Introduction to Plagiarism and Academic Integrity in the Law School Setting¹

The Vanderbilt Law School Honor Code defines plagiarism as “the act of knowingly incorporating into one’s own work a substantially similar portion of another’s work without adequately or properly indicating that source.” Vanderbilt Law School Honor Code art. III(vi) (2008), available at http://law.vanderbilt.edu/student-resources/student-organizations/honor-council/index.aspx. In other words, plagiarism is broadly defined as failing to give credit to the source of an idea or work that you submit as your own original work, whether the work is paraphrased, copied verbatim, or copied nearly verbatim.

We know that you are familiar with the prohibition against copying another’s work in an academic setting. We want to point out, however, some examples of plagiarism specific to law school and the legal profession. The list that follows is not exhaustive.

- Borrowing ideas or analysis without citing the source;
- Quoting material extensively and using citations but failing to use quotation marks to show direct borrowing;
- Altering one or two words in each sentence so that no verbatim borrowing has occurred, but substantially copying the language and analysis without citing a source or using quotation marks;
- Borrowing an idea or a way of phrasing something from an article and citing the authorities cited in the article but not the article itself;
- Copying authority out of another source without personally reading the authority.

As to this last example, for various reasons you should never cite to any source you have not read. The one exception to this is citing or quoting from one authority and then acknowledging, in your citation, that the authority is citing, quoting, or construing another authority. See The Bluebook: A Uniform System of Citation R. 1.6(c), at 61 (19th ed. 2010). In legal

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practice and academic writing, citing authorities you have not read is dishonest, as your citation conveys the message that you have read the authority and that it stands for the proposition for which you have cited it.

For students who have worked in a law office, copying may seem acceptable. Often attorneys working in the same law office keep “memo banks” or “brief banks” and borrow language from previous memos or pleadings. In the actual practice of law, the goal is often to make the best arguments for the client while expending the least amount of time and money. Firms regard the work product of their attorneys as belonging to the firm, not the individual attorneys; thus, they typically do not object when that work product is recycled.

Ours is an academic environment, however, where the goals are different. Our goals are pedagogical, whereas the goals of law practice often center on efficiency and economy. Pedagogically, we need to ensure that you are learning to think and write independently, so that we can evaluate your learning and provide further instruction in areas that you have not mastered. See Linda H. Edwards, Legal Writing: Process, Analysis, and Organization 9-11 (5th ed. 2010). The collaboration rules that will be explained in your legal writing classes have the same goal.

You may also think that you could not possibly word something better than experienced, trained lawyers, judges, and academicians. You could conceivably rely on this notion to justify excessive borrowing of ideas or language without attribution, either because of fears you will misstate the law or in order to save time and effort. Such borrowing without attribution, however, is immoral and dishonest.

As the examples mentioned earlier make clear, one can plagiarize inadvertently by neglecting to cite the sources of borrowed ideas or by neglecting to use quotation marks to indicate borrowed words. To avoid plagiarizing inadvertently, these techniques may help:

- As you research, keep good records of your sources. Do not copy and paste language from a source into a document without using quotation marks, and keep a careful record of the source including specific pages. Keep track of the specific sources for ideas even when you paraphrase.
- As you write, cite your sources properly and use quotation marks when needed.

- As you edit and proofread, ask yourself if you have quoted or cited an authority every time you have used the words or ideas of others.

- Do not wait until the last minute to start (or finish) your assignments. Procrastinating can lead to inaccurate citations, less-than-careful recordkeeping, and other improper short cuts.

Plagiarism can result in disciplinary proceedings and can lead to sanctions, including failure of a course or expulsion. Honor Code, supra, at art. IV. In addition, the faculty will award a J.D. degree only to a student of “good moral character.” Vanderbilt Law School J.D. Requirements, available at http://law.vanderbilt.edu/academics/degrees/jd-requirements/index.aspx. Plagiarism is inconsistent with demonstrating “the standards of personal and professional integrity traditionally associated with the profession of law.” Id.

If you have questions about proper citation to authority, please see your legal writing professor, your legal writing TA, or Prof. Lefko. For specific help with when quotation marks are appropriate, see Edwards, supra, at 206-12.