IMPETUSES FOR FIRST, SECOND, AND THIRD YEAR LAW STUDENT INFORMATION SEEKING BEHAVIOR, AND PERCEPTION OF COMMON KNOWLEDGE AND CITATION

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Dissertation Prepared for the Degree of

DOCTOR OF PHILOSOPHY

UNIVERSITY OF NORTH TEXAS

May 2016

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This dissertation examined how previous information literacy training, law student gender, age, and previously obtained education affects first, second, and third year law students selection of information sources, their understanding of common knowledge, and their decision of whether or not to give attribution to these sources. To examine these factors, this study implemented a paradigm called the principle of least effort that contended humans in general tended to complete the least amount of work possible to complete presented tasks. This study sought to discover whether law students follow this same path of completing the least amount of work possible to finish presented tasks, and whether this behavior affects information source selection, citation, and understanding of common knowledge. I performed six focus groups and crafted and disseminated an online survey to examine these factors. Via this data collection, it was discovered that law students do exhibit some differences in understanding of citation and citation behavior based on age and their year in law school. They also exhibited some differences regarding common knowledge based on their year in law school, where they received their information literacy training, and where they attend law school. Yet, no statistically significant differences were discovered regarding where one attends law school and citation and source selection. Further this study revealed law students do follow this paradigm and seek the path of least resistance to accomplish law school assignments.
ACKNOWLEDGMENTS

I am very grateful to my dissertation chair, Dr. Yvonne Chandler, for her continued guidance and mentoring before, during, and after the dissertation process. Thank you for inspiring me, helping me finish, and guiding me through the dissertation process.

I want to thank the remainder of my dissertation committee, Dr. Daniel Alemneh and Dr. Marisa Abbe for their guidance in the dissertation process. Thank you for your patience, suggestions, and the abundant amount of time you took to answer my questions, guide me, and help me to the finish line.

I also want to thank Dr. Dwane Allen, the statistical expert, for taking time to answer my statistics questions, for making recommendations, and for being patient with me.

I want to thank Professor Stephen Rispoli at Baylor Law School, Professor DeCarlous Spearman at Thurgood Marshall School of Law, Professor Monica Ortale at South Texas College of Law, and Professor Terri Helge, Professor Neil Sobol, and Professor at Texas A&M university School of Law for assisting me in locating subjects for my study, for allowing me to conduct focus groups at their campuses, and for assisting me with the online survey distribution.

I am also thankful to my family, Terri Helge, Andrew Helge, Jason Helge, Jacob Helge, and Emelie Helge for their unconditional love, support, and patience. Thank you also for the most important things in life.
# TABLE OF CONTENTS

ACKNOWLEDGMENTS ........................................................................................................ iii

LIST OF TABLES .................................................................................................................. viii

LIST OF FIGURES ................................................................................................................ x

Chapter

1. INTRODUCTION ........................................................................................................ 1
   Why Anyalsis of Information Literacy Training is Important .............................. 2
   Information Literacy: Common Knowledge, Plagiarism, Citation ...................... 4
      Common Knowledge......................................................................................... 6
      Plagiarism........................................................................................................ 7
      Citation and the Anglo American Legal System................................................. 9
      Professional Conduct..................................................................................... 10
   Information Sources Utilized in the Legal Field................................................. 11
      Law School Tier Status ................................................................................ 12
   Zipf’s Principle of Least Effort ........................................................................ 13
   Statement of the Problem ................................................................................. 16
   Purpose of the Study ....................................................................................... 16
      Who Will Benefit from this Study? ................................................................. 17
   Significance of the Study .................................................................................. 17
   Research Questions .......................................................................................... 19
   Independent and Dependent Variables ............................................................. 20
   Definition of Terms ......................................................................................... 21
Organization of the Study ................................................................. 22
Summary ............................................................................................. 23

2. LITERATURE REVIEW ................................................................................. 24
   Introduction ........................................................................................... 24
   Why Study Law Students? ................................................................. 26
   Information Gaps and Sense Making .............................................. 26
   Owoeye, Molvig, and Thanuskodi Models ........................................ 29
   Meyer, Haruna, and Mabawonku Models ...................................... 30
   Nonempirical Research Suggested Evidence of Covert Attorney Needs .......... 32
   Does Year in Law School Matter? .................................................. 34
   Other Studies Corroborating Cole and Kuhlthau’s Research .......... 36
   Lee’s Research .................................................................................. 38
   Plagiarism ......................................................................................... 39
   Impetuses for Plagiarism ................................................................. 40
   Other Impetuses for Plagiarism ....................................................... 42
   Common Knowledge ......................................................................... 46
   Conclusion ....................................................................................... 46

3. RESEARCH DESIGN AND METHODOLOGY .............................................. 48
   Introduction ....................................................................................... 48
   Research Design ............................................................................... 48
   Study Population ............................................................................. 49
   Data Collection ................................................................................ 51
5. SUMMARY, CONCLUSIONS, DISCUSSION, RECOMMENDATIONS, AND SUGGESTIONS FOR FUTURE RESEARCH .................................................................................................................. 132

   Introduction ........................................................................................................ 132
   Citation and Plagiarism ..................................................................................... 135
   Common Knowledge .......................................................................................... 136
   Research Questions ............................................................................................. 136
   Research Methodology Implemented ................................................................. 138
   General Themes Discovered .............................................................................. 141
   Use of Google – The Data Offers Support for Previous Research in this Area .................................................................................................................. 141
   Proper Citation ..................................................................................................... 147
   Prior Information Literacy Training .................................................................. 149
   Ease of Use of Research Tools .......................................................................... 150
   Ranking of Law Schools ....................................................................................... 151
   Future Recommended Research ......................................................................... 152
   Conclusion ........................................................................................................... 160

APPENDIX A Institutional Review Board Permission and Informed Consent from the University of North Texas ........................................................................................................ 164

APPENDIX B Institutional Review Board Permission and Informed Consent from Texas A & M University ........................................................................................................ 170

APPENDIX C Survey Questions ............................................................................. 175

APPENDIX D Focus Group Questions ...................................................................... 181

REFERENCES ......................................................................................................... 184
# LIST OF TABLES

<table>
<thead>
<tr>
<th>Tables</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Comparison of Law Schools</td>
<td>50</td>
</tr>
<tr>
<td>2. Online Survey Questions</td>
<td>55</td>
</tr>
<tr>
<td>3. Gender Information of Law School Respondents</td>
<td>69</td>
</tr>
<tr>
<td>4. Age Information of Law School Respondents</td>
<td>69</td>
</tr>
<tr>
<td>5. Respondents’ Year in Law School</td>
<td>70</td>
</tr>
<tr>
<td>6. Level of Education Achieved</td>
<td>70</td>
</tr>
<tr>
<td>7. Level of School at Which the Best Plagiarism and Common Knowledge Training was Received</td>
<td>71</td>
</tr>
<tr>
<td>8. Law School Environment in Which the Respondents Received the Best Training Regarding Plagiarism and Common Knowledge</td>
<td>72</td>
</tr>
<tr>
<td>9. Survey Questions</td>
<td>74</td>
</tr>
<tr>
<td>10. Second Online Survey Question Regarding Common Knowledge: Irreconcilable Differences are Grounds for Divorce in Texas</td>
<td>78</td>
</tr>
<tr>
<td>11. Third Online Survey Question Regarding Common Knowledge: A Petition for Annulment May Be Filed By a Parent in Texas</td>
<td>82</td>
</tr>
<tr>
<td>12. Fifth Online Survey Question Regarding Common Knowledge: Common Law Marriages Exist in Texas</td>
<td>83</td>
</tr>
<tr>
<td>13. Second Online Survey Question Regarding Citation: A Texas Statute Outlining the Term Limits of the Governor of Texas</td>
<td>90</td>
</tr>
<tr>
<td>14. Third Online Survey Question Regarding Citation: A Website Listing the Proposed Bills That the Texas Governor Has Signed into Law</td>
<td>91</td>
</tr>
<tr>
<td>15. Fifth Online Survey Question Regarding Citation: A Section in the Texas Estates Code that Describes the Time Period for Contesting a Will</td>
<td>93</td>
</tr>
<tr>
<td>16. Sixth Online Survey Question Regarding Citation: A Section in Texas Jurisprudence that Describes What a Will Contest is</td>
<td>94</td>
</tr>
</tbody>
</table>
17. Ninth Online Survey Question Regarding Citation: A Listserv That Outlines Each Section of Valid Wills in Texas .................................................................................. 102


19. Third Question Pertaining to Source Selection: Which Source Would You Consult First to Determine Whether Clergy May Be Sued for Negligence in Connecticut? ............................................................................................................ 111

20. Survey Questions.......................................................................................................................... 140
<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>First online survey question regarding common knowledge: Divorce occurs when a couple ends their marriage</td>
<td>76</td>
</tr>
<tr>
<td>2.</td>
<td>Fourth online survey question regarding common knowledge: Attending counseling after a divorce may alleviate sadness</td>
<td>82</td>
</tr>
<tr>
<td>3.</td>
<td>First online survey question regarding citation: Information stating that William Jefferson Clinton was the 42nd president of the United States of America</td>
<td>89</td>
</tr>
<tr>
<td>4.</td>
<td>Fourth online survey question regarding citation: An online encyclopedia article that states Austin is the capitol of Texas</td>
<td>92</td>
</tr>
<tr>
<td>5.</td>
<td>Seventh online survey question regarding citation: A Wikipedia article describing a will contest</td>
<td>96</td>
</tr>
<tr>
<td>6.</td>
<td>Eighth online survey question regarding citation: A blog written by a law professor stating one has the right to have a will</td>
<td>100</td>
</tr>
<tr>
<td>7.</td>
<td>First question pertaining to source selection: Which source would you consult first to determine whether smoking marijuana is legal in North Carolina?</td>
<td>108</td>
</tr>
<tr>
<td>8.</td>
<td>Third question pertaining to source selection: Which source would you consult first to determine the grounds for divorce in Oklahoma?</td>
<td>110</td>
</tr>
</tbody>
</table>
CHAPTER 1

INTRODUCTION

In today’s information world and educational environment, information literacy training is increasingly more important to prepare people for professional work. This training is now a part of curriculums at all educational levels from elementary school to graduate education. Information literacy training is important because students are seeking out information via traditional print sources and via new mediums. Some of these new mediums are via electronic sources such as the Internet, social media, and electronic websites.

Historically, students were taught to use only print resources such as encyclopedias, textbooks, and other print sources. Today, students are using both print and electronic mediums to obtain necessary information. Information literacy pedagogy needs to address how students can ethically obtain, use, and credit both print and electronic information sources.

The increase in digital content is begging high school teachers, and professors at the college and graduate levels to rethink how information literacy is taught. A few years ago most professors and high school teachers might have discouraged the use and citation of digital citation, out of fear that such content may not be reliable. However, to save money, many publishers are moving to digital platforms, and many schools and universities are purchasing more digital content, rather than print content. Therefore, all instructors at the academy may want to rethink what digital content is reliable and acceptable for students to utilize. This metacognition about how digital content is perceived needs to be completed at the K-12, college, and graduate school levels.

To understand how law students are seeking information, this study analyzes
how previous information literacy training, law student gender, age, and previously
obtained education affects first, second, and third year law students’ selection of
information sources, their understanding of common knowledge, and their decision of
whether or not to give attribution to these sources. It seeks to measure whether law
students take the path of least resistance to complete law school assignments. To
examine these factors it is important to understand why they are important.

Why Analysis of Information Literacy Training Is Important

All law schools are bound by the American Bar Association (ABA) to offer valid
and reliable information literacy training. The ABA requires all accredited law schools to
establish learning outcomes to reach successful research and writing outcomes for law
students (Partin & Wise, 2016). The ABA also mandates that all law schools evaluate
and reevaluate their educational programs and to make appropriate pedagogical
changes when to improve the curriculum (Partin & Wise, 2016). Due to the changes in
what information tools law students are inclined to use for research, many law schools
have created internal policy to deal ensure they meet ABA standards. The University of
Florida Law School and other law schools recommend their research and writing
classes teach students to properly interpret legal citations, successfully find legal
sources, identify secondary sources that would offer support to primary sources,
develop the ability to create a research plan, be able to use finding tools successfully,
and give proper citation to used sources (Partin & Wise, 2016).

Numerous law schools have these or similar goals for their research and writing
classes. However, law students grew up using Google or another search engine to
locate their needed information. They are successfully finding needed information
outside of the law school classroom. Thus, they have a false sense on finding all
information they need using Google or another search engine. It is imperative law
schools tweak their legal research and writing curriculum to educate law students that
when using Google, one is not finding the deep web where a plethora of valid and
reliable information resides. Not only do they need to inform students how to cite, how
to locate information sources…, the instructors also need to educate law students on
the differences between locating information from the Internet and valid and reliable
legal databases such as Westlaw and LexisNexis. They need to inculcate students with
skills to decipher what is a valid electronic site and what is not. Which electronic sites
may one cite without losing credibility, and which electronic sources are not appropriate
to cite? Many citation guides such as the *American Psychological Association Citation
Manual* offer guidance on such citation. The *Bluebook Manual of Citation* offers some
guidance regarding these citation issues as well.

Partin and Wise (2016) also discuss that legal research needs to seek out
reliable information sources, and research plans need to be updated frequently. In other
words, a law student who is seeking information about divorce in Texas should realize
that the more reliable available information resides in LexisNexis or Westlaw, not on the
shallow Internet. Also, simply because a student obtains some relevant information off
by using Google, this does not mean the student’s research is over. Instead, his or her
research plan should be tweaked to then go research in Westlaw or LexisNexis, and the
research has just begun.

With this in mind, that guidance is available to cite electronic sources, that
research plans must be fluid, and when it is appropriate to use electronic sources
versus print source, legal research and writing curricula needs to offer valid instruction
to students regarding these issues. This study examines whether law students understand what sources to cite, whether they are aware of the guidance available to them to help them cite electronic and print sources, and whether they know how to properly cite. Some personal experience also affected why I performed this study, which is discussed below.

This study was performed because I worked in law school and academic libraries for the past nine years. During this time period, I noticed that even after many years of high level academic training, graduate and college students appeared to not understand how to give proper citation or what to and not to cite. Students also appeared to want to use the Internet to locate needed information rather than utilizing other information sources. I also observed that many students were being accused of plagiarism in school. Dealing primarily with law students, I wanted to determine what factors were related to law students’ poor citation, narrow information source selection, and high level of plagiarism. As a result, law student information source selection, and law student comprehension of common knowledge and citation was examined. Therefore, this study examined how previous information literacy training, law student gender, age, and previously obtained education affects first, second, and third year law students’ selection of information sources, their understanding of common knowledge, and their decision of whether or not to give attribution to these sources. The factors analyzed in this study related to a broader concept termed information literacy.

Information Literacy: Common Knowledge, Plagiarism, Citation

While examining the above-mentioned factors, many topics were explored, such as understanding of common knowledge, citation, plagiarism and source selection.
Each of these topics is organized under the broader concept called information literacy. To better understand each of these topics and information literacy, each required proper explanation. The American Association of College of Research Libraries (AACRL) offers standards for all colleges and universities to follow to help ensure ethical and efficient access and use of information by students, staff, and faculty. The AACRL offers helpful definitions of concepts to help better understand what they mean. The AACRL defines information literacy as “a set of abilities requiring individuals to recognize when information is needed and to have an ability to locate, evaluate and use effectively the needed information” (Association of College and Research Libraries, ACRL, 2000). The ACRL further notes that part of appropriate information literacy training includes the ability to use the information effectively, to access needed information effectively and efficiently, and to access and use information ethically and legally (ACRL, 2000). Information literacy training includes teaching students how to cite other creators’ works and uses information ethically and legally. Such training also encompasses teaching students the importance of giving citations to sources so that readers may locate information, thus complying with the ACRL’s definition suggesting information literacy includes empowering access to information and using it effectively. A good summary of information literacy as it relates to this study is to teach students how to select valid and reliable information, realize when a citation is and is not required to provide effective and efficient access to information, and to ensure ethical use of information. A couple of factors explored in this study includes whether law students understand the difference between information that is common knowledge and not, and whether law students understand plagiarism. It is necessary to clearly describe common knowledge and plagiarism, as each of these terms fit within the information literacy concept.
Common Knowledge

Empirical research defined common knowledge as any information that was well known by all and was so well known it does not require a reference (Mahmood, Mahmood, Khan, & Malik, 2010). Common knowledge was defined as information the average, educated reader accepted as valid without needing to be referred to an information source to look it up (Academic Integrity at MIT, 2014). Thus, for a group of law students, an example of common knowledge in the legal field is the statement that “one makes his or her argument at a courthouse to defend his or her case.” Such a statement does not need to be cited, even if one reads this statement in a book, on the Internet, or elsewhere, because it is common knowledge in the legal field, and most likely everywhere, that people make their legal arguments to judges in a courtroom. They do not make their legal arguments in a barn, at a mall, or in a football stadium.

Common knowledge is often defined by the particular group of people or audience with like interests, such as law students. Attorneys practicing law in the United States probably consider it common knowledge that one may legally have the right to counsel in a criminal proceeding, but not always in a civil proceeding. This is probably common knowledge for attorneys practicing law in the United States. Such a statement may not be common knowledge for professional tennis players who play tennis in the United States. The statement that one may legally have the right to counsel in a criminal proceeding, but not always in a civil proceeding may be common for one group of attorneys and not common knowledge for another group of professional tennis players.

An example of information that is not common knowledge for law students, and that requires citation consists of “one may successfully obtain an annulment in Texas if one can prove his or her marriage was completed by fraud.” Even though law students
are studying law in law school, they cannot be expected to know every single law. Many law students do not commonly know this fact, and would need to look this information up in a legal source and then give that source proper citation. When including this statement in a written text, brief, petition, or other legal document, it must be cited. Most likely, a law student must cite primary legal authority for such a claim. If law students have a correct understanding of common knowledge they may avoid plagiarism. To examine which factors affect law students’ understanding of plagiarism, this study needed to properly identify plagiarism.

Plagiarism

Plagiarism is an esoteric topic, and because of its obscure nature the actual meaning of the word is often confusing. Mahmood et al. (2010) noted plagiarism is somewhat like pornography in that one knows it when they see it, but it is difficult to define. Empirical studies define plagiarism as taking and using another person’s thoughts, writing, inventions, that are not well known and claiming as their own (Buckeridge & Watts, 2013); stealing a portion or another’s writings or ideas that are not well known and claiming as their own (Mahmood et al., 2010); or, copying works created by another and claiming as one’s own creation, and or using without crediting the appropriate source (Writing Program Administrators, 2010).

There are many types of plagiarism, which are defined below. Empirical studies define plagiarism as the taking and utilization of another person’s thoughts, writings, ideas, or inventions, and claiming them as one’s own; stealing another’s writings or ideas and not giving proper attribution; and copying and claiming the ideas or writings of another without crediting the appropriate source (Mahmood, 2010). Any type of
information that is not common knowledge to law students should be cited, lest it be considered plagiarism. If law students have a proper understanding of common knowledge and plagiarism, then they should be more adept at properly citing utilized information sources. If students do not properly understand citation, then they are likely to commit plagiarism. Previous research discovered many impetuses for plagiarism.

Law students often access needed information for assignments via tertiary sources such as the Internet. By accessing information in this manner, it may lead law students into believing they do not need to give attribution to these tertiary sources. For example, some students do not view certain substantive sources as being important, and thus they commit plagiarism (Austin, Collins, Remillard, Kelcher, & Chui, 2006). Other studies cited impetuses for committing plagiarism such as failing to seek out guidance about preventing plagiarism from professionals (Beard & Bawden, 2012), viewing certain assignments as not that important (Aggarwal, Bates, & Davies, 2002) and possessing a lack of student sophistication (George, Bright, Hurlbert, Linke, & St. Claire, 2006), or in other words, assumptions that any information located on the Internet did not require attribution. Regardless of the impetus for plagiaristic behavior, such student misconduct occurs frequently whether it is malevolent or due to a form of ignorance. Austin et al. (2006) noted 80% of respondents on a questionnaire of self-reporting plagiarism admitted to committing plagiarism at least one time. This study sought to understand if first, second, and third year law students’ previous information literacy training, age, gender, and previous education also affect first and third year law students’ understanding of common knowledge and plagiarism. To help avoid plagiarism, provide the reader efficient access to information, and to achieve success in law school, a law student must also be able to cite properly.
Citation and the Anglo American Legal System

A proper understanding of how to cite legal sources is vital because the United States legal system is based on the English Common Law system, which we inherited from Britain, post-American Revolution (Quarles & Cordon, 2012). The Common Law system is based on legal precedents. Therefore, to resolve legal conflicts, usually attorneys, judges, and other legal professionals must look to information conveyed in previously decided cases or in current statutes, regulations, or executive orders to determine how to justly resolve a legal conundrum (Quarles & Cordon, 2012). These types of legal materials are considered the primary authority in the legal substantive field. When attorneys draft and present written arguments to a court on behalf of their client, or when judges or justices write an order declaring one party the victor, both the attorneys and the judges must cite to legal precedent. This legal precedent may be case law, statutes, regulations, or executive orders. They must cite some form of legal authority to justify their argument or legal decision, otherwise such argument or declaration of decision has no legal authority (Quarles & Cordon, 2012).

After citing primary authority, judges and attorneys will also cite to secondary sources to convey additional support to their legal argument. These secondary sources include legal encyclopedias, hornbooks, legal treatises, restatements of the law, from books, and practice guides (Quarles & Cordon, 2012). These secondary sources offer either general or specific explanations of what current or past law conveyed, how to apply the law, and citations to primary sources such as case law, statutes, regulations, and executive orders (Quarles & Cordon, 2012). It is important that law students learn to cite to all of these types of legal sources, whether primary or secondary authority.

Another reason law students must cite authorities in their writings is that it allows
the reader to easily locate sources they need to verify arguments; such citation offers the reader a source to which the reader may gain a better understanding of what the author is attempting to convey, and such citation exhibits that legal precedent supports the information the author is opining (Quarles & Cordon, 2012). For example, if an attorney argues that a city in New Hampshire allows individuals to keep as many cats in their house as they desire, in order to win such an argument, the attorney must cite relevant ordinances (primary law) to support his or her argument. If he or she does not cite primary legal authority, first, this is plagiarism by taking the thoughts of the city council and claiming it as one’s own; and second, the attorney will lose their case because the municipal judge is not going to try to locate the ordinance on their own. Instead, the municipal judge will simply dismiss the case in favor of opposing counsel, due to lack of legal authority to support counsel’s legal argument. It is important that law students comprehend how to cite, how to avoid plagiarism, and the meaning of common knowledge.

**Professional Conduct**

Law students are taught in law school that they have to follow rules of professional conduct. Part of following such rules includes giving citation to give the original creator credit for his or her original work and to give the reader a roadmap for finding additional sources. For example, a law student is taught when he or she begins writing briefs as an attorney, he or she must cite works from which the argument was created. Not doing so violate professional conduct, and is considered plagiarism. Law students are also directed to cite works used so that opposing counsel, judges, and other parties involved can easily find law from which arguments are made. In essence,
hiding sources from which arguments are created violate professional conduct.

After gaining a robust understanding of plagiarism, citation and common knowledge law students must cite materials that they use when extracting non-common knowledge information from those materials for their legal research assignments. If law students fail to give such citation, they may face deleterious academic dishonest consequences at their law school, by violating professional conduct, they will not be successful attorneys after they graduate, and they may be accused of plagiarism later on as a legal professional. Also, citing sources helps judges, other law students, attorneys, and other legal professionals efficiently access needed materials while reading law student works. Citing such sources gives these individuals the titles of sources and exact page numbers on which to locate the law from which legal arguments are created.

Information Sources Utilized in the Legal Field

The information sources studied and utilized by faculty and law students in law school for research consist of three categories - primary, secondary, and tertiary information sources. In the legal substantive area, primary sources consist of case law, statutes, regulatory law, and executive orders (Quarles & Cordon, 2012). Secondary sources encompass legal encyclopedias, treatises, hornbooks, form guides, restatements of the law, and legal dictionaries (Quarles & Cordon, 2012). Primary source information is the law while information in secondary sources is about the law. Tertiary sources include websites, non-authoritative encyclopedias such as Wikipedia® (www.wikipedia.com), blogs, listservs, and social media sites (Quarles & Cordon, 2012). Primary sources are deemed to hold the most legal authority when crafting a written or
oral argument to present to a judge, attorney, managing partner, law professor or other legal professional. Secondary sources may be used to support or explain one’s legal argument, or primary legal source, but should never be relied on as sole authority when crafting a legal argument. Tertiary sources carry little or no weight and should be used only to provide clarification to esoteric topics manifested in primary and secondary authority (Quarles & Cordon, 2012). Yet, if a law student utilizes information from a secondary or tertiary source in their written or oral law school assignment, attribution should be given to those secondary or tertiary sources, to avoid committing plagiarism.

**Law School Tier Status**

A proper understanding of how law schools are ranked is also important for this study. The US News and World Report annually ranks law schools into four separate tiers. To complete such rankings, the US News and World Report requests that law academic peers and judges rank each law school. They also analyze post-graduation employment for students and school endowment. Based on these factors, and some other minor factors, the US News and World Report ranks each law school in the United States into four separate tiers. The top 50 ranked law schools are deemed to be in the first tier of law schools. Law schools ranked 51-100 are deemed to be in the second tier of law schools. Law schools ranked 101-150 are deemed to be in the third tier of law schools. Law schools ranked 151 or lower are classified in the fourth tier of law schools (US News and World Report, 2014). These rankings are annually posted on the US News and World Report website (www.usnews.com). To obtain a diverse pool of subjects, this study utilized subjects from a law school ranked in each tier: Tier 1, Tier 2, Tier 3, and Tier 4 (US News and World Report, 2014). Students from law schools in all
four tiers were examined in this study to see whether where a law student attends law school affects first, second, and third year law students’ selection of information sources, their understanding of common knowledge, and their decision of whether or not to give attribution to these sources. Some people may presume law students attending the higher ranked schools will manifest a better understanding of citation, common knowledge, plagiarism, and source selection.

**Zipf’s Principle of Least Effort**

This study was guided by a principle Zipf (1949) postulated and empirically tested called the principle of least effort that contended, humans in general tend to complete the least amount of work possible to complete presented tasks. Zipf illustrated his point via linguistic studies and showed that humans preferred to choose short and common words for as many communication tasks as possible, rather than selecting esoteric, bigger words to make their point. Zipf termed this type of behavior as a case for least effort harmonic distribution.

Case (2012) corroborated Zipf’s theory and showed that on average in libraries patrons primarily used 20% of the books located in the library to complete 80% of their information need tasks. Leckie, Pettigrew, and Sylvain (1996) additionally conveyed that some of the most frequent motivators of using information sources included convenience, timeliness, and the accessibility of the source. A plethora of research described in the literature review in Chapter 2 corroborated this principle of least effort when facing time constraints. It follows, that law students will use roughly the same percentage of materials to complete 80% or more of their assignments if they believe these estimated 20% of sources, or less, will suffice to locate needed information and
successfully complete assignments. Does this 20% of sources contain valid and reliable information? Does age, gender, previous experience with information literacy training, or and level of obtained education affect who does or does not use only 20% of the available sources to resolve legal conundrums? If law students follow Zipf’s principle of least effort does this pose any danger to them?

The danger in law students implementing this 20-80% paradigm is that they may be likely to choose easily accessible sources that may not offer as valid and reliable information compared to statutes, case law, and other primary legal sources that do offer reliable and valid information; but that takes a bit more time to locate, examine, extract, and apply such information. For example, a law student is faced with an assignment of crafting a client memorandum explaining the possible benefits and detriments of performing a small estate affidavit to distribute an estate and a full administration of an estate. If this is the law student’s first experience with these two types of administrations, and it probably is, then he or she should consult primary sources such as case law and statutes, or a secondary source such as a legal encyclopedia to gain a general understanding of the substantive area. Yet, it can take a substantial amount of time to locate and extensively search in, extract, and appropriately apply the valid and reliable information located in these primary sources. Thus, a law student may opt to deftly avoid any primary and secondary legal sources altogether and simply consult Google© (www.google.com).

Other studies also examine how a large majority of students surveyed tended to use Zipf’s paradigm and refer to sources that students perceived as being easy to locate and quickly extract needed information, such as the Internet (Griffiths, & Brophy, 2005). Such reliance on information located on the Internet is not inherently detrimental,
but it can lead to several stumbling blocks such as locating a small percentage of available valid and reliable information, locating incorrect information, locating biased information (Thelwall, 2008), and seducing students into thinking they do not have to cite information found on the Internet, which leads to academic dishonesty.

Academic dishonesty may result from this reliance on less valid information because the easily accessible sources that students, including law students may refer to might consist of tertiary sources such as websites on the Internet. Students may believe they do not need to give attribution to these tertiary sources, thus they may commit plagiarism. Therefore, a domino effect may manifest when law students are presented with law school assignments. First, the law student perceives the need for other information to complete an assignment, yet realizes they do not have this needed information stored in their memory. The law student then decides to seek out the needed information from an easily accessible information source. Due to assignment deadlines, time demands from other courses, and other time constraining factors, the law student accesses the most easily retrievable source, not necessarily the most accessible valid and reliable source.

