



Online via Zoom
August 15, 2020

Law School Orientation on Professionalism



STATE BAR OF GEORGIA COMMITTEE ON PROFESSIONALISM

Hypothetical problems for group discussion



Problem 1

You are a 1L at the end of spring semester, and registration for fall classes is fast approaching. All registration at your law school is done based on seniority, which means each student's first available time to register is prioritized by the number of credit hours he or she has. The 2Ls get to register starting at noon next Tuesday, and 1Ls get to register starting at noon next Wednesday. Some classes have limited enrollments, and competition for those slots is keen.





Problem 1 Cont.

A 2L approaches you the weekend before registration begins with a proposition, saying, “I heard you’d really like to be in Course X. I think I can help. I’ll be one of the first students allowed to register. On Tuesday, I’ll start right at noon and register for Course X, which only has space for a dozen students. I don’t want to take the course. But if you want it, we’ll sit together in the library just before your noon Wednesday registration time.”



Problem 1 Cont.

"I'll withdraw at 11:59 a.m., and then at noon you can jump in the spot I had previously taken. I know for a fact the process isn't set up to keep me from signing up or you from taking the slot I vacate. Otherwise, you'll never get in that class." Unsure about what to do, you just say, "Thanks, I'll think about it."



Problem 1 Cont.

On Tuesday at 2:00 p.m., the 2L approaches you, saying, “Okay, I’ve signed up for the course, and it’s a good thing I did. By 12:05, the course was full. Are we on for tomorrow just before noon? Do you want the slot or not? If not, I’ll offer it to someone else.”



Problem 1 Cont.

There's nothing in the Honor Code that specifically addresses this situation. The Honor Code does have a "Pre-Professional Misconduct" provision which prohibits any student from engaging in conduct "which raises a substantial question as to the student's honesty, trustworthiness or fitness to practice law or become a member of the legal profession." The Honor Code also requires all students to report all Code violations to the Associate Dean.



QUESTIONS FOR DISCUSSION

- May you accept the 2L's offer? Should you accept the 2L's offer?
 - If you turn down the 2L's offer and another 1L takes it, should you report the 2L? The 1L?
 - How would you handle the situation if you knew the 2L who made the offer was an influential student at the school (for example, Chair of the Mock Trial Team)? What if the student was the son or daughter of an influential person at the school?
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Lawyer's Creed

- To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one. (Lines 6 – 9)



Aspirational Statement on Professionalism

- As a lawyer, I will aspire to preserve the dignity and the integrity of our profession by my conduct. The dignity and the integrity of our profession is an inheritance that must be maintained by each successive generation of lawyers. (Lines 48, 64 – 66)





Problem 2

Part A

In Marcus' first-year Civil Procedure course, the professor keeps using the same two hypotheticals to stimulate discussion. The class always got involved in trying to solve the issues raised, but the professor never gave any clue that the class was on the right track. The professor hints that these, or similar problems, will be on the exam.



Problem 2 Cont.

Part A

Three days before the exam, Marcus receives an e-mail from a college friend who is attending another law school. His friend tells him that Marcus' Civil Procedure professor used to teach at that law school a couple of years ago. Marcus' friend has learned of a book that contains a contribution by the professor in which she discussed those favorite hypotheticals in depth. After receiving this e-mail, Marcus found the book in his school's law library. He was permitted to check it out, and he kept it for the rest of the semester. There was just one copy.



