

Citing Responsibly

A Guide to Avoiding Plagiarism

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By The George Washington University Law School's
Committee on Academic Integrity

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This handbook was revised in the summer of 2003 and was developed by The George Washington University Law School's Committee on Academic Integrity. It is intended to inform students about the Law School's rules regarding plagiarism and to provide tips on how to avoid committing plagiarism. The following pages provide examples of plagiarism, answers to some common questions about plagiarism, and guides to using sources in legal writing.

Plagiarism has serious consequences. It can result in a failing grade or expulsion from school. It can also affect admission to the bar. You may be surprised to find that what you thought was benign behavior is actually a form of plagiarism. Therefore, you should acquaint yourself with the information contained in this handbook and refer to it as you complete written work in law school.

The guidelines contained in this handbook are for the entire Law School community and are applicable to all students pursuing any degree at the Law School. The work covered includes, but is not limited to, Legal Research and Writing assignments, theses, research papers written in seminars and other courses, moot court briefs, and journal publications.

The Committee hopes that this guide will assist you in writing responsibly. You are encouraged to ask questions whenever you are unsure about citation requirements for your Law School work and to err on the side of caution in all your legal writing and citations.

The Law School's Policy on Academic Integrity

All students are responsible for reading and understanding the Law School's Policy on Academic Integrity ("the Policy"), copies of which are available from the Office of Student Affairs.

The Committee on Academic Integrity is charged with educating members of the Law School community about their responsibilities under the Policy. The Office of Student Affairs is responsible for preliminary investigations of alleged violations of the Policy, including charges of plagiarism. Students are encouraged to seek guidance from the dean of students or members of the Committee whenever questions regarding the Policy arise.

What Is Plagiarism?

The Policy defines plagiarism in Section 5.1.2 as follows:

Intentionally, knowingly or recklessly representing the words or ideas of another as one's own in any academic exercise, including, without limitation, the intentional, knowing or reckless failure to give attribution when making a direct quotation or when paraphrasing or borrowing facts or information. An intentional, knowing or reckless violation of any rule set forth in "Citing Responsibly" shall be regarded as an act of plagiarism. Absent exceptional mitigating circumstances, the normal sanction for a substantial case of plagiarism includes, at a minimum, a one-year suspension.¹

You can commit plagiarism without intending to deceive. If a citation is required and you knowingly or intentionally omit it, you have committed plagiarism. It is no defense to say you did not know a citation was required.

Penalties for Plagiarism

The penalties for plagiarism are serious. According to Section 8.2 of the Policy, sanctions include expulsion, suspension, or a permanent notation of dishonesty on a student's transcript. The Committee on Academic Integrity has passed a resolution recommending that, absent exceptional mitigating circumstances, the normal sanction for a substantial case of plagiarism includes, at minimum, a one-year suspension.

Six Basic Rules of Citation

Remember that citing serves the dual purpose of attributing work to the rightful owner and disclosing information useful to other researchers. The following Six Basic Rules will help you achieve these objectives and avoid plagiarism.²

1. Cite the source of any direct quotation,³ and indicate that the material is quoted by enclosing it in quotation marks or using block quote format.
2. Cite any sources "from which language, facts, or ideas have been paraphrased or summarized."⁴
3. Cite the source of an idea; in addition, cite the source of information that might be considered common knowledge in two situations: a) when you learned of the information from the source, or b) when the reader might find the information unfamiliar.⁵
4. Cite sources when they add relevant information to the topic or argument discussed in your work.⁶ Sources that add relevant information should be cited after your original text using an appropriate signal, such as see generally, and a parenthetical describing the relevance of each source.⁷
5. Cite sources for information taken from specialized materials, such as "lectures, recordings, films, interviews, letters, unpublished manuscripts, charts, [or] tables."⁸
6. Cite only the sources upon which you directly rely for authority.⁹ For example, if you take information from a law review article, you should cite the law review article. It would be impermissible to cite directly to the sources in the article's footnotes. Only sources you have read yourself should be directly cited.

Tips for Avoiding Plagiarism

Although the specific rules governing proper citation may seem complex at first, the spirit behind the rule is simple:

GIVING FULL CREDIT FOR BORROWED IDEAS, WORDS, AND SOURCES IS KEY TO AVOIDING PLAGIARISM.

Below are some useful tips for avoiding plagiarism:

- ✓ Start off by keeping notes and drafts in order. Add citations as you go, and do not assume you will have time to go back later to find the correct page number and source.¹⁰
- ✓ Give yourself enough time to review your paper for mistakes and omissions. A careful check should show whether you have properly cited each sentence that requires a citation.¹¹
- ✓ If permitted, ask for help in using the proper citation form. If help is unavailable, include quotation marks and provide citations as best you can, indicating clearly words and ideas that are not your own. You may suffer a grade penalty for improper citation form, but you will not be charged with plagiarism as long as you clearly identify material from other sources.¹²
- ✓ “When in doubt, always credit the source!”¹³

Examples of Plagiarism Did you know????