This easily retrievable source may be a website (tertiary source) that conveys invalid information. Because the law student perceives this website as just a tertiary source, one may also be tempted to commit academic dishonesty by not providing attribution to the creator of the source, even if by mistake. Thus, ultimately, this law student has chosen to access and invalid source, is probably extracting less-valid information for an assignment, and is now also possibly tempted to commit plagiarism. Is this decision to access more or less reliable and valid sources and possibly a choice to not give citation to the source affected by previous information literacy training, law
student gender, law student age, year in law school and previously obtained education? This study sought to answer this question.

Statement of the Problem

The research problem in this study is examining how first, second, and third year law students’ previous information literacy training, age, gender, and previous education affect their selection of information sources, their understanding of citation, and their understanding of common knowledge. Whether these law students give appropriate attribution to sources used in their assignments, and their understanding of common knowledge. Secondly, this study analyzed how each of these above-mentioned factors may interact with each other. For example, does a law student who does not truly understand what plagiarism is believe it is ethically and academically acceptable to cut and paste two paragraphs from a Wikipedia article into a term paper without giving proper citation to Wikipedia, or to the original source of information? Or, does the same law student who is confused about what plagiarism believe he or she does not need to cite another author for describing that author’s ideas in the student term paper?

Purpose of the Study

The purpose of this research is to examine information literacy, common knowledge, understanding of citation and attribution impacted by first, second, and third year law students’ age, gender, previous information literacy training, and previously obtained education.
Who Will Benefit from this Study?

Law professors and other faculty will benefit from this study in discovering law students' understanding of plagiarism. Additionally, these instructors become cognizant of how the sources used by law students are related to the law students' level of understanding of plagiarism, law student age, and previous exposure to information literacy training. By gaining this knowledge, law professors and other faculty are better prepared to offer students supplemental information that assists law students in gaining a better understanding of what constitutes plagiarism. Attorneys will benefit from this study by gaining insight into whether law student understanding of plagiarism affects the sources their new associates or interns use in their research endeavors. If a relationship exists between an understanding of plagiarism, plagiaristic behavior, and information sources selected, law firms and companies can implement supplemental trainings to help prevent plagiaristic behavior, and guide law students to more valid and reliable sources. Judges also benefit from this research because they gain insight into a range of knowledge regarding plagiarism and source selection with which a new attorney may enter the legal field. Based on this knowledge, judges may also require new attorneys to participate in some form of plagiarism training, or information literacy training, prior to practicing law in their court. Such a judicial seminar can help new attorneys refine their knowledge of what are and are not acceptable sources to cite and use in legal briefs.

Significance of the Study

The significance of this study is to examine the above-mentioned areas of research that have not previously been measured, and to ultimately create suggestions that can lead law students to not plagiarize and use more reliable and valid sources.
The literature review in Chapter 2 discussing law student, attorney, and other professionals’ information seeking behavior indicates job tasks, school assignment, professional roles, time, lack of resources, professional and academic deadlines, and referring to informal sources such as firm repositories all affect the types of sources law students, attorneys, and other professionals consult to fill information gaps. Further, this literature review conveys, based on the above-mentioned factors, both law students, attorneys, and other professionals consult both formal (statutes, case law, regulations, executive orders…) and informal (other law students, other attorneys, law firm repositories, the Internet, firm memoranda…) sources to help fill information gaps. Other researchers have depicted that cognitive, biological (Bates, 2002), and professional needs are relevant in attorney and law student information seeking behavior. However, none of these empirical studies examined how previous information literacy training, law student gender, law student age, and previously obtained education affects first, second, and third year law students selection of information sources, or tertiary sources, which sources they select for completing law school assignments, and their decision of whether or not to give attribution to these sources.

This study is also conducted to discover whether law students will be less likely to commit plagiarism, and more likely to consult reliable and valid sources as they progress through their law school curriculum. This is important to discover because law students are required to take two research and writing classes in their first year of law school. During each of these courses, law students are taught how to properly cite utilized sources via the *Bluebook: A Uniform System of Citation*, and they are required to write briefs and memorandums. In order to earn a passing grade on these types of assignments, law students must give proper attribution to each source they utilize.
Additionally, law students are expected to consult valid and reliable sources to complete these assignments. As law students progress through the legal curriculum they are also taught rigorous ethical standards that stress proper citation.

Law schools also mandate that each law student complete a professional responsibility course in their second year of study. During this course, law students are inculcated with copious potential consequences that may occur if they breach an ethics rule, such as committing plagiarism. At the conclusion of this course, law students must take and pass a Professional Responsibility test. A law student may not obtain his or her law license to practice law until the Professional Responsibility test is successfully passed. Similarly, in each substantive class that law students attend, during their law school tenure they are taught to cite legal precedent to support their legal advocacy, and to refer to reliable and valid information sources. It is necessary to ascertain whether the first year research and writing instruction, coupled with the professional responsibility training, and the incessant inculcation of citing to legal precedent will eventually deter unethical behavior such as plagiarism, and lead to the selection of more reliable primary and secondary sources to complete assignments. In other words, is there a difference in source selection, understanding of common knowledge, and choice of when to cite in first, second, and third year law students due to the assumed knowledge progression throughout law school? Before determining whether this exists, it is important to clarify this study’s research questions listed below.

**Research Questions**

To identify some of the factors that affect first, second, and third law student comprehension of common knowledge, choice of citation, and their selection of
information sources, the following research questions were addressed:

1. How does first, second, and third year law students’ predicated information literacy training (how much and from where did they receive their information literacy training), age, gender, and previously obtained education level affect their understanding of the concept common knowledge?

2. How does first, second, and third year law students’ predicated information literacy training (how much and from where did they receive their information literacy training), age, gender, and previously obtained education level affect their decision to give citation to a source?

3. How does first, second, and third year law students’ predicated information literacy training (how much and from where did they receive their information literacy training), age, gender, and previously obtained education level affect the information sources they seek (e.g., do they seek primary, secondary, or tertiary sources)?

Independent and Dependent Variables

The independent variables included in this study consist of how much previous information literacy training law students received, where they received their information literacy training, law student age, additional education obtained (college, graduate school…), year in law school (e.g., first year, second year, third year), and law student gender. The dependent variables in this study consist of law students’ comprehension of common knowledge, decision to cite or not to cite materials, and information source selection to complete law school assignments. Thus, this study collected data regarding the independent variables in this study such as how much information literacy training
did first, second, and third year law students receive (one academic term, two academic terms...), where did they receive this information literacy training (law school orientation, a research and writing class, a substantive class...), age, gender, and previous educational programs successfully completed (obtaining a B.A., a graduate degree...). Then, this study examined how these independent variables related to the dependent variables: Law student source selection (do law students select primary, secondary, or tertiary sources to complete law school assignments), and law student understanding of common knowledge (do law students cite sources when they should), and when law students decide to cite materials and not to cite materials.

Definition of Terms

- Information literacy - The American College of Research Libraries defines information literacy as “a set of abilities requiring individuals to recognize when information is needed and to have an ability to locate, evaluate and use effectively the needed information” (Association of College and Research Libraries, ACRL, 2000).
- Common knowledge - Any information that was well known by all (Mahmood, Mahmood, Khan, & Malik, 2010); information so well known it does not require a reference.
- Plagiarism - Somewhat like pornography in that one knows it when they see it, but it is difficult to define Mahmood et al. (2010); taking and using another person’s thoughts, writing, inventions, that are not well known and claiming as their own (Buckeridge & Watts, 2013); stealing a portion of another’s writings or ideas that are not well known and claiming as their own (Mahmood et al.,
Primary legal sources – Primary legal sources consist of statutes, case law, executive orders, and regulations.

Secondary legal sources – Secondary legal sources consist of practice guides, legal encyclopedias, horn books, Restatements of Law, and law review articles.

Tertiary legal sources – Tertiary legal sources consist of websites and newspapers.

Organization of the Study

This dissertation analyzed how previous information literacy training (how much received and where received), law student gender, law student age, and previously obtained education (college, graduate school…) affects first, second, and third year law students selection of information sources (e.g., primary, secondary, or tertiary sources, which sources do they select) for completing law school assignments, their understanding of common knowledge and their decision of whether or not to give attribution to these sources. The subject of research and the need for such research is discussed in Chapter 1. Chapter 2 conveys a literature review that synthesizes current and past research concerning law students, other types of college or graduate students, attorneys, and other professionals’ information seeking behavior; and current and past research about student plagiarism and academic dishonesty. Chapter 3 depicts the methodology used in this study. In Chapter 4, the data collection and results are conveyed. Chapter 5 recommendations for further research and any limitations involved with the study.
Summary

This study, in sum, examined how previous information literacy training, law student gender, age, and previously obtained education affects first, second, and third year law students selection of information sources, their understanding of common knowledge, and their decision of whether or not to give attribution to these sources. This study was guided by Zipf’s (1949) paradigm called the principle of least effort that contends humans in general tend to complete the least amount of work possible to complete presented tasks.

This chapter introduced the importance of information literacy in today’s society and specifically the preparation for entrance to the legal profession. In addition, this chapter provided a brief introduction to the study. The specific purpose of this study was to understand the impact of information literacy education and training on law school students’ research skills. Chapter 2 presents an investigation and in-depth discussion of different theoretical perspectives including a review of related past literature that sheds light on student information source selection, plagiarism, common knowledge, and citation. These topics are discussed in Chapter 2.
CHAPTER 2

LITERATURE REVIEW

Introduction

To understand the principle of least effort and past research that frames this study, this literature review examines various factors that are associated with attorneys, other professionals, and law students’ information seeking behavior; the catalysts for information seeking behavior; information seeking processes; whether experience in research equates to better research skills; and what possible impetuses exist for student plagiarism and understanding of common knowledge. Past research examined in this study revealed for people in general, and more specifically for attorneys and law students, that when faced with an information conundrum, one consulted available information sources. Overt factors such as deadlines, demands from employers or professors, client demands, and other life burdens often define and restrict the time in which one has to locate needed information from these available sources. Some research indicates that covert impetuses may play a role in the information seeking process as well. The literature in this chapter reveals experience might help one locate valid and reliable information sources quicker, however, it is human nature to cut corners and simply consult the most readily available sources, and thus neglect the quality of the information source consulted. As a result, some individuals do not always see the value in giving proper attribution to these sources that are perceived as tertiary and or have less information quality, which may lead to committing plagiarism. This literature review aims to thoroughly scrutinize the research that segues into an inspection of what is first, second, and third year law student comprehension of the term common knowledge; does law student age, gender, year in law school, previous
information literacy, and obtained education affect their choice to give proper attribution to information sources utilized; and does first and third year law student age, gender, year in law school, previous exposure to information literacy, and obtained education affect their source selection when completing law school assignments?

Why Study Law Students?

Why should first, second, and third year law students be analyzed as the subjects for this study? Numerous empirical studies mentioned below examined lawyers or law students’ information seeking behavior. However, none of these mentioned studies analyzed the combination of law student understanding of common knowledge, age of the law student, gender of the law student, year in law school, law student previous exposure to information literacy training, and previously obtained education levels; and how these factors affected information seeking behavior, understanding of common knowledge, and choice of whether to provide appropriate attribution.

Information Gaps and Sense Making

To frame how each of these factors (age, gender, previous experience with information literacy training, year in law school, and previously obtained degrees, source selection and citation were used to study law students in this study); it is helpful to review how other researchers have examined law students, lawyers, and other professionals’ information seeking behavior. When seeking information, most individuals will rely on and utilize mentally stored information to solve every day challenges. When a problem manifests that individuals cannot solve by referring to this stored personal
information, users consult known reference sources. For example, a person may want
to see a movie at a theater they are familiar with. In order to remember how to travel to
that theater, an individual will consult his or her stored cognitive information that
conveys directions to the theater. Perhaps the movie is only showing at a theater in
which the individual has never traveled. Then, the potential movie-goer might consult a
listing online to receive directions to the theater. What leads the potential movie viewer
to consult the online source is a gap in knowledge, an inability to independently retrieve
mentally stored information that conveys an accurate route to the movie theater.

Dervin and Nilan (1986) wrote about sense making and this situational gap in
knowledge when an information seeker gets stopped and realizes he or she needs to
gather more information to resolve some intellectual conundrum, such as determining
how to travel to a theater. In order to fill the information gap, one needs to know in what
source to look, how to extract the information, and how to apply it. Dervin (1989)
noted that knowing how to fill these gaps was vital as the “information rich get richer, and the
information poor become poorer” (p. 219). Information seekers usually filled these
information gaps via a cognitive process. Other researchers described knowledge gaps
as occurring when one persistently perceived the need to have unobtainable or
imperceptible information (Chatman & Pendleton, 1995).

Dervin (1992) noted that when individuals encountered an information gap, the
manner in which they perceived this gap determined how they proceeded with
information seeking behavior and termed this sense-making. For example, some people
made sense out of their information gap by realizing they did not have needed
information, yet, they perceived that multiple sources were available for them to consult
to potentially obtain needed knowledge. Others decided no sources would help them
locate needed information, and they give up. Others only perceived but one optional source available; perceived an optional source, but then decide not to consult it; decided optional sources were available, but others had probably commandeered then, and thus they gave up; or others quit and did not seek out needed information for other reasons. Dervin (1992) coins this realization of an information gap and the manner in which people perceive filling the gap as a “sensemaking approach” to information seeking behavior. The above-mentioned perceived options to fill or not fill the information gap are part of the sense-making approach. Some approaches are healthy and may lead to locating needed information, other perceptions, not so healthy and ultimately result in not locating needed information.

Law students are likely to perceive many information gaps since they are frequently challenged by law professors with assignments about which they have little or no knowledge. Thus, law students’ sense making of their information gaps (e.g., there are many sources I can consult, there are no sources- I give up, I will consult the easiest obtainable sources like Wikipedia) may have an effect on whether law students consult valid and reliable sources and whether or not they commit plagiarism. For example, if a student facing an information gap decides the only source in which he or she may obtain needed information is Google, he or she may seek out, locate, and extract information from such a source, yet, this information may be invalid, and the law student also may decide that since this information was obtained on the Internet, there is no need to cite it. Law student sensemaking in this guise is unhealthy and leads to referring to invalid sources and may lead to committing plagiarism.

This study sought to discover what sources first, second, and third year law students choose to complete assignments based on the law students’ sensemaking,
and whether the law student elect to cite the sources they consult. Along with examining individual’s information gaps and how law students make sense of those gaps, past research also examined other broad factors that catalyzed various professional’s information seeking behavior. Such analysis lead to the construction and application of wide-ranging information seeking models that attempted to explain why attorneys and other professionals sought out information, and identified the sources they used during the information seeking process. One such study observed a group of professionals such as doctors, lawyers, and engineers and attempted to determine the types of overt catalysts for professionals’ information seeking behavior. Leckie, Pettigrew, and Sylvain (1996) completed a study and developed an information seeking model that conveyed work roles influenced professionals’ work tasks, which in turn determined which sources professionals used and how they utilized them. The Leckie et al. (1996) model further claimed one’s work environment primarily precipitated and defined information needs, and it determined the information sources one consulted. Leckie et al. (1996) further conveyed the best motivators to select specific information sources to solve an information problem also consisted of prior experience and success with specific sources, convenience, reliability and validity of the source, packaging, cost, timeliness, quality, value, and accessibility of the source.

Many researchers, such as Owoeye (2011), Thanuskodi (2009), Meyer (2007), and Haruna and Mabawonku (2001) later extrapolated the Leckie et al. (1996) professional work task-work role information seeking behavior model and applied it more narrowly and specifically to only attorneys and law students. However, these researchers did not examine attorneys with a certain number of years of experience, or law students with a specific classification (such as first, second, or third year law
students), but instead studied attorneys and law students who practiced or studied in a variety of substantive areas such as in criminal law, family law, and business law. Based on their results, these researchers concluded that many attorneys and law students’ information needs and their information seeking behaviors resulted from overt motivations such as client needs, court deadlines, state bar requirements, partner demands, law professor requirements, or course deadlines. A closer examination of each of these models that extrapolated and utilized the Leckie et al. (1996) model is helpful in understanding some of the impetuses for attorney and law student information seeking behavior.

Owoeye, Molvig, and Thanuskodi Models

Owoeye (2011) studied attorneys in Africa who practiced various types of law such as criminal law, family law, and business law. His research concluded that attorneys seek out information due to overt causes. These overt causes consisted of wanting to obtain a quick and efficient outcome of a case; appeasing clients, colleagues, and court demands; providing good customer service; and reducing potential liability. Molvig (1999) obtained corroborating results studying attorneys in Africa, which suggested the prime motivators to complete legal research were all overt and included generating money to pay for overhead and meeting the demands of colleagues, judges, and clients. Further, the research of Thanuskodi (2009) examined law students and attorneys, and it further corroborated Owoeye and Molvig’s studies and concluded attorneys and law students commenced information seeking events due to overt causes such as needing to prepare a lecture, update their current knowledge, complete research for a Ph.D., or for entertainment purposes.
Thanuskodi (2009) evaluated both attorney and law student information seeking behavior; however, Thanuskodi did not evaluate the information seeking differences in first year, second year, and third year law students. Nor, did he look at how their understanding of common knowledge, age, gender, previously obtained degrees, or previous exposure to information literacy training affected law student information seeking behavior, or law student choice of whether or not to give attribution. In sum, if overt factors such as time constraints, professional demands… affect attorney information source selection, then these factors could also affect first, second, and third year law students’ information source selection, and choice of whether or not to give appropriate attribution. Alternatively, not all information seeking models viewed the overt causes as fluid as Owoeye, Molvig, and Thanuskodi.

*Meyer, Haruna, and Mabawonku Models*

The research performed by Meyer (2007); and Haruna and Mabawonku (2001) produced differing results from Owoeye (2011), Molvig (1999), and Thanuskodi (2009). Meyer, Haruna and Mabawonku examined attorney information seeking behavior via surveys and interviews. Their results differed in that Meyer, Haruna, and Mabawonku’s conclusions suggested attorneys’ job roles and tasks remained static and could not be changed by other factors such as client demands, customer service, and fears of liability. Instead, these researchers found law school pedagogy predetermined attorneys’ work roles and work tasks. For example, law students learned in school that locating the correct legal precedent was the most important factor, and therefore services a client demanded became subordinate to the job task of locating a legal precedent. Such predetermination may have indicated proof of unformalized covert
needs (Harter, 1992), established during professional training. Such covert motivations may consist of whether an appropriate knowledge of common knowledge provokes or deters one from utilizing a specific legal information source. However, none of these researchers including Meyer, Haruna, Mabawonku, Owoeye, Molvig, and Thanuskodi analyzed whether age, gender, previous information literacy training, and previously obtained degrees affects law student understanding of common knowledge and law student source selection. If the Meyer, Haruna, and Mabawonku models are correct in suggesting law student search behavior is formed in law school, then it would be interesting to determine whether law student understanding of common knowledge and their source selection formed in law school affects later choice of attribution and source selection.

Other researchers also discovered that covert factors served as impetuses for information seeking behavior. For example, Taylor (1968) examined covert motivations for information seeking behavior in library patrons and discovered some people perceived information needs due to deep internal, visceral, or unconscious needs for information. Taylor (1868) pointed out that individuals could not formalize many of these visceral information needs until they pondered the information dilemmas, consulted with colleagues, or looked at various information sources. Case (2012) illustrated Taylor’s point regarding initial visceral needs with the analogy of a library patron who perceived a visceral need but was unable to verbalize this need when he attempted to communicate with a librarian. Therefore, the patron partook in dialogue with a librarian until the patron realized his or her need. Taylor and Case did not include how age, gender, previously obtained degrees, and exposure to information literacy instruction affects one’s knowledge of common knowledge, and one’s source selection.
Nonempirical Research Suggests Evidence of Covert Attorney Needs

Other non-empirical research has also posited that attorneys experienced these visceral needs, which were often not formalized until a specific action or other certain information source triggered a more conscious awareness of the need (Mitchell-Cichon, 2002). For example, after initially meeting with a client, an attorney believed he or she was aware of an abstract legal theory he or she learned in law school, or discovered in a previous case, but the attorney had not formalized this theory yet. Mitchell-Cichon (2002) noted that to formalize this information need, the attorney consulted with colleagues, reevaluated the emotional state of the client, watched a video tape of the initial client interview, pondered the potential will challenge at issue, or perused other legal sources or non-legal sources such as non-legal related periodicals or magazines.

Such formalization of a visceral need ultimately enabled the attorney to locate needed sources, craft a solid legal argument, and store such information for later usage. None of the empirical research that examined attorney or law student information seeking behavior analyzed these covert information needs and the iterative legal research process that helps formalize these covert needs. Further, none of these studies analyzed how age, gender, previously obtained education, or exposure to information literacy instruction affected the iterative process and a law student’s covert need to locate information, or a law student’s understanding of common knowledge. A future empirical study needs to examine these overt and covert impetuses and also determine whether age, gender, previously obtained education, and receiving information literacy education affects the choice to use specific sources, and comprehension of common knowledge. Other related research suggested differing causes of formalizing these information needs.
Past research conveyed conflicting results as to which sources attorneys consulted when formalizing their information needs. The research of Thanuskodi (2009), Cole and Kuhlthau (2000), and Kuhlthau and Tama (2001) all concluded that overt causes affect attorney and law student information seeking behavior; and all indicated attorneys and law students sought information sources directly related to a client’s legal issue, or directly related to a law student’s need for a course assignment. For example, the research results of these past studies suggested a probate attorney who was retained to challenge a guardianship only referred to statutes, case law, and other legal sources directly related to guardianships. Yet, although not via empirical studies, other legal scholars suggested that numerous attorneys consulted non-legal sources to craft creative legal arguments prior to presenting them to juries and judges (Prahler & Kahn, 2007).

Harter (1992) stated that “references on the topic may be less important than relevant references not on the topic,” (p. 612) which illustrated that attorney information seeking behavior was often more grey than it was black and white. Dervin (1972) added that valuable information is often garnered from informal sources. Further, Wilkinson (2001) alluded to the fact that researchers obtained valuable information from informal sources, not just formal sources. Thus, a contradiction exists regarding the types of sources utilized by attorneys and law students. Therefore, to clarify some of these previous contradictions, this study sought to discover how, why, and what information sources law students utilize to fill information gaps. This study also examined whether law student experience (year in law school, age…) affects understanding of common knowledge, citation, and source selection,
Does Year in Law School Matter?

Since this study analyzed whether law student experience (year in law school, age…) affects understanding of common knowledge, citation, and source selection, it is worth looking at previous research that has examined similar experience versus novice information selection. Examining such previous research may shed some light on whether relevant experience affects law students' source selection and choice of whether to give attribution? Deciphering whether experienced and novice attorneys (but not law students) consulted varied sources has previously been examined. For example, a few studies examined how experienced attorneys and novice attorneys sought out different sources to solve legal information needs. However, these studies led to conflicting results. For example, Cole and Kuhlthau (2000) studied 15 attorneys and compared the information seeking behavior of experienced attorneys and neophyte attorneys. Cole and Kuhlthau did not adequately define experienced and novice attorneys in their research findings. Nor did this study analyze a specific type of attorney such as one who practiced family law or probate law. Instead, this study looked at attorneys who practiced all types of law.

The research completed by Cole and Kuhlthau (2000) indicated that novice attorneys tended to experience larger information gaps more frequently. Therefore, they more frequently accessed print and electronic based sources such as statutes, case law, practice guides, digests, and encyclopedias. Their results further suggested these new attorneys gathered factual information from these sources and crafted a legal argument to present to a court, whereas, experienced attorneys encountered fewer information gaps. Instead, upon initially meeting with a client, experienced attorneys mentally formed a legal argument; cognitively recalled valid case law and statutes; and
subsequently placed legal theories and or arguments on paper, and verbalized them to a partner, or presented them to a court. Thus, the experienced attorneys relied more on their cognitively stored covert knowledge even when faced with a novel set of facts, rather than consulting the electronic and print sources. Cole and Kuhlthau (2000) concluded that neophyte attorneys encountered a larger and a greater number of information gaps and consulted numerous electronic and print sources due to their inexperience, whereas more experienced attorneys referred to their own pre-formed mental legal theories and knowledge when they encountered a new or revisited legal problem.

Do these gaps in information that less experienced attorneys or law students encounter lead to a temptation of cutting and pasting large portions of text from a website into a brief, thus risking plagiarism? Zipf (1949) would probably hypothesize that inexperienced attorneys or law students who only know of a few sources to consult will resort to the 80-20% principle and consult as few sources as possible to fill information gaps. By doing so, law students may be likely to consult the most efficiently available sources in the 20% of sources they select (Leckie et al., 1996), many of which may be on the Internet. If so, does this lead to a higher rate of temptation to plagiarize? If inexperienced attorneys perceive large information gaps, it may be likely that law students experience these information gaps as well. If so, are law students more likely to utilize less valid and reliable sources? Are they then tempted to plagiarize? Are they less likely to commit these offenses if they have a complete understanding of what constitutes plagiarism? Further, how do factors such as age, gender, prior obtained education, and predicate information literacy training effect any differences between first and third year law students regarding plagiarism and source selection?
Other Studies Corroborating Cole and Kuhlthau’s Research

Other studies corroborated the research of Cole and Kuhlthau (2000) and indicated novice attorneys encountered anxieties that experienced attorneys did not, which affected their information seeking behavior. For example, one study found attorneys who practiced less than five years consulted more sources due to statutory mandates regarding adequate representation of a client (Sabis & Webert, 2002). Attorneys are required by statute to adequately consult all relevant statutes, regulations, case law, and any other pertinent legal source to adequately represent one’s client, lest they face state bar sanction (Anderson, Kanter, & Slane, 2004). Thus, Sabis and Webert’s (2002) research suggested that law students tended to lack the needed legal research skills to effectively locate needed information sources. Further, Bowman (2008) found younger attorneys who often lacked advanced searching skills manifested reticence to ask a librarian for help when forming an advanced search, and also often conveyed unwarranted overconfidence. Therefore, these younger attorneys referred to a multitude of sources simply because the first few in which they looked did not contain any relevant information.

Young and Blanco (2008) additionally found novice attorneys consulted many sources for a legal dilemma because it generally took three to five years to develop their advanced legal research skills. Further, Young and Blanco discovered attorneys who practiced five years or more were not likely to consult as many irrelevant sources due to prior research experience. Additionally, Nievelstein, van Gog, van Dijck, and Boshuizen (2011) examined novice attorneys’ abilities to complete legal tasks utilizing a pre and post-test method. Their results suggested novice attorneys lacked the legal knowledge and searching skills to quickly and accurately complete a legal research task. They also
found that as novice attorneys searched through needed information sources, this imposed a high working memory load that did not foster learning (Nievelstein, 2011). Thus, this probably slowed down the research process. They further found that these novice attorneys’ research accuracy improved when they were provided with the meaning of important concepts in a case; were given articles on point, rather than having to search for them themselves; or if they had prior exposure to sources relevant to their information needs (Nievelstein et al., 2011).

Other research completed by Bystrom and Jarvelin (1995) indicated that the more complex the research task was, an information seeker often did not have a frame of reference to assist them in locating appropriate information, whereas, their frame of reference usually helped them locate routine information with ease. Bystrom and Jarvelin (1995) noted that as task complexity increased, the need for complex information intensified. Research assignments given to law students are typically very complex, and it is usually their first experience with the substantive topic addressed in the assignment. Thus, they tend to lack a valid frame of reference for seeking and locating valid and reliable information to help complete complex assignments.

Based on these above-mentioned research findings, it is possible that attorneys and law students with undeveloped legal research skills at least view and recognize solutions to their information gaps (e.g., there are information sources available, and I may locate them to solve my information quandary) (Dervin, 1992). Yet, is it possible a lack of information finding skills, the time pressures to locate needed information, and the reticence to request help may lead law students and newly minted attorneys to consult less valid and reliable sources via Google, and either intentionally or unintentionally commit plagiarism? Therefore, considering the noted differences
between novice and more experienced attorneys and law students, how do the factors: gender, age, previous information literacy training, and previously obtained educational degrees also affect first, second, and third year law student source selection and their understanding of common knowledge and plagiarism?

It would be interesting to determine whether perception of what is common knowledge and plagiarism influenced their selection of the legal materials they use. As mentioned above, young attorneys face time constraints and unforgiving deadlines to locate, summarize and present legal materials to clients, courts, legislative bodies, and other entities. Law students face unforgiving deadlines to complete papers, take final exams, complete moot court assignments, and complete other academic tasks. Thus, are inexperienced or experienced law students (first and third year law students) more or less likely to cut corners and cut and paste materials from electronic sources when faced with a time constraint? If so, do they properly cite the material taken from said electronic site? Do they obtain the necessary permissions to use substantial portions of material from these electronic sites? Would clear instruction regarding what is plagiarism prevent any of these corner cutting violations? How do age and gender affect a law student’s experience and choice of source selection? This study attempted to address some of these questions.

