

California Western School of Law: Student Plagiarism Acknowledgment

(Prof. Matthew A. Ritter, M.Div., J.D., Ph.D.; As updated in 2018 by Prof. Roberta Thyfault, J.D.)

You must not plagiarize. Because legal writing requires such extensive reliance on authority, however, it uniquely lends itself to plagiarism--both overt and covert. You must commit neither form of plagiarism. California Western School of Law expressly prohibits it and may impose sanctions for student plagiarism. The American Bar Association proscribes as professional misconduct any activity involving misrepresentation. The Ethics Committee of the State Bar Association will ask you to account for any charges of plagiarism leveled against you. Should you publish plagiarized work, you will be subject to statutory penalties for copyright infringement. Most importantly, plagiarism undermines both your academic integrity and personal credibility. It further serves to cast suspicion on your own understanding of what you write. If you cannot properly appropriate and correctly reference the authority for what you say, you have likely not understood what you are talking about. Conversely, properly acknowledging the authority for your ideas places your writing within a wider historical-legal context and therefore permits the reader a fuller appreciation for the depth of your research and the compass of your work.

Meaning originally "to kidnap," plagiarism is the act of taking the work of another and passing it off as one's own. This may occur with or without intent. Proper acknowledgment requires conformity to these conventions: 1) Cite borrowed language, facts, or ideas--whether quoted or paraphrased; 2) Use quotation marks for lengthy phrases or distinctive phraseology; 3) Follow Bluebook format for when to use quotation marks or block quotes; 4) If the authority you have researched cites to another authority for the point you wish to make, either research the other source yourself or cite to it through citation of the source you have researched.

Legal writing is subject to two kinds of plagiarism: overt and covert. Overt plagiarism is usurpation of another's work without any acknowledgment at all. It is the most blatant form of plagiarism, and may occur two ways: the unattributed quotation and the unattributed paraphrase. The first involves quoting another's work without citing the source of the quotation; the second involves paraphrasing another's work without citing the source of the ideas.

Covert plagiarism is usurpation of another's work through misleading acknowledgment. It is a more subtle form of plagiarism, and occurs in numerous ways. Perhaps the most common form of covert plagiarism is the cited use of another's work, but which use so closely resembles the language and phraseology of the work cited that it effectively amounts to quotation. Substituting some slightly different verbiage, varying the grammatical structure in some insignificant way, or interspersing a few transition words does not constitute a paraphrase. Properly to paraphrase means to appropriate the ideas expressed in another's work and re-articulate them in your own words. If you cannot write your own words, quote. A second common form of covert plagiarism is research plagiarism. When you cite to a source, you indicate that you have researched that source. Research plagiarism involves citing to a source you have not researched yourself, but which you have found through another intermediary source. In order properly to cite to the original source, you must cite to the intermediary source as citing to the original source. You have otherwise plagiarized the research of the intermediary source. A third common form of covert plagiarism involves placing the footnote indicators in such a way as to mislead the reader regarding what you have actually borrowed. Quoting a select phrase in the midst of a larger paraphrase, for example, but citing in such a way as to suggest that you have only appropriated the quoted portion, amounts to covert plagiarism of the paraphrase.

Avoid plagiarism of any sort. If you are found to have plagiarized, the repercussions are especially drastic for law students. You will face not only academic sanctions, but professional sanctions as well. Your law degree, career, and personal integrity are certainly worth the effort to do your own work and exhibit proper regard for the work of others.

I have read and understand the above proscription against plagiarism.

Name: _____ Signature: _____

Date: _____