QUESTIONS FOR DISCUSSION

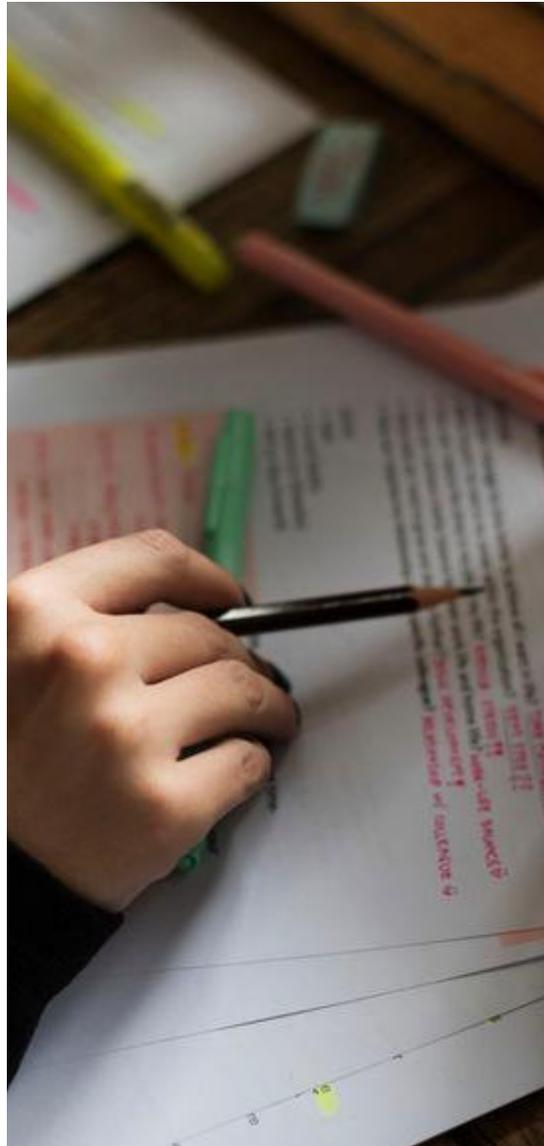
Part A

- Should Marcus have checked out that book?
- Should Marcus have shared this information with his classmates? Members of his study group? Anyone else?
- Suppose Marcus just photocopied the relevant parts of the book and then took it to another part of the law library and shelved it with some little used materials instead of returning it to its proper place where it could be easily found by other students?
- Does it change your answer if Marcus found the book online, such as in Google Scholar, instead of in the law library?

Problem 2

Part B

Leah is a first-year law student and the first person among her family to attend law school. Leah is having trouble in her Legal Writing course taught by Professor Greene. The writing style required to excel is entirely foreign to the training she received in her former career as a technical writer.

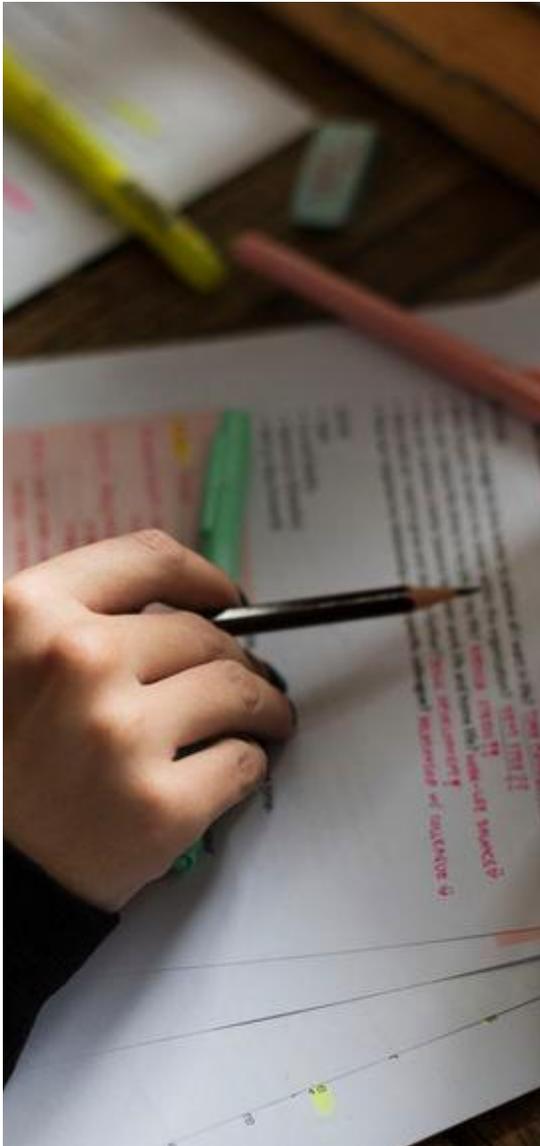


Problem 2 Cont.