Lee’s Research

Other research however suggested that no difference exists between experienced and non-experienced attorneys (Lee, 2011). For example, research completed by Lee (2011) suggested a difference did not exist in the types of sources consulted by experienced and novice attorneys. Using a survey, Lee queried attorneys
who practiced for four to five years and attempted to have these attorneys recall if they used different sources their first couple of years of practice compared to the last two or three years they practiced. From these queries, Lee’s study results suggested most attorneys, regardless of level of experience or type of law practiced, perceived an information gap in knowledge during an initial meeting with a client. This is similar to Dervin’s (1989) information gap which leads to information seeking. Further, the attorneys Lee (2011) examined conveyed they believed they were not experts in any area of the law due to the dynamic nature of the law, thus they felt they constantly faced information gaps.

Lee (2011) further learned, after an attorney perceived an information gap, he or she immediately sought to fill this knowledge gap and consulted specific print and electronic sources such as form guides, case law, and statutes. Thus, Lee (2011) concluded that the amount of experience an attorney obtained did not affect the sources they consulted. Due to the conflicting study results regarding the types and number of sources consulted by novice and experienced attorneys, this study examined whether experience (year in law school and age) affects law student source selection, and understanding of common knowledge and citation. This study also examine how these factors affect law student plagiarism. Thus, it is important to review previous related literature regarding plagiarism.

Plagiarism

Plagiarism is a key component to this study as well. Law student understanding of plagiarism, common knowledge, and how this understanding affects law students’ decision to give attribution and the sources law students seek was examined in this
study because current research suggests plagiarism occurs at high rates in academic settings, and that more people view plagiarism as an acceptable behavior. For example, McCullough and Holmberg (2005) examined 210 electronic master’s theses. Approximately 27% of these theses contained some form of plagiarism. Additionally, Austin, Collins, Remillard, Kelcher, and Chui (2006) utilized questionnaires and a pilot study focus group to examine the prevalence of undergraduate student plagiarism in four separate Canadian colleges. The questionnaires analyzed self-reported incidents of plagiarism; their results indicated that more than 80% of the respondents committed plagiarism at least once in their academic career. Their results further conveyed that students who committed plagiarism did not see it as a serious offense. Keyes (2004) research corroborated Austin et al. (2006) and found that academic dishonesty was an increasing concern and that such academic violations tended to be less vilified by society, which resulted in a cavalier attitude toward lying. Thus, plagiarism is a current problem for academic and possibly for society, but why is academic dishonesty so prevalent?

*Impetuses for Plagiarism*

What factors entice students to commit plagiarism? Zipf’s (1949) paradigm already framed this discussion and declared that it was human nature to use the least amount of sources possible that are convenient to locate, to meet the most information needs as possible. Leckie et al. (1996) stated that frequent motivators of using specific information sources included convenience in accessing a source, prior success and positive experience in accessing a source, and timeliness of accessing an information source, but not necessarily the provenance, reliability and validity of the source. A
whitepaper produced by Turnitin© (2013) (www.turnitin.com) additionally indicated many students appeared to value immediacy over quality in online research. These paradigms, information seeking behavior models, and proposed reasons that explain a preference for accessing conveniently available information sources do not inherently suggest student plagiarism. However, many students do not understand or they overlook the need to cite an idea, a summary of another’s text, or actual verbatim text, when it is extracted from a tertiary source that provides convenient access, such as the Internet. Students in varying substantive areas commit accidental or intentional plagiarism for varied reasons. For example, some students adhere to a misbelief that attribution is not necessary when information is located in certain formats. For instance, a whitepaper issued from Turnitin.com (2013) indicated students did not believe they needed to cite information extracted from Wikipedia, or to investigate and cite primary or secondary sources listed on a Wikipedia entry. Additionally, Meyer (2007) utilized interviews and observations from a sample of 155 Russian speaking students and discovered these Russian students adhered to krugovaya poruka, or collective cheating. In other words, the results of this study suggested that plagiarism was an accepted practice in certain cultures, such as in some Russian collectivist cultures (Meyer, 2007). Keyes’ (2004) research illustrated that deception is less vilified by society and there is a more casual attitude towards lying. Keyes (2004) additionally suggested people were dishonest and hid behind technology, and used semantic games calling lying, spinning, thus it was socially acceptable. This literature suggested that culture, one’s perception of the effect of lying and of the source from which they are obtaining the information may help determine whether one choses to give appropriate attribution or not. Academic pressure is another reason that student plagiarism occurs.
Other Impetuses for Plagiarism

Other individuals are lured to commit plagiarism to ensure they earn high grades or alternatively because they do not take the substantive content of a course seriously. For example, McCullough and Holmerg’s (2005) research suggested that some students committed plagiarism to ensure they maintained high grades. Such a study suggests students may lack self-confidence in their own writings, thus they borrow from other writers without giving those writers proper attribution. Aggarwal et al. (2002) additionally utilized questionnaires that depicted 12 separate scenarios in which students participated in academic dishonesty. The results of these questionnaires corroborated McCullough and Holmerg’s (2005) findings in that Aggarwal et al. (2002) in general, found students were more likely to plagiarize on coursework than on a test, as plagiarizing on a test tended to be viewed as more serious; students in this study conveyed they plagiarized to ensure they received better grade point averages. Such a justification again suggests a lack of self-confidence in students’ own academic abilities. Austin et al. (2006) further discovered that student’s overall attitude toward the subject they were studying was a high indicator of whether they would or would not commit plagiarism. In other words, if students were not highly interested in the class they were taking, a correlation existed that suggested they might be more willing to commit plagiarism. Aggarwal et al. (2002) further noted that male students committed academic dishonesty more frequently than female students. These studies suggested that pressure to maintain high grades, a student’s attitude and interest toward a particular course, a lack of self-confidence, and possibly one’s gender could affect one’s decision to commit plagiarism.

Along with cultural, gender, attitudes toward a course, and the self-inflicted
pressure to achieve high grade point averages, the choice of a particular source to utilize for an information need may also affect the choice of whether or not to plagiarize. For example students currently participating in undergraduate or a type of graduate program such as law school seem to prefer electronic access to materials as opposed to printed materials (Wu & Chen, 2012). Wu and Chen (2012) studied graduate students studying various substantive areas related to science and technology. Their research results also suggested that these type of graduate students largely prefer electronic access to information. However, the subjects in this study did not utilize many advantageous features of e-resources such as alert services or metasearch tools, therefore, they did not obtain a higher quality of research as they could have. 

Research corroborated this preference for electronic information and noted that students today prefer to complete their research online (George, Bright, Hurlbert, Linke & St. Claire, 2006). Griffiths and Brophy’s (2005) research also verified that 45% of students use Google as their starting point for information seeking, with only 10% of students beginning their research with a library catalog. Further, a Turnitin.com (2012) suggested while commencing research online that only perhaps three percent of students have developed the necessary acumen to effectively assess the quality and accuracy of information located online.

Further the Turnitin.com study revealed 94% of students use Google to research, 75% use Wikipedia, 52% use social media cites, 42% use their peers, 41% use study guides, 25% use news sites, 18% use print or electronic texts, 17% use online research databases, 16% use a research librarian at their school of public library, 12% use printed books other than textbooks, and 10% use student-oriented search engines. Lossau (2004) further found that undergraduate and graduate students in a variety of
substantive areas prefer to use Google or other search engines, and do not access the deep web. Instead, they only access about 1% of relevant content, as many of these search engines do not index many journals. Kerins, Madden, and Fulton (2004) noted that one reason for this digital preference may be that law students do not have confidence in seeking out legal information in print, and instead preferred to use Google as their primary search engine of choice. These researchers further suggested that their study subjects often found information quickly, but they did not possess the skills to amply evaluate the sources they located (Kerins et al., 2004).

Another factor that may explain why students in numerous academic disciplines do not possess adequate skills to analyze located information is that they do not collaborate face-to-face or virtually with professors, librarians, or other information experts. For example, Kayongo and Helm (2010) found that graduate students had limited contact with a librarian, and 62.8% of their subjects favored remote access to electronic items, consequently, it was more difficult to give any of these students proper instruction regarding plagiarism. Beard and Bawden (2012) corroborated these findings and their research depicted that graduate students are inclined to not request assistance from librarians. Katopol (2012) discovered that library anxiety was a major cause of students not asking for help in obtaining valid and reliable research. Griffiths and Brophy (2005) studied university students searching for information in the United Kingdom, and concluded that 45% of students commenced their research with Google. Whereas, they noted only 10% of these students used an accessible library catalog. Some of the reasons students articulated their preference of Google over the catalog included ease of use, success, and timeliness (Griffiths & Brophy, 2005). George et al. (2006) further corroborated and noted that students may initially consult with a professor
for guidance on seeking needed information. However, the students then primarily consult the Internet to locate information. Students listed convenience, lack of sophistication in finding needed information, and course requirements affect their choice to quickly locate information on the Internet (George et al., 2006).

The fact that students in many different academic disciplines prefer to conduct primarily independent research is not inherently detrimental. However, students’ reticence to contact a professor, librarian, or other information expert when they reach an information gap can be deleterious to the student’s academic development. Many of the students who are primarily relying on Google or some other Internet search engine to locate needed information are not locating all of the pertinent information related to specific topics. Additionally, the information they are obtaining may not be valid and reliable. Also, since, many students in the above-mentioned studies in this literature review indicated that it is not always necessary to cite information that is on the Internet, such misbeliefs may lead to plagiaristic behavior.

In essence, there are many reasons that students plagiarize. Some chose to engage in such risky behavior because they believe it will ensure higher grades; some do not view plagiarism as unethical due to cultural beliefs or they are not interested in a specific course topic; and some accidentally commit plagiarism because they do not consult available human sources such a librarians that could help them elude plagiaristic behavior. Others participate in academic dishonesty because they are locating information from tertiary sources on the Internet, and they simply believe they do not have to give attribution to such information. What other reasons account for law students deciding to cite sources utilized sometimes and not at other times? Since an empirical research study has not examined how a law student’s knowledge of
plagiarism, age, and prior exposure to information literacy training affects plagiaristic behavior and legal source selection, these subjects were performed in this study. It is also important for law students to understand that there are some items that do not require citation. These items are referred to as common knowledge.

Common Knowledge

Empirical research defined common knowledge as any information that was well known by all (Mahmood, Mahmood, Khan, & Malik, 2010). Mahmood et al. (2010) additionally noted that common knowledge is so well known it does not require a reference. Thus, for a group of law students, an example of common knowledge in the legal field is the statement that “Texas has two courts of last resort.” Such a statement does not need to be cited, even if one read this statement in a book, on the Internet, or elsewhere, because it is common knowledge in the legal field that Texas has two courts of last resort.

Common knowledge is also defined as information the average, educated reader would accept as valid without referring to an information source to look it up (Academic Integrity at MIT, 2014). Further, common knowledge is often defined by a group of people, such as law students. Items that are not considered common knowledge should be cited to avoid plagiarism but items that are common knowledge do not have to be cited. Since common knowledge and plagiarism are intertwined this study sought to discover law students' understanding of common knowledge and plagiarism.

Conclusion

In sum, past research indicated attorneys and law students seek out information
due to overt impetuses such as job task, authoritative demand, time constraints, and client needs. Other studies suggest legal professionals and law students also seek out information due to covert needs such as inculcated research knowledge learned in law school or previous experience with frequently consulted information sources. Sometimes, law students and legal professionals only seek out easily obtainable information sources to fill information gaps, even if those sources are invalid and unreliable, because they are the most easily obtainable information sources. Also, students from all disciplines commit plagiarism for varied reasons such as: Culture, their perspective of the importance of a course, time constraints, and misinformation concerning common knowledge and plagiarism. Therefore, this study sought to discover whether covert or overt factors affect law student information source selection. How does experience (age, year in law school…) affect law student information source selection, and knowledge of plagiarism and common knowledge? How do first, second, and third year law students’ age, gender, previously obtained academic degrees, and predicate information literacy training affect first, second, and third year law student information source selection, and understanding of plagiarism and common knowledge. Also, does Zipf’s principle of least effort affect law student information source selection, and knowledge of common knowledge and citation? Before examining these factors, a discussion of the methodology used to collect the data for this study and is outlined in Chapter 3.
CHAPTER 3
RESEARCH DESIGN AND METHODOLOGY

Introduction

This study utilized a racially diverse sample of law students from four separate law schools in Texas. These law schools include South Texas College of Law, Baylor Law School, the University of Texas A&M School of Law, and Thurgood Marshal School of Law. The populations of the survey and focus groups are not necessarily the same, so one is unable to make direct conclusions between the data. To collect the data, six separate focus groups were held to interview students and an online survey was conducted. To ensure reliability and validity of the data collection a pilot study, triangulation, thick description, saturation, and crystallization were implemented. The data was scrutinized via thematic analysis to complete this study.

Research Design

Triangulation was implemented using qualitative and quantitative methods. Jervis, Lopetcharat, and Drake (2011) noted that using triangulation improved the validity and reliability of a study. Fetterman (2010) further conveyed "triangulation was a necessity for any ethnographic research to compare one source of information against another, and it helped explain any confounding variables, and improved reliability and validity of a study" (p. 94). After crafting the online survey via SurveyMonkey® (www.surveymonkey.com), implementation of the online survey attempted to examine how first, second, and third year law students age, gender, previous information literacy training, and previous academic degrees earned affected first, second, and third year law students’ comprehension of common knowledge, whether they gave proper
attribution to information sources consulted and utilized, and the information sources they select to complete law school assignments. Before disseminating the actual online survey, a pilot study was performed.

*Study Population*

The sample for this study was diverse. Subjects were recruited from four separate law schools: South Texas College of Law, Baylor Law School, Texas A&M Law School, and Thurgood Marshall School of Law. Subjects form South Texas College of Law, Texas A&M University School of Law, and Baylor Law School are predominately Caucasian. However, each focus group and participant of the online surveys had subjects who were African-American, Hispanic, Asian, and Caucasian. All subjects who participated in the online survey and focus groups from Thurgood Marshall School of Law were African American.

Baylor Law School has 420 law students enrolled. 25% of Baylor’s law students are minorities. In general, to gain admission to the Baylor Law School, students must obtain between a 156-161 on the LSAT. Baylor is a Baptist, private law school. The University of Texas A&M School of Law has 581 total students, 25% of minority law students, and is a state school. The general range of LSAT scores of Texas A&M law students is 156 - 161. South Texas College of Law has a total of 1,051 law students, 38% of whom are minority, and it is a private school. To obtain admission, the general range is 147 – 153 for the LSAT. Thurgood Marshall School of Law has 508 total law students, 87% of whom are minority, and it is a state school. Below, Table 1 describes the characteristics of the law school used in this study.
Table 1

Comparisons of Law Schools

<table>
<thead>
<tr>
<th>School</th>
<th>Ranking</th>
<th>Size</th>
<th>Demographics</th>
<th>LSAT 25% - 75%</th>
<th>University enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baylor Law School</td>
<td>First Tier</td>
<td>420</td>
<td>25% Minority</td>
<td>156-161</td>
<td>15,834</td>
</tr>
<tr>
<td>Texas A&amp;M Law</td>
<td>Second Tier</td>
<td>581</td>
<td>25% Minority</td>
<td>149-155</td>
<td>58,000</td>
</tr>
<tr>
<td>Thurgood Marschool School of Law</td>
<td>Third Tier</td>
<td>508</td>
<td>87% Minority</td>
<td>Median 143</td>
<td>9,700</td>
</tr>
<tr>
<td>South Texas College of Law</td>
<td>Fourth Tier</td>
<td>1,051</td>
<td>38%</td>
<td>147 - 153</td>
<td>N/A</td>
</tr>
</tbody>
</table>

To obtain subjects for the piloting of the online survey, the actual online survey, and the focus groups, the snowball effect and an opt-in procedure were purposely utilized. The snowball effect consists of recruiting one subject willing to participate in your study. Then, relying of that subject to recruit additional subjects for you study. Kisely and Kendall (2011) articulated that when completing qualitative research, sampling was purposive and subjects were recruited who could provide information relevant to the topic of study. Also when completing ethnographic research, Kisely and Kendall (2011) conveyed that subjects are often chosen via the snowball effect and current subjects selected are asked to recruit their friends. This study utilized the snowball effect to gain subjects for the online survey pilot, for the actual online survey, and for the focus groups. First, permission was obtained from the University of North
Texas IRB (see Appendix A) and from the Texas A&M IRB (see Appendix B), and from law school administration at all four law schools to send the online survey to each law student at each respective law school. Subjects were then obtained for the focus groups via convenience, the snowball effect, and an opt-in process by asking law school administration, faculty, and librarians to help recruit students to take the online survey and participate in the focus groups.

To obtain subjects for the focus groups, law school administration, faculty and librarians created a sign-in sheet for students. The first seven first year students were chosen to participate in the first year focus group. The first seven second and third year law students to sign up were chosen for the second focus group. Additionally, administration, faculty, and law students advertised that food and non-alcoholic drinks would be provided for all subjects willing to participate in the focus group.

In total, 14 students from each law school (Texas A&M School of Law, Baylor Law School & Thurgood Marshall School of Law) were recruited to participate in two separate focus groups. One focus group consisted of first year law students, and the second consisted of second and third year law students. A total of six focus groups were performed, two at each school.

Data Collection

After finalizing the research queries for the online survey and were validated and considered reliable, a pilot study was completed. First, the online survey was delivered to 30 individuals. All 30 respondents fully completed the online survey and submitted it. The pilot online survey responses were analyzed utilizing Cronbach’s alpha and a factor analysis. Use of these statistics confirmed that the survey was valid and reliable.
Cronbach’s alpha revealed that the online survey resulted in a .6 reliability quotient. A factor analysis also revealed the online survey exhibited a .7 - .9 construct validity, and based on these statistics, the online survey had solid reliability and validity, and all of the scores were within the normal limit according to Cronbach’s alpha.

After reviewing the online pilot survey, the actual survey disseminated for this study was tested as well utilizing Cronbach’s Alpha by analyzing each survey question that measured the dependent variable in relation to the independent variables to ensure reliability was acceptable for the actual online survey distributed to the subjects for this study. Queries Q1 through Q4 displayed a reliability of .392, therefore these items displayed moderate but acceptable reliability. Queries Q5 through Q13 conveyed a reliability quotient of .597, therefore they exhibited a high level of reliability. Queries Q14 through Q17 conveyed a reliability quotient of .782, and therefore displayed high reliability. Therefore, the online survey distributed to the study subjects displayed a high level of reliability.

After crafting and testing the online survey via initial drafting, the pilot study and the modification post-pilot, the online survey was implemented in this study. Spradley and McCurdy (1989) noted that surveys are designed to garner panoply of the subject’s native world, or to map the subject’s cultural terrain. They further discussed that surveys helped ethnographers demarcate the boundaries of the study, which participated the use of an online survey in this study to gain a wide array of first, second, and third year law students’ native world and cultural terrain concerning how previous information literacy training (how much received and where received), law student gender, law student age, and previously obtained education (college, graduate school…) affects first, second, and third year law students selection of information sources (e.g., primary,
secondary, or tertiary sources, which sources do they select) for completing law school assignments, their familiarity with citation and common knowledge, and their choice of whether or not to give proper attribution to utilized information sources. The online survey consisted of 24 questions, 6 of which measured the independent variables: age, gender, year in law school, highest level of education, educational environment in which training regarding common knowledge was received (high school, college, graduate school), and law school environment in which training regarding common knowledge was received (e.g., basic research and writing class, moot court...), five questions that measured understanding of common knowledge, nine questions that measured citation and common knowledge, and four questions measuring law student source selection.

*Online Surveys Promote a Plethora of Benefits*

Fetterman (2010) noted that surveys helped garner information to construct basic models of how systems worked and isolated specific factors that help shape a study or a model. The survey also catalyzes panoply of specific, detailed questions that can be asked subsequently to further clarify or shape a conceptual framework. Thus, the online survey given to the subjects was used in an unbiased manner (Lappalainen, Merilainen, & Pelknen, 2002) to learn more about these factors and to construct and refine subsequent questions that were asked during the focus groups. These constructed questions for the focus groups attempted to corroborate the responses from the online survey.

*Benefits and Barriers of the Online Survey*

This survey was distributed online via SurveyMonkey® so that more individuals
could conveniently be given the opportunity to complete it. Fetterman (2010) opined that online surveys saved time and eliminated steps in the survey process when compared to the traditional paper based surveys that were mailed to potential respondents and returned via regular mail. Thus, the survey for this dissertation was disseminated online to ensure ease of access and a higher response rate.

Other benefits to having the subjects complete the survey online are that today, most study subjects prefer to fill out surveys online rather than via paper and mailing in the survey (Steinmetz, 2012). An online survey saves the subject’s time, and it also allows for pie graphs and other charts to be instantly created and updated as surveys are completed and submitted (Steinmetz, 2012). “One such online survey platform that offers these benefits and flexibility is SurveyMonkey®” (Jervis et al., 2011, pp. 49-50).

Some potential pitfalls are also manifested when utilizing online surveys. For example, Fetterman (2010) added that due to the still existing digital divide, online surveys prevented individuals who did not have access to the Internet from participating in a survey. However, most law students are now required to use a laptop in law school, or on their own volition have laptops, and law schools usually have wireless internet access for students. Thus, the digital divide did not manifest a barrier to law students’ access to an online survey in this study.

Steinmetz (2012) described another barrier to online ethnography, including online surveys, is the problem of anonymity. If students fill out online surveys and return them via email, it is relatively easy to determine who filled out the survey. However, this online survey was set up via SurveyMonkey® and individuals were given a link to the survey. The survey did not require the law students to disclose any personal identifying information. Also, each subject was informed that all information disclosed by the
subjects was kept anonymous and confidential. The specific online survey questions covered the following topics listed below in Table 2.

Table 2

*Online Survey Questions*

<table>
<thead>
<tr>
<th>Questions</th>
<th>Subject of Questions</th>
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</thead>
<tbody>
<tr>
<td>Questions 1-6</td>
<td>Independent Variables</td>
</tr>
<tr>
<td>Questions 7-11</td>
<td>Common Knowledge</td>
</tr>
<tr>
<td>Questions 12-20</td>
<td>Common Knowledge and Citation</td>
</tr>
<tr>
<td>Questions 21-24</td>
<td>Information Source Selection</td>
</tr>
</tbody>
</table>

*Focus Groups*

Along with an online survey, this study completed six focus groups. Focus groups are part of ethnographic research, and as Komlodi (2004) conveyed, qualitative methods such as focus groups are especially beneficial for exploring new areas of research because focus groups provide an examination of unknown factors without having to define them in advance. Menard, Kobetz, Diem, Lifleur, Blanco, & Barton (2010) corroborated Komlodi’s research and conveyed that ethnographic research provided critical insight and explanation as to why individuals made certain decisions, based on their culture or other factors. This area of research, is previously unexplored and new area of research. In fact, new insights into these factors did manifest during these focus groups. Further, Kuper, Nedden, Etchells, Shadowitz, and Reeves (2010) suggested that since ethnographic research can manifest unexpected insights, often subsequent focus groups are needed. Thus, this study implemented six focus groups.

Each focus group was conducted in-person and audio recorded. The subjects
were located at their respective law school library (e.g., the students participating from Thurgood Marshall School of Law partook at the Thurgood Marshall School of Law Library). I collaborated with each of the three law library directors and the research and Writing law professors located at each law school to ensure food and beverages were available for the subjects of each focus group as promised.

All six focus groups were approached in an unbiased and exploratory manner. According to Simonsen (1997), “Exploratory and ethnographic research, such as surveys and focus groups, can manifest new and unexpected understandings of phenomena; it can challenge currently held viewpoints” (p. 87). Fetterman (2010) states, “It can also direct ethnographers to explore new directions or new ideas” (p. 23). Additionally, Lappalainen et al. (2002) noted that to promote discovery of these new and unexpected insights it was vital for the ethnographer to quickly gain the trust of his or her subjects and to build rapport with them. Simonsen (1997) noted that building such rapport enables the ethnographer to gain genuine insight into the subjects’ culture and true thought process. Thus, immediately prior to commencing the focus groups, I attempted to quickly earn the trust of my subjects by sharing part of my background and previous law school experiences. Additionally, I tried to offer some humor regarding law school to which they related. I further stressed that their privacy was strictly valued, and that all information discussed during the focus group was held in confidence, which helped in my effort to quickly establish as much rapport as possible. An unbiased and discovery based approach was taken so that I could comprehend any expected and unexpected factors potentially affecting student attribution and source selection. Along with implementing an unbiased and exploratory approach, a holistic approach to aid in understating law student behavior was used. Ethnographic research frequently takes a
holistic approach. In other words, it takes a focused approach and attempts to understand interrelationships between people and their environments in which they interact (Cruz & Higginbottom, 2013). Such research also proffers the study subjects an opportunity to convey their perspective in a nonjudgmental environment about the factors at issue in a study (Cruz & Higginbottom, 2013). This study proposed to take such a holistic and nonjudgmental approach to examine and understand the factors in this study. Such an approach was carried out by using hypothetical situations to assure the law students that their responses were held in anonymity. Using hypotheticals during focus groups helped evoke more genuine responses from law students who probably would not have given genuine responses about plagiaristic endeavors in the presence of their peers. Instead, hypothetical questions allowed the law students to comment on plagiaristic behavior from a third person point of view.

Along with a holistic approach, ethnographers should also aim to conduct studies that may be transferable to similar contexts with similar factors and subjects. Kinn, Holgersen, Ekeland, and Davidson (2012) illustrated that for an ethnographic study to be transferrable and have reliability, the methods used must be defensible and explicitly outlined. Further, to foster transferability, Kinn et al. (2012) noted that the preservation of the subjects’ meaning must be maintained into the results of the research project. In this study, attempts were made to foster transferability via obtaining saturation of data collection, finding crystallization of manifested themes, utilizing thick description during data collection, using a digital audio-recording device, fostering trustworthiness and credibility, and guarding against a power imbalance when interacting with subjects.

One guise in which transferability was fostered was via saturation. Kuper et al. (2010) state that “saturation occurs when the subjects who responded to the surveys
and who participated in the focus groups repetitively communicate the same responses to the survey and focus group queries” (p. 562). Obtaining saturation using triangulation results in validity and reliability in an ethnographer’s data collection (Baumbusch, 2010). According to Kisely and Kendall (2011), “once saturation is found, an ethnographer may discontinue one’s data gathering and begin to analyze the data with a thematic approach” (p. 366). Thus, when the survey and focus group subjects began to convey the same responses to each question (e.g., we do not cite Wikipedia due to its lack of credibility, plagiarism and common knowledge are contextual…); I terminated my data gathering and commenced my analysis of the data, consequently, confidence in the transferability of my research findings was secured.

When saturation occurred, I sought to obtain crystallization in my research findings, which furthered the transferability of my results. Fetterman (2010) also noted that crystallization occurs as insights begin to fall into place for ethnographers. These insights may be esoteric conclusions, novel insights, or magnificent epiphanies (Fetterman, 2010). Therefore, as saturation of data was manifested in my research, I remained cognizant to notice any crystallization of insights in regard to first, second, and third year law student perceptions of plagiarism, choice of whether to give attribution, and of the information sources first, second and third year law students sought out to resolve information dilemmas. One procedure that helped confirm saturation from occurring was practicing thick description.

To foster a thematic analysis of each transcription and crystallization, I implemented thick description when taking hand written notes during the focus groups. Thick description occurs when an ethnographer makes an effort to describe an event in great detail (Geertz, 1973). The purpose of thick description is to communicate the
context and facts of a given situation. Geertz (1973) further noted that at the granular level, to give proper thick description, an ethnographer did not just state that a person closed their eyes, but deciphered in their field note descriptions about whether they winked or blinked. Thus, in my notes, I carefully, thoughtfully, and thoroughly described the environment in which the focus groups took place. I noted how hot or cold the room was, whether the subjects’ non-verbal cues indicated they were enthusiastic, bored, sad…, whether the subjects ate any food during the group, their non-verbal cues they exhibited when responding to queries or statements, and all other conveyed verbal or non-verbal information. Such thick description further promoted transferability of the research results and preserved the research subjects’ meaning of their conveyances.

In concert with implementing thick description, Gustafsson, Kristensson, Holst, Willman, and Bohman (2013) noted that ethnographers needed to continuously make proper notation in their field notes of the date, place and time of interaction with a subject; describe the environment, participants, and verbatim verbal exchanges; and describe personal reflections. However, Gustafsson et al. (2013) argued that these notations must be carefully organized in one’s field notes so that an ethnographer can easily refer to them later in time and be able to decipher what occurred when, who was there, what was the environment like, and recall other important factors that could have affected the behavior or mental state of the subjects or the ethnographer at that point in time. Thus, during each focus group, I carefully kept my notes organized and made descriptive notations about who was present, what the environment was like, the current time and date, and other factors present that could present confounding variables.

Fetterman (2010) also noted that thick description involved recording subjects’ statements as verbatim as possible. Thus, I used a digital audio recorder to record all
focus groups to ensure thick description. Fetterman (2010) further noted that digital
recorders allowed ethnographers to engage in lengthy conversations with subjects
without the distraction of manual recorders. Further, Fetterman (2010) noted, using a
modern digital audio-recorder, an ethnographer confidently pursued a natural and
lengthy conversation flow with subjects, while at the same time recorded verbatim
statements from all subjects. The ethnographer may then subsequently review these
digitally preserved verbatim statements multiple times to create thick descriptions in the
data analysis.

