AVOIDING PLAGIARISM
KEY POINTS COMPILLED FOR ABA/SIL YEAR IN REVIEW

CONTRIBUTORS

PRACTICAL TIPS
Do not cut and paste large chunks of someone else’s article. Seek to cast the relevant thoughts into your own words, and provide a citation to give the original author credit.

If you do use someone’s original words, use quotation marks and a citation.

Rather than using only a direct quote, first insert your comment about the language that you would have quoted, and then follow it with a citation. Thus, not: “Seventeen countries followed the rule of law from Australia.” London v. Greenville, 990 F.3d 77, 82 (5th Cir. 2013). But rather: The Fifth Circuit Court of Appeals provided a synopsis of the trends of the countries, and noted that the rule of law from Australia was followed by seventeen countries. See London v. Greenville, 990 F.3d 77, 82 (5th Cir. 2013).

Use original sources to support legal propositions. The most authoritative source is preferred, including constitutional provisions, statutes, judicial decisions, treaties, arbitration awards, and regulations. These types of sources are preferred over newspaper articles or information contained in law firm circulars.

KEY RULES TO CONSIDER

BB RULE 5.1 - BLOCK QUOTES
You must have fifty or more words to use this format! If used, quotation marks are eliminated at the beginning and the end; for quotes within a quote, retain quotation marks as used in the original text.

In contrast, if you are using a quote of less than fifty words, quoted material within that quote takes a single quotation mark. See BB Rule 5.1(b)(i) on page 83.

BB RULE 5.2 - ALTERATIONS AND MISTAKES
Use brackets to indicate that you have changed original text within a quote. This format can be used if you want to change the ending or format of a word so that your sentence that includes it, reads smoothly.

If there is a mistake in an original quotation, and you retain it, use [sic] to indicate the same. The [sic] goes after the mistake.

BB RULE 5.3 – OMISSIONS
If you omit text, insert an ellipsis. Note, you need a space before, after and between the same. Thus: “the cat ate the mouse . . . and then died.”

Do not begin a quotation with an ellipsis. BB Rule 5.3 (prior to (a) on pg. 85). When the end of a quoted sentence is being omitted, use a total of four ellipses. BB Rule 5.3(b)(iii).

USE OF PIN POINT CITES AND SHORT FORMS
General rule of thumb: if you have just referenced a legal proposition (one that is not your original thought) or facts from a case, use a cite. Pin point cites are preferred, even for general propositions if you can find a specific page. Then, follow it up with Id. or other short forms, as proper. The best format is the use of a full cite, short cite and then Id. If you use Id. in the middle of a sentence/text cite, the “I” becomes a small letter, thus: The committee passed a great resolution against human trafficking. See generally Williams v. Johnson, 55 S.W.2d 23, 24 (Tex. 1999). Several policy concepts are found there, such as, penalizing the one who aids and abets, id. at 26, including the operator of a public accommodation, such as a hotel or motel. Dreams Motels, Inc. v. Foster, 120 S.W.3d 99, 104 (Tex. 2015).

USE OF “CITING”
If you cite a primary case that cites a case, give credit to both, unless you decide to cite the cited case only. Review

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1 ©2016-Dr. Beverly C. Duréus, Co-Executive Editor, THE INTERNATIONAL LAWYER and THE YEAR IN REVIEW, all rights reserved; used by permission. References are to The Harvard Law Review, The Bluebook – A Uniform System of Citation (20th ed. 2015), herein noted as The Bluebook (BB). Some of the citations used as examples are fictitious.
BB 1.6(c). The proper format is *Justice v. McDonnell*, 671 S.W.2d 99, 101 (Tex. 1980) (citing *Roberts v. Luce*, 570 S.W.2d 10, 17 (Tex. 1978)). The term “citing” is not underscored. See BB Rule 2.1(e) page 69. Do not forget the closing parenthesis!

If information is missing from the cited case, indicate the same by a blank line and other BB information placed inside of brackets. E.g. from *Roberts* cite above: 570 S.W.2d 10 [___] (Tex. 1978). However, every effort should be made to find the original source so that a full citation may be created.

If you don’t want to draw attention to the other case, yet need to alert your reader that something else was consulted, you can use the designation (citation omitted). Here is an example using *Justice* when it omits a cite to *Roberts*: *Justice v. McDonnell*, 671 S.W.2d 99, 101 (Tex. 1980) (citation omitted).

**CITATION OPTIONS WHEN YOU FIND A CITE/AUTHORITY WITHIN A CASE**

You may cite the case that you are reviewing and add a pin point cite -

Example: *Green v. Smith*, 124 S.W.3d 655, 660 (Tex. 2011);

You may cite the case that you are reviewing and add a parenthetical noting the term “citing” followed by the citation of the additional case -


You may cite the case that you are reviewing and add a parenthetical with the notation “citation omitted” -

Example: *Green v. Smith*, 124 S.W.3d 655, 660 (Tex. 2011) (citation omitted); or

You may use the citation for reference, looking up the case to cite it directly - Example: *Brown v. Marysville*, 118 S.W.3d 91, 99 (Tex. 2008).

**USE OF PARENTHETICALS**

When string cites are used (a list of multiple cases), parentheticals are helpful to clarify a “citing” notation, or to provide the reader additional information. To avoid plagiarism in a parenthetical, use paraphrased language. This is preferable to use of quotation marks, which are permissible, but awkward in parentheticals.

To create an effective parenthetical (a true explanation or illustration of a case) the beginning term should end in “ing” and the text should include pivotal facts as well as an explanatory holding. That present participle should also begin with a lower case letter.

E.g. – *Horse Farms, Inc. v. Peterson*, 570 S.W.2d 10, 14 (Tex. 1978) (finding a statutory violation for branding a pony because he was less than six months old). Also remember to insert a space between the end of the court parenthesis and the beginning of the inserted parenthetical.

Another permissible format allows the parenthetical to begin with a quote; in such an example the first letter is capitalized: *Horse Farms, Inc. v. Peterson*, 570 S.W.2d 10, 14 (Tex. 1978) (“Branding a pony that is less than six months old is against Texas law.”).

**USE OF SIGNALS**

BB RULE 1.2. If you interject facts of your case in a sentence that also references the law, you need a signal and a citation. E.g.: The law in Texas allows for the recovery of attorney’s fees, where, as in the case at bar, there was a breach of contract. See *Fee v. Lawyer*, 20 S.W.3d 9, 11 (Tex. 2000). *See* is a good signal to use in this instance!

When you want your reader to know that there are several authorities that support a proposition, but that you are only providing a sample, a good choice is *e.g.*

BB RULE 1.3, p. 60-61 tells you the order in which you must cite cases that use signals.

BB RULE 1.4 tells you in general the order in which you must cite cases. In general, you cite your most helpful authority first. Otherwise, cite the most recent and highest authorities first and then others in reverse chronological order. Thus, use hierarchy and reverse chronological dates to determine your sequence.