



ATLANTA'S JOHN MARSHALL LAW SCHOOL – POLICY ON PLAGIARISM

What is Plagiarism?

Plagiarism is the “unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one’s own original work.” *Random House Unabridged Dictionary 1479* (Stuart Berg Flexner et al. eds., 2d Ed., Random House 1993).

Plagiarism occurs when a writer fails to acknowledge the ideas of another.¹ The most direct form of plagiarism occurs when a writer inserts a verbatim quotation from a source and does not acknowledge it. However, plagiarism can also occur when there is an incomplete acknowledgement of the writer’s source. For instance, a writer has plagiarized if he/she mixes in his/her own words with the words of the original source but nonetheless does not acknowledge the original source. Even when the author puts the entire idea and concept contained in the original source into his/her own words, if the author fails to acknowledge the source of his/her hide he/she has plagiarized.

In legal writing, failing to cite to a source for a legal idea is a form of plagiarism. Almost all legal analysis is supported by case-law, statutes, or secondary sources, which must be cited as “authority.” Court documents must contain citations to authority in support of legal arguments or the arguments will lack legal credibility. In fact, the author’s legal argument carries more weight and is considered more authoritative when the argument is supported by legal authority.

The interplay between citations and plagiarism will be new to most students who may only be familiar with plagiarism in the context of undergraduate education. Some writers who are new to legal writing may feel that the extensive citation requirements stifle their originality and creativity. Unlike other forms of writing, however, good legal writing is defined by a lawyer’s ability to use pre-existing legal authority to support legal conclusions. Thus, in the legal writing context, the author’s use of legal authority in ingenious ways is considered to be original and creative.

Plagiarizing violates the rights of the original author of a work and puts the plagiarizer at an unfair advantage over other students. Plagiarism also undermines one of the educational missions of Atlanta’s John Marshall Law School, which is to produce lawyers who can engage in independent legal analysis. Turning in work that is not completely your own creates barriers to reaching your full potential as an attorney.

¹ Adapted from the Publication on Plagiarism from the Legal Writing Institute, published in 2003 (“LWI Plagiarism Brochure”).

What Are the Consequences of Plagiarism?

Plagiarism violates the Atlanta's John Marshall Law School Code of Student Responsibility, which prohibits "[d]ishonesty in any academic pursuit, including examinations and the submission of work for credit or publication" and "[c]onduct evidencing bad moral character that is relevant to fitness for the study or practice of law." Atlanta's John Marshall Law School Code of Student Responsibility, D.R. 1 and 9.

Because plagiarism is a serious breach of the Law School's Code of Student Responsibility, a violation can lead to severe consequences, which may include:

- a failing grade for the course or assignment;
- lowering of grade in any course to which the offence pertains;
- withdrawal of credit in a course;
- academic probation;
- written reprimand;
- oral admonition;
- suspension from law school;
- expulsion from law school;

Because plagiarism is dishonest, it runs contrary to principles of professional responsibility that all lawyers must meet. Accordingly, if you engage in plagiarism in law school, it may have far-reaching professional consequences. Because plagiarism is deemed to be a breach of character and fitness standards required by most jurisdictions to become an attorney, plagiarism in law school may prevent you from sitting for the bar exam or receiving a law license.

How Do I Avoid Plagiarism?

When working with legal authority and other sources, knowing when to cite will help you avoid plagiarism. What follows are some basic guidelines² for understanding when you need to cite:

1. Acknowledge direct use of words that are another's;
2. Acknowledge any paraphrase of words that are another's;
3. Acknowledge direct use of another's idea;
4. Acknowledge a source when your own analysis or conclusion builds on that source;
5. Acknowledge a secondary source when your idea about a case, statute or other legal authority came from a source other than the legal authority itself;
6. Take careful notes when researching so that you can document the source of the ideas that you will use; and
7. Ensure that material obtained from any source is attributed, including material obtained from electronic databases such as LexisNexis; Westlaw; and the Internet.

² The following rules and guidelines have been adapted from the LWI Plagiarism Brochure.