*Card Sorting Technique*

To further ensure thick description and recording subjects’ statements as
verbatim as possible, a card sorting technique activity was offered at the end of each
focus group. To complete this task, first, second, and third year law students were
presented with five separate scenarios written and conveyed on five separate large
pieces of cardboard in which citation may or may not have been required. The law
students were asked to sort the scenarios in the order of 1 to 5. One represented the
scenario that most required citation to certain legal sources, and five represented the
scenario that least required citation. The purpose of this card sorting technique was to
further corroborate the data concerned with first, second and third year laws student
understanding of plagiarism and common knowledge, which was obtained from the
online survey. Assurance of trustworthiness and credibility during the focus groups was
also pursued.
Trustworthiness and Credibility

Ensuring that the study conveys trustworthiness and credibility further fosters study findings that replicate the authenticities of the study participants and preserves the genuine meaning of study subjects’ conveyances (Baumbusch, 2010). One way in which trustworthiness and credibility are ensured is by implementing triangulation (Baumbusch, 2010). Triangulation involves gathering data from multiple points of view (Carspeckin, 1996). This study implemented triangulation by utilizing a pilot online survey, online survey data, and focus group data to discover how previous information literacy training (how much received and where received), law student gender, law student age, and previously obtained education (college, graduate school…) affected first, second, and third year law students selection of information sources (e.g., primary, secondary, or tertiary sources, which sources do they select) for completing law school assignments, their decision of whether or not to give attribution to these sources, and their understanding of common knowledge.

Baumbusch (2010) states, “Trustworthiness and credibility in ethnographic research is also established via the ethnographer manifesting reflexivity that involves reflecting upon, thinking about, and analyzing the social and contextual factors that may have influenced the subjects as they responded to the ethnographer’s queries” (p. 187). For this study, the ethnographer considered the time constraints the subjects were under when completing the online survey. The time constraints may have affected how much time each subject spent reading each query, thinking about a response, and responding how they accurately felt. In other words, did some of the respondents rush through the survey and not place a lot of thought into their responses? Hopefully, the large sample size garnered augmented any such rushed responses.
To further foster credibility and trustworthiness of data collection, Kempny (2012) conveyed that ethnographers must be aware of their authoritative position when interacting with subjects. Such cognizance is necessary since ethnographers establish a brief authoritative relationship with subjects, collect data from, in an attempt to construct meaning from the snapshot of time in which they interacted with these subjects. During this time period, the subjects probably look to the ethnographer as an authoritative figure. If so, such a perception could affect the subject’s responses. Also, Kisely and Kendall (2011) noted that, despite the imbalance of power, the presence of the researcher alone may have resulted in an effect on the phenomena studied, known as the Hawthorne effect.

To alleviate some of this perception of a power imbalance during the focus groups, the subjects were in dialog and reminded that I was once in law school, and had feelings of apprehension when trying to locate information needed for an assignment or for an exam. The subjects were also reassured that their identities would be kept private, the data gathered would not be used for any other purpose outside of the scope of this study, and that they could choose not to participate in the initial interview, online survey, and focus group at any time. Further, I also tried to make them feel comfortable by offering them food and non-alcoholic beverages during the focus group.

Another potential stumbling block to this study was student hesitancy to answer honestly queries pertaining to committing plagiarism, (e.g., law students may not feel comfortable being frank about discussing plagiarism in front of their peers); law students may be reticent to answer frankly on an online survey or initial interview regarding plagiaristic behavior. Therefore, queries for the online survey and for the focus groups were crafted in a hypothetical manner so that no personal behavior was disclosed.
Data Analysis

After the data from the pilot study, the online surveys, and the focus groups were gathered, analysis of data commenced. For example, all of the focus groups were audio-recorded, and immediately following each focus groups, I transcribed them verbatim. Gustafsson et al. (2013) conveyed that ethnographic research should implement a thematic approach to help the ethnographer identify common themes in the data collected. Kisely and Kendall (2011) corroborated that using thematic analysis augmented an ethnographer in trying to collect valid and reliable data. Prahler and Kahn, (2007) also verified this finding and illustrated how a primary concern of ethnographers was to identify patterns that emerge from subject behavior and verbalization. Thus, each transcription of the focus groups was read several times to re-familiarize myself with the themes that emerged throughout the research process. The transcription of the focus groups were then analyzed to locate common themes and to ensure saturation and crystallization regarding how previous information literacy training (how much received and where received), law student gender, law student age, and previously obtained education (college, graduate school…) affected first, second, and third year law students selection of information sources (e.g., primary, secondary, or tertiary sources, which sources do they select) for completing law school assignments, their decision of whether or not to give attribution to these sources, and their perception of common knowledge. Revealed themes from the focus groups were then used to decipher any patterns, and then patterns were compared to the information discovered in the online surveys.

The online survey data was then analyzed in SPSS® using one way between-groups multivariate analysis of variance, and descriptive statistics. Appropriate post hoc
tests were also utilized to locate any statistically significant differences and interactions between previous information literacy training (how much received and where received), law student gender, law student age, and previously obtained education (college, graduate school…) affects first, second, and third year law students selection of information sources (e.g., primary, secondary, or tertiary sources, which sources do they select) for completing law school assignments, their decision of whether or not to give attribution to these sources, and their understanding of common knowledge.

Summary

In sum, this study offered a racially diverse sample of law students from four separate law schools in Texas. However, the populations of the survey and focus groups are not necessarily the same, and you are not able to make direct conclusions between the data. To gather the data six separate focus groups and an online survey were completed. To ensure reliability and validity of the data collection I implemented a pilot study, triangulation, thick description, saturation, and crystallization were implemented. The data was analyzed via thematic analysis and SPSS®. The results and findings are discussed in Chapter 4.
The results of this study suggest law students do exhibit some differences in their understanding of citation and citation behavior based on their age and their year in law school. They also exhibit some differences regarding common knowledge based on their year in law school, where they received their information literacy training, and where they attend law school. For example, with regard to understanding of citation and citation behavior, after running a one way between-groups multivariate analysis of variance, statistically significant differences in understanding of citation and citation behavior were gleaned between second year law students and first year law students: \( n = 217, F(3, 61) = 5.560, p = .004 \); Tukey HSD = .047 and third year law students and first year law students: \( n = 217, F(3, 61) = 5.560, p = .004 \); Tukey HSD = .007. Also, a statistically significant difference manifested regarding understanding of citation and citation behavior between 18-24 year old law students and 25-34 year old law students: \( n = 217, F(2, 62) = 4.039, p = .019 \); Tukey HSD = .014. Thus, this suggests 25-34 year old law students may understand citation better and may exhibit better citation behavior than 18-24 year old law students, and second and third year law students may understand citation better and may exhibit better citation behavior than first year law students.

After running a one way between-groups multivariate analysis of variance, other statistically significant differences were found between first year law students and third year law students in regard to perception of common knowledge: \( n = 232, F(3, 72) = 5.700, p = .04 \); Tukey HSD = .003. This difference may suggest that third year law
students are more likely to view the information queried in this study as common knowledge compared to first year law students. Thus, in general, third year law students may have a better understanding of common knowledge compared to first year law students. After running a one way between-groups multivariate analysis of variance, a statistically significant difference was also found in regard to common knowledge between law students who claimed they received the best information literacy training in high school compared to those who claimed they received the best information literacy training in graduate school: \(n = 232, F(3, 71) = 6.334, p = .002; \) Tukey HSD = .027. This finding may suggest that law students who claim to receive the best information literacy training in graduate school have a better understanding of common knowledge than do law students who claimed to receive their best information literacy training in high school.

Another a statistically significant difference was found between law students’ understanding of common knowledge at Thurgood Marshall School of Law and Texas A&M University School of Law: \(n = 232, F(4, 71) = 4.904, p = .003; \) Tukey HSD = .003. This finding may suggest that law students at Texas A&M exhibit a better understanding of common knowledge than do law students at Thurgood Marshall School of Law.

Another statistically significant difference manifested regarding perception of common knowledge when juxtaposing law students and Texas A&M University School of Law and Baylor School of Law: \(n = 232, F(4, 71) = 4.904, p = .003; \) Tukey HSD = .035. This finding may suggest that law students at Texas A&M may exhibit a better understanding of common knowledge than do law students at Baylor School of Law.

There were no statistically significant differences regarding citation behavior and information source selection between the law students who attended the four law
schools analyzed. Despite being ranked in separate tiers in the US News and World Report, no statistically significant difference was found between the students analyzed in this study from these four separate schools regarding information source selection and citation. The data garnered from the focus groups tended to corroborate that there was no difference between the students from three of the separate law schools (Baylor School of Law, Texas A&M University School of Law, and Thurgood Marshall School of Law) in that they all seemed to prefer to choose Google as their primary information sources, if they could locate needed information from that source. Then, they would utilize the electronic databases such as LexisNexis™ (www.lexisnexis.com) or Westlaw™ (www.westlaw.com). Finally, they would utilize the print statutes, case law, or other print sources as a last resort.

The data garnered from the focus groups further suggested law students know how to cite print materials, are perplexed about citing digital sources, and at times will ignore the need to cite altogether. They further are often motivated more by fire and brimstone warnings to cite than by simply knowing the proper rules for citation. They also exhibit a strong preference for using Google first to locate legal information because it saves time, money, and is easier to use than Westlaw or LexisNexis. Additionally, law students vehemently avoid citing Wikipedia™ and other digital sources such as websites, social media, and listservs because they perceive citing such sources equal to losing credibility. Finally, law students view plagiarism and common knowledge as contextual. For example, an action that constitutes plagiarism in one country may not constitute plagiarism in another country. To discover the above-mentioned information, the demographics and independent variables listed below were utilized.
Demographics, Independent Variables, and Venue for This Study

A description of the demographics to whom the online survey was delivered further depicts the independent variables utilized for this study. The independent variables consisted of gender (male, female), age range (18-24, 25-35, and 35 and older), year in law school (first year, second year, or third year), highest level of education earned (B.S. or B.A., M.A., Ph.D. or equivalent), educational environment in which one received the most training regarding citation and common knowledge (high school, college, graduate school), and the law school environment in which one received the most training regarding citation and common knowledge (basic legal research class, advanced legal research class, a substantive law class, moot court, mock trial, law review, a practicum, or an internship).

A total of 241 law students responded to the survey, and a total of 212 law students fully completed all of the survey, for a full completion rate of 88%. All of the 241 students who accessed the survey fully agreed to the informed consent (see Appendices A and B).

Descriptive Statistics for Independent Variables

As indicated in Tables 3 and 4 below, the demographics for this study were as follows: 109 (45.4%) of male law students and 131 (54.6%) percent of female law students responded to the online survey; 117 (48.8%) of individuals ages 18-24 responded to the survey, 108 (43.8%) individuals ages 25-34 responded to the online survey, and 18 (7.4%) individuals age 35 or older responded to the online survey. Regarding the online survey, 115 (47.9%) of the respondents were first year law students; 62 (25.8%) of the respondents were second year law students; and 63
(26.3%) of the respondents were third year or higher law students. The majority of law students at law schools in Texas graduate in three years. However, some law students attend law school part-time and took up to five years to finish law school.

**Table 3**

*Gender Information of Law School Respondents*

<table>
<thead>
<tr>
<th>Gender</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>109</td>
<td>45.4%</td>
</tr>
<tr>
<td>Female</td>
<td>131</td>
<td>54.6%</td>
</tr>
<tr>
<td>Total</td>
<td>240</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

**Table 4**

*Age Information of Law School Respondents*

<table>
<thead>
<tr>
<th>Age</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-24</td>
<td>117</td>
<td>48.8%</td>
</tr>
<tr>
<td>25-34</td>
<td>108</td>
<td>43.8%</td>
</tr>
<tr>
<td>35-older</td>
<td>18</td>
<td>7.4%</td>
</tr>
<tr>
<td>Total</td>
<td>240</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

As is also indicated in Table 5 below, 116 (47.9%) first year law students responded to the online survey, 62 (25.8%) of second year law students responded to the online survey, and 63 (26.3%) of third year law students responded to the survey.
Table 5

Respondents' Year in Law School

<table>
<thead>
<tr>
<th>Year in Law School</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Year Law Student</td>
<td>116</td>
<td>47.9%</td>
</tr>
<tr>
<td>Second Year Law Student</td>
<td>62</td>
<td>25.8%</td>
</tr>
<tr>
<td>Third Year Law Student</td>
<td>63</td>
<td>26.3%</td>
</tr>
<tr>
<td>Total</td>
<td>240</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Regarding the level of education achieved by the respondents, as indicated in Table 6, 220 (92.1%) of the respondents earned a B.A. or a B.S., 18 (7.5%) of the respondents earned a M.A. or equivalent, and 1 (.4%) earned a Ph.D. or equivalent.

Table 6

Level of Education Achieved

<table>
<thead>
<tr>
<th>Level of Education Achieved</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.A. or B.S.</td>
<td>220</td>
<td>92.1%</td>
</tr>
<tr>
<td>M.A. or equivalent</td>
<td>18</td>
<td>7.5%</td>
</tr>
<tr>
<td>Ph.D. or equivalent</td>
<td>1</td>
<td>0.4%</td>
</tr>
<tr>
<td>Total</td>
<td>239</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Thus, the large majority of respondents held a B.A. or B.S.

With regard to which level of school these law students believed they received the most training pertaining to plagiarism and common knowledge, as is indicated in Table 7, 58 (24.2%) of the respondents believed they received the best training in high
school, 155 (64.4%) believed they received the best training in college, and 27 (11.3%) believed they received the best training in graduate school. This finding is interesting in that the majority of law students interviewed during the focus groups said they received the most training in law school, compared to high school or college. Yet, the online survey data indicated the majority of law students (64%) believed they received the best training regarding plagiarism and common knowledge in college. This discrepancy may indicate that the students who chose to participate in the focus groups gained a better understanding of plagiarism and common knowledge in law school.

Table 7

<table>
<thead>
<tr>
<th>Level of School Received Best Training Regarding Plagiarism and Common Knowledge</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>High School</td>
<td>58</td>
<td>24.2%</td>
</tr>
<tr>
<td>College</td>
<td>155</td>
<td>64.6%</td>
</tr>
<tr>
<td>Graduate School</td>
<td>27</td>
<td>11.3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>240</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

The large majority of respondents believed they received the best training regarding plagiarism and common knowledge in college.

Regarding what law school environment in which the respondents believed they received the best training for plagiarism and common knowledge, as is indicated in Table 8, 225 (93.8%) believed they received the best training in a basic legal research class, 5 (2.1%) believed they received the best training in an advanced legal research class, 2 (.8%) believed they received the best training in a substantive law class, 2
(0.8%) believed they received the best training in a moot court class, 1 (0.4%) believed they received the best training in a mock trial class, 3 (1.3%) believed they received the best training in law review, 0 (0%) believed they received the best training in a practicum, and 2 (0.8%) believed they received the best training during an internship. This is interesting, in that the advanced legal research class usually offers more in-depth training with regard to citation and common knowledge. However, the low percentage of law students (2.1%) who claimed they received the best training regarding citation and common knowledge in an advanced legal research class could be accounted for in that advanced legal research is usually an elective. Also, often law students do not take an advanced legal research class until their second or third year. Since, 46.9% of the students who filled out the survey were first year students, perhaps this skewed the rate of students to a lower percent, who believed they received the best training regarding citation and common knowledge in an advanced legal research class.

Table 8

Law School Environment in Which the Respondents Received the Best Training Regarding Plagiarism and Common Knowledge

<table>
<thead>
<tr>
<th>Law School Environment – Best Training – Plagiarism and Common Knowledge Basic Legal Research Class</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>225</td>
<td>93.8%</td>
<td></td>
</tr>
<tr>
<td>Advanced Legal Research Class</td>
<td>5</td>
<td>2.1%</td>
</tr>
<tr>
<td>Substantive Law Class</td>
<td>2</td>
<td>0.8%</td>
</tr>
<tr>
<td>Moot Court</td>
<td>2</td>
<td>0.8%</td>
</tr>
<tr>
<td>Mock Trial</td>
<td>1</td>
<td>0.4%</td>
</tr>
<tr>
<td>Law Review</td>
<td>3</td>
<td>1.3%</td>
</tr>
<tr>
<td>Internship</td>
<td>2</td>
<td>0.8%</td>
</tr>
<tr>
<td>Total</td>
<td>240</td>
<td>100%</td>
</tr>
</tbody>
</table>
Many of these students may have not yet received the opportunity to participate in an advanced legal research class. The majority of law students conveyed they received the best training regarding plagiarism and common knowledge in the basic legal research class that is mandatory for all first semester law students at each of the four law schools from which the subjects were selected for this study. All of this information was collected via an online survey and focus groups, which are discussed below.

Online Survey and Focus Group

This study gathered data via an online survey and a focus group. The data gathered attempted to answer the following research questions:

1. How does first, second, and third year law students’ predicated information literacy training (how much and from where did they receive their information literacy training), age, gender, and previously obtained education level affect their understanding of the concept common knowledge?

2. How does first, second, and third year law students’ predicated information literacy training (how much and from where did they receive their information literacy training), age, gender, and previously obtained education level affect their decision to give citation to a source?

3. How does first, second, and third year law students’ predicated information literacy training (how much and from where did they receive their information literacy training), age, gender, and previously obtained education level affect the information sources they seek (e.g., do they seek primary, secondary, or tertiary sources)?

The questions asked in the online survey pertained to four categories: the independent
variables, and the three research questions that evaluated common knowledge, citation, and information source selection. In the online survey, Questions 1-6 pertained to the independent variables. Questions 7-11 pertained to Research Question 1. Questions 12-20 addressed Research Question 2. Questions 21-24 related to Research Question 3, as indicated below in Table 9. The focus groups implemented questions that attempted to confirm and find contrary information found in the online survey. Below, is an analysis of all data collected in the online survey and in the focus groups for each of the three research questions.

Table 9

*Survey Questions*

<table>
<thead>
<tr>
<th>Question Numbers</th>
<th>Content Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Questions 1-6</td>
<td>Independent Variables</td>
</tr>
<tr>
<td>Questions 7-11</td>
<td>Common Knowledge</td>
</tr>
<tr>
<td>Questions 12-20</td>
<td>Citation</td>
</tr>
<tr>
<td>Questions 21-24</td>
<td>Information Source Selection</td>
</tr>
</tbody>
</table>

*Analysis of Research Question 1*

In general, the data collected from the online survey and from the focus groups for Research Question 1 indicated that a good definition of common knowledge is “something the average person of a society would know.” Common knowledge is also contextual depending on geography, culture, and possibly political issues also manifested in most of the focus groups. The law students also believed common knowledge was consistently defined as “a universal truth,” “a fact not disputable,”
“something the whole world knows,” and “a universal concept.” A statistically significant
difference regarding common knowledge manifested between first and third year law
students, law students who received their training in higher education compared to law
students who receive the most information literacy training in high school, and regarding
where one attended law school. These differences may suggest that third year law
students are more likely to view the information queried in this study as common
knowledge compared to first year law students. Law students who receive more
informant literacy training in higher education may have a better understanding of
common knowledge. Also, where one attends law school may affect one’s
understanding of common knowledge. These findings are discussed in greater detail
below.

To analyze how first, second, and third year law students previous information
literacy training, age, gender, and previously obtained education affected their
comprehensions of the phrase “common knowledge,” the online survey presented them
with five statements. Each statement prompted the law students to identify the
statement as either never common knowledge, might not be common knowledge,
uncertain, may be common knowledge, or always common knowledge. The first
statement to which law students were prompted to respond read – divorce occurs when
a couple ends their marriage. As indicated in Figure 1 below, 0 (0%) of law students
perceived this as never common knowledge, 2 (1%) believed this might not be common
knowledge, 7 (3%) of the law students stated they were uncertain if this was common
knowledge, 50 (22%) stated this may be common knowledge, and 172 (74%) believed
this statement was always common knowledge.
Figure 1. First online survey question regarding common knowledge: Divorce occurs when a couple ends their marriage.

The majority of law students believed this statement was always common knowledge. A general theme manifested in the focus groups may explain why this statement is considered common knowledge by most law students. All of the members of the focus groups came to the consensus that a good definition of common knowledge is “something the average person of a society would know.” All of the focus groups participants concurred that a good example of common knowledge is “the sun rises in the east and sets in the west.” Other frequent examples of common knowledge mentioned included “there is a moon,” “there are 50 states in the United States,” and “any very undisputed simple facts.” This is consistent with Mahmood, Mahmood, Khan, and Malik’s (2010) research discussed in the literature review in Chapter 2. For example, one agency defined common knowledge as information the average, educated reader would accept as valid without needing to be referred to an information source to look it up (Academic Integrity at MIT, 2014). Law students tend to define common knowledge as undisputable facts that most people know. They also mentioned
that common knowledge can be contextual and depend on geography and culture.

The general idea that common knowledge consists of undisputed facts, but that it is also contextual depending on geography, culture, and possibly political issues also manifested in most of the focus groups. What is common knowledge in Texas may not be common knowledge in Russia, or what is common knowledge in Fort Worth, Texas may not be common knowledge in Dallas, Texas, or, what is common knowledge in the United States may not be common knowledge in Sweden. Common knowledge is contextual based on geography and culture. Most of these law students studied the general concept of divorce in Texas, as one studies what constitutes a legal divorce in law school, how to plead for divorce legally... when taking a family law course. Some of these law students may have even experienced divorce themselves. The statement “divorce occurs when a couple ends their marriage” is probably common knowledge for law students due to their geography (being located in law school), their experience (their law school pedagogy), and their culture (their exposure to what constitutes a divorce). It is not surprising the large majority of law students believed this statement is common knowledge, or “something the average person of a society would know.”

During the focus groups, first, second, and third year law students agreed that common knowledge was more akin to universal broad truths. One third year student stated “common knowledge is defined as broad universal truths that most people in the world know about. For example, the sun rises in the east and sets in the west.” There probably are many exceptions, but some western cultures agree that when two people end their marriage it is called a divorce. That this concept would be common knowledge is consistent with the law students’ statements in the focus groups that such an action would be almost universally known, and thus is common knowledge. Thus, the data
collected from the focus groups seems to corroborate the survey data that the law students examined in this study believed that broad concepts such as divorce occurs when a couple ends their marriage, or the sun rises in the east and sets in the west, were common knowledge.

The second statement in the online survey analyzing law student perception of common knowledge stated – irreconcilable differences are grounds for divorce in Texas. In response to this question, as indicated in Table 10, 5 (2%) of the respondents stated this was never common knowledge, 45 (19%) conveyed this statement might not be common knowledge, 40 (17%) were uncertain, 126 (54%) believed this statement may be common knowledge, and 16 (7%) thought this statement was always common knowledge. The responses to this statement manifested a large difference in who thought this was common knowledge, who believed it was not common knowledge, and who was uncertain. This begs the question why such a split decision?

Table 10

Second Online Survey Question Regarding Common Knowledge: Irreconcilable Differences are Grounds for Divorce in Texas

<table>
<thead>
<tr>
<th>Belief About Common Knowledge</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never Common Knowledge</td>
<td>5</td>
<td>2%</td>
</tr>
<tr>
<td>Might not be Common Knowledge</td>
<td>45</td>
<td>19%</td>
</tr>
<tr>
<td>Uncertain</td>
<td>40</td>
<td>17%</td>
</tr>
<tr>
<td>May be Common Knowledge</td>
<td>126</td>
<td>54%</td>
</tr>
<tr>
<td>Always Common Knowledge</td>
<td>16</td>
<td>7%</td>
</tr>
<tr>
<td>N</td>
<td>232</td>
<td>100%</td>
</tr>
</tbody>
</table>
Data from the focus groups may offer an explanation as to why a difference of perception existed regarding whether this statement was common knowledge. For example, the focus groups produced common themes that there were cultural differences, or differences in audiences regarding beliefs about what is and is not common knowledge. In one focus group, a student mentioned “common knowledge is based on exposure and experience. It is based on culture and exposure to different things.” These cultural differences are important when viewing professions as making a cultural group. The legal culture or profession is probably aware that irreconcilable differences are grounds for divorce in Texas, because law students and attorneys are repeatedly trained that this is fact. If an attorney files for divorce on behalf of his or her client, the attorney must allege a ground for divorce, thus, the attorney is likely to know that irreconcilable differences are grounds for divorce in Texas. However, non-legal professionals such as doctors, plumbers, K-12 teachers may not be aware that irreconcilable differences are grounds for divorce because they are outside of the legal culture and thus not familiar with the specific requirements for a divorce in Texas. However, if doctors, plumbers, or K-12 teachers have been through a divorce, then they may be part of the “divorce culture” in Texas, and thus they might be familiar with the fact that irreconcilable differences are appropriate grounds for divorce in Texas. Thus, common knowledge may be contextual, based on what culture or in what geographic location one lives, or based on the audience.

These examples about individuals having to be a part of specific cultures or audiences exemplifies what law students conveyed in the focus groups that common knowledge is contextual and depends on where you live, to what culture you belong, and what one has experienced. For example, a common theme emanated from the
focus groups that “a person in Texas hopefully knows the capitol of Texas is Austin, whereas for someone in Russia or Maine, this may not be common knowledge.” This information garnered in the focus group also explains the variety of responses to the second statement in the online survey regarding common knowledge. The responses may have varied as to whether grounds for divorce in Texas was common knowledge, because the statement did not query whether people in Russia or plumbers believed it was common knowledge that irreconcilable differences were grounds for divorce in Texas. Instead, it just queried whether the general statement - irreconcilable differences are grounds for divorce in Texas – was common knowledge. So, some of the respondents may have answered the question from their point of view, others may have answered it from a universal point of view. The focus group discussion illuminates the fact that first, second, and third year law students believe common knowledge is contextual dependent on culture and geographic region.

The third statement in the online survey measuring law student understanding of common knowledge stated - a petition for annulment may be filed by a parent in Texas. As indicated below in Table 11, 44 (19%) of respondents believed this was never common knowledge, 94 (41%) conveyed this might not be common knowledge, 69 (30%) stated they were uncertain, 18 (8%) believed this may be common knowledge, and 7 (2%) believed this was always common knowledge.
Table 11

*Third Online Survey Question Regarding Common Knowledge: A Petition for Annulment may be Filed by a Parent in Texas*

<table>
<thead>
<tr>
<th>Belief About Common Knowledge</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never Common Knowledge</td>
<td>44</td>
<td>19%</td>
</tr>
<tr>
<td>Might Not Be Common Knowledge</td>
<td>94</td>
<td>41%</td>
</tr>
<tr>
<td>Uncertain</td>
<td>69</td>
<td>30%</td>
</tr>
<tr>
<td>May Be Common Knowledge</td>
<td>18</td>
<td>8%</td>
</tr>
<tr>
<td>Always Common Knowledge</td>
<td>7</td>
<td>2%</td>
</tr>
<tr>
<td><strong>N</strong></td>
<td><strong>232</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

The responses to this statement seem to further corroborate law students’ belief that common knowledge is contextual and based on culture and geography. It is unlikely those outside of the legal culture or outside of the parent culture who has filed a petition for annulment, know that a petition for annulment may be filed by a parent. Thus, many law students seemed to think this may not be common knowledge to all audiences, or they were uncertain whether such esoteric knowledge would be common knowledge. Thus, further verifying that common knowledge is contextual.

The fourth statement in the online survey regarding common knowledge conveyed – attending counseling after a divorce may alleviate sadness: 4 (2%) of the respondents to this statement thought this was never common knowledge, 17 (7%) believed this might not be common knowledge, 21 (9%) stated they were uncertain, 134 (58%) thought this may be common knowledge, and 56 (24%) believed this was always common knowledge, as indicated in Figure 2.
The subjects in all six focus groups seemed to shed light on the disparities above regarding what is common knowledge. For example, three common themes manifested from each focus group regarding what is common knowledge. First, common knowledge appears to have a cultural and geographical component. Second, common knowledge was consistently defined as “a universal truth,” “a fact not disputable,” “something the whole world knows,” and “a universal concept.” Thus, in the online survey, the first statement presented a concept that is probably a fact not disputable to Western cultures, something the whole world knows (at least where marriages are permitted), and that they believed was a universal concept. That is, divorce occurs when a couple ends their marriage.

Whereas, the third statement that attending counseling after divorce may alleviate sadness may again be subjective and depend on which culture one belongs. Such a premise may not be universally known or agreed upon. Further this statement may not be a fact not disputed, or a concept that the whole world knows. Instead, the
statement – attending counseling after divorce may alleviate sadness – may be more likely culturally or geographically dependent as to whether they are common knowledge. For example, for an attorney in Texas, or for someone who has lived through a divorce in Texas, counseling may be unpleasant. Or, for those who have never experienced divorce, this statement may be incomprehensible. Thus, apparently, according to first, second, and third year law students, common knowledge equates to universal truths, broad knowledge known to almost all people (e.g., the sun rises in the east and sets in the west). However, there appear to be subsets of common knowledge dependent upon one’s culture or where one resides geographically, thus it is dependent on the audience.

The fifth statement concerning common knowledge stated “common law marriages exist in Texas.” As referenced in Table 12, in response to this statement, 7 (3%) of law students believed this statement was never common knowledge, 38 (16%) conveyed this might not be common knowledge, 32 (14%) were uncertain, 119 (51%) thought this statement may be common knowledge, and 36 (16%) thought the statement was always common knowledge.

