

RULES GOVERNING TWO WRITINGS BY A STUDENT ON THE SAME GENERAL TOPIC

Some students and faculty have inquired about the rules governing the situation where a student writes a note for a journal or a paper for a course that is on the same general topic of previously prepared note or paper or writes a note for a journal and a paper for a course during the same term that are on the same general topic. The following rules address these situations.

Relevant Hoynes Code and Honor Code Provisions

The following provisions of the Hoynes Code and of the Law School Honor Code serve as the basis for these rules:

(Hoynes Code) Section 6.4 REQUIRED PAPERS. It is the declared policy of the faculty that in courses requiring submission of a paper, the paper must be specially prepared by the student for that course. Incorporation of any material prepared by the student earlier shall be approved in advance by the professor.

(Honor Code) Section 2.3.3 [It shall be a violation of the Honor Code to] submit written work in satisfaction of a course requirement or for publication in a journal, if that work reflects, in whole or substantial part, work previously prepared for some other purpose, unless the instructor or in the case of a journal, the editor, has approved the use of the previously prepared work.

Application of These Provisions

Based on these two provisions, the following rules govern students who want to focus on the same general topic in two written products:

Written Products Must Be Substantially Different

For a student to receive academic credit for a written product, whether a note for a journal or a paper for a course, or to satisfy a journal note completion requirement, that written product must be substantially different from any written product previously prepared by that student, whether for a journal, a course, or any other purpose. If a student is preparing two written products during the same term, both for academic credit or one for academic credit and the other to satisfy a journal note completion requirement, those written products must also be substantially different from each other. This rule flows from the Hoynes Code Section 6.4 requirement that written work submitted in fulfillment of a course requirement “must be specially prepared by the student for that course.” In situations of this sort, the student should attach to the note that is submitted to the editor of the journal in question a copy of the topically related paper if the paper was prepared first, or to the paper that is submitted to the teacher of the course in question a copy of the topically related note if the note was prepared first, or do both

attachments if the paper and note are prepared during the same term. If the two written products are instead papers prepared in the same term for two different courses, the student should submit both papers to the teachers for both courses.

Nothing stated above is meant to discourage students from mining one area of the law for both a journal note and a paper for a course, or for two papers for two different courses. Almost any note and almost any paper that a law student is likely to write will only scratch the surface of the set of questions that the note or paper in question addresses. Being able to delve more deeply into those questions and then being free to include the results of that work and reflection in the work that is submitted to an editor or teacher is, for the student, a great good, and something that this interpretation of the Hoynes Code and of the Honor Code encourages. What is prohibited is for a student to avoid the learning experience that would accompany the writing of two different written products by way of the submission of two written products that are not substantially different in satisfaction of both a note requirement for a journal and a paper requirement in a course or of the paper requirements for two different courses. What is also prohibited is for a student to avoid the learning experience that would accompany the writing of a new written product by way of the submission of a written product that is not substantially different from a written product previously prepared by the student for another purpose in satisfaction of either a note requirement for a journal or a paper requirement for a course.

Notification Required

- (a) Paper Then Note: If the student intends to write their note on the same general topic as a paper they previously prepared either for a course or for any other purpose, they must alert the editor of the journal in question to this fact as soon as possible. The editor should object to this course of conduct if the editor concludes that the overlap with the previously prepared paper is such that the note will not be substantially different from the previously prepared paper. If the editor objects to this course of conduct, the student must change their note topic such that, in the editor's judgment, the note will be substantially different from the previously prepared paper.
- (b) Note Then Paper: If the student intends to write a paper for a course on the same general topic as a note they previously prepared for a journal, they must alert the teacher of the course of this fact as soon as possible. The teacher should object to this course of conduct if the teacher concludes that the overlap with the previously prepared note is such that the paper will not be substantially different from the previously prepared note. If the teacher objects to this course of conduct, the student must change their paper topic, such that, in the teacher's judgment, the paper will be substantially different from the previously prepared note.

This same notification requirement also applies when a student intends to write a paper for a course on the same general topic as a paper they previously prepared for another course or for any other purpose (for example, for an undergraduate course).

- (c) Note and Paper in Same Term: If the student is intending to write a note for a journal and a paper for a course on the same general topic during the same term, they must alert both the editor of the journal in question and the teacher of the course that they are devoting both their note and their paper to the same general topic as soon as possible. The editor or the teacher should object to this course of conduct if either of them concludes that the overlap between the planned note and the planned paper is such that the note and the paper will not be substantially different (see below). If either the editor or the teacher objects to this course of conduct, the student in question must change either the note topic or the paper topic such that, in the objector's judgment, the note and paper will be substantially different.

This notification requirement also applies when a student intends to write a paper for a course on the same general topic as a second paper they intend to prepare for another course during the same term.

Even if a student provides the required notification and the editor, teacher, or both, as applicable, do not object, the final written product or products must still satisfy the substantially different requirement described above to the satisfaction of the editor, teacher, or both, as applicable.