**QUOTING, PARAPHRASING, & PLAGIARIZING**

As you read cases, law review articles, or even good journalism, pay attention to how competent authors use their sources. An author can respond in five ways to the need to incorporate the information from any one source: the direct quotation, the “phrase that pays,” the altered quotation, the paraphrase, and – egads! – plagiarism. This chart is meant to help you decide how best to incorporate information from another source into your documents.

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<th>TYPE OF SOURCE</th>
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| 1. A passage perfectly suited to your needs       | Direct Quotation (The source of the quotation must be cited.) | Quotation marks before and after quoted words. Terminal punctuation: commas and periods within, all else outside quotation marks. **See ALWD Rule 47.4(d) (1), (2).**  
Caveat: Quotes distract. This is a good thing, if you wish to emphasize. This is a bad thing used to excess, because it distracts and becomes visual clutter. Use direct quotation judiciously. Your reader should be drawn to it, not repelled by it so that her eye leapfrogs lengthy or frequent quotations to get back to your analysis. |
| 2. A key word, term of art, or phrase you wish to use throughout your document | The “phrase that pays” (The source of the quoted phrase must be cited the first time, but need not be cited thereafter.) | Quote the phrase the first time, but assume the reader understands its importance thereafter. If much water has passed under the bridge before its next use, which could happen by the time the piece concludes, you may wish to revive the quotation marks.  
**EXAMPLE:**  
[First reference] The court held that defendant’s conduct was “privileged under the circumstances.” [cite]  
[Later reference] In this case, defendant’s conduct was not privileged under the circumstances, because . . . |
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| 3. A passage nearly perfectly suited to your needs, but requiring some adaptation to fit your text. | **Altered Quote**  
(The source of the altered quotation must be cited.) | Keep the quotation marks, but . . .  
- **Bracket** [ ] additions or substitutions. Bracket, as well, a capital letter required by the grammar of the quoted phrase but absent in the original. See ALWD Rule 48.  
  
  **ORIGINAL:** “We all agreed that she finally kicked the buckets.”  
  **ALTERATION:** “[S]he finally kicked the [last] bucket.”  
- Place an **ellipsis** ( . . . ) (space dot space dot space dot) where one or more words are omitted (but not at the beginning of a sentence). See ALWD Rule 49.  
  
  **ORIGINAL:** “We all agreed that she finally kicked the buckets.”  
  **ALTERATION:** “[S]he . . . kicked the bucket.”  
- Don’t forget **periods**. If the source sentence ends where you want it to end, no ellipsis. Just the original period.  
If your quote omits the end of the sentence, give the period after the ellipsis marks (spaces are indicated below with carats):  
  
  **ORIGINAL:** “We were gratified to see that she finally had kicked the buckets. We’d been waiting all afternoon for her to get up the nerve, and it gave us no little relief that she sent those buckets flying at last.”  
  **ALTERED, or REDACTED:** [I]t gave us no little relief^.^.^.^.”  
- However, if the quoted material is the end of a sentence but is followed by a new sentence with omitted material, place the period immediately after the quote, and then use the ellipsis marks to indicate that omitted material follows the end of that sentence.  
  
  “[S]he finally kicked the bucket[^][^][I]t gave us no little relief[^][^][^][^].” |
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| 4. A passage you wish to rewrite substantially so it will mesh more seamlessly into your style and document | **Paraphrase:** The rewriting conveys the ideas in the passage with words and more compatible with your style and the demands of your document. The source of the paraphrase is always cited. | **TIPS:** In general, paraphrase rather than quote unless you are 
(1) stating a rule or a “phrase that pays,” or 
(2) discussing specific language otherwise at issue. |
| **Why rewrite?** | Source has greater breadth and detail than is appropriate. 
Style is unreadable or a bad fit (jargon, complex, antiquated). | **Observations on the pros & cons of paraphrasing:** 
**Pros:** 1) most successfully integrates outside information into writer’s own text 
2) creates shorter, smoother documents 
**Cons:** 1) requires writer to take more care to provide effective signals 
2) avoid when exact wording is in dispute 
3) can fail if indicators of who said what are too weak for reader to follow 
4) can confuse reader if more than one source is cited in a single sentence |
| **Caveat:** | If you find yourself changing a word here and there simply because you want to avoid the appearance of a quotation, pause to reconsider: if the passage needs no substantial revision, then quote it, showing omissions or minor alterations. If, on the other hand, you have good reason to tailor it to the needs of the document, recast it in your own words to meet that goal, retaining, however, the meaning of the passage. | **EXAMPLE OF INEFFECTIVE QUOTING:** 
In Allridge v. Scott, 41 F.3d 213, 222 (5th Cir. 1994), the court noted: 

> We . . . read Simmons [v. South Carolina] to mean that due process requires the state to inform a sentencing jury [in a capital trial] about a defendant’s parole ineligibility when, *and only when*, (1) the state argues that a defendant represents a future danger to society and (2) the defendant is legally ineligible for parole. 

Unlike South Carolina, “Texas did not statutorily provide for parole ineligibility at the time of Allridge’s conviction,” so the requirement in Simmons that the jury be informed as to the defendant’s future dangerousness and ineligibility for parole did not apply in Allridge. |
| **EXAMPLE OF EFFECTIVE PARAPHRASING (plus effective quoting):** 
In Allridge v. Scott, 41 F.3d 213, 222 (5th Cir. 1994), the court noted: 

> The . . . Fifth Circuit read Simmons to require that a sentencing jury in a capital trial be informed of a defendant’s ineligibility for parole “when and only when” he arguably “represents a future danger to society and . . . he is legally ineligible for parole.” Allridge v. Scott, 41 F.3d 213, 222 (5th Cir. 1994). Because at the time of Allridge’s conviction, Texas statutes included no provision for parole ineligibility (or “life-without-parole”), Simmons did not apply. |

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2. Id.
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<td>5. A passage of another’s thoughts or words presented as your own</td>
<td>Plagiarism</td>
<td>Quote or paraphrase at will without citing your source. Note: Legal writing does not recognize the “rule” that information found in more than three sources is “general” and thus needs no citation. Au contraire—a passage whose source goes uncited bears no authoritative weight whatsoever.</td>
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When need I not cite?

When your own interpretation of the subject is being stated, rather than that of some court or other authority.

OR

When you are explaining how a general legal standard might apply to novel facts.

That’s it. Better safe than sorry. Plus, you’ll be relying upon and acknowledging sources the reader is more likely to respect.

### Quote versus Paraphrase?

“The choice to paraphrase or to quote is more art than science. What matters is the readability and effectiveness of the result, not enslavement to some seemingly arbitrary rule (‘What am I supposed to do here?’). In any particular instance, when in doubt, try it one way, then try it the other, and see which you think works better. Getting good at using outside material in your own writing is less a function of mastering rules than it is a matter of intelligent trial and error, of time on task over the course of your legal education, both as a student and even more as a lawyer.”

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3 LWI listserv participant, Summer 2003.