Table 12


<table>
<thead>
<tr>
<th>Belief About Common Knowledge</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never Common Knowledge</td>
<td>7</td>
<td>3%</td>
</tr>
<tr>
<td>Might Not Be Common Knowledge</td>
<td>38</td>
<td>16%</td>
</tr>
<tr>
<td>Uncertain</td>
<td>32</td>
<td>14%</td>
</tr>
<tr>
<td>May Be Common Knowledge</td>
<td>119</td>
<td>51%</td>
</tr>
<tr>
<td>Always Common Knowledge</td>
<td>36</td>
<td>16%</td>
</tr>
<tr>
<td><strong>N</strong></td>
<td><strong>231</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>
Again, the fact the survey results manifested some uncertainty as to whether this was common knowledge, supports the common themes emanating from the focus group that common knowledge is culturally and geographically dependent. For example, depending on where one lives or whether he or she has ever expressed an interest in being in a relationship, one may have never heard of the phrase common law marriage.

This study examined whether year in law school had a statistically significant effect on law student perception of common knowledge. To examine this relationship, ANOVAs were also run for each independent variable, age, year in law school, highest level of education, educational environment in which information literacy training was received, law school environment in which information literacy training was received; compared to the dependent variable common knowledge. Thus, after running a one way between-groups multivariate analysis of variance and comparing first year law students to second and third year law students in regard to common knowledge, a statistically significant difference manifested between first and third year law students: \( n = 232, F(3, 72) = 5.700, p = .004; \) Tukey HSD = .003. This difference may suggest that third year law students are more likely to view the information queried in this study as common knowledge compared to first year law students. Thus, in general, upper law students may have a better understanding of common knowledge compared to first year law students.

This study compared whether where law students stated they received the most information literacy training affecting their perception of common knowledge. After running a one way between-groups multivariate analysis of variance, a statistically significant difference was found regarding common knowledge between law students who claimed they received the best information literacy training in high school compared
to those who claimed they received the best information literacy training in graduate school: $n = 232, F(3, 71) = 6.334, p = .002; \text{Tukey HSD} = .027$. This finding may suggest that law students who claim to receive the best information literacy training in graduate school have a better understanding of common knowledge than do law students who claimed to have received their best information literacy training in high school.

After running a one way between-groups multivariate analysis of variance, a statistically significant difference also manifested regarding common knowledge between law students who claimed to receive the best information literacy training in college compared to law students who claimed to have received their best information literacy training in graduate school: $n = 232, F(3, 71) = 6.334, p = .002; \text{Tukey HSD} = .001$. This statistically significant difference may suggest law students who received their best information literacy training in college have a better understanding of common knowledge compared to law students who claimed to receive their best information literacy training in graduate school. This finding was surprising and should be further explored in a future study.

This study examined whether where law students attend law school affected their understanding of common knowledge. This study manifested a statistically significant difference between law students’ understanding of common knowledge at Thurgood Marshall School of Law and Texas A&M University School of Law: $n = 232, F(4, 71) = 4.904, p = .003; \text{Tukey HSD} = .003$. This finding may suggest that law students at Texas A&M exhibit a better understanding of common knowledge than do law students at Thurgood Marshall School of Law. After running a one way between-groups multivariate analysis of variance, another statistically significant difference manifested regarding
perception of common knowledge when juxtaposing law students and Texas A&M University School of Law and Baylor School of Law: $n = 232, F(4, 71) = 4.904, p = .003; Tukey HSD = .035$. This finding may suggest that law students at Texas A&M may exhibit a better understanding of common knowledge than do law students at Baylor School of Law.

No other statistically significant differences were found regarding the independent variables age, year in law school, legal of education obtained, where information literacy was obtained, and the law school environment in which information literacy was obtained; and the dependent variable common knowledge.

**Conclusions for Research Question 1**

In summation, law students perceive common knowledge as “information that the average person of society would know,” or as “undisputable facts.” Yet they view common knowledge as “culturally,” and “geographically dependent.” Further, common knowledge, according to the law students, is contextual, and dependent on the audience. What may be an undisputable fact, i.e., common knowledge, to people in Russia, may not be common knowledge to people in Texas, depending on their experiences, knowledge, and culture. Also, what may be common knowledge to a law student in one class may not be common knowledge to a law student in another class, because common knowledge is dependent upon experience. For example, if a law student is completing a family law course that discusses the grounds for divorce in Texas, this subset of the population (the students participating in the family law course) believe the grounds for divorce in Texas are common knowledge to them. Their experience and instruction received tell them, this is common knowledge to law
students. Whereas, law students who have not taken the family law course (another subset of law students) believe such grounds for divorce are not common knowledge for law students. Their lack of experience, compared to the other subset, convey this is not common knowledge. Thus, in conclusion, the survey results and the focus group data suggest that law students believe common knowledge in general is based on “undisputable facts.” However, common knowledge is contextual due to culture, experience, and where one lives. In essence, law students’ perception of common knowledge is almost paradoxical in that undisputable facts may be different from culture to culture, and geographic location to geographic location.

Further the online survey data suggests that third year law students tend to have a better understanding of common knowledge compared to first year law students. Thus, the more educational experience in law school, and the more life experience may result in a better understanding of common knowledge. Also, law students who received the most information literacy training in graduate school may understand common knowledge better than those who received their most information literacy training in high school. Further, law students who received more training regarding information literacy in college compared to those who received more training in graduate school may have a better grasp of what is common knowledge. Finally, law students who attend Texas A&M may have a better understanding of common knowledge compared to law students who attend Baylor Law School and Thurgood Marshall School of Law.

Analysis of Research Question 2

In general the data collected pertinent to Research Question 2 suggested statistically significant differences do exist in regard to understanding of citation and
citation behavior based on age and their year in law school. There were no statistically significant differences found regarding citation between the four law schools analyzed. Despite being ranked in separate tiers in the US News and World Report, no statistically significant difference was found between the students analyzed in this study from these four separate schools regarding citation. Also, law students appear to know how to cite print materials, are perplexed about citing digital sources, and at times will ignore the need to cite altogether. Law students further are often motivated more by fire and brimstone warnings to cite as opposed to simply knowing the proper rules for citation.

To help analyze Research Question 2, the online survey conveyed nine queries to respondents. The available answers to these queries included never requires citation, might not require citation, uncertain, may require citation, and always requires citation. The first question, Question 13 in the survey, asked whether citation was needed when using information stating that William Jefferson Clinton was the 42nd president of the United States of America. As referenced in Figure 3, 79 (36%) respondents stated this information never requires citation, 64 (29%) believed this might not require citation, 16 (7%) were uncertain, 47 (22%) stated this information may not require citation, and 11 (5%) claimed this information always requires citation.
Figure 3. First online survey question regarding citation: Information stating that William Jefferson Clinton is the 42nd president of the United States of America.

The second query regarding citation asked whether the following statement required citation: A Texas statute outlining the term limits of the Governor of Texas. As indicated in Table 13, 0 (0%) believed this statement never requires citation, 16 (7%) stated this statement may not require citation, 9 (4%) were uncertain, 51 (24%) believed this statement may require citation, and 140 (65%) believed this always requires citation. Whether it takes law students 3 or 5 years to graduate from law school, in almost every law school class, law faculty drill in to law students’ heads that all statutes require citation. Thus, it may be a little concerning that 12% of the respondents were either uncertain or believed this information may not require citation.
Table 13

Second Online Survey Question Regarding Citation: A Texas Statute Outlining the Term Limits of the Governor of Texas

<table>
<thead>
<tr>
<th>Does This Require Citation?</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never Requires Citation</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Might Not Require Citation</td>
<td>16</td>
<td>8%</td>
</tr>
<tr>
<td>Uncertain</td>
<td>9</td>
<td>4%</td>
</tr>
<tr>
<td>May Require Citation</td>
<td>51</td>
<td>24%</td>
</tr>
<tr>
<td>Always Requires Citation</td>
<td>137</td>
<td>64%</td>
</tr>
<tr>
<td>N</td>
<td>213</td>
<td>100%</td>
</tr>
</tbody>
</table>

The third query posed to the law students regarding citation asked whether the following information needed to be cited: A website listing the proposed bills that the Texas Governor has signed into law. As is indicated in Table 14, 6 (3%) stated using this information never requires citation, 18 (8%) believed it might not require citation, 18 (8%) were uncertain, 76 (35%) stated this may require citation, and 99 (46%) believed it always requires citation. Again, that fact that 19% of the respondents are uncertain, or think this information might not or never requires citation might be alarming to some in the legal field.
Table 14

Third Online Survey Question Regarding Citation: A Website Listing the Proposed Bills that the Texas Governor Has Signed Into Law

<table>
<thead>
<tr>
<th>Does This Require Citation?</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never Requires Citation</td>
<td>6</td>
<td>3%</td>
</tr>
<tr>
<td>Might Not Require Citation</td>
<td>18</td>
<td>8%</td>
</tr>
<tr>
<td>Uncertain</td>
<td>18</td>
<td>8%</td>
</tr>
<tr>
<td>May Require Citation</td>
<td>76</td>
<td>35%</td>
</tr>
<tr>
<td>Always Requires Citation</td>
<td>99</td>
<td>46%</td>
</tr>
<tr>
<td>N</td>
<td>217</td>
<td>100%</td>
</tr>
</tbody>
</table>

The fourth query in the online survey pertaining to citation asked respondents to declare whether using the following statement located on an electronic venue required citation: As referenced in Figure 4, an online encyclopedia article that states Austin is the Capitol of Texas: 72 (33%) stated this never requires citation, 59 (27%) believed this might not require citation, 15 (7%) were uncertain, 44 (20%) thought this may require citation, and 26 (12%) believed this always required citation.
Figure 4. Fourth online survey question regarding citation: An online encyclopedia article that states Austin is the capitol of Texas.

The fifth query in the online survey regarding citation prompted the law students to decipher whether they should cite the following information located on an electronic platform. This information was a section in the Texas Estates Code that describes the time period for contesting a will. As is indicated in Table 15, 0 (0%) of the respondents thought the one should never cite this information, 1 (> 1%) believed this information might not require citation, 7 (3%) were uncertain, 21 (9%) believed this may require citation, and 188 (87%) believed this always requires citation.
Table 15

*Fifth Online Survey Question Regarding Citation: A Section in the Texas Estates Code that Describes the Time Period for Contesting a Will*

<table>
<thead>
<tr>
<th>Does This Require Citation?</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never Requires Citation</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Might Not Require Citation</td>
<td>1</td>
<td>&gt;1%</td>
</tr>
<tr>
<td>Uncertain</td>
<td>7</td>
<td>3%</td>
</tr>
<tr>
<td>May Require Citation</td>
<td>21</td>
<td>9%</td>
</tr>
<tr>
<td>Always Requires Citation</td>
<td>188</td>
<td>87%</td>
</tr>
<tr>
<td><strong>N</strong></td>
<td><strong>217</strong></td>
<td>100%</td>
</tr>
</tbody>
</table>

The large majority of law students stated that one must always cite to a section in the Texas Estates Code when using information from this source. Law students who participated in the focus groups elaborated on this inclination to cite the statues. For example, one group conveyed “you always want to cite the statute, even if you see it on a blog; go find the statute and cite the statute.” Other law students opined that no matter what information you find, to have credibility in court, you have to cite statutes and case law, not tertiary sources like websites. A common theme discovered during the focus groups was that it is vital to cite statutes to increase one’s credibility, and to show the judge from where or how one crafted their argument. Thus, the focus groups corroborated the survey data that suggested the large majority of law students believe statutes should be cited when information is extracted from them and utilized. This resounding belief stemmed from the law students’ belief that citing a statute provides one credibility with the reader, their belief that statutes are credible sources, and they
were told by their professors to cite statutes.

The sixth statement in this section prompted law students to decipher whether they should cite to the following: a section in *Texas Jurisprudence* that describes what a will contest is. As indicated below in Table 16, 0 (0%) stated that his never requires citation, 15 (7%) believed this might not require citation, 10 (5%) stated they were uncertain, 60 (28%) conveyed this may require citation, and 132 (61%) believed this always required citation.

Table 16

*Sixth Online Survey Question Regarding Citation: A section in Texas Jurisprudence that Describes What a Will Contest Is*

<table>
<thead>
<tr>
<th>Does This Require Citation?</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never Requires Citation</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Might Not Require Citation</td>
<td>15</td>
<td>7%</td>
</tr>
<tr>
<td>Uncertain</td>
<td>10</td>
<td>5%</td>
</tr>
<tr>
<td>May Require Citation</td>
<td>60</td>
<td>28%</td>
</tr>
<tr>
<td>Always Requires Citation</td>
<td>132</td>
<td>61%</td>
</tr>
<tr>
<td><strong>N</strong></td>
<td><strong>218</strong></td>
<td>100%</td>
</tr>
</tbody>
</table>

The large majority of law students who completed the online survey felt comfortable believing information from Texas Jurisprudence either may require or always required citation. A reason these law students may believe more strongly in citing Texas Jurisprudence in an online format compared to blogs, wikis and a listserv, is the focus groups manifested information that law students are taught in law school it is acceptable and encouraged to cite secondary sources such as Texas Jurisprudence or other legal encyclopedias. However, due to a lack of credibility, law students have
been encouraged to not cite other electronic sites such as blogs, wikis, emails… For example, in a focus group at Texas Southern, a third year law students stated “it is OK to use Wikipedia or another website, but do not cite it. It is not a credible cite. Instead, go to the bottom of the Wikipedia page, and use those citations instead.” The law students in this focus group further conveyed they felt comfortable citing Texas Jurisprudence or another legal encyclopedia because they had been told by their professors that citing to such sources, while concurrently citing to primary sources (case law, statutes, and regulations) will still give your paper credibility. However, citing just to Wikipedia or a website will not give your paper credibility. Therefore, the law students who participated in this study, in general, feel comfortable citing to Texas Jurisprudence, whether it is in a print or digital format.

Following the lead of citing what my professor told me to cite, instead of autonomously deciding what to and what not to cite, supports the research that claimed law students and attorneys are more affected by covert influence than overt influences, posited by Meyer (2007); and Haruna and Mabawonku (2001), as mentioned in the literature review in Chapter 2. Their research stated that attorneys’ job roles and tasks remained static and could not be changed by other factors such as client demands, customer service, and fears of liability. Instead, these researchers found law school pedagogy predetermined attorneys’ work roles and work tasks. Taylor (1968) and Mitchell-Cichon (2002) research further supported Meyer, Haruna and Mabawonku’s theory, and examined covert motivations for information seeking behavior in library patrons and discovered some people perceived information needs due to deep internal, visceral, or unconscious needs for information. This study tends to lend support to the theory that covert factors more heavily influence law student’s decision making process
in regard to which sources they chose to cite and which sources they chose to not cite. In summation, the data collected in the online survey and in the focus groups corroborates Meyer, Haruna, Mabawonku, Taylor, and Mitchell-Cichon’s research. The seventh statement in this section asked whether citation was required for the following prompt: A Wikipedia article describing a will contest. As indicated in Figure 5, 28 (13%) of the law students responded that using such a source never required citation, 43 (20%) stated it may not require citation, 36 (17%) were uncertain, 58 (27%) claimed this may require citation, and 52 (24%) conveyed using such a source always required citation.

Figure 5. Seventh online survey question regarding citation: Wikipedia article describing a will contest.

A large percentage (50%) of the law students surveyed believed using information from Wikipedia never required citation, might not require citation, or were uncertain. The focus group yielded some information as to why law students may not want to cite this source or as to why they may be uncertain as to whether they should cite this source when using information from it. For example, during one focus group the
students claimed you should never cite Wikipedia because “it is a crappy source.” Another focus group stated even if you read something you want to use off of Wikipedia, “you can still find the same information in a better source.” A separate student stated that if he located the four elements of negligence on Wikipedia, he would not give citation to Wikipedia, but instead would cite a statute that contained the same or similar material. Another student suggested if you find useful information on Wikipedia, “do not cite to Wikipedia, just use the citations at the bottom of the page.” Additionally a first year law student claimed even if she used information directly from Wikipedia she would never cite to it because it is not trustworthy and not credible in court.” In another focus group other students claimed “if it is in Wikipedia and it is actually correct, they then go to like maybe even something you have already cited that is in there too.”

In essence, law students appear to be taught in law school to cite to primary sources such as case law, statutes, and regulations. They are instructed that they may support primary sources with traditional legal secondary sources such as law reviews, Restatements, and legal encyclopedias. However, they are told to never cite what may be considered tertiary sources like Wikipedia.

During one focus group, a student conveyed she attended a hearing where an attorney had cited Wikipedia. The judge in the case verbally admonished the attorney for citing to Wikipedia and told the attorney that Wikipedia had no credibility. The student proceeded to explain that under no circumstances would she ever cite Wikipedia, even if she had paraphrased something from Wikipedia. In essence, law students are being taught that it is never appropriate to cite to Wikipedia, because it is not a credible source. However, as an unintended consequence, some law students may be using information or paraphrasing information from this site but not giving
proper credit to Wikipedia because they are afraid they and their arguments will lose credibility. Or, they are locating information in Wikipedia or a similar cite, and then trying to locate primary sources that say something similar and are citing to those primary sources. Another student noted that she had always been told “you cannot cite Wikipedia, you must go find an alternative source to cite. It is just not acceptable in the academic community.”

Such thought process of further following the, what I have been taught in law school in regard to citation lends additional support to Meyer (2009), and Haruna and Mabawonku (2001), and Mitchell-Cichon (2002) that law students base their action (to cite or not to cite) on covert factors, not so much on over factors. However, this also opens up Pandora’s Box in regard to plagiarism. Many students admitted, even if they use content from Wikipedia, they will either cite another source or just not cite at all, but will under no circumstances cite Wikipedia. This exposes law students to plagiarism, and further supports the research mentioned in the literature review in Chapter 2 that posited a whitepaper issued from Turnitin.com (2013) indicated students did not believe they needed to cite information extracted from Wikipedia, or to investigate and cite primary or secondary sources listed on a Wikipedia entry. Thus, some law students do believe it is not credible to cite Wikipedia, and they will either simply not cite the source when using content from it, or obtain another source to cite even if they are utilizing content from Wikipedia.

However, there is more to the story. The other 50% of respondents stated you may need to or always should cite to Wikipedia. Therefore, this begs the question, why are half of the law students citing to Wikipedia? Many law students in the various focus groups opined that they cite everything just to make sure they do not get in trouble for
plagiarizing. For example, law students from one focus group stated that “there is no real penalty other than your own hubris to cite everything.” Students in another focus group stated “we were told it is better to cite than not to cite.” Another student in a separate focus group stated she would cite Wikipedia because her professor told her to “cite everything.”

This study exemplifies that due to training received in law school approximately half of law students are comprehending that Wikipedia conveys no credibility, thus they are not citing it. Another half of law students are willing to cite it because they believe it is better to cite than to get accused of plagiarism, or to run the risk of getting in to trouble. This meta-cognition conveying: I cite what my professor told me to, also corroborates the research conducted by Meyer (2009) and Haruna and Mabawonku (2001) that is mentioned in Chapter 2. Their research suggested attorneys’ job roles and tasks remained static and could not be changed by other factors such as client demands, customer service, and fears of liability. Instead, these researchers found law school pedagogy predetermined attorneys’ work roles and work tasks. For example, law students learned in school that locating the correct legal precedent was the most important factor, and therefore services a client demanded became subordinate to the job task of locating a legal precedent. Such predetermination may have indicated proof of unformalized covert needs (Harter, 1992), established during professional training. The data collected in this dissertation seems to agree with Meyer, Haruna, Mabawonku, and Harter in that law school pedagogy seems to shape law students’ beliefs about what to and what not to cite. So, ultimately, when presented with the information gap (Dervin & Nilan, 1986) of do I cite or not, about half will fill this gap with cognition that conveys it is Wikipedia, a horrible cite. Therefore, I will not cite anything, or I will use the
content from Wikipedia but cite a more credible source. Or, they fill the information gap (Dervin & Nilan, 1986) with meta-cognition opining I will cite because my professor said it is better to cite than not to cite.

The eighth statement in this section prompted law students to decipher whether the following needed to be cited: A blog written by a law professor stating one has the right to have a will. As indicated in Figure 6, 11 (5%) of law students believed this never required citation, 26 (12%) stated this might not require citation, 23 (11%) were uncertain, 64 (29%) thought this may require citation, and 93 (43%) conveyed this always requires citation.

Figure 6. Eighth online survey question regarding citation: A blog written by a law professor stating one has the right to have a will.

Regarding this information, 28% of the respondents thought that using this information either never required citation, might not require citation, or they were uncertain. Some of the reasons such a large percentage of law students believed this may have been revealed in the focus groups, for example, in one focus group law students seemed to be perplexed about whether they should cite a blog or not. One student said if you use information written in a blog by a professor, if you could locate
the same information in a statute "you would not cite the blog, you would cite to the statute." Further these students conveyed you would cite to a statute not a blog if he or she “blogs about something the law already expressly states.” So if the information located in the blog is also located in the statute, “that information is not unique to the professor, so cite the statute.” In essence the students were saying only cite the blog if the professor is stating something unique, otherwise cite the statute.

This again seems to support Meyer (2009); and Haruna and Mabawonku (2001), Harder (1992), and Mitchell-Cichon (2002) that law school pedagogy predetermined attorneys' work roles and work tasks. Similarly, in this study, law students' citation habits are shaped by law school pedagogy, and they manifest citation habits based on this instruction. In essence, they are attempting to only cite to primary authority and possible some secondary authority, but not to tertiary sites such as blogs and wikis, because this is the instruction they are receiving in law school. For example, one student in a focus group TAM 1l) stated “I do not know our professors’ views on that but I know you can cite blogs.” In effect she knew citation manual allowed her to cite a blog, but she was tentative as to whether her professor would approve of such citation. Yet, ultimately, by using content in a blog and not giving credit to that blog, this exposes the law student to potential plagiarism. Also, it should be communicated to law students that many citation manuals now convey how to properly cite blogs.

The last statement asked law students to determine whether citation was needed when using information from a listserv that outlines each section of a valid will in Texas. As is indicated in Table 17, 11 (5%) indicate this never requires citation, 17 (8%) believed this might not require citation, 57 (26%) were uncertain, 61 (28%) conveyed this may require citation, and 70 (32%) stated this always requires citation.
Table 17

*Ninth Online Survey Question Regarding Citation: A Listserv That Outlines Each Section of Valid Wills in Texas*

<table>
<thead>
<tr>
<th>Does This Require Citation</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never Requires Citation</td>
<td>11</td>
<td>5%</td>
</tr>
<tr>
<td>Might Not Require Citation</td>
<td>17</td>
<td>8%</td>
</tr>
<tr>
<td>Uncertain</td>
<td>57</td>
<td>26%</td>
</tr>
<tr>
<td>May Require Citation</td>
<td>61</td>
<td>28%</td>
</tr>
<tr>
<td>Always Requires Citation</td>
<td>70</td>
<td>32%</td>
</tr>
<tr>
<td><strong>N</strong></td>
<td><strong>216</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

In regard to this query, the focus groups revealed that most law students do not know what a listserv is, even though these are frequently used still in the legal field, especially in the academic legal field. For example, during two separate focus groups, when asked whether they would cite a listserv, the students asked “what is a listserv?” After, the listserv was explained, one student responded (TAM 3l) “I would not cite those.” However, in another focus group, when prompted as to whether a student would cite a listserv they responded (TAM 1l) “like emails? What do you mean? Like a group of people in an email chain?” After explaining to them what a listserv was, this group said they would cite the listserv. So, the discrepancy between those would may or may not cite a listserv (61%), those who were uncertain (26%), and those who would not or may not cite the listserv (13%) may be due to confusion over what a listserv is. After learning what a listserv was, the majority of law students said they would cite it.

ANOVA and Tukey post hoc tests were run to determine whether any
statistically significant differences existed between the independent variables age, year in law school, highest level of education, and educational environment in which the most information literacy training was obtained; and the dependent variables information source selection, understanding of common knowledge, and understanding of citation. In regard to Research Question 2, how does first, second, and third year law students’ predicated information literacy training (how much and from where did they receive their information literacy training), age, gender, and previously obtained education level affect law student understanding of citation, some statistically significant differences were found.

First, after running a one way between-groups multivariate analysis of variance, a statistically significant difference was found between 18-24 year old law students and 25-34 years old law students in regard to understanding of citation: \( n = 217, F(2, 62) = 4.039, p = .019; \) Tukey HSD = .014. Thus, this study suggests that 25-34 year old law students may be more likely to cite information sources utilized than are 18-24 year old law students. This seems practical as, perhaps, with age and experience, a law student, or any scholar, may be more likely to understand how to and what to cite. However, as mentioned in the discussion above, it is important to keep in mind that the focus groups suggested that although the 25-34 year olds may cite more frequently, most of the law students participating in the focus groups have trouble understanding whether they should cite digital sources. Further, based on the data gleaned from the focus groups, most law students, regardless of age are perplexed about how to cite digital information sources.

After running a one way between-groups multivariate analysis of variance, another statistically significant difference found in this study was that second year law
students appeared to cite more and perhaps have a better understanding of citation compared to first year law students: \( n = 217, F(3, 61) = 5.560, p = .004; \) Tukey HSD = .047. Additionally, after running a one way between-groups multivariate analysis of variance, another statistically significant difference manifested between first year law students and third year law students regarding citation: \( n = 217, F(3, 61) = 5.560, p = .004; \) Tukey HSD = .007. Thus, it appears both second and third year law students may have a better grasp of proper citation compared to first year law students. This is logical in that as students receive more citation instruction (basic legal research, advanced legal research, moot court, mock trial…), they should increase their citation acumen. However, as stated above, most of the law students participating in the focus groups exemplified that they have trouble understanding whether they should cite digital sources. Further, based on the data gleaned from the focus groups, most law students, regardless of year in law school are perplexed about how to cite digital information sources.

This study also revealed that no statistically significant differences exist between the understanding of citation and citation behavior between the four law schools analyzed in this study, Baylor Law School, Texas A&M University School of Law, Thurgood Marshall School of Law, and South Texas College of Law. Further, the focus groups revealed that students from all of these law schools exhibit a good understanding of why citation is imperative (United States law being based on precedent, directing the reader to pertinent sources, avoiding plagiarism…), they know how to cite print materials, and they understand it is important to cite primary law (case law, statutes, regulations…). However, they are confused about when, how, and what to cite regarding digital sources, so much that some just use information from digital
sources and do not cite anything. This understanding of citation and citation behavior seems to be consistent across all law schools measured in this study. Although, statistically significant differences in understanding of citation and citation behavior were gleaned between second year law students: \( n = 217, F(3, 61) = 5.560, p = .004; \) Tukey = .007; and third year law students: \( n = 217, F(3, 61) = 5.560, p = .004; \) Tukey = .007, juxtaposed to first year law students. Also, a statistically significant difference regarding understanding of citation and citation behavior between 18-24 year old law students and 25-34 years old law student: \( n = 217, F(2, 62) = 4.039, p = .019; \) Tukey = .014.

**Do Age and Year in School Predict Citation Behavior?**

Since a significant difference existed between first and second year law students and first and third year law students regarding citation, and a significant difference existed between younger and older law students, I examined whether a correlation existed between age, year and law school, and citation behavior. However, no statistically significant differences were found in this correlation.

**Conclusions for Research Question 2**

The data collected relevant to Research Question 2 suggested statistically significant differences do exist in regard to understanding of citation and citation behavior based on age and their year in law school. For example, a statistically significant difference was found between 18-24 year old law students and 25-34 years old law students in regard to understanding of citation: \( n = 217, F(2, 62) = 4.039, p = .019; \) Tukey HSD = .014. Thus, this study suggests that 25-34 year old law students may be more likely to cite information sources utilized than are 18-24 year old law
students. Also, a statistically significant difference found in this study was that second year law students appeared to cite more and perhaps have a better understanding of citation compared to first year law students: \( n = 217, F(3, 61) = 5.560, p = .004; \) Tukey HSD = .047. Additionally, after running a one way between-groups multivariate analysis of variance, another statistically significant difference manifested between first year law students and third year law students regarding citation: \( n = 217, F(3, 61) = 5.560, p = .004; \) Tukey HSD = .007. Thus, it appears both second and third year law students may have a better grasp of proper citation compared to first year law students.

There were no statistically significant differences found regarding citation between the four law schools analyzed. Therefore, despite being ranked in separate tiers in the US News and World Report, no statistically significant difference was found between the students analyzed in this study from these four separate schools regarding citation. Also, law students appear to know how to cite print materials, are perplexed about citing digital sources, and at times will ignore the need to cite altogether. Law students further are often motivated more by fire and brimstone warnings to cite as opposed to simply knowing the proper rules for citation. Research Question 3 discussed below analyzes law student information source selection.

**Analysis of Research Question 3**

In general, data collected for research question three suggested law students exhibit a strong preference for using Google first to locate legal information because it saves time, money, and is easier to use than Westlaw or LexisNexis. Additionally, law students vehemently avoid citing Wikipedia and other digital sources such as websites, social media, and listservs because they perceive citing such sources equal to losing
credibility. Law student behavior also confirms that they follow Zip’s principle of least effort. For example, if possible, they would choose using Google over any other information source.

