MEMORANDUM

January 22, 1974

TO: J.B.A. Board of Governors and Faculty

FROM: Honor Code Review Council (hereinafter HCRC)

RE: Honor Code Violation, Complaint No. 73-1

I. The Faculty Advisory Committee has been designated by the Dean as
the Honor Code Review Council pursuant to Section 8.01 of the Law
School Rules.

II. The Board of Governors, has made a finding of guilty on a complaint
alleging an honor code violation, and that finding has been automat-
ically submitted to the HCRC "for review." [§ 8.03.]

III. The accused was advised of his right to appear and be heard before
the HCRC and exercised such right by appearing before a meeting of
the HCRC on January 21, 1974.

IV. The HCRC is mandated to transmit to the Board of Governors a brief
statement in writing of its reasons for acting to increase, reduce
or modify a recommended penalty [§ 8.07] and is required to report
to the full faculty in writing all final actions taken by the HCRC.
[§ 8.10] Having determined to modify the penalty recommended, with-
out any remand to the Board of Governors, the HCRC herewith submits
its report pursuant to these sections.

V. In this review, the facts are not in dispute. The accused plead
guilty to a charge of submitting for credit, in a seminar given in
the second semester of the 1972-73 academic year, a paper which was
substantially a verbatim copy of a law review article written by
another person. The accused submitted various facts in support of
his plea for mitigation of the penalty.

VI. The Board of Governors accepted the plea of guilty and recommended
the following penalty: (1) the accused should not be allowed to
graduate until June of 1974; (2) the accused should be required to
submit an additional paper for the Seminar. The Board of Governors
also ruled that the violation of the Honor Code should not be placed
on the accused's record.

VII. Pursuant to § 8.06, the HCRC has "final authority to approve, reduce,
increase, or otherwise modify any penalty recommended" by the Board
of Governors.
The HCRC has determined that the penalty imposed on the accused should be as follows:

1) the accused may not graduate before January 1975;

2) the accused must demonstrate to the HCRC that there exists reasonable grounds for believing that the accused is likely to conform his conduct to the Honor Code and to the legal professions' ethical standards. Exemplary moral and ethical conduct between now and January 1975 shall be entitled to great weight in the HCRC's determination, which shall be made in January 1975;

3) the accused shall undertake and complete one semester of law school work of not less than 14 semester hours, which semester can, at the accused's option, be the second semester of the 1973-74 academic year or the first semester of the 1974-75 academic year;

4) a notation of "honor code violation" shall be entered on the accused's law school record.

IX: Explanation of penalty modification.

1) The HCRC considers the offense of plagiarism to be a most serious offense, ordinarily justifying expulsion, absent mitigating circumstances.

2) The HCRC considers that sufficient mitigating circumstances exist to justify refraining from imposing the penalty of expulsion in this case.

3) Nevertheless, the HCRC feels that the accused must receive a serious penalty. Additionally, because of the highly unethical nature of the accused's conduct, the accused should be entitled to receive his degree only upon demonstration of his ability to refrain from engaging in such unethical conduct in the future when faced with pressures similar to those which led to the accused's violation of the Honor Code in this instance.

4) Accordingly, we have determined that the accused must demonstrate, during the next year, exemplary conduct while facing the pressures of undertaking a full academic schedule (even though the accused will thereby earn 4 more hours than are normally required for graduation).

5) In addition, the HCRC feels that while a delay in graduation of no less than one year would be the minimal penalty which should be imposed in circumstances like these, the accused should have his graduation delayed only one additional semester. The HCRC considers the accused's withdrawal from school this past semester, with a consequent loss of tuition, and the delay in the hearing and determination of this matter by the Board of Governors, to be a sufficient mitigation to justify a reduction of the penalty to a delay in graduation of only 6 additional months.
6) The HCRC believes that the honor code violation must be made a part of the accused's official law school record. Potential employers and bar examiners are entitled to know of his past unethical conduct. In view of the seriousness of the offense, to conceal such a violation, in effect, would make the Law School a party to a "cover-up." We believe that the accused has begun to come to grips with his problems and hope that he will so demonstrate during the next year. Such changed behavior should be sufficient explanation to those charged with evaluating the accused's moral character. Yet we do not feel that we should be a party to conduct designed to conceal the violation and preclude consideration of all relevant past behavior of the accused.

Finally the HCRC wishes to express its concern over the delay in the hearing and decision of this matter by the Board of Governors. Such delay has unnecessarily prolonged the agony of the accused in awaiting a definitive disposition of his case.

For the HCRC:

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