

**ETHICS GUIDELINES FOR CHICAGO-KENT LLM STUDENTS
2009-2010**

All LL.M. students are bound by the Law School's Code of Conduct at all times. The Chicago-Kent Student Handbook, which contains the Law School's Code of Conduct, can be accessed at any time at <http://www.kentlaw.edu/depts/acadadm/handbook.html>; the Code is in Chapter XIX: <http://www.kentlaw.edu/depts/acadadm/handbook.html#I>

We understand that it is not always easy for students to apply the general provisions of the Code of Conduct to specific situations. In addition, a number of questions arise in the context of law school writing classes that are not specifically addressed in the Code. For this reason, we are supplementing the general provisions of the Code with comments and illustrations about some of the situations that may develop in your law school writing classes. Obviously, we cannot anticipate every circumstance, but we hope that these Guidelines will help to resolve some of the questions you may have. If you are not certain whether particular conduct is permissible, you are responsible for seeking clarification from your professor.

We understand that as an LL.M. student who may be studying law in English for the first time, you may feel that you cannot adequately express the ideas and concepts of your subject in your own words in English and you may therefore consider relying upon or using the text found in books, cases and, especially, on the Internet. While it may be difficult at first, you must learn to use your own words to discuss the legal ideas you are studying and analyzing. Your attempt to express your understanding of legal principles in your own words is precisely what will be measured by the faculty when assessing your classroom and written work. Failure to use your own words will be taken as a sign that you do not really understand the legal concepts at issue and you will be evaluated –and graded - accordingly.

Serious sanctions may be imposed for the violation of any of the rules or policies contained in the Code of Conduct; these sanctions may include receiving a failing grade for the course, suspension from law school, a notation of an ethics violation on your law school transcript, or *dismissal from the law school and failure to earn the LL.M. degree.*

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§ 2.1 of the Code of Conduct contains the definitions of "academic misconduct" and provides:

It shall be a violation of this Code for a matriculated or non-matriculated student, whether or not currently enrolled in the College, to engage in or attempt to engage in any of the following conduct, which, unless otherwise stated, must be done knowingly, recklessly, or negligently (emphasis added):

(a) representing, expressly or impliedly, the work of another to be one's own.

Commentary: This is the section of the Code of Conduct that applies to charges of plagiarism. Section 2.1 applies to all law school classes, including but not limited to Legal Writing I, II, III, IV, and Seminars. The majority of Code of Conduct violations involve plagiarism. Particularly in academic settings, plagiarism is a form of theft - the theft of another's ideas. Plagiarism is also an attempt to gain an unfair advantage over other students by misrepresenting someone else's written work as one's own. Further, plagiarism defeats the pedagogical goals of law school, which require each student to develop their own understanding of the materials being studied. In order to graduate with an LLM degree from Chicago-Kent College of Law, you must do your own writing and receive critique on your own work. *Note that negligence is not an excuse: it does not matter that you did not intend to plagiarize. If you fail to appropriately attribute someone else's words, ideas or analytical framework, you have plagiarized their work.

Your professor will use the following definition, based on Louis Sirico's *A Primer on Plagiarism*, in determining what constitutes plagiarism:

Plagiarism

There are three ways in which students may engage in plagiarism, on either a draft, a final paper or an exam, including a take-home exam:

(1) Quoting the words of another without attribution.

When using a quotation, cite the source, and use ellipses, brackets, and quotation marks scrupulously to indicate which words are your own and which are the words of another. (See ALWD Citation Manual, Rules 47-49). Changing one or two words within a sentence does not eliminate the need to use quotation marks. If one or two words are inserted or omitted, use quotation marks, even if you have cited the source, and indicate the addition or omission with brackets or ellipses. Even very brief quotations, such as the key words of a statute, should be placed in quotation marks when they are legally significant.

Commentary: Attribution generally means creating a footnote in your paper that tells the reader where the quotation comes from, and proper attribution is your

responsibility at all times. To “cite” is to “attribute” – and there is a right way and a wrong way to cite another person’s work. Be sure to ask your professor what citation form is required for your assignments and then make sure you use the correct citation form at all times.

(2) Paraphrasing the words of another without attribution.