In order to answer the third research question, how does first, second, and third year law students’ predicated information literacy training (how much and from where did they receive their information literacy training), age, gender, and previously obtained education level affect the information sources they seek (e.g., do they seek primary, secondary, or tertiary sources)? In the online survey, students were asked to disclose which source they would consult first for specific legal issues. In response to each issue law students could select either case law, statute, Wikipedia, legal encyclopedia, or Google.

The first issue posed to law students to determine which source they would consult first stated - which source would you consult first to determine whether smoking marijuana is legal in North Carolina? In response to this issue, as is indicated in Figure 7, 3 (1%) of law students selected case law, 92 (43%) of law students chose a statute, 4 (2%) indicated they would use Wikipedia, 5 (2%) selected legal encyclopedia, and 109 (51%) chose Google.
Figure 7. First question pertaining to source selection: Which source would you consult first to determine whether smoking marijuana is legal in North Carolina?

The descriptive statistics from this question seem to suggest law students consult Google first to answer such a question, which is consistent with the data garnered from the focus groups. This data collected from the focus groups is discussed below.

The second issue posed to law students to determine which source they would consult first stated - which source would you consult first to determine the statute of limitations for a personal jurisdiction? As indicated in Table 18, 15 (7%) chose case law, 148 (69%) selected statute, 1 (<1%) indicated they would utilize Wikipedia, 12 (6%) selected a legal encyclopedia, and 37 (17%) chose Google.
Table 18

Second Question Pertaining to Source Selection: Which Source Would You Consult First to Determine Whether Smoking Marijuana is Legal in North Carolina?

<table>
<thead>
<tr>
<th>Which Source Do You Use First?</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Law</td>
<td>15</td>
<td>7%</td>
</tr>
<tr>
<td>Statute</td>
<td>148</td>
<td>69%</td>
</tr>
<tr>
<td>Wikipedia</td>
<td>1</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Legal Encyclopedia</td>
<td>12</td>
<td>6%</td>
</tr>
<tr>
<td>Google</td>
<td>37</td>
<td>17%</td>
</tr>
<tr>
<td>N</td>
<td>213</td>
<td>100%</td>
</tr>
</tbody>
</table>

The data collected from this question appears to suggest law students consult statutes first to answer this query. Further prodding during focus groups revealed law student know to consult statutes to locate information to resolve this legal issue. However, it was discovered during the focus group that law students are primarily using Google to locate the needed statutes, instead of Westlaw, LexisNexis, or a print source. This is discussed in a later section below.

The third issue posed to law students to determine which source they would consult first stated – which source would you consult first to determine the grounds for divorce in Oklahoma. As indicated in Figure 8, 22 (10%) of law students selected case law, 108 (51%) chose statute, 3 (1%) indicated they would utilize Wikipedia, 24 (11%) selected a legal encyclopedia, and 56 (26%) chose Google.
Figure 8. Third question pertaining to source Selection: Which source would you consult first to determine the grounds for divorce in Oklahoma?

The data collected from this question appears to suggest law students consult statutes first to answer this query. Further prodding during focus groups revealed law students know to consult statutes to locate information to resolve this legal issue. However, it was discovered during the focus group that law students are primarily using Google to locate the needed statutes, instead of Westlaw, LexisNexis, or a print source. This is discussed below.

The fourth issue posed to law students to determine which source they would consult first stated – which source would you consult first to determine whether clergy may be sued for negligence in Connecticut? As noted in Table 19, 72 (34%) noted they would select case law, 65 (31%) stated they would use a statute, 1 (<1%) indicated they would utilize Wikipedia, 28 (13%) chose a legal encyclopedia, and 47 (22%) selected Google.
Table 19

Third Question Pertaining to Source Selection: Which Source Would You Consult First to Determine Whether Clergy May be Sued for Negligence in Connecticut?

<table>
<thead>
<tr>
<th>Which Source Do You Use First?</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Law</td>
<td>72</td>
<td>34%</td>
</tr>
<tr>
<td>Statute</td>
<td>65</td>
<td>31%</td>
</tr>
<tr>
<td>Wikipedia</td>
<td>1</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Legal Encyclopedia</td>
<td>28</td>
<td>13%</td>
</tr>
<tr>
<td>Google</td>
<td>47</td>
<td>22%</td>
</tr>
<tr>
<td>N</td>
<td>214</td>
<td>100%</td>
</tr>
</tbody>
</table>

The data collected from this question appears to suggest law students consult statutes first to answer this query.

The descriptive statistics above seem to suggest law students consult statutes first to obtain answers to the above-listed questions, and then consult Google. However, the focus groups performed in this study revealed that the large majority of law students use Google first if they can to locate all needed legal information. So, in essence, when approached with a legal query such as to determine whether clergy may be sued for negligence in Connecticut, they do understand the proper source from which this information needs to be located, a statute. However, they are choosing to consult Google first to locate the needed statute, instead of trying to find the statute on Westlaw, LexisNexis, or in a print source. The descriptive statistics above are not a complete story of what source they first consult. The large majority consult Google first to locate all needed legal information, if Google is available.
Effect of Independent Variables on Dependent Variables

This study examined whether any statistically significant differences existed between the independent variables of age, year in law school, highest level of education, educational environment in which most information literacy training was obtained, and law school environment in which most information literacy was obtained; and information source selection. To determine whether any statistically significant differences existed between the independent variables of age, year in law school, highest level of education, educational environment in which most information literacy training was obtained, and law school environment in which most information literacy was obtained, and information source selection ANOVAs were run for these variables, and Tukey Post Hoc test were run if any statistical differences were found. In regard to these factors, no statistically significant differences were located. The law students examined in this study attended Baylor Law School, Texas A&M University School of Law, South Texas College of Law, and Thurgood Marshall School of Law. Therefore, despite being ranked in separate tiers in the US News and World Report, no statistically significant difference was found between the students analyzed in this study from these four separate schools regarding information source selection and citation.

The data garnered from the focus groups tended to corroborate that there was no difference between the students from three of the separate law schools (Baylor School of Law, Texas A&M University School of Law, and Thurgood Marshall School of Law) in that they all seemed to prefer to choose Google as their primary information sources, if they could locate needed information from that source. Then, they would utilize the electronic databases such as LexisNexis or Westlaw. Finally, they would utilize the print statutes, case law, or other print sources as a last resort. Thus, the results of this study
suggested that no statistically significant differences exist between students among various law schools in regard to information source selection, despite the ranking of the law school.

Conclusions for Research Question 3

In general, data collected for Research Question 3 suggested law students exhibit a strong preference for using Google first to locate legal information because it saves time, money, and is easier to use than Westlaw or LexisNexis. Additionally, law students vehemently avoid citing Wikipedia and other digital sources such as websites, social media, and listservs because they perceive citing such sources equal to losing credibility. Law student behavior also confirms that they follow Zip's principle of least effort. For example, if possible, they would choose using Google over any other information source. Also, no statistically significant differences were found regarding the independent variables and law student information source selection. Many other common themes were discovered via the focus groups. Common Themes Manifested

Common Themes Manifested During Focus Groups

This study revealed that law students like to use Google as a first choice to locate needed information, if possible. The data gathered from the focus groups corroborated the data collected from the online survey regarding Google being a popular choice for an information source from which to gather information. The focus groups illuminated a couple of reasons that explained why law students preferred to use Google to locate pretty much all needed information, if possible. These reasons are the ease of access to information, law students perceive Google as being an efficient tool
with which to locate information about broad complex issues, and law students are often instructed to use Google to save money.

One reason law students prefer to use Google first when trying to obtain needed information is because law students perceive Google as a tool with which they can quickly obtain access to almost all information. When queried during the focus groups as to what source law students would use first if they could utilize any source to obtain information for law school assignments, law students answered almost unanimously – Google. When prompted as to why they would choose Google first rather than a print case book or statute, or a digital source such as LexisNexis or Westlaw; first, second, and third year law students responded that Google “was fast, it delivered results fast,” and “Google delivers an abundance of information quickly a conveniently.” Members from a subsequent focus group opined that they preferring using Google as a first research option because Google “quickly retrieves information; it is fast; and accurate.”

A subsequent focus group with law students corroborated this perception of Google as an information panacea when a first year law student opined he used Google “when I am looking up a case for class… because if you put it in Google, then some of the cases will come up. And then sometimes Google will send you to the Supreme Court’s site. If I want to make sure I have the right case I go to Lexis.” Therefore, students prefer to use Google because they obtain some information quickly and conveniently.

Yet, law students even admit themselves that they do not know if the information is always correct, hence the comment above, “if I want to make sure I have the right case, I go to Lexis.” Another first year student in one of the focus groups stated “I use Google because I can just quickly type it in get answers, even though I know it’s not the
most accurate source. I still get a rough idea of what I need to know.” Thus, the law
students appear to want to obtain some quick, fast information, even though they realize
the information they are receiving may not be all that accurate.

Because of this reticence to believe the information they are retrieving from
Google is completely accurate, the law students often utilize Google as a springboard to
ultimately obtain needed information from a site they believe is valid such as Westlaw or
LexisNexis. For example, they enter a case name or a legal concept into the Google
search interface and hope to access a valid case or statute. After obtaining some
information from Google, they then attempt to look up the information, often a case or
statute, in LexisNexis or Westlaw, to ensure the information they located is valid and
reliable. For example, one student noted she looked up legal concepts on Google in
hopes to find cases for her law school class. However, she expected that Google would
direct her to the Supreme Court’s Website ultimately, or she “would look up the case in
LexisNexis to make sure it was accurate.” So, law students, of all levels; first year,
second year, and third year, and from all tiers of law schools, first, second, third, and
fourth, appear to use Google first because it instantly provides access to some
information, not necessarily valid and reliable information. However, law students are
sometimes weary of the information retrieved on Google, so they end up verifying what
they located on LexisNexis or Westlaw anyway.

Law students also manifested a preference to primarily use Google when
presented with broad and complex topics, and not necessarily narrow concepts, or
concepts they believed they understood well. For example, multiple focus groups
containing first, second, and third year law students opined that they used Google
mainly to search for information about broad topics with which they were not familiar.
For example, one third year law student stated he would start with Google “because it is the fastest way you can narrow down if you have no idea where the forest is. It kind of quickly puts you in the right direction at least.” A first year law student from another focus group mentioned that “I like to use Google because it narrows down the topics, if it is something complex I am researching or if it is something that is not common knowledge.” Another law student agreed and added, “but, if I am familiar with the topic or I know exactly what case I need, I go to Westlaw or Lexis first.” Thus, law students tend to utilize Google first when dealing with broad, complex legal topics with which they are not yet familiar. However, if law students are presented with narrow topics or exact cases to obtain, they tend to use the commercial databases such as Westlaw or LexisNexis, rather than commence research with Google.

Law students also communicated they tended to use Google to save money. For example, in one focus group a law student opined he was instructed during his internship by a supervising attorney at a law firm to always commence his research with Google. I asked the student why he received this instruction, and he replied “because it is free.” He stated that his supervising attorneys instructed him to commence research with Google first, and then if he could not find the necessary information to use a resource like LexisNexis, Westlaw, or another commercial database. The law student said he was given this instruction “because it saved the law firm money,” completing legal research on Google is free compared to performing legal research on a commercial database like Westlaw that may bill $30 per search, $50 per hour, or a higher fee.

This concept of saving money seems to relate back to the discussion directly above about law students beginning research with Google when broad, complex topics
are presented to them. Perhaps attorneys continue this approach when they begin to practice law, and this behavior is reinforced due to Google being a free resource where one may search for solutions to complex legal issues for free for as long as one likes. Then, if a free answer or relevant free information is not obtained quickly, then the attorneys consult the databases from which they can retrieve information for a high fee. One problem with searching for free information on Google is Google only offers less than one percent of information available. Whereas, LexisNexis and Westlaw offer organized, valid and reliable information that could be utilized to assuage legal information needs.

One other possible explanation for the Google preference may be that law students have become digital natives, or were born as digital native in some cases. They are comfortable locating movie tickets, football tickets, driving directions and other information via Google. Thus, it is natural for them to choose Google as a first source from which to obtain information. For example, one law student noted she preferred Google to complete legal research for class because “it is convenient, quick, produces an abundance of information, and a plethora of knowledge.” They utilize Google to save time and money. Such frugal use supports Zipf’s theory that people complete the least amount of work to complete a task, and Leckie’s theory that attorneys are limited by time and will use sources that are quick and easy to locate and quickly obtain information from.

Obtaining information as quickly as possible just simply because it is quick and easy, and perhaps saves money, does not necessarily result in obtaining the best information. Students are trained in law school to use valid and reliable sources such as LexisNexis, Westlaw, or print cases and statutes published by LexisNexis and Westlaw.
Many law students are utilizing Google first to obtain needed information instead of the sources they were trained to use due to ease of access, the ability to quickly find information, and because they are being directed to do so by supervising attorneys to save money. In contrast, some law students do seem to be aware that Google is not 100% reliable, yet they manifest a perception that the majority of the information that pops up on the first results screen is highly reliable. As one first year law student opined “I always double-check if it’s a specific law because sometimes Google can give you misleading results. But for the most part it's fastest and easiest, and hasn’t been extremely unreliable in a while. Now it’s kind of become more reliable in the past few years.” This perception that Google is giving me enough reliable and valid information may result in missing some vital information, which could be deleterious to clients, the attorneys regarding mal-practice issues, and the judges when they receive half-baked briefs in court. Further research needs to explore whether the information ultimately being retrieved when commencing research with Google is not necessarily valid and reliable.

Since so many law students prefer to commence a plethora of their legal research with Google rather than with Westlaw or LexisNexis databases, it begs the question, do law students perceive there to be a problem with the Westlaw or LexisNexis search interface? A couple of years ago, both LexisNexis and Westlaw revamped their search interface and created Google-like interfaces. During one of the focus groups, students were asked to compare the three search interfaces on Google, Westlaw and LexisNexis. Students responded saying they primarily preferred to use Google first when searching broad topics; and because when using Westlaw or Lexis, the search interface is so complex so they do not know where to begin. In a nutshell,
the students claimed they could get needed information on Google much faster than when trying to use Westlaw of LexisNexis. Students also stated they are more familiar with the Google interface because they grew up using Google, and they are not familiar with the LexisNexis or Westlaw interfaces, so they prefer utilizing Google. Additionally, another student added “Westlaw and Lexis are too daunting to look at, I always look at the sights and think this could just be simpler.” Additionally, a student noted when they look at Westlaw or LexisNexis “it’s great to have functionality, but I’ll look on there and be like, I’m not going to be able to find what I want, and I’ll have to use Google too, because it (Westlaw and LexisNexis) just seems like a lot.” A subsequent student noted “LexisNexis is too precise.”

The law students almost unanimously indicated they felt comfortable using Google as a starting point for research because they can quickly and rapidly get some information. They claimed the Google interface is more welcoming and it is more intuitive than the Westlaw and LexisNexis interface. Especially, when they are not certain with what keywords to begin their searches. They seem to rightfully question whether all information they retrieve on Google is accurate. But they do not want to commence research using Westlaw or LexisNexis e-databases because the interface is too complex (unlike Google’s simple, intuitive interface), and they do not know where to begin on either of these complex interfaces. This trend seems to continue after graduation, as several of the law students stated they are prompted by law firm partners to commence research with Google and obtain as much relevant information from Google as possible before using the LexisNexis or Westlaw database. This tendency to use Google first for legal research seems to be learned prior to law school, encouraged during law school, and reinforced after graduation.
Despite their strong preference to use Google, law students seem to grasp the common reasons of why it is important to cite sources. The conversations with law students during the various focus groups magnified that the law students did comprehend why citation was important. For example, when law students were asked why it was important to cite sources. Some of the responses received consisted of “if you do not give proper credit, it is plagiarism,” “it gives you more strength to your argument,” “it shows our arguments are soundly based,” “our law is based on precedent and the common law system, and it’s important to cite precedent.” Thus, law students, first, second, and third year, seem to grasp the basic importance of citation – that to cite gives the writer credibility, it gives the reader a roadmap of sources to follow, and it supports the basic premise of our precedential legal system in the United States. In general, the law students (at all levels, first year, second year, and third year) analyzed in this study comprehended the importance of citation and the perils of not citing. A larger concern manifested was that law students in this study demonstrated confusion in regard to properly citing digital information sources.

The focus groups further established an additional common theme that many law students were not aware of how to cite digital sources, or lacked an awareness that they should even cite digital sources. Such digital sources that law students manifested oblivion regarding citation include: websites, Facebook©, Twitter™, emails and other digital sites. The American Psychological Association Citation Manual and Modern Language Association Citation Manuals offer guidance on how to cite digital sites. Law students are taught to cite with the Bluebook, it also offers guidance on how to cite digital sites. Yet, they appear to not know how to cite many digital sources.
During the focus groups, when asked if law students should cite a digital source if they use content from that source to craft a brief, one student responded “I am not sure. How do you cite snapchat™?” Another law student said, “no, if we go on their site, say Facebook, and they are talking about cheese, I am not going to site that.” Whereas, law students seem to understand if they use content about cheese from a print source, they would cite it. Another student conveyed if he used information from a blog, email, or Facebook he would not cite because “there isn’t really guidance, it is hard to tell.” “Like how do you do that kind of citation? Is there a format for that? I don’t know. I honestly don’t know.”

Another student mentioned if he located a pertinent statute on a blog, he would not cite the blog because “you cannot really cite a blog,” but instead cite the actual statute,” meaning the Westlaw or LexisNexis version of the statute. Another students claimed she “would not cite a blog. Only if I write something word for word off of a blog. If it is something I already know, why would I cite to it? Only cite something unique on the blog. Something I have not thought of before.” Another law student opined “I would not cite a listserv, Wikipedia, or a blog.” Some law students seem to have a perception that a lot of content on the Internet is just out there and belongs to all and credit does not necessarily have to be given to a creator or to the host site. Other law students who participated in the focus groups also did not know how to cite to digital sites such as blogs, Facebook and Snapchat. This overall lack of knowledge in regard to the necessity of citing digital resources, and the lack of knowledge of how to cite such sources may lead to law student plagiarism. Thus, apparently, law students are in need of additional instruction in regard to why they should cite digital sources, and how to cite
digital sites such as social media, blogs, a listserv, and other digital arenas. Such training could vastly improve law student information literacy.

Some of the reticence of citing social media seemed to stem from perceiving that such citation would lead to a lack of credibility. For example, during one focus group a discussion manifested regarding whether one could cite social media. The majority of students in this focus group claimed if one cited social media one would lose his or her credibility. For example, one student stated if you cite social media “I think it just ruins your credibility.” Another student corroborated this opinion and added “for judges who are reading these documents, half of them don’t even know what Twitter is, and the other half don’t consider it reliable or good at all.” This same student added “people think law and think stuffy old men, honestly. And it is pretty much true. It’s changing because people get older and younger people are coming up.” So perhaps someday citing social media will evoke credibility? But for now, many law students seem apprehensive of citing social media due to a concern that citing social media will equate to a lack of credibility in their writing. Another issue that arose from the focus groups was just a blatant disregard for citation altogether.

Many students in the focus groups displayed willingness to plagiarize if they were confident no one would find out. For example, some students suggested that they calculated whether or not they had to cite something based on to whom they were giving a written document. One student mentioned “I know if I copied and pasted something and give it to my professor, and say this is mine, then I’m going to be in danger of plagiarism.” “But if it’s not in danger of plagiarism, I feel like it’s a lot easier for us to be like that’s okay I’m not going to figure out how to cite this. Then it is easier to be like this is common knowledge when there is no danger of plagiarism, especially when
the stakes are lower.” Then, when posed with the question - if this was an assignment that was not going to be graded, would you give proper citation? The students responded “oh no,” and “I am defiantly erring on the side of not citing.” A subsequent student mentioned “I think you write to your audience. If I were writing for a partner in a law firm, like in an internship, I’m probably not going to feel as compelled to cite, because I know that they are just going to want to know the information.” Meaning, they often calculated whether they needed to cite works they used in various documents.

Some law students may calculate whether they have to cite something depending on to whom they (their audience) are giving a written document, and not necessarily consider basic citation rules or ethical plagiarism standards. This supports Zipf’s theory that humans in general tended to complete the least amount of work possible to complete presented tasks. Also, this corroborates data gathered from previous plagiarism research conducted by Aggarwal et al. (2002) that suggested students were more likely to plagiarize on coursework than on a test, as plagiarizing on a test tended to be viewed as more serious. This study seems to suggest some law students may not be concerned with plagiarism in written material unless they are turning it in for a grade. Perhaps some of this calculation of when to or not to cite stems from the training students receive regarding plagiarism.

Another common theme that arose during the focus groups was that students were not confident in their training regarding citation and plagiarism at any educational level (e.g., high school, college, and graduate school), and a fear of being caught seemed to exist as a primary motivator rather than knowing how to or not to cite correctly. For example, when queried about whether they received good training regarding plagiarism and citation at various levels of education, some of the common
responses elicited consisted of: “Sitting here at this table I am learning I did not receive adequate training regarding plagiarism. Like sitting here at this table I’ve learned I do not know everything I need to cite.” A subsequent student noted, “I think I received adequate training, but I think it depends on the amount of punishment your institution puts toward punishment. In undergrad a lot of people went before the board and were punished. I think if people knew they would face those consequences if they plagiarize, they would want to find out more about how not to plagiarize.” Therefore, a general theme of a fear of being accused of plagiarism, or suffering the consequences of being caught plagiarizing seemed to exist among law students, rather than a confidence of knowing how to properly cite. In sum, despite the survey response in the online survey that conveyed 64% of law students believed they received the best training regarding plagiarism and citation in college, their comments in the focus groups revealed they believed, in general, they did not receive good training regarding plagiarism and citation at any level, but instead they were afraid of being caught and punished for plagiarizing. Some of this fear may be related to not knowing how to cite digital sources.

Another common theme manifested in various focus groups related to fear was holding the honor code and a handbook over students heads rather than specifically conveying to them how not to plagiarize. In regard to not being told how not to plagiarize, a majority of law students in the focus groups indicated they believed they did not receive good citation training from high school through college. They did believe they received better citation training in law school, but still were insecure in their citation abilities in law school. For example, one student proclaimed “during my undergraduate, professors in general just preached the honor code, and anything in violation of honor code and you can be sanctioned and get in to trouble. I think ultimately “there is fear of
being labeled a plagiarizer, that is something I do not want to be called.” Another student opined, with regard to citation training “it was never truly training and explaining, it was go read the handbook, go read the honor code.” If you sign an honor code and you start here, you could be in violation of that, but it never was getting to the root of what they were looking for. So I think fear outweighed it.” A separate student added “Probably starting in eighth grade, turnitin.com to make sure we didn’t plagiarize. All that did was terrify me of plagiarism, but didn’t really teach me how to actually cite it, except for change enough words where it doesn’t look like (plagiarism).… So, all through eighth grade on, I’ve just been scared of plagiarizing. It’s definitely about fear.” Additionally, another student conveyed “I think the fear was the training. They didn’t really tell us. They just always said, don’t plagiarize, they never said here is how to differentiate between the two.” In essence, the majority of students in the focus groups indicated that fear motivated them to cite more than receiving proper training about what exactly plagiarism was, or how to prevent plagiarism. Thus, perhaps, law schools, and even colleges need to offer more information literacy training specifically focused on what plagiarism is, how to use citation manual, and perhaps spend more time training and less time threatening consequences.

Another common theme that arose from multiple focus groups was the idea that plagiarism was contextual based on geography and political or cultural norms. For example, one law student pointed out she grew up in Macedonia and that there “Communism was valued and everything was collectively owned…,” and therefore “during her education they did not make much point of plagiarism.” “Instead they were focused on the signs and substance versus citing correctly.” She added that in Communism “everything is common property, it was an idea that you are valuable but
your contributions belong to all of us.” Finally, she conveyed “I don’t think there was any instruction in Greece either, where half of my family lived.” This cultural, political, and geographical bias toward acceptance of plagiarism is supported by the research mentioned in Chapter 2 completed by Meyer (2007) who utilized interviews and observations of a sample of 155 Russian speaking students and discovered these Russian students adhered to krugovaya poruka, or collective cheating.

In other words, the results of this study suggested that plagiarism was an accepted practice in certain cultures, such as in some Russian collectivist cultures (Meyer, 2007). Keyes (2004) research further corroborated that deception is less vilified by society and there is a more casual attitude towards lying. Thus, the data collected in this study tends to support the theory that geography, culture, and political norms can influence the perception of plagiarism.

Other data collected during focus groups in this study reinforced this geographic, cultural, and political slant on perceptions of plagiarism. During one of the focus groups, a student commented he studied undergraduate work in Mexico, and “no one ever mentioned plagiarism.” He further conveyed “I want to add I think plagiarism is cultural.” He further stated that there was never any instruction about how not to plagiarize in Mexico. He also stated “I think Mexico is different with plagiarism because the legal system in America is based on precedents. We base decisions of what the higher court decided. We only know about it if we cite it.” In summary, it appears law students believe the concept of plagiarism being acceptable or not depends on where you live, and cultural and political norms. Such thought is supported by other research on plagiarism (Meyer, 2007; Keyes, 2004). Yet, based on the data collected in the focus groups, law students in Texas seem to understand and agree that plagiarism, in
general, is not culturally acceptable in the United States.

Another theme that emanated from the online survey results conveyed that there was no statistically significant differences regarding information source selection and citation between the law students in this study. ANOVAs and Tukey post hoc tests were completed on the online survey data to determine whether any significant differences existed between the independent variables – age, education level obtained, environment in which information literacy training was received, and year in law school; the dependent variables – understanding of common knowledge, perception of citation, and information source selection; and which school law the students attended. The law students in this study attended Baylor Law School, Texas A&M University School of Law, South Texas College of Law, and Thurgood Marshall School of Law. The ANOVAs and Tukey’s post hoc tests revealed that no statistically significant differences existed between the independent variables and dependent variables in regard to where on attended law school. Therefore, despite being ranked in separate tiers in the US News and World Report, no statistically significant difference was found between the students analyzed in this study from these four separate schools regarding information source selection and citation.

The data garnered from the focus groups tended to corroborate that there was no difference between the students from three of the separate law schools (Baylor School of Law, Texas A&M University School of Law, and Thurgood Marshall School of Law) in that they all seemed to prefer to choose Google as their primary information sources, if they could locate needed information from that source. Then, they would utilize the electronic databases such as LexisNexis or Westlaw. Finally, they would utilize the print statutes, case law, or other print sources as a last resort.
The data collected during the focus groups also corroborated the data found in the online survey that suggested all of the law students analyzed from the four law schools manifested similar citation habits. For example, the large majority refused to cite Wikipedia, blogs, social media, listservs, websites, and other digital cites. However, they all conveyed that they frequently used these sites and placed information from these sites into their law school assignments that are turned in for a grade. Further, the majority of law students opined that they cited statutes, regulations, case law, and other primary sources when utilizing them for a law school assignment. The law students also accurately communicated the appropriate reasons for needing to cite utilized sources (e.g., precedential status of U. S. law, guiding the reader to needed sources…). Thus, the data gathered from the online survey and the focus groups all suggested that no differences exist in regard to information source selection and in regard to perception of citation.

Conclusion

In summation, the data gathered in this study suggests law students do exhibit some differences in understanding of citation and citation behavior based on age and their year in law school. They also exhibit some differences regarding common knowledge based on their year in law school, where they received their information literacy training, and where they attend law school. For example, after running a one way between-groups multivariate analysis of variance, in regard to understanding of citation and citation behavior, statistically significant differences in understanding of citation and citation behavior were gleaned between second year law students and first year law students: \( n = 217, \ F(3, 61) = 5.560, \ p = .004; \) Tukey HSD = .047; and third
year and first year law students: \( n = 217, F(3, 61) = 5.560, p = .004; \) Tukey HSD = .007 juxtaposed to first year law students. Also, after running a one way between-groups multivariate analysis of variance, a statistically significant difference regarding understanding of citation and citation behavior between 18-24 year old law students and 25-34 years old law students: \( n = 217, F(2, 62) = 4.039, p = .019; \) Tukey HSD = .014. Thus this suggests 25-34 year old law students may understand citation better than 18-24 year old law students, and second and third year law students may understand citation better than first year law students.

After running a one way between-groups multivariate analysis of variance, other statistically significant differences regarding common knowledge were found between first year law students and third year law students: \( n = 232, F(3, 72) = 5.700, p = .004; \) Tukey HSD - .003. This difference may suggest that third year law students are more likely to view the information queried in this study as common knowledge compared to first year law students. In general, upper law students may have a better understanding of common knowledge compared to first year law students. After running another one way between-groups multivariate analysis of variance, a statistically significant difference regarding common knowledge was also found between law students who claimed they received the best information literacy training in high school compared to those who claimed they received the best information literacy training in graduate school: \( n = 232, F(3, 71) = 6.334, p = .002; \) Tukey HSD = .027. This finding may suggest that law students who claim to receive the best information literacy training in graduate school have a better understanding of common knowledge than do law students who claimed to of received their best information literacy training in high school.
After running a one way between-groups multivariate analysis of variance, another a statistically significant difference manifested between law students’ understanding of common knowledge at Thurgood Marshall School of Law and Texas A&M University School of Law: $n = 232, F(4, 71) = 4.904, p = .003; Tukey HSD = .003$. This finding may suggest that law students at Texas A&M exhibit a better understanding of common knowledge than do law students at Thurgood Marshall School of Law. After running a one way between-groups multivariate analysis of variance, another statistically significant difference manifested regarding perception of common knowledge when juxtaposing law students and Texas A&M University School of Law and Baylor School of Law: $n = 232, F(4, 71) = 4.904, p = .003; Tukey HSD = .035$. This finding may suggest that law students at Texas A&M may exhibit a better understanding of common knowledge than do law students at Baylor School of Law.