Part B

Corey is Leah's classmate whose dad is a partner at a large law firm. Corey's dad recently hired Joseph, a first-year associate who worked for Professor Greene as a Research Assistant. Joseph and Professor Greene currently enjoy a close mentor/mentee relationship.

During a social event one evening, Leah overhears Corey talking about receiving last-minute proofreading assistance from his dad's associate, Joseph, on the brief-writing assignment that is due in two days.





QUESTIONS FOR DISCUSSION

- Assuming Leah is aware of the connections between Professor Greene and the Associate, Joseph, should Leah report her concerns to Professor Greene?
- Changing the facts: Suppose Corey offers to have Leah's work reviewed by the associate?
- Is Corey's acceptance of help from Joseph the type of assistance that is contemplated by the professionalism aspirations?

Lawyer's Creed

- To the courts, and other tribunals, and to those who assist them, I offer respect, candor, and courtesy. I will strive to do honor to the search for justice. (Lines 10-12)



Aspirational Statement on Professionalism

- As to the courts, other tribunals, and to those who assist them, I will aspire to model for others the respect due to our courts. As a professional I should act with complete honesty. (Lines 115, 128 – 129)
- As to my colleagues in the practice of law, I will aspire to assist my colleagues become better people in the practice of law and to accept their assistance offered to me. (Lines 139, 142)



Problem 3

Cameron and Taylor are 1Ls looking for summer internships. They decide to attend a mixer/networking event at their school where they can meet representatives from several local firms. They know the competition is tough for summer positions at these firms, especially as 1Ls, and they want to do whatever they can to improve their chances.



Problem 3 Cont.

At the event, they start talking to an attorney, Aaron, who is an alum of their law school and on the hiring committee at a prominent firm. The conversation goes well, and both Cameron and Taylor are excited by the prospect of being able to work at this attorney's firm for the summer.



Problem 3 Cont.

After a while, someone calls Taylor away. After watching Taylor walk away, Aaron turns to Cameron and says, “I love having summer associates like that around the firm. They have assets that really liven up the office. If I’m lucky, I might even get some help with my briefs, if you know what I mean.”





QUESTIONS FOR DISCUSSION

- Should Cameron say anything to the attorney? What factors are likely to affect Cameron's decision?
 - Should Cameron tell Taylor about the attorney's comment?
 - Is there anything else that Cameron should do that would make a difference, and if so, what would that be?
-

Lawyer's Creed

- To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship. (Lines 13 – 15).



Aspirational Statement on Professionalism

- As a lawyer, I will aspire to avoid all forms of wrongful discrimination in all of my activities, including discrimination on the basis of race, religion, sex, age, handicap, veteran status, or national origin. The social goals of equality and fairness will be personal goals for me. (Lines 54 – 57)
- As a lawyer, I will aspire to practice with a personal commitment to the rules governing our profession and to encourage others to do the same. (Lines 48, 62 – 63)



Aspirational Statement on Professionalism, Cont.

- As to the public and our systems of justice, I will aspire to improve our laws and legal system by, for example, using other appropriate methods of effecting positive change in our laws and legal system. (Lines 155, 170, 174 – 175)



Problem 4



Tracy and Morgan are closing in on first semester finals. Tracy has been so stressed out over classes that she has been having problems concentrating in class. Her outlines are a mess, and she is certain she won't be ready for finals at the rate things are going.

Problem 4 Cont.



Tracy knows Morgan has a standing prescription for Adderall, a controlled substance. While she's certain her doctor won't prescribe it to her, Tracy has been aware of the drug for years. She's heard the stories about it being a "wonder drug" and knows plenty of people, including some of her law school classmates, who regularly use it to concentrate and stay alert.

