryland School of Law.

RULES FOR WORKING WITH AUTHORITY

Avoiding allegations of plagiarism requires knowing when to cite. Here are important rules and suggestions to follow when working with authority:

1. Acknowledge direct use of someone else's words.
2. Acknowledge any paraphrase of someone else's words.
3. Acknowledge direct use of someone else's idea.

Careful scholarship, which is especially important in an academic setting, requires adhering to two additional rules:

4. Acknowledge a source when your own analysis or conclusion builds on that source.
5. Acknowledge a source when your idea about a legal opinion came from a source other than the opinion itself.

ELECTRONIC DATABASES

Material obtained through any source must be attributed, including material obtained from electronic databases such as LexisNexis®; Westlaw®; and the Internet. Review *The Bluebook* Rule 18 for the rules on properly citing electronic sources.

PLAGIARISM: EXAMPLES³

To help you avoid plagiarism and learn appropriate attribution, consider the examples based on the following law review 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, Student Author, *Defining “Handicap” for Purposes of Employment Discrimination*, 30 Ariz. L. Rev. 633, 636 (1988).

³ Excerpt and examples used by permission of Wake Forest University Law School.

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 italics and a citation at the star. 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 citations at the stars. Even 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 at the star because it **expresses the same idea** 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.

Rule 4: You should acknowledge your source when your own analysis or conclusion builds on that source.

Example: *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.**

To be a careful legal scholar, you should cite the source at the star, preceded by the signal "See" or another appropriate 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.

Rule 5: You should acknowledge your source when your idea about a case came from a source other than the case itself.

Assume, for example, that the law review excerpt above led you to the following idea about the Arline case: *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).

To be a careful legal scholar, you should cite not only to the case but also to O'Connor's law review note, including the page number where she discusses Arline, even though you definitely would have gone on to read Arline. The question of what to do when you cite a case mentioned in another case is complex; you'll discuss that question in legal writing class.

HYPOTHETICALS

1. In a research memorandum written for class, a first-year student places a citation to authority at the end of every sentence containing information taken from outside sources. However, the student fails to include quotation marks around specific words taken from some sources. Is the student guilty of plagiarism?

How many words must the student take directly from a source before the student needs to indicate them as a direct quotation?

Guilty _____ *Not guilty* _____
Explain why:

2. Two first-year students talk about different arguments they are considering using in drafting a research memorandum. The assignment instructions allow students to discuss the case law involved in the memorandum but require that students draft the memorandum on their own. One student includes without attribution an argument that the other student discovered concerning a case. Is the student guilty of plagiarism? Does it matter whether the student phrases the argument in a similar manner to the other students or in her own words? Does it matter if the first student found out about the argument in reviewing a draft of the second student's memorandum instead of finding out about the argument from just discussing the memorandum.

Guilty _____ *Not guilty* _____
Explain why:

3. A professor requires five drafts for a seminar paper, each due on a specified day, and each receiving a check or minus as part of the final grade. On the first draft, the professor recognizes major ideas that have not been attributed and discovered sloppy quotes that are missing the beginning or ending quotation marks. When questioned, the student admits that he typed the paper early that morning and did not take time to review his

attributions or even spell check. He wanted to turn in something to avoid receiving a minus. Even though this was only a draft of the paper, and not the final product, the teacher charges him with plagiarism because the student attempted to receive academic credit: a check rather than a minus. Is the student guilty of academic plagiarism? If yes, should he be expelled?

*Guilty*_____ *Not guilty*_____
Explain why:

Academic institutions may reproduce this pamphlet for educational purposes.

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