There were no statistically significant differences between the four law schools analyzed. Despite being ranked in separate tiers in the US News and World Report, no statistically significant difference was found between the students analyzed in this study from these four separate schools regarding information source selection and citation. The data garnered from the focus groups tended to corroborate that there was no difference between the students from three of the separate law schools (Baylor School of Law, Texas A&M University School of Law, and Thurgood Marshall School of Law) in that they all seemed to prefer to choose Google as their primary information sources, if they could locate needed information from that source. They would utilize the electronic databases such as LexisNexis or Westlaw. Finally, they would utilize the print statutes, case law, or other print sources as a last resort.

The data garnered from the focus groups suggested law students know how to
cite print materials, are perplexed about citing digital sources, and at times will ignore the need to cite altogether. They further are often motivated more by fire and brimstone warning to cite than by simply knowing the proper rules for citation. They also exhibit a strong preference for using Google first to locate legal information because it saves time, money, and is easier to use than Westlaw or LexisNexis. Additionally, law students vehemently avoid citing Wikipedia and other digital sources such as websites, social media, and listservs because they perceive citing such sources equal to losing credibility. Finally, law students view plagiarism and common knowledge as contextual. For example, an action that constitutes plagiarism in one country may not constitute plagiarism in another country.

The understandings from this study and others looking at factors affecting information literacy and students selection of information sources and understanding of common knowledge, plagiarism and common knowledge lead to some recommendations. The next chapter provides recommendations and conclusion.
CHAPTER 5
SUMMARY, DISCUSSION, RECOMMENDATIONS, AND SUGGESTIONS FOR FUTURE RESEARCH

Introduction

This study sought to analyze how previous information literacy training (how much received and where received), law student gender, law student age, and previously obtained education (college, graduate school...) affects first, second, and third year law students selection of information sources (e.g., primary, secondary, or tertiary sources, which sources do they select) for completing law school assignments; their understanding of common knowledge; and their perception of citation. The literature review in Chapter 2 conveys how other researchers examine law student information seeking behavior and student plagiarism. Earlier research discussed in Chapter 2 illustrates that a research gap exists in discovering how four factors - previous information literacy training, law student gender, age, and previously obtained education - affect first, second, and third year law student selection of information sources, whether they cite these sources, and their understanding of common knowledge.

To examine the importance of information literacy, the paradigm postulated by Zipf was used to frame the research. Zipf (1949) postulated and empirically tested a paradigm that contended humans in general tended to complete the least amount of work possible to complete presented tasks. Zipf (1949) illustrated his point via linguistic studies and showed that humans preferred to choose short and common words for as many communication tasks as possible, rather than selecting esoteric, bigger words to make their point. Zipf termed this type of behavior as a case for least effort harmonic
distribution. Case (2012) corroborated Zipf’s theory and showed that “on average in libraries patrons primarily used 20% of the books located in the library to complete 80% of their information need tasks” (p. 175). Lecki, Pettigrew, and Sylvain (1996) additionally conveyed that some of the most frequent motivators of using information sources included convenience, timeliness, and the accessibility of the source. A plethora of research described in the literature review in Chapter 2 corroborates this principle of least effort when facing time constraints.

The purpose of this study was to discover whether law student’s would use roughly the same percentage of materials to complete 80% or more of their assignments if they believe these estimated 20% of sources, or less. This research looks at does this path of least resistance approach apply to law student citation efforts and understanding of common knowledge?

The methodology defined in Chapter 3 examined the four factors by collecting and analyzing data via online surveys and focus groups. This study implemented one way between-groups multivariate analysis of variance to determine whether any of the above listed independent variables significantly affected the dependent variables. To ensure higher reliability and validity, this study applied triangulation with focus groups to corroborate the data garnered from the online surveys. The analysis of the research and findings is conveyed in Chapter 4. Research results and further recommendations are discussed in Chapter 5.

In general, the study findings reveal that law students do exhibit some differences in their understanding of citation and citation behavior based on age and their year in law school. Some differences were exhibited regarding common knowledge based on their year in law school, where they received their information literacy training,
and where they attend law school. Yet, no statistically significant differences were
discovered regarding where one attends law school and through citation and source
selection. Further, this study revealed law students appeared to follow Zipf’s (1949)
paradigm and sought the path of least resistance to accomplish law school
assignments.

Potential peril manifests when implementing the 20-80% paradigm regarding law
student source selection. Such peril demonstrates that law students may be likely to
select readily accessible sources that may not offer as valid and reliable information
compared to statutes, case law, and other primary legal sources. These valid and
reliable information sources require the user to spend more time locating and examining
them; and also extracting and applying useful information from those sources. For
example, a first year law student is faced with an assignment task of crafting a brief
explaining the possible benefits and detriments of pleading guilty to a charge of assault.
If this is the law student’s first experience with such a legal issue, and it probably is,
then he or she should consult primary sources such as case law and statutes, or a
secondary source such as a legal encyclopedia to gain a general understanding of the
substantive area. It can take a considerable amount of time to locate and extensively
search in, extract, and appropriately apply the valid and reliable information located in
these primary sources. Thus, that law student may choose to avoid any primary and
secondary legal sources altogether and simply consult Google. By choosing the readily
available source from which one may quickly obtain some information, rather than
taking extra time to locate more valid and reliable sources, one may be utilizing less
valid and reliable information. Such use of less valid and reliable information may be
detrimental to a legal argument, and ultimately result in a poor law school grade, or be
harmful to a client if the information is used during a legal internship.

To further support Zipf’s theory, the literature review noted in Chapter 2 conveys that a large majority of all types of students surveyed tended to use Zipf’s paradigm and refer to sources that students perceived as being easy to locate and quickly extract needed information, such as the Internet (Griffiths, & Brophy, 2005). Such reliance on information located on the Internet is not inherently detrimental, but it can lead to several stumbling blocks such as locating a small percentage of available valid and reliable information, locating incorrect information, locating biased information (Thelwall, 2008), and seducing students into thinking they do not have to cite information found on the Internet, which leads to academic dishonesty.

Citation and Plagiarism

Academic dishonesty may be manifested as plagiarism. This study also attempted to determine law student understanding of citation and plagiarism. Because much legal information is not common knowledge to law students, the term plagiarism must be defined as well. Plagiarism is an obscure topic, and because of its ambiguous nature the actual meaning of the word is often perplexing. Mahmood, Mahmood, Khan, and Malik (2010) noted plagiarism is somewhat like pornography in that one knows it when they see it, but it is difficult to define. Empirical studies define plagiarism as taking and using another person’s thoughts, writing, inventions, that are not well known and claiming as their own (Buckeridge & Watts, 2013); stealing a portion or another’s writings or ideas that are not well known and claiming as their own (Mahmood et al., 2010); or copying works created by another and claiming as one’s own creation, and or using without crediting the appropriate source (Writing Program Administrators, 2010).
There are many categories of plagiarism. Empirical studies define plagiarism as the taking and utilization of another person’s thoughts, writings, ideas, or inventions, and claiming them as one’s own; stealing another’s writings or ideas and not giving proper attribution; and copying and claiming the ideas or writings of another without crediting the appropriate source (Mahmood, 2010). Therefore, any type of information that is not common knowledge to law students should be cited, lest it be considered plagiarism. This study sought to understand law student perception of citation and plagiarism, why is it important to cite, what items are important to cite, would law students opt to plagiarize in certain circumstances, and how does their previous information literacy training affect their understanding of plagiarism and citation? This study also sought to understand what is law student understanding of common knowledge?

Common Knowledge

Empirical research defined common knowledge as any information that was well known by all and that was so well known it does not require a reference. (Mahmood et al., 2010). Common knowledge is also defined as information the average, educated reader would accept as valid without needing to refer to an information source to look it up (Academic Integrity at MIT, 2014). For a group of law students, an instance of common knowledge in the legal field is the statement that “to become an attorney, one must first attend law school.” Such a statement does not need to be cited, even if one read this statement in a book, on the Internet, or elsewhere, because it is common knowledge in the legal field, and most likely everywhere, that prior to becoming an attorney, one must first attend law school.
Common knowledge is often defined by the audience or a particular group of people, such as law students. This study examined law student’s understanding of common knowledge and what they consider common knowledge. Common themes were discovered regarding common knowledge. Attorneys practicing law in Texas probably consider it common knowledge that to argue a case before one of the highest courts in Texas, one must file a brief in Austin, Texas. This is probably common knowledge for attorneys practicing law in Texas. Such a statement may not be common knowledge for an attorney who only practices law in Tennessee. The statement that one should file a brief in Austin, Texas prior to making an oral argument at one of the highest courts in Texas may be common knowledge for one group of attorneys and not common knowledge for another group of attorneys.

Research Questions

By examining law student’s source selection and understanding of citation and common knowledge, this study sought to examine how the four factors of previous information literacy training (how much received and where received), law student gender, law student age, and previously obtained education (college, graduate school) affects first, second, and third year law students selection of information sources (e.g., primary, secondary, or tertiary sources, which sources do they select) for completing law school assignments; their understanding of common knowledge; and their decision of whether or not to give attribution to these sources. To analyze these factors, this study used the following research questions:

1. How does first, second, and third year law students’ predicated previous information literacy training (how much and from where did they receive their
information literacy training), age, gender, and earlier education affect their understanding of the concept common knowledge?

2. How does first, second, and third year law students’ predicated previous information literacy training (how much and from where did they receive their information literacy training), age, gender, and previously obtained education level affect their decision to give citation to a source?

3. How does first, second, and third year law students’ predicated previous information literacy training (how much and from where did they receive their information literacy training), age, gender, and previously obtained education level affect the information sources they seek (e.g., do they seek primary, secondary, or tertiary sources)?

Research Methodology Implemented

To ensure valid and reliable analysis of the above-mentioned factors, this study utilized triangulation using quantitative and qualitative methods. Jervis, Lopetcharat, and Drake (2011) noted that implementing triangulation improved the validity and reliability of a study. Fetterman (2010) additionally noted “triangulation was a necessity for any ethnographic research to compare one source of information against another, and it helped explain any confounding variables, and improved reliability and validity of a study” (p. 94). Therefore, a survey of law students was disseminated by the online system SurveyMonkey® and interviews with six focus groups of students held at Thurgood Marshall School of Law, Texas A&M University School of Law, and Baylor Law School. The online survey examined how first, second, and third year law students age, gender, previous information literacy training, and previous academic degrees
earned affected first, second, and third year law students’ comprehension of common knowledge, whether they gave proper attribution to information sources consulted and utilized, and the information sources they select to complete law school assignments. The focus groups were conducted to corroborate the survey data to examine how first, second, and third year law students’ age, gender, previous information literacy training, and previous academic degrees earned affected first, second, and third year law students’ comprehension of common knowledge, whether they gave proper attribution to information sources consulted and utilized, and the information sources they select to complete law school assignments. Two focus groups were completed at Baylor Law School, Texas A&M University School of Law, and Thurgood Marshal School of Law. One focus group at each law school consisted of only first year students, and one focus group at each law school consisted of both second and third year law students. Each of the sixty minute focus groups were audio-recorded and transcribed, and the transcripts were searched for common themes. By completion of the fifth and sixth focus group, saturation of several common themes manifested. No further focus groups were performed.

The online survey was used to measure how previous information literacy training (how much received and where received), law student gender, law student age, and previously obtained education (college, graduate school…) affects first, second, and third year law students selection of information sources (e.g., primary, secondary, or tertiary sources, which sources do they select) for completing law school assignments; their understanding of common knowledge; and their decision of whether or not to give attribution to these sources. To ensure that the survey questions were valid and reliable, a pilot study was completed. First the online survey was offered to 30
individuals. All 30 respondents fully completed the online survey and submitted it. Then, the pilot online survey responses were analyzed utilizing Cronbach’s alpha and a factor analysis. Use of these statistics revealed that the survey was valid and reliable. Using Cronbach's alpha, it was revealed that the online survey resulted in a .6 reliability quotient. A factor analysis also revealed the online survey exhibited a .7 - .9 construct validity. Thus, the pilot test conveyed that the online survey had solid reliability and validity, and that all of the scores were within the normal limit.

The survey consisted of 24 questions. The first 6 addressed the independent variables previous information literacy training (how much received and where received), law student gender, law student age, and previously obtained education (college, graduate school…), and year in law school. Questions 7–11 related to common knowledge. Queries 12–20 analyzed citation. Questions 21-24 queried information about information source selection. The specific online survey questions covered are reflected in Table 20.

Table 20

Survey Questions

<table>
<thead>
<tr>
<th>Online Survey Questions</th>
<th>Subject</th>
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<tbody>
<tr>
<td>Questions 1-6</td>
<td>Independent Variables</td>
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<tr>
<td>Questions 7-11</td>
<td>Common Knowledge</td>
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<tr>
<td>Questions 12-20</td>
<td>Common Knowledge and Citation</td>
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<tr>
<td>Questions 21-24</td>
<td>Information Source Selection</td>
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After ensuring reliability and validity via the pilot survey, the actual survey was delivered to four separate law schools: Baylor Law School, Texas A&M University...
School of Law, Thurgood Marshal School of Law, and South Texas College of Law. A total of 245 law students responded to the online survey for a response rate of . . . .

The survey data was analyzed using SPSS. Descriptive statistics were computed and analyzed, and factor analysis was utilized to garner statistically significant differences between the means of the various factors.

**General Themes Discovered**

Several general themes reached saturation by the end of the final focus group. The analysis found that Google is the primary digital source for law students to obtain information; the concept of plagiarism is contextual; law students competently understand why it is important to cite information sources utilized, but are confused about whether to cite and how to cite digital sources; some will blatantly disregard citation; and the bigger motivator to cite information sources may be a fear of breaking the honor code rather than understanding why one needs to cite.

**Use of Google - This Data Offers Support for Previous Research in this Area**

When possible, law students prefer to use Google to obtain needed information. Some of the reasons why this preference persists include: Google offers easy access to some information; Google is a good source to use when seeking broad information; it allows one to save money; and many law students are digital natives and have grown up using Google to find all needed information, so it is natural to search on Google, and awkward to search using an electronic database or a print source.

Some reasons law students conveyed concerning why they preferred Google over a print source, and in contrast to any other digital source include “Google delivers
an abundance of information quickly and conveniently,” and a separate law student noted “I like to use Google because it narrows down the topics, if it is something complex I am researching or if it is something that is not common knowledge.” One other possible explanation for the Google preference may be that law students have become digital natives, or were born as digital native in some cases. They are comfortable locating movie tickets, football tickets, driving directions and other information via Google. Thus, it is natural for them to choose Google as a first source from which to obtain information. Law students primarily prefer using Google to locate needed information because Google offers easy access to some information; Google is a good source to use when seeking broad information; it allows one to save money; and many law students are digital natives and have grown up using Google to find all needed information, so it is natural to search on Google, and awkward to search using an electronic database or a print source. Some of the general reasons manifested as to why law students may prefer Google as a starting point for legal research include ease of access to information, saving money and time, and Google narrows down the research topic for law students. All of these reasons tend to suggest law students select the path of least resistance to save time and money. This evidence supports Zipf’s model that states in general, people choose the easiest route to complete a task that will save them time and money. Zipf (1949) postulated and empirically tested a paradigm that contended humans in general tended to complete the least amount of work possible to complete presented tasks. Zipf illustrated his point via linguistic studies and showed that humans preferred to choose short and common words for as many communication tasks as possible, rather than selecting esoteric, bigger words to make their point. Zipf termed this type of behavior as a case for least effort harmonic
distribution. Case (2012) corroborated Zipf’s theory and showed that “on average in libraries patrons primarily used 20% of the books located in the library to complete 80% of their information need tasks” (p. 175). Leckie, Pettigrew, and Sylvain (1996) additionally conveyed that some of the most frequent motivators of using information sources included convenience, timeliness, and the accessibility of the source. The data collected in this study supports the research of Zipf, Case, Lecki, Pettigrew, and Sylvain, and indicates possibly that law students too in general tend to complete the least amount of work possible to complete presented tasks. Unfortunately, by seeking this path of least resistance, law students may be missing a lot of valid and reliable information in their research.

This study also revealed that the tendency to commence legal research with Google is reinforced in the work-world. During multiple focus groups, numerous students noted they were directed by a managing partners of law firms to always commence legal research using Google. One law student stated he was directed by a managing partner of a law firm to always commence his research using Google and then if he could not find the necessary information to use a resource like LexisNexis, Westlaw, or another commercial database. Asked why this instruction was received, and the student replied “because it is free and it saved the law firm money.” The fact that law students are mimicking behavior learned in school and on the job supports previous research regarding information behavior performed by Meyer (2009); and Haruna and Mabawonku (2001). Meyer, Haruna and Mabawonku examined attorney information seeking behavior via surveys and interviews. Meyer, Haruna, and Mabawonku’s conclusions suggested attorneys’ job roles and tasks remained static and could not be changed by other factors such as client demands, customer service, and
fears of liability. Instead, these researchers found law school pedagogy predetermined attorneys’ work roles and work tasks. For example, law students learned in school that locating the correct legal precedent was the most important factor, and therefore services a client demanded became subordinate to the job task of locating a legal precedent. Such predetermination may have indicated proof of unformalized covert needs (Harter, 1992), established during professional training. Such covert motivations may consist of whether an appropriate knowledge of common knowledge provokes or deters one from utilizing a specific legal information source. This study seems to corroborate the idea postulated by Meyer, Haruna, Mabawonku, and Harter that law students and attorneys may simply mimic the tasks they learned in school or on the job. They, then may tend to repeat these actions as a learned behavior. Perhaps repeating these learned behaviors over and over is easier to perform, rather than learning new research behaviors, which would supports Zipf’s path of least resistance model as well.

Such reinforcement of using Google begs the questions: Is this malpractice to rely too heavily on google, and are law students missing information by relying so much on Google. In order to serve a client to the greatest extent, an attorney is supposed to perform thorough legal research to obtain all information relevant to a case. By relying so heavily on Google to locate legal information, law students may be learning poor research habits that will not obtain enough relevant legal information. This inability to locate relevant information is ultimately doing his or her client a disservice. Thus, is relying of Google so much ultimately malpractice?

Along with their preference to use Google, law students also are cognizant of why, in general, it is important to cite used sources. One law student commented “if you do not give proper credit, it is plagiarism.” Subsequently, other law students opined “it
gives you more strength to your argument,” “it shows our arguments are soundly based;” and remarked that “our law is based on precedent and the common law system, and it’s important to cite precedent.” In general, law students understand why it is important to give citation to utilized sources.

This research did find that students had some confusion about citing digital sources, some specific sources, whether digital or print, but particularly about citing digital sources in general. For example, many of the law students who participated in the focus groups indicated they would not cite Wikipedia, blogs, websites, Twitter, and other digital sources even if they used content from these sources in a law school assignment. They conveyed that citing such sources, even as tertiary sources to support primary sources would cause them to lose credibility. When asked if law students would cite digital sources one responded “I am not sure. How do you cite snapchat?” Another law student stated, “no, if we go on their site, say Facebook, and they are talking about cheese, I am not going to cite that.” Other law students remarked “you cannot really cite a blog,” and “I would not cite a listserv, Wikipedia, or a blog.”

The reticence to cite digital sources seems to stem from being told in law school that one loses their credibility citing digital sources, even if such a source offers valid information, or even if one uses such a source to locate needed information. This instruction received in law school results in law students believing they will lose credibility if they cite some digital information sources. For example, one student noted “I think it just ruins your credibility, citing social media and digital sites.” Thus, in general, some law students may avoid citing information on digital platforms. Instead they cite to print sources. The Bluebook® does offer some guidance as to how to cite digital sources. Yet, law students perceive that citing digital sources will result in their loss of
credibility, thus many opt to not cite digital sources, even if they used information from those sources.

Some of the reticence of citing digital sources may also result from a generational gap. For example, most of the law students stated in the focus groups, and the online survey data corroborates that most law students’ preference is to locate information via Google. They are reticent to cite the digital sources from which they obtain the information, because of a fear of losing credibility. This may be due to a generational gap. As one student noted, “for judges who are reading these documents, half of them don’t even know what Twitter is, and the other half don’t consider it reliable or good at all.” This same student added “people think law and think stuffy old men, honestly. And it is pretty much true. It’s changing because people get older and younger people are coming up.” So perhaps someday citing social media will evoke credibility? But for now, many law students seem apprehensive of citing social media due to a concern that citing social media will equate to a lack of credibility in their writing.

This trend in avoiding citation of digital sources appears to possibly stem from the instruction law students receive in law school regarding citation and from instruction they receive at law firm internships. The fact that law students are mimicking behavior learned in school and on the job supports previous research regarding information behavior performed by performed by Meyer (2009); and Haruna and Mabawonku (2001). Meyer (2009) and Haruna and Mabawonku (2001) examined attorney information seeking behavior via surveys and interviews. Their results differed in that Meyer, Haruna, and Mabawonku’s conclusions suggested attorneys’ job roles and tasks remained static and could not be changed by other factors such as client demands, customer service, and fears of liability. Instead, these researchers found law school
pedagogy predetermined attorneys’ work roles and work tasks. Law students learned in school that locating the correct legal precedent was the most important factor, and therefore services a client demanded became subordinate to the job task of locating a legal precedent. Such predetermination may have indicated proof of unformalized covert needs (Harter, 1992), established during professional training. Such covert motivations may consist of whether an appropriate knowledge of common knowledge provokes or deters one from utilizing a specific legal information source. Thus, this study seems to corroborate the idea postulated by Meyer, Haruna, Mabawonku, and Harder that law students and attorneys may simply mimic the tasks they learned in school (e.g., cite print and electronic databases, do not cite websites, Twitter, blogs, listservs, and other digital sites, even if those sites offer valid information.

The reticence to cite certain materials may be a hesitancy to cite specific sites rather than certain formats too. Numerous law students stated during the focus groups they would not cite Wikipedia because they believed they would lose credibility if they cited such a source. So, it may be that some law students have a learned aversion to citing certain sources, despite the sources format.

_Proper Citation_

Another theme discovered during this study was that some law students manifested a blatant disregard for citation if they thought their audience would not care if they cited utilized sources. Some law students displayed willingness to not cite an information source from which they took information and included in a law school assignment, if they were confident no one would find out. For example, some students suggested that they calculated whether or not they had to cite something based on
whom they were giving a written document. One student mentioned “I know if I copied 
and pasted something and give it to my professor, and say this is mine, then I’m going 
to be in danger of plagiarism.” But if it’s not in danger of plagiarism, I feel like it’s a lot 
easier for us to be like that’s okay I’m not going to figure out how to cite this. Then it is 
easier to be like this is common knowledge when there is no danger of plagiarism, 
especially when the stakes are lower.” Then, when posed with the question - if this was 
an assignment that was not going to be graded, would you give proper citation? The 
students responded “oh no,” and “I am defiantly erring on the side of not citing.” A 
subsequent student mentioned “I think you write to your audience. If I were writing for a 
partner in a law firm, like in an internship, I’m probably not going to feel as compelled to 
cite, because I know that they are just going to want to know the information.” Meaning, 
they often calculated whether they needed to cite works they used in various 
documents.

This data collected in the study suggests that law students view citation and 
plagiarism as contextual. In other words, in regard to works they utilized and from which 
they extracted information and placed it into their own works, whether or not they 
choose to cite these sources depends on their perception of whether the reader will 
care or check to see if they cited works utilized. In essence, if law students are turning 
in an assignment for a grade and they know their professor will check their citations, 
they probably take the time to cite properly. However, if the assignment is not for a 
grade or if it is for an internship in a law firm, they may choose to save time and not cite 
properly. Such information behavior further supports Zipf’s (1949) theory that humans, 
in general, take the path of least resistance to save time.
**Prior Information Literacy Training**

Another common theme that arose during the focus groups was that students were not confident in their training regarding citation and plagiarism at any educational level (e.g., high school, college, and graduate school), and a fear of being caught seemed to exist as a primary motivator rather than knowing how to or not to cite correctly. When queried about whether law students received good training regarding plagiarism and citation at various levels of education, some of the common responses elicited consisted of “sitting here at this table I am learning I did not receive adequate training regarding plagiarism” or “sitting here at this table I’ve learned I do not know everything I need to cite.” A subsequent student noted,

I think I received adequate training, but I think it depends on the amount of punishment your institution puts toward punishment. In undergrad a lot of people went before the board and were punished. I think if people knew they would face those consequences if they plagiarize, they would want to find out more about how not to plagiarize.

A general theme of a fear of being accused of, caught, and punished for committing plagiarism, or suffering the consequences of being caught plagiarizing seemed to exist among law students, rather than a confidence of knowing how to properly cite. In sum, despite the survey response in the online survey that conveyed 64% of law students believed they received the best training regarding plagiarism and citation in college, their comments in the focus groups revealed they believed, in general, did not receive good training regarding plagiarism and citation at any level, but instead they were afraid of being caught and punished for plagiarizing. Some of this fear may be related to not knowing how to cite digital sources.
Ease of Use of Research Tools

In general, large portions of the data collected in this study supports previous research conducted by Zipf, (1949), Meyer (2009), and Haruna and Mabawonku (2001), and Harter (1992). Zipf’s research suggested humans tend to use the least amount of tools available and the path of least resistance to complete necessary work. This study corroborates some of that model as law students use the easiest method available to complete legal research (e.g., Google), and they apparently may not always cite sources used if they do not think they need to cite. Meyer, Haruna, Mabawonku, and Harter’s research suggested that attorneys tend to repeat actions they learned in pedagogy to complete legal tasks. Law students in this study corroborated this idea by continuing to use Google since they grew up using Google, and they tend to not cite digital sources since they were instructed not to in law school.

Another common theme emanating from the focus groups and the online survey was that law students consistently perceived common knowledge as information, an idea, fact, or knowledge that most everyone should know. Other perceptions regarding common knowledge that manifested during this study included common knowledge appears to have a cultural and geographical component. Second, common knowledge was consistently defined as “a universal truth,” “a fact not disputable,” “something the whole world knows,” and “a universal concept.” Therefore, most law students reached the conclusion that common knowledge was information, an idea, fact, or knowledge that the majority of a specific group should know. That group could consist of a county, culture, law school class, or other specific group.
Ranking of Law Schools

Another theme that emanated from the online survey results conveyed that there were no statistically significant differences regarding information source selection and law student perception of citation between students attending higher or lower ranked law schools in this study. The law students in this study attended Baylor Law School, Texas A&M University School of Law, South Texas College of Law, and Thurgood Marshall School of Law. Despite being ranked in separate tiers in the US News and World Report, there was no statistically significant difference between the students analyzed in this study from these four separate schools regarding information source selection and citation.

The data garnered from the focus groups tended to corroborate that there was no difference between the students from three of the separate law schools (Baylor School of Law, Texas A&M University School of Law, and Thurgood Marshall School of Law) in that they all seemed to prefer to choose Google as their primary information sources, if they could locate needed information from that source. They would only utilize electronic databases such as LexisNexis or Westlaw if they could not find information. Finally, they would utilize the print statutes, case law, or other print sources as a last resort.

The data collected during the focus groups also corroborated the data found in the online survey that suggested all of the law students analyzed from the four law schools manifested similar citation habits. The large majority refused to cite Wikipedia, blogs, social media, listservs, websites, and other digital cites. They all conveyed that they frequently use these sites and place information from these sites into their law school assignments that are turned in for a grade. Further, the majority of law students
opined that they cited statutes, regulations, case law, and other primary sources when utilizing them for a law school assignment. The law students also accurately communicated the appropriate reasons for needing to cite utilized sources (e.g., precedential status of U. S. law, guiding the reader to needed sources…). Thus, the data gathered from the online survey and the focus groups all suggested that no differences exist among law students at the separate law schools in regard to information source selection and in regard to perception of citation.

Future Recommended Research

This study revealed that law students are sometimes confused about what digital sources to cite, how to cite digital sources, law students prefer to commence research with Google, and that they may receive different types of information literacy training at different levels of education (e.g., high school, college, graduate school…). Based on these findings, several future studies are proposed below to possibly corroborate or expand on this study’s findings.

A plethora of recommended future research emanates from this study. Future studies need to be performed to decipher in granular detail why law students specifically do not understand how to provide attribution or shy away from citing certain digital information sources when they extract information from these sources and use it in their law school assignments. Future studies need to be implemented to discover what other granular reasons exist as to why law students prefer Google. In other words, are their other reasons for this preference other than saving time and money, being digital natives, and just simply being used to utilizing Google to locate information? For example, is there a problem with other digital interfaces, such as Westlaw and
LexisNexis juxtaposed to the Google interface? Do students realize when they are using Google, compared to Westlaw and LexisNexis, that they are only garnering one percent of the information available regarding specific legal topics?