Problem 4 Cont.



Looking for something to give her an edge through finals, Tracy asks Morgan to let her “borrow” some of the pills. Morgan is no doctor, but she’s sure Tracy’s only interested in Adderall because it might give her an advantage she wouldn’t ordinarily have.



QUESTIONS FOR DISCUSSION

- What should Morgan do? Should Morgan report this incident to the Dean of Students?
 - Suppose Tracy took some of Morgan's pills without permission, then told Morgan after the fact. Does this change your view as to whether Morgan should report Tracy to the Dean of Students?
 - What if Morgan observed that Tracy was struggling and unilaterally offered Tracy some of her pills? Should Tracy then report Morgan?
 - Is taking someone else's prescribed medication considered "cheating?" Even if it is not considered cheating, is it a good idea to do so?
-

Lawyer's Creed

- To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust. (Lines 2 – 5)
- To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship. (Lines 13 – 15)
- To the profession, I offer assistance. I will strive to keep our business a profession and our profession a calling in the spirit of public service. (Lines 16 – 18)



Aspirational Statement on Professionalism

- As a lawyer, I will aspire to achieve the excellence of our craft, especially those that permit me to be the moral voice of clients to the public in advocacy while being the moral voice of the public to clients in counseling. Good lawyering should be a moral achievement for both the lawyer and the client. (Lines 48, 67 – 70)
- As to our profession, I will aspire to (2) Report violations of ethical regulations by fellow lawyers; and (3) Assist in the enforcement of the legal and ethical standards imposed upon all lawyers. (Lines 144, 153 – 154)





Problem 5

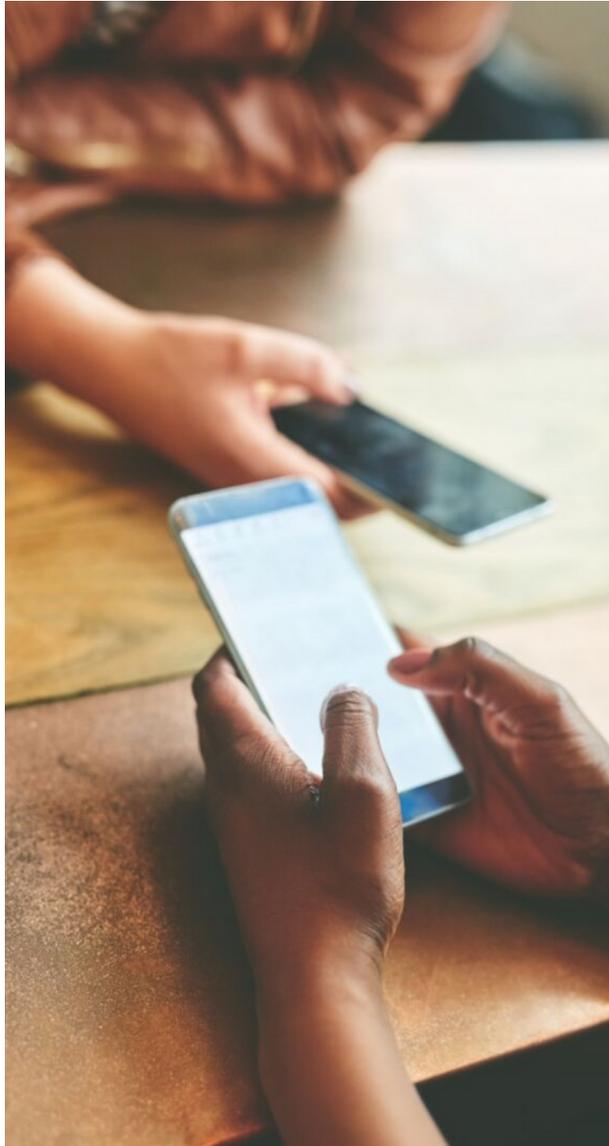
Part A

Jordan, a first-year law student, is heavily involved in social media. He enjoys posting selfies of where he travels, who he hangs out with, and even what he had for lunch that day. Jordan's posts receive regular "likes" and comments from his classmates. A special election was set to take place in May for a vacated State Representative seat that represents the district where the law school is located. The race was hotly contested, receiving state-wide coverage

