

A Funny Thing Happened on the Way to the Web: A Cautionary Tale of Plagiarism

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How would you feel—and what would you do—if you found something you had written prominently featured on a Web site without any acknowledgment whatsoever of your work as its source? The author had just such an experience and relates here what happened.

¶1 Recently I performed an Internet search on one of my favorite research topics. I skimmed several sites before encountering a substantial research guide posted on the Web site of a law school library. Happily reading along, I was struck by the familiarity of an instruction for conducting certain types of very specialized research. Seconds later, I was chuckling to myself. The words seemed very familiar because *I had written them!* As I read on, it became apparent that I had written quite a bit of this online guide. In fact, the guide reproduced word for word several entire paragraphs of an article I had published. I stopped chuckling.

The Tale Begins

¶2 Looking at the entire research guide, I found not a single footnote to my article, nor any acknowledgment of my substantial contribution to this online work. On the contrary, two other law librarians claimed authorship. The work was listed as being “originally prepared” in 1996 by a reference librarian whom I shall call “Adam,” and “revised” in 1997 by another reference librarian I shall call Eve.¹

¶3 Like most of us who manage to get something we’ve written published, I am always gratified if my work is cited or found useful enough to be quoted by others. When confronted with this blatant theft of my work, however, I was shocked and genuinely hurt. I had worked very hard and for many months on my

* Anonymity is intended to protect the identity of the law library that unwittingly published plagiarized material and to keep private the dealings of the author and the law librarians who put their names to the author’s work.

1. These names are entirely fictitious, used to ensure anonymity and avoid more clumsy alternatives (e.g., X and Y).

article. Admittedly, it contributes to a narrow and arcane area, but it does put together some previously unassembled pieces of the legal research puzzle.

¶4 I never imagined that other law librarians would be so dishonorable as to appropriate my work and pass it off as their own. The realization that this breach of professional conduct had occurred was extremely upsetting, but the evidence was right there on the Web. At the same time, I was appalled by such foolish risk-taking. Plagiarism has ended many an academic career. Why would an academic librarian take such a chance?

Confrontation Thickens the Plot

¶5 Unwilling to let my work sit on the Internet, looking to all the world as if it were the intellectual product of plagiarists Adam and Eve, I wrote three letters documenting my contribution. One letter was to the owner of the Web site. I requested attribution of my work, along with an online explanation that the guide previously had been inaccurately attributed exclusively to Adam and Eve. Absent this remedy, I requested that the publication be removed from the Web site. In response, I received an apology and an assurance that the document would be withdrawn from the site.

¶6 Both Adam and Eve have left the institution that published the guide on its Web site. I wrote each the same letter, copying the deans of their new law schools. It pointed out that my work was published under their names. I expressed my dismay and bafflement over their failure to attribute content to its author in the usual manner. I invited an explanation.

¶7 Adam wrote me a letter of apology, but claimed that my work was appropriately “referenced” when the guide was first prepared. Adam said that the guide was originally intended for in-house class use only. The guide was presented as part of a library orientation specifically for a seminar course and “always included references to [your published article].”

¶8 Adam then directed blame to Eve by stating that the subsequent revision of the guide was “without my knowledge or consent, and occurred after I left the University. . . . Had I been consulted, I would have insisted that any use of my materials, whether in class, on the Web, or for any other purpose, include the same attribution I provided when distributing these materials in the class-room context.” (Adam did not volunteer substantiation of this explanation with copies of the original documents.)

¶9 The law school dean to whom Adam now reports called me to extend his own apologies and expressions of regret. He has contacted me three times in regard to his investigation of my complaint, but from the outset acknowledged that my work was blatantly plagiarized.

¶10 Eve has not, to date, acknowledged or replied to my letter. However, a legalistic letter was received from Eve’s current law library director and dean. The

fully innocent Eve, according to this letter, “updated the document in question . . . [but] had no reason to believe that the original document was not [Adam’s work] or that it might contain any unattributed intellectual property of any other person.” (Eve *does not* claim to have included references or attributions that were subsequently dropped when the research guide was uploaded to the library Web site, although this seems to present yet another possible explanation.)

