

Don't Plagiarize

Plagiarism can stop a legal career before it starts. I know of a young woman who lost her law license, law degree, and undergraduate degree all because she plagiarized parts of papers she wrote. It is amazing how much a person can lose by choosing to be dishonest or simply careless.

What is plagiarism? The Legal Writing Institute defines plagiarism as “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.”¹

Plagiarism comes in many forms. The following are some of the most common.

1. Intentionally copying directly from the work of another, and intentionally representing it as one’s own.

A student gets a memo from another student or finds one on the internet. She turns it in as her own work.

This is what most people think of as plagiarism, and indeed it is a classic case. However, plagiarism does not necessarily require intent.

¹ Legal Writing Institute, Law School Plagiarism,
<http://www.lwionline.org/publications/plagiarism/definitions.asp>.

2. Intentionally copying directly from the work of another, and unintentionally representing it as one's own by failing to attribute it to its original source.

A student uses the reasoning and words of the appellate court into his memorandum as the explanation supporting his conclusion on the assigned issue. He neglects to cite the appellate court's opinion.

Perhaps the student in this scenario did not intend to cheat. He was careless, however, and failed to credit his source. By failing to cite the case, he unintentionally represented the court's reasoning as his own. In addition, if he copied the court's words, yet failed to include quotation marks, he unintentionally represented the court's words as his own. These oversights both qualify as plagiarism. Remember, plagiarism does not require intent.

3. Intentionally copying directly from the work of another, and unintentionally representing it as one's one by failing to include quotation marks.

Writing her memorandum, a student can't think of any other way to express what the court ruled except to use the court's own words. The student cites to the court's opinion, but does not include quotation marks around the court's words in her memo.

This student probably did not intend to pass off the court's words as her own. However, she did so by failing to include quotation marks. Many students in this situation ask, "Isn't it enough to cite to the case?" True, by citing to the case, this student properly noted that the court's opinion provided the ruling by the court. However, by failing to include quotation marks, the student improperly suggested that she had expressed the court's ruling in her own words.

4. Intentionally using the work of another, and unintentionally representing it as one's own by failing to attribute it to its original source.

A student used a law review article for the background material for his own scholarly paper. He did not include a citation to the article he used.

This student may simply have forgotten to include a proper citation. Since intent doesn't matter, his omission still counts as plagiarism. By not crediting the original article, the student represented that author's contribution as his own.

5. Unintentionally copying directly from the work of another, and unintentionally representing it as one's own, by failing to take proper notes during research.

A student performs extensive research for her law review note. In her note-taking process, she writes down notes or excerpts from the sources she uses, but does not distinguish quotations from her own words. Later, she uses these notes in writing her paper. She does not realize that she uses several quotes without properly quoting or crediting the original source material.

This is the type of plagiarism we sometimes hear about in the news. When caught using someone else's words or ideas without attribution, a famous author claims that he or she did not plagiarize, but just kept sloppy notes. Guess what? It's still plagiarism.

The bottom line is to always, always, always give proper attribution. Students ask, "How frequently do I need to cite?" Very often, you need a citation after every sentence or couple of sentences. This is fine and usually preferable to less frequent citation, where a reader may wonder what you are relying upon to support your statements.

And remember, if you quote the words of a case or another source, use quotation marks. It is best not to try to be cute and change the words slightly to avoid the extra punctuation. If you quote, use quotation marks.

Don't plagiarize. Be careful with attribution for the sake of your reputation, academic standing, and professional career.