The following examples of plagiarism highlight situations that frequently arise in written assignments. *If you have any questions about these examples, you should discuss them with a member of the Committee on Academic Integrity or the Dean of Students.*

The following quote is an excerpt from a law review article by Maureen O’Connor. The examples following this excerpt demonstrate four different ways plagiarism can occur, as well as suggestions for avoiding plagiarism.

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, Note, Defining “Handicap” for Purposes of Employment Discrimination, 30 Ariz. L. Rev. 633, 636 (1988).

Example of Plagiarism #1:

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.

Solution:

To avoid plagiarism, you need quotation marks around the words printed in bold and a citation at the end of the sentence.

Tips:

- ✓ Always acknowledge direct use of someone else’s words.
- ✓ When you quote or copy words directly from a source, always provide a citation *and* indicate that you are quoting by using quotation marks or block quote format.

Example of Plagiarism #2:

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.

Solution:

To avoid plagiarism, you need citations after both sentences in this example.

Tips:

- ✓ Always acknowledge the source of any words you paraphrase.
- ✓ Even if you change a few words and vary the order of the source sentences, always use citations. Paraphrasing is permissible only if you give proper attribution.

Example of Plagiarism #3:

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.

Solution:

To avoid plagiarism, you need a citation at the end of the second sentence 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.

Tips:

- ✓ Always acknowledge your direct use of someone else’s idea.
- ✓ When in doubt, err on the side of giving credit; remember that a citation increases persuasiveness.

Example of Plagiarism #4:

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.

Solution:

To be a careful legal scholar, you should cite the source at the end of this passage using an appropriate signal indicating how the source has been used. Legal writers often build on other sources to arrive at their own analysis or conclusion, and sometimes a source may trigger a related idea. In these instances, even when there is no inference of plagiarism, a citation to the original source, with an appropriate signal, should be included.

Tip:

- ✓ Always acknowledge your source when your own analysis or conclusion builds on that source.

This section is adapted from and used with permission from Legal Writing Institute, Law Student Plagiarism: You Can’t Afford It! (Tacoma, Washington).

Unexcused Excuses

“Well, I haven’t read the cases, but they were in the law review footnote.”

“Everyone knows the court said that and not me.”

“I don’t need quotation marks if I use ellipses and brackets.”

“The idea came from the law review article, but I wrote every word of the paper myself.”

“I didn’t know a citation was required.”

Citation Requirements for Drafts ... How Do They Compare with the Requirements for Final Work?

There is no question that full citations are required in final work product to avoid plagiarism. Questions often arise, however, concerning citation requirements in drafts. In some situations, a draft and final work product are part of the same assignment, and as a result, full citations are not expected in the draft. In other situations, the draft and the final work product are treated as two separate assignments, and full citations are required in the draft. It is, of course, always acceptable to include full citations in drafts. In addition, individuals making assignments (including faculty, dean's fellows, journal editors, and competition chairs) are free to establish their own requirements for citations in drafts.

In the absence of further specification, the minimum requirements for drafts are: (1) direct quotations must be indicated as quotations; and (2) notations must follow the quotations to indicate that further citation will be provided in the final work product.

To avoid misunderstandings, the Committee on Academic Integrity encourages individuals making assignments to define their expectations regarding citations in drafts at the time the assignment is made. Students completing written work should ask for clarification of draft citation rules whenever necessary.

The following examples illustrate some differences between the minimum citation requirements for drafts and the requirements for final work product.

Example #1:

Born in 1751 in Dublin, Richard Brinsley Sheridan was both a playwright and a politician. "It has often been maintained that Sheridan's life as a public man was an unfortunate diversion from a more promising career," but Sheridan's recent biographer, Fintan O'Toole, muses that "there was no real difference in that period between politics and the theatre."¹

1. Ackroyd, New Yorker Dec. 7-14, 1998, page 192.

Comment: Even though this citation is not in perfect citation form, the pertinent reference information and quotation marks make this an example of a citation adequate to avoid a charge of plagiarism in draft or final work. The work could be marked down, however, because the citation is incomplete and not in proper citation form.

Example #2:

Born in 1751 in Dublin, Richard Brinsley Sheridan was both a playwright and a politician.¹

1. See Peter Ackroyd, A Leading Man: How the Playwright Richard Sheridan Made Parliament into Political Theatre, The New Yorker, Dec. 7-14, 1998, at 192.

Comment: If Sheridan's date and place of birth are not widely known, and if you found this information in The New Yorker, you would be required to include the citation in your final work product. Because the cited sentence is not a direct quotation, however, you would not be required to include the citation in a draft, unless instructed otherwise when the assignment was made.