Is That Your Final Answer?

¶11 Which law librarian is speaking truth? Did Adam’s original document credit my contribution as claimed? Or did Eve inherit and revise a research guide that had no references or attribution to my work? If the latter is true, then Adam apparently is lying about including appropriate references in the original guide. The more charitable explanation may be that both these librarians are unaware of intervening revisions of the document by unknown third or fourth persons.

¶12 Without seeing a chain of all versions of the original research guide, as handed down within the library in question, there is no way to know whether references to my work were originally made and at what point they were dropped.

The Moral Cautions of This Tale

¶13 In my experience, most law librarians have a profound sensibility about intellectual property and are scrupulous about the appropriate attribution of intellectual content. The research guides in all our libraries may, however, be the Achilles heel of our collective rectitude, precisely for the reasons revealed in my story. The Internet ends the luxury of skating around or overlooking plagiarism in law library research guides. And, here is an unnerving thought: law librarians who have edited out appropriate attributions from guides or left a wake of plagiarized work behind at past library jobs may have those misdeeds exposed to the entire world in a subsequent Web site posting over which they have no control.

¶14 In most libraries, research guides or pathfinders evolve as the product of many hands. In mainstream research areas, the content may represent such commonplace knowledge that attribution to authors is neither appropriate nor feasible. The content of guides for specialty research may, however, be more dependent on published sources. Our library research guides should appropriately acknowledge such source material with footnotes or other references. Certainly, if a research guide reproduces entire paragraphs from a published work, the original source must be cited.

¶15 In the pressure of keeping research guides updated and useful, law librarians may not take the time necessary to ensure that these “internal” documents appropriately attribute content. We need to do so. We also need to make sure that attributions are not omitted as a publication undergoes a series of revisions. This

may happen in the interest of space saving on the page or producing a cleaner looking document. The new librarians who are often charged with updating research guides should be specially trained and sensitized to these issues. It would be advisable to retain permanent historical files of every version of a research guide published under a library's masthead. By the same token, it is in the best interest of law librarians to keep a permanent personal file of guides carrying their name or for which they are responsible. Finally, it is important that technical personnel understand the importance of uploading complete contents when a research guide is digitized for the library Web site, including all footnotes and endnotes. The latter are frequently used to provide attribution but also are often the most troublesome part of a source to convert from print to Web format.

¶16 With so many law libraries electronically publishing what were once only print sources used for internal purposes, there is a much greater danger of widely promulgating plagiarized information. Moreover, this wide dissemination makes content theft in research guides more easily discoverable than at any time in the past. Whether the plagiarism is willful or inadvertent, an unmasking by the original author is not pleasant—just ask the embarrassed law librarians Adam and Eve and the displeased deans of their law schools. Every law library wants to avoid plagiarization in its publications, but Web posting of research guides now presents an imperative for increased attentiveness to the issue.

Living Happily Ever After

¶17 Discovering a theft of my work was much more upsetting than I would have expected. Moreover, there is no pleasure in the remedy. While feeling compelled to contact those involved, I had little expectation of satisfaction. Indeed, I received almost none.

¶18 My letters were bound to be disruptive and distressing, however justified. The potential negative impact on careers was awful to contemplate. I did not expect cleansing admissions from the plagiarists and, in fact, neither Adam nor Eve owned up. With two names on the guide, the situation was ripe for the denials and finger-pointing that characterized their responses. Still, it was disappointing. Understandably, the library-owner of the Web site just wanted to drop a hot potato, not publish a corrected attribution. Therefore, any value my work may have had in that forum was lost with the removal of the guide from the library's Web site.

¶19 There are not many rewards for detecting and confronting plagiarism. However, I will be more alert to the presence of my work on the Internet in the future and would again raise the issue. Meanwhile, with the publication of this commentary, I will live happily ever after.