

California Western School of Law
Petition for Research-Based Independent Study

This petition must be delivered to the Vice Dean for Academic & Student Affairs. If the Vice Dean approves the project, the student will be enrolled in the Independent Study by the Registrar. Please review Academic Policy 1.02.

Work submitted for independent study must be the student's own original work product. Students shall not submit work that is the same or substantially similar to work done in connection with any other class. Students must comply with all academic policies.

Student Name (print)

7-Digit Identification Number

Address (including apt. #)

City State Zip

Telephone/Cell

CWSL E-mail: _____@law.cwsl.edu

Professor Units

(circle one) Fall / Spring / Summer 20____

The topic (described in detail) and nature of the proposed Independent Study project (e.g. research paper, empirical research, work on a pending case) are as follows: [Attach additional pages if necessary to provide a full statement.] _____

I have read and understood the requirements for this independent study project, including the proscription against plagiarism set forth on the reverse of this form.

Student's Signature (an approved copy will be mailed to the address above)

Date

The undersigned full-time faculty member agrees to supervise this project:

Professor's Signature (be sure to fill in due date)

Date

Final submission deadline for final, completed Independent Study paper: _____
(Last Day of Classwork)

Approval:

Vice Dean for Academic & Student Affairs or Designee

Date

§1.02(B) INDEPENDENT STUDIES

Subject to the requirements of this Section and Section 1.03(A), students may earn credit for a Research-Based Independent Study (collectively, "Independent Study"). Credit for Independent Study is limited to one course per trimester and a total of two. Any student who wishes to obtain credit for an Independent Study must be supervised by a full-time faculty member and must follow the Application Process set forth in Section 1.02(B)(3). Independent Study does not satisfy the Scholarly Writing Requirement.

1. Research-Based Independent Study

A second or third year student may receive up to three credits for a Research-Based Independent Study by completing a research-based paper. The student shall be required to write a minimum of twenty pages (exclusive of footnotes) for the first credit and at least fifteen pages (exclusive of footnotes) for each additional credit, up to three credits.

3. Application Process for and Grading of Research-Based Independent Study

To enroll in a Research-Based Independent Study (collectively, "Independent Study"), a student must obtain prior permission from a full-time faculty member who agrees to supervise the Independent Study and from the Vice Dean for Academic & Student Affairs. The availability of Research-Based Independent Study may be limited. Students are strongly encouraged to arrange for a faculty supervisor well in advance of the trimester in which they plan to enroll in an Independent Study and to include that course in their pre-registration for that trimester.

For a Research-Based Independent Study, the petition shall identify the topic and nature of the Independent Study (e.g. empirical research, work on a pending case, etc.), a statement of the reasons the student wishes to enroll in Independent Study, and a substantial description of the topic and the project being undertaken. Students requesting two units of credit shall describe the project they will produce for the second unit of credit. For Research-Based Independent Study, the petition shall bear the signature of the supervising faculty member indicating that he or she has reviewed the proposal and that he or she agrees to supervise the student.

Petitions in proper form that are submitted before the start of classes for the following trimester shall be approved by the Vice Dean for Academic & Student Affairs. Petitions to enroll in Independent Study that are submitted during the first ten days of classes will be approved by the Vice Dean for Academic & Student Affairs only upon a showing of good cause.

Independent Study courses will be evaluated and given one of the following designations: Honors, High Pass, Pass, Low Pass and Fail. Except in the case of a "fail," these designations will be reported on the transcript but not computed in a student's grade point average. In accordance with section 6.03, if a student is given a "fail," that student will have a grade of F computed into his or her grade point average and will not obtain credit toward graduation for that Independent Study.

PLAGIARISM: STUDENT ACKNOWLEDGMENT

(Prof. Matthew A. Ritter, M.Div., J.D., Ph.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.¹ The American Bar Association proscribes as professional misconduct any activity involving misrepresentation.² 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.³ 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.⁴ 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.⁵

Meaning originally "to kidnap," plagiarism is the act of taking the work of another and passing it off as one's own.⁶ This may occur with or without intent.⁷ Proper acknowledgment requires conformity to these conventions:⁸ 1) Cite borrowed language, facts, or ideas--whether quoted or paraphrased; 2) Use quotation marks for lengthy phrases or distinctive phraseology;⁹ 3) Follow Bluebook format for when to use quotation marks or block quotes;¹⁰ 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.¹¹

Legal writing is subject to two kinds of plagiarism: overt and covert.¹² 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 para-phrase.¹³ 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.¹⁴

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 para-phrase means to appropriate the ideas expressed in another's work and re-articulate them in your own words.¹⁵ If you cannot write your own words, quote.¹⁶

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.¹⁷

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.¹⁸

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.

1. California Western School of Law, Statement of Academic Policies § 2.08 ("all written work submitted in any course or independent study shall be the student's own original work product."); Honor Code, art. II (proscription against "misrepresentation.").

2. ABA Model Rules of Professional Conduct, Rule 8.4(c). See also ABA Model Code--DR 1-102(A)(4).

3. See 17 U.S.C. § 501.

4. See Sandy Olken, *Verbatim: Where does analysis end and plagiarism begin? A guide for careful writers*, STUDENT LAW. MAG. 48, 48-49 (1991).

5. See ELIZABETH FAJANS & MARY R. FALK, SCHOLARLY WRITING FOR LAW STUDENTS 111 (4th ed. 2011).

6. BLACK'S LAW DICTIONARY 1150 (6th ed. 1990).

7. "Although lack of intent is often a mitigating factor in determining sanctions, many regard the negligent or reckless appropriation of another's work as plagiarism, even when it is the inadvertent product of careless research and note-taking." FAJANS & FALK, *supra* note 5, at 112 (citing Terri Le Clereq, *Intent to Deceive*, 8 THE SECOND DRAFT 3 (1993)).

8. *Cf. id.* at 112-13 (a more exacting and less discretionary delineation of these same citation conventions).

9. See *id.* at 113 (employs the five-word rule of thumb: borrowing five or more consecutive words requires use of quotation marks).

10. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION § 5.1 (19th ed. 2010).

11. *E.g., supra* note 7.

12. See FAJANS & FALK, *supra* note 5, at 114-15.

13. Olken, *supra* note 4, at 48-49.

14. *Id.*

15. Although there exists no clear linguistic means to distinguish a proper from an improper paraphrase, employ the "comfort rule": if you would feel uncomfortable with the reader having the language of the cited source next to your paraphrased version, you should re-write your paraphrase.

16. This covert form of plagiarism is often exacerbated by a lack of confidence in one's writing ability. But if you can think the idea expressed, you can re-express it in your own way.

17. See FAJANS & FALK, *supra* note 5, at 115. See *supra* note 7: citing directly to Le Clereq would be improper absent having researched that work. Le Clereq must be therefore cited through citation of Fajans & Falk.

18. *Id.*