Example #3:

Richard Brinsley Sheridan was both a playwright and a politician.

His was a fevered career, full of drink and stratagem, of cabal and masquerade. It began brilliantly but soon took on the morbid glow of a dissolving world. It is, in truth, a representative story of the late eighteenth century. ADD CITE.

Comment: This would not meet the standard for final work product; the final version would have to include the actual citation. This does, however, meet the minimum standard for a draft because it uses block quote format to indicate a direct quotation and notes that the citation will be added in the final version. Although this meets the minimum standard for a draft, the better practice would be to include a complete citation.

Answers to Common Questions About Writing and Citing

Tip: If you are wondering about it, just cite it. Avoid high-risk situations that may constitute plagiarism.

Question #1:

When I see that a source contains a string cite, can I copy the string cite and then simply cite the source where I found it?

Answer #1:

No. This is plagiarism. You must only use the source's string cite as a reference aid. Use it as a research clue, looking up the material cited in the string cite. You cannot and should not "trust" the source to have properly cited the cases. Again, it is your responsibility to use the string cite honestly. Look up the material, decide for yourself if it is applicable, and then cite the works you use.

Question #2:

If I am in a hurry to turn in a writing assignment and forget to use quotation marks around a sentence that I directly quoted, is this plagiarism? It was done in good faith, and I still cited the sentence.

Answer #2:

Yes. This is still plagiarism, and an honest mistake is no excuse. By not using quotation marks, you are misrepresenting the sentence as your own. Taking careful notes from the beginning of your research and writing process will help you avoid inadvertent plagiarism.

Question #3:

I really need to use the facts that I found in a source. The facts naturally fall into the sentence pattern of the source I am using. Can I avoid the need for citations by using a thesaurus and changing a few identifying words so that it sounds more like my writing style?

Answer #3:

No. This is plagiarism. "Patchwork plagiarism" occurs when a writer begins to paraphrase a source, but does not do a thorough enough job. Merely changin[g] a word or two from time to time does not make a passage yours."¹⁴ There is nothing wrong with using quotation marks. Err on the side of caution and use quotation marks if you cannot paraphrase adequately. Even if you do paraphrase, you need to cite your source.

Citation Issues for International Students and Proper Use of Foreign Language Sources

Citation Issues for International Students

International students can face many challenges in adjusting to academic requirements in the United States. In particular, the rules governing use of citations in the United States may be unfamiliar to international students.

It is important for all international students to understand that they are bound by the Law School's citation rules, regardless of the rules in their home countries.

Using adequate citations is necessary to avoid plagiarism. Even if the form of a citation is incorrect, this type of error is preferable to plagiarism. International students cannot avoid charges of plagiarism simply because they are unfamiliar with the Law School's citation rules, and the penalties they face for plagiarism are the same as those for all other students.

Proper Use of Foreign Language Sources

Use of foreign language sources presents unique citation challenges for all students. When your work involves use of foreign language sources, you cannot incorporate direct translations of portions of the work without using quotation marks and citations. If you or someone you know translated the source into English, you might feel like you are using your own words and do not need quotation marks, but do not be fooled—this is plagiarism.

To avoid plagiarizing in this situation, you should use quotation marks and correct citations, noting that the quoted portion was translated into English by you or someone else. Do not forget that you must fully cite ideas and words that are not your own.

Acknowledgments

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Sources

[1] The George Washington University Law School, Policy on Academic Integrity, § 5.2.2.

[2] See generally Robert D. Bills, Plagiarism: Close Resemblance of the Worst Kind?, 31 Santa Clara L. Rev. 103, 126-130 (1990)(discussing six basic citation rules for avoiding plagiarism).

[3] See *id.* at 127.

[4] *Id.* at 128.

[5] See *id.* at 128-29.

[6] See *id.* at 129.

[7] See The Bluebook: A Uniform System of Citation, Rules 1.2(d)-(e)(16th ed. 1996); Association of Legal Writing Directors & Darby Dickerson, ALWD Citation Manual, Rule 45.3 (Aspen L. & Bus. 2000).

[8] See Bills, *supra* note 2, at 129.

[9] See *id.*

[10] See Susan B. Dunham, Honorable Analysis: Approaches to Teaching About Plagiarism & Proper Attribution Appendix III-6 (June 18, 1998) (unpublished material from a presentation at the 1998 Legal Writing Institute conference, on file with the Subcommittee on Plagiarism Policy)(citations omitted).

[11] See *id.*

[12] See *id.*

[13] See *id.*

[14] Plagiarism -- Don't Do It! (visited July 25, 1998) <<http://talay.psu.ac.th/working/plagiar.htm>>.

Appendix

The Pledge of Honesty is required on all academic work submitted for credit in the Law School:

On my honor, I submit this work in good faith and pledge that I have neither given nor received improper aid in its completion.

Signature of Student