Problem 5

Part A

A well-known non-partisan political action committee ran a controversial video ad online that focused solely on one of the candidates' position on a college cheating scandal. The week before spring exams began, Jordan shared the ad on Facebook and Instagram with the caption: "Just another entitled, wealthy hypocrite who's no different than these criminals. Our state could do much better!!"





QUESTIONS FOR DISCUSSION

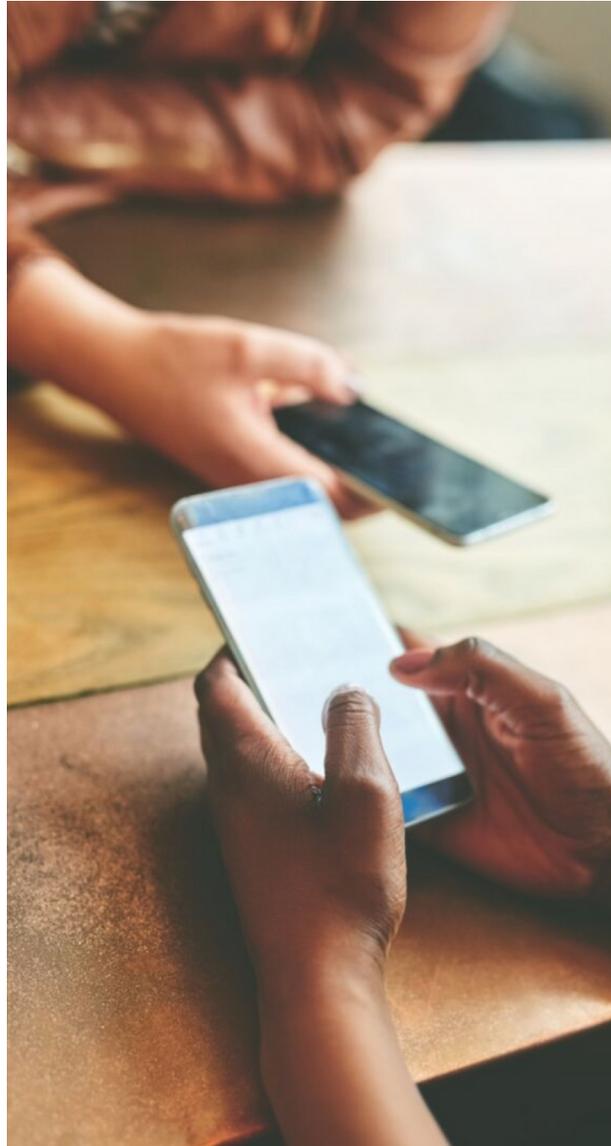
Assume you're Jordan's friend and roommate.

- What kind of advice, if any, would you give him about sharing the ad?

Why?

Problem 5

Sarah and Jordan are friends on Facebook and Instagram. ^{Part B}
Suppose Jordan set the privacy settings on his post so that only his friends could see it. Sarah took a screenshot of Jordan's post and posted it on her Facebook and Instagram pages, which are both public. She captioned the post, "Anyone who would vote like Jordan might as well go to prison with the rest of them!"





QUESTIONS FOR DISCUSSION

- What is the effect of Jordan setting his privacy settings so only his friends can see his post?
 - Did Sarah have the responsibility to bring others' attentions only made available to Jordan's social media followers?
-



QUESTIONS FOR DISCUSSION

- Sarah believes she is just engaging in political debate. Do you agree?
 - Suppose an alum complained to the law school administration. Do you think there should be ramifications for Jordan or Sarah?
-

Lawyer's Creed

- To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship. (Lines 13 – 15)



Aspirational Statement on Professionalism

- As a lawyer, I will aspire to model for others, and particularly for my clients, the respect due to those we call upon to resolve our disputes and the regard due to all participants in our dispute resolution processes. (Lines 48, 51 – 53)
- As to opposing parties and their counsel, I will aspire to treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. (Lines 96, 103 – 105)



Aspirational Statement on Professionalism, Cont.