When rewriting the words of another, cite to the source. This requirement is particularly important when you are relying on the work of scholars in law review articles or treatises. When paraphrasing language from a case, proper attribution will emphasize the weight and importance of the idea. “Paraphrasing” means more than changing one or two words; a proper paraphrase reproduces the idea in substantially your own words and, again, always requires a citation.

THE ONLY EXCEPTION TO THIS RULE MAY OCCUR IN A CLASS WHERE A STUDENT IS USING A LEGAL FORM THAT IS INTENDED TO BE COPIED WITHOUT ATTRIBUTION. SUCH FORMS ARE OFTEN USED AS A STARTING POINT IN DRAFTING A WIDE RANGE OF INSTRUMENTS, FROM LITIGATION DOCUMENTS SUCH AS COMPLAINTS OR INTERROGATORIES THROUGH COMMERCIAL INSTRUMENTS AND ESTATE PLANNING DOCUMENTS. IN SUCH A CASE, THE USE OF THE FORM WILL NOT CONSTITUTE PLAGIARISM, ALTHOUGH PROFESSORS GENERALLY WILL ASK STUDENTS TO IDENTIFY WHAT FORMS HAVE BEEN USED IN ORDER TO DETERMINE WHETHER A STUDENT HAS USED AN APPROPRIATE FORM AND EFFECTIVELY ADAPTED IT FOR USE IN THE ASSIGNMENT.

(3) Using the ideas of another without attribution.

When using the ideas of a source, provide an acknowledgment of the contribution made by that source to your own work. Likewise, adopting the same structure or analytical framework as a prior source will require attribution. When the structure or substance of another's work may be considered a part of general legal knowledge, however, it is debatable whether

attribution is required. A good practice is to trace an idea to its original source and credit that source, while explaining how the idea has evolved since the original author expressed it. The general rule is always to err on the side of giving credit.

(4) Taking the work of another student.

Students may not take the work of another student, either a current classmate or a student who took the class in the past, and present it as their own.

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§ 2.1(b) of the Code of Conduct prohibits giving, obtaining, or soliciting unauthorized assistance or using unauthorized material in the preparation of material to be submitted or presented in a class, law review assignment or competition, moot court assignment or competition, client counseling competition, essay contest that the student is able to enter by virtue of being a law student, or similar activity.

Commentary: This section relates to unauthorized collaboration. Depending on the professor's instructions, it may be appropriate to exchange ideas or "collaborate" with other class members. Indeed, students in some courses, including legal writing courses, may be assigned to work together on certain projects. Students are often encouraged by their professors, for example, to collaborate on legal research exercises and to develop effective techniques for collaborating and communicating about the law. Accordingly, Chicago-Kent has adopted the following rule designed to promote exchanges of ideas, while at the same time mandating independent research and writing.

Collaboration

A. LL.M. STUDENTS, unless otherwise instructed by their professor, are permitted to:

(1) discuss any aspect of a graded individual writing with the professor, Assistant Dean Lydia Lazar or Professor Ed Harris, or teaching assistant;

(2) discuss research strategies, legal concepts, problems, and potential arguments related to any assignment with other

students in their legal writing section or in a section working on the same problem; and

(3) discuss research strategies with law school library staff.

B. LL.M. STUDENTS ARE NOT permitted to:

(1) discuss any aspect of a graded individual writing assignment with anyone other than the professor, Assistant Dean Lydia Lazar or Professor Ed Harris, teaching assistant, law school library staff, other students in their section or in a section working on the same problem, until after the assignment has been handed in;

(2) collaborate with other students on the writing process of a graded assignment other than as directed by the professor; this prohibition includes outlining assignments together or simultaneously transcribing the orally expressed ideas of another for the purpose of including the expression of the ideas in one's own paper; or

(3) ask to see or gain access to another student's written work or show or give another student access to their written work on any graded assignment until it has been submitted. Where an assignment involves both a first draft and a rewrite, students may not exchange their work product until the rewrite is handed in.

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§ 2.1(c) of the Code of Conduct prohibits knowingly or recklessly hiding or stealing library material, or withdrawing books or materials from the library without properly charging them out, or defacing books or materials.

Commentary: This rule is generally self-explanatory. Students who engage in this type of conduct are deliberately interfering with the work and the careers of others.