A future study examining why law students view the necessity for proper citation as contextual, and why law students perceive plagiarism as contextual is needed. This study manifested law student views that plagiarism and citation are contextual. Some of the reasons law students conveyed to support this perception included, what is plagiarism in one culture, country, state, or even a classroom, may not be plagiarism in a separate culture, country, state, or even a classroom. Some previous research supports this notion. Meyer (2007) utilized interviews and observations of a sample of 155 Russian speaking students and discovered Russian students adhered to krugovaya poruka, or collective cheating. In other words, the results of this study suggested that plagiarism was an accepted practice in certain cultures, such as in some Russian collectivist cultures (Meyer, 2007). Keyes (2004) research illustrated that deception is less vilified by society and there is a more casual attitude towards lying. Keyes (2004) additionally suggested people were dishonest and hid behind technology, and used semantic games and called lying, spinning, thus was socially acceptable. Thus, this literature suggested that culture, one’s perception of the effect of lying, and one’s perception of the source from which they are obtaining the information may help determine whether one chooses to give appropriate attribution or not.

A couple of students in the focus groups in this current study corroborated Meyer’s research as they noted, from their previous experience in living in separate countries, what is plagiarism in one country is not plagiarism in another country. For example, one law student noted she grew up in Macedonia and that there “Communism
was valued and everything was collectively owned...,” and therefore “during her education they did not make much point of plagiarism.” “Instead they were focused on the signs and substance versus citing correctly.” She added that in Communism “everything is common property, it was an idea that you are valuable but your contributions belong to all of us.” Finally, she conveyed “I don't think there was any instruction in Greece either, where half of my family lived.” Another mentioned he completed his undergraduate work in Mexico, and “no one ever mentioned plagiarism.” He further conveyed “I want to add I think plagiarism is cultural.” He further stated that there was never any instruction about how not to plagiarize in Mexico. This garnered data from the current study corroborated Meyer’s idea that plagiarism is contextual based on the culture in which you reside. This culture apparently can be the political climate, country, or the state in which one resides, or even the classroom in which one receives instruction. Therefore, a future study needs to be completed examining why law students perceive this cultural difference in perception of plagiarism, both at the broader cultural level and at the granular level (e.g., in two separate classrooms).

An additional study should examine whether students at the junior high, high school, college and graduate level have this confusion regarding how to cite digital sources. Is there a progression from junior high to high school, or high school to college that indicates as students progress through their education that they have a better grasp of how to cite digital sites and sources? Or, is their mass confusion at all levels. Is there such confusion in other substantive areas of study. Such as are engineering students as confused as law students? Are nursing students facing this same perplexity compared to law students?

A separate study could examine whether this is a confusion between format or
source. This study indicated that law students tended to be confused how and whether to cite certain electronic sites such as Facebook, Snapchat, Wikipedia and blogs written by professors. This study also manifested a strong desire not to cite Wikipedia. Therefore, a future study should be performed to determine whether law students do not want to cite any digital sources, or is it that law students are taught not to or do not want to cite just some specific digital sites such as Wikipedia.

Another interesting study that deserves proposing as a consequence of this study is juxtaposing whether students are motivated to offer proper citation due to receiving solid information literacy instruction at the junior high, high school, college, or graduate level; or whether they are motivated to offer proper citation due to a fear of the potential consequences of being caught committing plagiarism. In this study, many law students admitted they did not understand enough about how to cite utilized works, and they were more motivated to cite out of fear of being caught than to give the reader a guideline to future works or to give credit to the original creator. In some cases, the law students admitted they would not give proper citation if they believed there was no possibility of negative ramification of not giving proper citation. For example, one law student opined “I know if I copied and pasted something and give it to my professor, and say this is mine, then I’m going to be in danger of plagiarism.” But if it’s not in danger of plagiarism, I feel like it’s a lot easier for us to be like that’s okay I’m not going to figure out how to cite this. Then it is easier to be like this is common knowledge when there is no danger of plagiarism, especially when the stakes are lower.” Then, when posed with the question - if this was an assignment that was not going to be graded, would you give proper citation? The students responded “oh no,” and “I am defiantly erring on the side of not citing.” A subsequent student mentioned “I think you write to your audience. If I
were writing for a partner in a law firm, like in an internship, I’m probably not going to feel as compelled to cite, because I know that they are just going to want to know the information.” Meaning, they often calculated whether they needed to cite works they used in various documents.

Thus, it would be interesting to juxtapose two groups of law students, convey to one group there will be specific consequences if they do not complete certain information literacy components on an assignment. Then, communicate to the second group that there are no ramification for completing information literacy requirements. A t-test could determine if statistically significant difference exist between the two groups.

Another study that is in need based on the data collected in this study, is one that examines at the granular level why law students never cite Wikipedia when they admit they take information from the Wikipedia site. This study revealed instead of citing Wikipedia, the law students may choose to instead just not cite anything, or find a subsequent information source with similar information that is on the Wikipedia cite and cite that subsequent information source.

This study revealed, in general, that law students seemed to view Wikipedia as a source with no credibility. For example, some of the comments law students made about Wikipedia include “it is OK to use Wikipedia or another website, but not cite it. It is not a credible cite. Instead, go to the bottom of the Wikipedia page, and use those citations instead.” A subsequent law student noted, “you should never cite Wikipedia because it is a crappy source.” Another law student in separate focus groups stated even if you read something you want to use off of Wikipedia, “you can still find the same information in a better source.” A separate student stated that if he located the four elements of negligence on Wikipedia, he would not give citation to Wikipedia, but
instead would cite a statute that contained the same or similar material. Another student suggested if you find useful information on Wikipedia, “do not cite to Wikipedia, just use the citations at the bottom of the page.” Additionally (TAM 11), a first year law student claimed even if she used information directly from Wikipedia she would never cite to it because it is not trustworthy and not credible in court.”

This study further revealed that the two main reasons law students developed this perception of Wikipedia is because their law professors and college professor conveyed to them to never use or cite Wikipedia. Also, at least one of the law students suggested she saw a judge admonish an attorney for citing Wikipedia in a legal brief. Yet, almost all of the law students admitted they often went to Wikipedia to learn about legal issues pertaining to their law school assignments and tests. The large majority also admitted they took information from Wikipedia and placed it in their law school assignments that they submitted for a grade. Instead of citing Wikipedia, they cited a similar source. So, a future study needs to be performed with law students and law faculty to determine whether it is really showing a lack of credibility to cite Wikipedia, when students are using the source on a regular basis anyway. Also, the future study should examine why Wikipedia is viewed as an incredible source? Is it really that much more incredible juxtaposed to a print encyclopedia. After all, Wikipedia can be edited in seconds, whereas a print encyclopedia will take months or years to edit.

Another theme that manifested from the online survey responses and the focus group response was that many law students fervently believed if they cited a website, blog, or other digital source that listed a statute or excerpt of a case, even if the wording was the same word-for-word as it appeared in Westlaw, LexisNexis, or a print publication, they would not cite the website, blog, or other digital source in a law school
assignment. Neither would they cite such a source in a legal document to be filed with a court. This makes sense in that law students are trained to cite to primary sources (case law, statutes, regulations…), and are taught to cite to those materials found in a publication created by a reputable publisher (e.g., Westlaw, LexisNexis, the United States Government…). This tendency to be reticent to cite other digital sources is also explainable because courts have routinely expected attorneys to cite only to specific print publications published by specific publishers (Westlaw, LexisNexis…) for decades. However, with the rapid evolution regarding how all information is being conveyed and the types of digital platforms on which this legal material is being conveyed, a future study should be performed to decipher whether these newer mediums are really less reliable and valid than the Westlaw and LexisNexis publications. For example, is a statute located on a professor’s blog really less reliable than the exact stature located in a Westlaw print publication? A study has never been completed to decipher if there is a statistical difference in older and new mediums conveying information.

This study also revealed that law students are perplexed about how to cite digital sources. For example, during one focus groups, when asked if law students should cite a digital source if they use content from that source to craft a brief, one student responded “I am not sure. How do you cite snapchat?” Another law student said, “no, if we go on their site, say Facebook, and they are talking about cheese, I am not going to site that.” Whereas, law students seem to understand if they use content about cheese from a print source, they would cite it. Another student conveyed if he used information from a blog, email, or Facebook he would not cite because “there isn’t really guidance, it is hard to tell.” “Like how do you do that kind of citation? Is there a format for that? I don’t know. I honestly don’t know.”
However, ample guidance exists in the Bluebook, *American Psychological Association Citation Manual*, and other citation manuals in regard to citing digital sources. A future study should be conducted to learn the reasons why law students are not familiar with how to cite digital sources, determine if they are aware of any publication manuals that direct them in citing digital sources, and decipher whether the legal environment is open to citing various digital sources.

After running a one way between-groups multivariate analysis of variance, this study also manifested a statistically significant difference regarding common knowledge between law students who claimed to receive the best information literacy training in college compared to law students who claimed to have received their best information literacy training in graduate school: $n = 232, F(3, 71) = 6.334, p = .002; \text{Tukey HSD} = .027$. This statistically significant difference may suggest law students who received their best information literacy training in college have a better understanding of common knowledge compared to law students who claimed to receive their best information literacy training in graduate school. This is an interesting finding and should be explored further, as most would probably hypothesize that law students receiving their most information literacy training in graduate school would emit a better understanding of common knowledge compared to law student who receive their majority of training in college. Therefore, a future study should explore this finding.

Since this study did not reveal any statistically significant differences between the understanding of citation, and information source selection between the four law schools utilized in this study, it would be interesting to explore this issue more in depth. For example, perhaps a future study could examine the various modes of pedagogy utilized in each school, or in other law schools. Or, maybe a future study could
investigate if law students from different schools had similar or different information literacy training prior to entering law school. Additionally, a future study could set up a control group and an experimental group to investigate whether various types of pedagogy at any level have a significant effect on student understanding of citation and information source selection.

Conclusion

In summation, the data gathered in this study suggests law students do exhibit some differences in understanding of citation and citation behavior based on age and their year in law school. They also exhibit some differences regarding common knowledge based on their year in law school, where they received their information literacy training, and where they attend law school. For example, in regard to understanding of citation and citation behavior, after running a one way between-groups multivariate analysis of variance, statistically significant differences in understanding of citation and citation behavior were gleaned between first year law students and second year law students: $n = 217, F(3, 61) = 5.560, p = .004; \text{Tukey HSD} = .047$; and between first and third year law students: $n = 217, F(3, 61) = 5.560, p = .004; \text{Tukey HSD} = .007$. Also, after running a one way between-groups multivariate analysis of variance, a statistically significant difference manifested regarding understanding of citation and citation behavior between 18-24 year old law students and 25-34 years old law students: $n = 217, F(2, 62) = 4.039, p = .019; \text{Tukey HSD} = .014$. Thus, this suggests 25-34 year old law students may understand citation better than 18-24 year old law students, and second and third year law students may understand citation better than first year law students. This is logical due to the extensive training law students receive.
regarding citation and information literacy as they progress through the law school curriculum.

Additionally, after running a one way between-groups multivariate analysis of variance, other statistically significant differences were found in regard to common knowledge between first year law students and third year law students: $n = 232$, $F(3, 72) = 5.700$, $p = .004$; Tukey HSD = .003. This difference may suggest that upper class law students tend to view the information queried in this study as common knowledge compared to first year law students. Thus, in general, upper year law students may have a better understanding of common knowledge compared to first year law students. Also, after running a one way between-groups multivariate analysis of variance, a statistically significant difference regarding common knowledge was also found between law students who claimed they received the best information literacy training in high school compared to those who claimed they received the best information literacy training in graduate school: $n = 232$, $F(3, 71) = 6.334$, $p = .002$; Tukey HSD = .027. This finding may suggest that law students who claim to receive the best information literacy training in graduate school have a better understanding of common knowledge than do law students who claimed to have received their best information literacy training in high school.

Other statistically significant differences manifested regarding common knowledge. For example, after running a one way between-groups multivariate analysis of variance, another a statistically significant difference manifested between law students' understanding of common knowledge at Thurgood Marshall School of Law and Texas A&M University School of Law: $n = 232$, $F(4, 71) = 4.904$, $p = .003$; Tukey HSD = .003. This finding may suggest that law students at Texas A&M exhibit a better
understanding of common knowledge than do law students at Thurgood Marshall School of Law. Additionally, after running a one way between-groups multivariate analysis of variance, another statistically significant difference manifested regarding perception of common knowledge when juxtaposing law students and Texas A&M University School of Law and Baylor School of Law: $n = 232, F(4, 71) = 4.904, p = .003; \text{Tukey HSD} = .035$. This finding may suggest that law students at Texas A&M may exhibit a better understanding of common knowledge than do law students at Baylor School of Law.

Interestingly, there were no statistically significant differences regarding citation and information source selection between the four law schools analyzed. Therefore, despite being ranked in separate tiers in the US News and World Report, no statistically significant difference was found between the students analyzed in this study from these four separate schools regarding information source selection and citation. The data garnered from the focus groups tended to corroborate that there was no difference between the students from three of the separate law schools (Baylor School of Law, Texas A&M University School of Law, and Thurgood Marshall School of Law) in that they all seemed to prefer to choose Google as their primary information sources, if they could locate needed information from that source. Then, they would utilize the electronic databases such as LexisNexis or Westlaw. Finally, they would utilize the print statutes, case law, or other print sources as a last resort.

The data garnered from the focus groups suggested law students know how to cite print materials, are perplexed about citing digital sources, and at times will ignore the need to cite altogether. They further are often motivated more by fire and brimstone warnings to cite than by simply knowing the proper rules for citation. They also exhibit a
strong preference for using Google first to locate legal information because it saves time, money, and is easier to use than Westlaw or LexisNexis. Additionally, law students vehemently avoid citing Wikipedia and other digital sources such as websites, social media, and listservs because they perceive citing such sources equal to losing credibility. Finally, law students view plagiarism and common knowledge as contextual. For example, an action that constitutes plagiarism in one country may not constitute plagiarism in another country.

A plethora of recommended future research emanates from this study. For example, future studies need to be performed to decipher in granular detail why specifically law students shy away from citing certain digital information sources when they extract information from these sources and use it in their law school assignments. Also, future studies need to be implemented to discover what other granular reasons exist as to why law students prefer Google. In other words, are their other reasons for this preference other than saving time and money, being digital natives, and just simply being used to utilizing Google to locate information? For example, is there a problem with other digital interfaces, such as Westlaw and LexisNexis juxtaposed to the Google interface? Do students realize when they are using Google, compared to Westlaw and LexisNexis, that they are only garnering one percent of the information available regarding specific legal topics?
APPENDIX A

INSTITUTIONAL REVIEW BOARD PERMISSION AND INFORMED CONSENT FROM

THE UNIVERSITY OF NORTH TEXAS
April 23, 2015

Supervising Investigator: Dr. Yvonne Chandler
Student Investigator: Kristyn Helge
College of Information
University of North Texas

Re: Human Subjects Application No. 15033

Dear Dr. Chandler:

As permitted by federal law and regulations governing the use of human subjects in research projects (45 CFR 46), the UNT Institutional Review Board has reviewed your proposed project titled “The Effect previous Information Literacy Training, Past Education, Age, and Gender has on First and Third Year Law Students’ Information Source Selection and Choice of Attribution.” The risks inherent in this research are minimal, and the potential benefits to the subject outweigh those risks. The submitted protocol is hereby approved for the use of human subjects in this study. Federal Policy 45 CFR 46.109(e) stipulates that IRB approval is for one year only, April 23, 2015 to April 22, 2016.

Enclosed is the consent document with stamped IRB approval. Please copy and use this form only for your study subjects.

It is your responsibility according to U.S. Department of Health and Human Services regulation to submit annual and terminal progress reports to the IRB for this project. The IRB must also review this project prior to any modifications. If continuing review is not granted before April 22, 2016, IRB approval of this research expires on that date.

Please contact Shelia Bourns, Research Compliance Analyst at extension 4643 if you wish to make changes or need additional information.

Sincerely,

Chad R. Trulson, Ph.D.
Professor
Department of Criminal Justice
Chair, Institutional Review Board
University of North Texas Institutional Review Board

Informed Consent Notice

Before agreeing to participate in this research study, it is important that you read and understand the following explanation of the purpose, benefits and risks of the study and how it will be conducted.

**Title of Study:** Dissertation: Impetuses for First and Third Year Law Student Information Seeking Behavior and Plagiarism

**Student Investigator:** Kristyn Helge, University of North Texas (UNT) Department of College of Information. **Supervising Investigator:** Dr. Yvonne Chandler, UNT College of Information

**Purpose of the Study:** You are being asked to participate in a research study which involves an online survey to discover what is first and third year law students' understanding of common knowledge and citation; and how this comprehension of common knowledge and citation, law student age, law student gender, prior education, and previous exposure to information literacy training affects the information sources they select (e.g., primary, secondary, or tertiary sources) to complete assignments, and their decision of whether or not to give proper citation to the sources they use in research tasks.

**Study Procedures:** You will be asked to fill out a survey that will take about 10 minutes of your time.

**Foreseeable Risks:** The potential risks involved in this study are that confidentiality is requested but cannot be guaranteed. Neither your identity nor your specific responses will be disclosed to anyone or to any entity. The answers from this survey will be generalized and general conclusions will be drawn from this study. The generalized conclusions may be published or presented at a conference, but your specific identity and specific responses will not be published or presented.

**Benefits to the Subjects or Others:** This study is not expected to be of any direct benefit to you, but we hope to learn more about law student understanding of common knowledge, citation, and information source selection.

**Procedures for Maintaining Confidentiality of Research Records** Your confidentiality and anonymity will be maintained because this survey does not request that your name or any other identifying information be placed on this survey. The confidentiality of your individual information will be maintained in any publications or presentations regarding this study.

Office of Research Integrity & Compliance
University of North Texas
Last Updated: July 11, 2011
Questions about the Study: If you have any questions about the study, you may contact Kristyn Helge at kris.helge@unt.edu or Dr. Yvonne Chandler at Yvonne.chandler@unt.edu

Review for the Protection of Participants: This research study has been reviewed and approved by the UNT Institutional Review Board (IRB). The UNT IRB can be contacted at (940) 565-4643 with any questions regarding the rights of research subjects.

Research Participants' Rights: Your signature below indicates that you have read or have had read to you all of the above and that you confirm all of the following:

- Kristyn Helge has explained the study to you and answered all of your questions. You have been told the possible benefits and the potential risks and/or discomforts of the study.
- You understand that you do not have to take part in this study, and your refusal to participate or your decision to withdraw will involve no penalty or loss of rights or benefits. The study personnel may choose to stop your participation at any time.
- You understand why the study is being conducted and how it will be performed.
- You understand your rights as a research participant and you voluntarily consent to participate in this study.
- You have been told you will receive a copy of this form.

__________________________
Printed Name of Participant

__________________________  __________
Signature of Participant     Date

For the Student Investigator: I certify that I have reviewed the contents of this form with the subject signing above. I have explained the possible benefits and the potential risks and/or discomforts of the study. It is my opinion that the participant understood the explanation.

__________________________  __________
Signature of Student Investigator     Date

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Foreseeable Risks: The potential risks involved in this study are that confidentiality in focus groups is requested but cannot be guaranteed. However, neither your identity nor your specific responses will be disclosed to anyone or to any entity.

Benefits to the Subjects or Others: This study is not expected to be of any direct benefit to you, but we hope to learn more about law student understanding of plagiarism, citation, common knowledge, and information source selection.

Compensation for Participants: Pizza and non-alcoholic beverages

Office of Research Integrity & Compliance
University of North Texas
Last Updated: July 11, 2011
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- You understand your rights as a research participant and you voluntarily consent to participate in this study.
- You have been told you will receive a copy of this form.

Printed Name of Participant

Signature of Participant

Date

For the Student Investigator: I certify that I have reviewed the contents of this form with the subject signing above. I have explained the possible benefits and the potential risks and/or discomforts of the study. It is my opinion that the participant understood the explanation.

Signature of Student Investigator

Date

Office of Research Integrity & Compliance
University of North Texas
Last Updated: July 11, 2011
APPENDIX B

INSTITUTIONAL REVIEW BOARD PERMISSION AND INFORMED CONSENT FROM

TEXAS A & M UNIVERSITY
University of North Texas Institutional Review Board

Informed Consent Notice

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Last Updated: July 11, 2011
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- You understand your rights as a research participant and you voluntarily consent to participate in this study.
- You have been told you will receive a copy of this form.

Printed Name of Participant

______________________________________________________________

Signature of Participant                                      Date

For the Student Investigator: I certify that I have reviewed the contents of this form with the subject signing above. I have explained the possible benefits and the potential risks and/or discomforts of the study. It is my opinion that the participant understood the explanation.

______________________________________________________________

Signature of Student Investigator                                 Date

Office of Research Integrity & Compliance
University of North Texas
Last Updated: July 11, 2011
University of North Texas Institutional Review Board

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**Benefits to the Subjects or Others:** This study is not expected to be of any direct benefit to you, but we hope to learn more about law student understanding of plagiarism, citation, common knowledge, and information source selection.

**Compensation for Participants:** Pizza and non-alcoholic beverages

Office of Research Integrity & Compliance
University of North Texas
Last Updated: July 11, 2011

Page 1 of 2

RB NUMBER: IRB2015-3005D
RB APPROVAL DATE: 07/29/2015
RB EXPIRATION DATE: 7/15/2016
Procedures for Maintaining Confidentiality of Research Records: The confidentiality of your individual information will be maintained in any publications or presentations regarding this study. All audio recordings will be used as noted previously and then destroyed.

Questions about the Study: If you have any questions about the study, you may contact Kristyn Helge at kris.helge@unt.edu or Dr, Yvonne Chandler at Yvonne.chandler@unt.edu

Review for the Protection of Participants: This research study has been reviewed and approved by the UNT Institutional Review Board (IRB). The UNT IRB can be contacted at (940) 565-4643 with any questions regarding the rights of research subjects.

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- You understand why the study is being conducted and how it will be performed.
- You understand your rights as a research participant and you voluntarily consent to participate in this study.
- You have been told you will receive a copy of this form.

Printed Name of Participant

__________________________

Signature of Participant

__________________________ Date 4/23/15

For the Student Investigator: I certify that I have reviewed the contents of this form with the subject signing above. I have explained the possible benefits and the potential risks and/or discomforts of the study. It is my opinion that the participant understood the explanation.

Signature of Student Investigator

__________________________ Date 4/23/15

Office of Research Integrity & Compliance
University of North Texas
Last Updated: July 11, 2011
APPENDIX C

SURVEY QUESTIONS
Part I - To gain an understanding of how different ages, genders, educational levels, and where education was received affect source selection and understanding of common knowledge, please answer the following questions.

IV1 What is your gender?
0 – Male 1 - Female

IV2 What is your age range?
0 - 18 to 24 1 - 25 to 34 2 - 35 and older

IV3 What year are you in law school?
0 - First year 1 - Second year 2 - Third year or higher

IV4 Please indicate the highest level of education you earned.
0 - B.A., B.S. or equivalent 1 - M.A. or equivalent (e.g., M.B.A., M.S...)
2 - Ph.D. or equivalent (e.g., Th.D., M.D...)

IV5 Please indicate the educational environment in which you received the most training regarding plagiarism and common knowledge.
0 - High School 1 – College 2 - Graduate School

IV6 Please indicate the law school environment in which you received the most training regarding plagiarism and common knowledge.
0 - Basic legal research class 1 - Advanced legal research class
2 - A substantive law class (e.g., Probate Law) 3 - Moot court 4 - Mock trial
Part II - To gain an understanding of your comprehension of common knowledge, please indicate whether you believe the following statements are 0 - never common knowledge, 1 - might not be common knowledge, 2 - uncertain, 3 - may be common knowledge, or 4 - always common knowledge.

Q1 - Divorce occurs when a couple ends their marriage.

0 - never common knowledge  1 - might not be common knowledge  2 - uncertain
3 - may be common knowledge  4 - always common knowledge

Q2 Irreconcilable differences are grounds for divorce in Texas.

0 - never common knowledge  1 - might not be common knowledge  2 - uncertain
3 - may be common knowledge  4 - always common knowledge

Q3 A petition for annulment may be filed by a parent in Texas.

0 - never common knowledge  1 - might not be common knowledge  2 - uncertain
3 - may be common knowledge  4 - always common knowledge

Q4 Attending counseling after a divorce may alleviate sadness.

0 - never common knowledge  1 - might not be common knowledge  2 - uncertain
3 - may be common knowledge  4 - always common knowledge

Q5 Common law marriages exist in Texas.
0 - never common knowledge   1 - might not be common knowledge   2 - uncertain
3 - may be common knowledge   4 - always common knowledge

Part III - To gain an understanding of your comprehension of common knowledge and citation, please answer the following questions. Use the following key to provide your answers: 0 - never requires citation, 1 - might not require citation, 2 - uncertain, 3 - may require citation, 4 - always requires citation. Assume that you located all of the following information on the Internet. When using this information in a written document, does this information require citation?

Q6 Information stating that William Jefferson Clinton was the 42d President of the United States of America.

0 - never requires citation   1 - might not require citation   2 - uncertain
3 - may require citation   4 - always requires citation

Q7 A Texas statute outlining the term limits of the Governor of Texas.

0 - never requires citation   1 - might not require citation   2 - uncertain
3 - may require citation   4 - always requires citation

Q8 A website listing the proposed bills that the Texas Governor has signed into law.

0 - never requires citation   1 - might not require citation   2 - uncertain
3 - may require citation   4 - always requires citation

Q9 An online encyclopedia article that states Austin is the capitol of Texas.
In writing a brief to argue in support of a will contest, you consult and include information in your brief from the following sources. Please indicate which sources to which you would need to provide citation.

Q10 A section in the Texas Estates Code that describes the time period for contesting a will.

Q11 The section in Texas Jurisprudence that describes what a will contest is.

Q12 A Wikipedia article describing a will contest.

Q13 A blog written by a law professor stating one has the right to have a will.
Q14 A listserv that outlines each section of valid wills in Texas.

0 - never requires citation 1 - might not require citation 2 - uncertain
3 - may require citation 4 - always requires citation

Part IV - To gain a better understanding of the sources you utilize for law school assignments, please answer the next questions. Please assume these five sources are the only sources available to you, and please indicate which source you would most likely consult first to begin your research.

0 - Case Law, 1 - Statute, 2 - Wikipedia, 3 - Legal Encyclopedia, 4 - Google.

Q15 Which source would you consult first to determine whether smoking marijuana is legal in North Carolina?

0 - Case Law 1 – Statute 2 – Wikipedia 3 - Legal Encyclopedia 4 - Google

Q16 Which source would you consult first to determine the statute of limitations for a personal injury case?

0 - Case Law 1 – Statute 2 – Wikipedia 3 - Legal Encyclopedia 4 - Google

Q17 Which source would you consult first to determine the grounds for divorce in Oklahoma?

0 - Case Law 1 – Statute 2 – Wikipedia 3 - Legal Encyclopedia 4 - Google

Q18 Which source would you consult first to determine whether clergy may be sued for negligence in Connecticut?

0 - Case Law 1 – Statute 2 – Wikipedia 3 - Legal Encyclopedia 4 - Google
1. What is your definition plagiarism?

2. How do you determine when you should cite a source?

3. If you are asked to draft a memorandum about the benefits and negatives related to an employment law issue, what are some consulted sources you would need to cite? What are some consulted sources you would not need to cite? (probing questions: Why, when…?)

4. Is some information located in primary and secondary sources such as case law, statutes, legal encyclopedias, and law reviews considered common knowledge? (probing questions: which sources, why, when…)

5. Why is it important to cite? (probing questions; when writing a document, what benefits if cite source?)

6. Is there a scenario where information located on the Internet does not have to be cited?

7. Do you feel like you received adequate training regarding plagiarism? (probing questions, when, where, why…)

8. Do you feel like you learned to cite and locate valid and reliable information sources? (probing questions, when, where…?)

Card sorting for focus group:

Each of these cards conveys a scenario. Place these tasks in order 1-5. 1 should represent the scenario that most requires citation of the source used. 5 should represent the scenario that least requires citation.
1. A law student copies a sentence describing personal jurisdiction from a Wikipedia article and pastes the sentence into his or her law school assignment. This assignment is to be turned in, but the law student will not receive a grade on it.

2. Using Google, a law student locates information on a website stating that “the twin towers fell on 9-11.” Using this information, the law student types into his or her brief that “the twin towers in New York fell on September 11th.”

3. A law student is researching product defects in bicycles and how they affect the Tour De France. In his or her memorandum, he or she writes “Vincenzo Nibali won the 2014 Tour De France.”

4. A law student reads in a book how a manufacturer prevents negligence by improving the design of a bicycle seat. Then, that law student summarizes a portion of that design in his or her law school assignment.

5. A law student cuts and pastes one phrase from an Internet site that conveys the current population of Mexico City.

What is your age? _____

What is your gender? _______

Are you a first or third year law student? ________

Do you have additional education other than a college degree (e.g., M.A., Ph.D., other)? If so, please list here: ____________________
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