- As a professional, I should be courteous and civil in all communications. (Lines 98, 108)
- As to my colleagues in the practice of law, I will aspire:
 - (a) To recognize and to develop our interdependence;
 - (b) To respect the needs of others, especially the need to develop as a whole person (Lines 139 – 141)



Aspirational Statement on Professionalism, Cont.

- As to our profession, I will aspire to improve the practice of law. As a professional, I should assist law schools in the education of our future lawyers.(Lines 144 – 145, 148)
- As to the public and our systems of justice, I will aspire to consider the effect of my conduct on the image of our systems of justice(Lines 155, 157)



Aspirational Statement on Professionalism, Cont.

- As to the public and our systems of justice, I will aspire to improve our laws and legal system by, for example, using other appropriate methods of effecting positive change in our law and legal system. (Lines 155, 170, 174 – 175)



Problem 6

PLAGIARISM

Jim, a first-year law student, had a writing assignment with a due date of November 2nd. A draft of that assignment was due ten days before the final work product had to be submitted. Jim started researching for the assignment well before the due date. He spent a lot of time trying to find perfect cases to use but somehow never got around to writing the required draft.

Problem 6 Cont.

PLAGIARISM

The day before it was due, he threw something together at the computer, using photocopies of the cases and articles and materials downloaded from the Internet, as well as notes he took while doing his own research. By not revising his work at all and just dropping in a handful of citations before printing his paper, Jim managed to meet the draft deadline.

Problem 6 Cont.

PLAGIARISM

Jim's professor returned the draft with written comments, remarking very favorably on the writing and analysis in a few paragraphs within the draft. As he looked over the comments, Jim realized that the parts of the paper that his professor praised were those that included the notes he made when he downloaded a law review article from the Internet and to which he had made NO citation. While Jim had paraphrased the author's words rather than merely copying them, he had not given the article's author credit for the concepts used.

Problem 6 Cont.

PLAGIARISM

Jim decided not to add citations to those paragraphs because they were the only part of his paper that got positive comments. The “borrowed” parts of the paper constituted about one full page out of the twelve pages in the final version he submitted.



PLAGIARISM

QUESTIONS FOR DISCUSSION

- Did Jim commit plagiarism? What is plagiarism? Is there any difference if the information is obtained online?
 - Should Jim admit what he did to his legal writing professor before he gets a grade on his paper? Or, should he wait to see what grade he gets and whether the grade seems to have been influenced by the “borrowed” portions of the paper?
-



QUESTIONS FOR DISCUSSION CONT

- Suppose Jim completely forgot the source of the ideas he used without attribution, and turned in his final paper without giving credit to the author of the law review article at all. Would that be plagiarism if he did not act intentionally?
-



QUESTIONS FOR DISCUSSION CONT

- Now suppose Jim is a summer associate in a law firm and was tasked by a partner to prepare a brief addressing a legal issue for the Court. Struggling with the research, Jim discussed the issue with an associate at the firm, Julie, who tells him she filed a brief on the very same issue two years ago. Should Jim ask to review Julie's brief? Should he then submit Julie's brief to the partner? Would that be plagiarism? Would it matter if he credited Julie for the work?
-

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(Lines 10 – 12)



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- As to my colleagues in the practice of law, I will aspire:
 - (a) To recognize and to develop our interdependence; and
 - (c) To assist my colleagues become better people in the practice of law and to accept their assistance offered to me. (Lines 139, 140, 142 – 143)



Aspirational Statement on Professionalism, Cont.

- As to clients, I will aspire to expeditious and economical achievement of all client objectives. (Line 73 – 74)



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