The term "library materials" includes both print and on-line materials. Because Chicago-Kent is an educational institution, it receives licenses from certain vendors of on-line data bases, such as LEXIS and WestLaw, which permit Chicago-Kent students access to

the data bases as a part of the educational process. Students are not permitted to access these data bases for other than educational purposes. Students who work or volunteer part time outside of the law school may not use their student passwords to these services during the course of their outside activities except where specifically permitted by LEXIS and WestLaw's rules.

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§ 2.1(d) of the Code of Conduct prohibits violating any rule imposed by the instructor or exam proctor.

Commentary: From time to time, your professors may impose additional rules. For example, professors generally encourage students to use every means of research available, just as lawyers do in practice. On some occasions, however, additional limits may be appropriate; for example, a professor may instruct students who are writing a brief on a pending case not to consult either the briefs or the attorneys of record in that case. To do so would constitute a violation of the Code of Conduct. When in doubt, clarify the rules with your professor.

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§ 2.1(l) of the Code of Conduct prohibits otherwise seeking to gain an unfair advantage over another student.

Commentary: Any of the conduct described in the preceding provisions will also violate this "catchall" provision. There are, however, a number of respects in which other conduct might be deemed to violate this specific provision.

First, professors are very specific as to assignment due dates. Law is a profession governed by strict deadlines. In practice, failure to comply with a court filing deadline can have very serious effects on a client's legal rights or a lawyer's professional status. Accordingly, if a paper is handed in after the time specified, it will be penalized one half grade per day. Thus, an "A" paper handed in after the time specified would receive at most an "A-." A "B" paper handed in more than 24 hours but 48 hours or less from the due date would receive a "C+." Attempting to circumvent these penalties by misrepresenting the time a paper has been handed in will be considered an attempt to obtain an unfair advantage.

Extensions on due dates will be granted only for the reasons courts generally grant extensions, such as a death in the family, serious illness, or other circumstances that make a timely submission impossible. As with a court deadline, extensions must be requested in advance of the time the paper is due, if at all possible. Any extension request that misrepresents the reason for the request is an attempt to gain an unfair advantage over another student.

Second, attempting to evade page limitations on papers through the use of fonts and margins other than those specified by your writing professor is also an attempt to gain an unfair advantage.

Third, some professors will grade some or all of the papers anonymously. If your professor has asked that papers be submitted anonymously, any attempt at either direct or indirect identification constitutes an attempt to gain an unfair advantage.

Fourth, in some upper level writing courses, such as seminars and certain sections of Advanced Research, students may choose their own topics for assignments. In completing these assignments, students should submit original work for each course. It is a violation of the Code of Conduct to submit the same paper for credit in multiple courses.

Fifth, attempting to harass or intimidate a professor into changing a grade may be viewed as an attempt to gain an unfair advantage.

We hope this memorandum clarifies some of the questions you may have about how the Code of Conduct will apply to your study at Chicago-Kent College of Law. If you have any other questions, please ask your professor, Professor Ed Harris or Assistant Dean Lydia Lazar.

CERTIFICATION AND DECLARATION OF UNDERSTANDING

I, _____, have received the seven-
(print your name here)

page document entitled *Ethics Guidelines for Chicago-Kent LL.M. Students*. I understand that as a student at Chicago-Kent College of Law, I am subject to the *Ethics Guidelines for Chicago-Kent LL.M. Students*, as well as Chicago-Kent’s Code of Conduct. **I understand:**

that the *Ethics Guidelines* define plagiarism and describe the proper techniques for paraphrasing and quoting others’ words, ideas, and format;

that despite a lack of intent to plagiarize, I will be guilty of plagiarism if I do not correctly attribute another’s authorship of any material I include in my work, whether I have taken direct language, paraphrased ideas, or used an analytical framework;

that the *Ethics Guidelines* contain the rules and policies on collaboration for Chicago-Kent classes; and

that serious sanctions may be imposed for the violation of any of the rules or policies contained in the Code of Conduct or *Ethics Guidelines* and that these sanctions may include receiving a failing grade for the course, suspension from law school, a notation of an ethics violation on my law school transcript, or dismissal from the law school and failure to earn the LL.M. degree.

Finally, I understand that I am responsible for knowing what is in the *Ethics Guidelines* and the Code of Conduct, and that if I am unsure of the meaning of any of the provisions, or if I receive instructions that seem to contradict the provisions, I am responsible for seeking clarification from my professor, or from Professor Ed Harris or Assistant Dean Lydia Lazar.

Date

Signature