

## A Primer on Plagiarism

Law school honor codes and disciplinary rules normally forbid submitting the work of another as one's own work in any academic pursuit, whether or not with the consent of the author of the work. Plagiarism violates this rule.

### Types of Plagiarism

1. Quoting the words of another without attribution.
2. Paraphrasing the words of another without attribution.
3. Using the ideas of another without attribution.

The underlying rule is simple: Do not use the words or ideas of another and represent them as your own. Give credit where credit is due. Avoid plagiarism by including a citation to the source.

### How Plagiarism Applies to Memos, Briefs, and Other Law School Projects

1. **Quotations.** When you quote, give a citation to the source.
2. **Paraphrasing.** If you take another's sentence and change a few words, you still must give a citation. If you paraphrase, do not use quotations, but use a signal, usually see. There is a gray area between paraphrasing and putting something in your own words. You must decide whether or not a citation is necessary. Err on the side of caution. Usually you will want to include a citation, because a citation to authority increases the persuasiveness of what you are saying.
3. **Original Ideas.** Closely following the structure of another person's written work falls into this category. For example, taking a few pages from a law review article or treatise and rewriting them in your own words constitutes plagiarism. Debatable cases arise when the structure of another's argument is not particularly original. Again, err on the side of giving credit. A citation increases persuasiveness.
4. **Legal Work Outside Law School.** There, the rules are much looser with regard to paraphrasing and using original ideas. Nonetheless, ignoring one's sources or relying on them too heavily may evidence poor lawyering. In law school, writing legal documents is an academic endeavor, and students must give attribution to sources.
5. **A Sense of Proportion.** You need not place a citation after every sentence you write. Excessive cites are unattractive and break the flow of the sentences and your argument. They also suggest that you have avoided thinking and instead have pasted together the words of others. This sort of cut-and-paste product rarely is effective. In deciding when to cite, use your common sense. If you have questions, ask them before your deadline for submission. Avoid putting yourself and others in an embarrassing position.

## ILLUSTRATION

The first paragraph is an excerpt from a fictitious law review article. The second paragraph is a plagiarized version.

The classic cases on the law of lost and found property are worthless guides for a principled court. Authorities frequently cite Armorie v. Delamirie as the major finder's case. The case, however, is about the rights of a finder against those of a subsequent possessor who wrongfully converted the property. The court's brief discussion of the comparative rights of the finder and true owner is dictum. In South Staffordshire Water Company v. Sharman, workers found gold rings on their employer's property. The court announced a rule accurate as a generality - the owner of a locus in quo presumptively possesses items on the land - when it could have relied on an uncontroversial rule - employees who find things in the course of their employment act as agents of their employers. In reaching its holding, the court entirely misread Bridges v. Hawkesworth, another traditional case. In Hannah v. Peel, the court offered a thorough discussion of the law and then ignored it to reach a curious result.

The classic cases on the law of lost and found property are worthless guides for a principled court. Authorities frequently cite Armorie v. Delamirie as the major finder's case. The court's brief discussion of the comparative rights of the finder and true owner is dictum. The case really is about the rights of a finder against those of a subsequent possessor who wrongfully converted the property. South Staffordshire Water Company v. Sharman concerns workers who found gold rings on their employer's property. Though the court could have rested its opinion on an uncontroversial rule - employees who, in the course of their employment, find personal property act on behalf of their employers - it chose to rely on a rule that is accurate only as a generality - the owner of a locus in quo presumptively possesses items on the land in question. The court betrayed its lack of understanding by misreading Bridges v. Hawkesworth, another standard case. The court in Hannah v. Peel reached a curious conclusion after offering a thorough discussion of the law and then ignoring it.

## COMMENT ON THE ILLUSTRATION

The first two sentences in the right-hand column are the clearest examples of plagiarism. The writer copied them verbatim without quotation marks and without citation. The next two sentences are virtually verbatim, but in reverse order, perhaps to mislead the reader who is familiar with the original article. In the remaining sentences, the writer has rearranged parts of sentences and changed a few words here and there. Throughout, the writer has employed the organizational structure and substantive ideas of another without giving credit.

By failing to give proper attribution, the writer has reduced the persuasiveness of the argument. Citations to the article would have demonstrated that a published authority shared the writer's view and thus made the argument stronger.