



Georgia State
University

COLLEGE
OF LAW

Atlanta

August 11, 2020

Student Materials



Sponsored

by

STATE BAR OF GEORGIA
COMMITTEE ON PROFESSIONALISM
& CHIEF JUSTICE'S COMMISSION ON
PROFESSIONALISM

#Orientation2020



COMMITTEE ON PROFESSIONALISM

**Georgia State University College of Law
Orientation on Professionalism**

Online

**August 11, 2020
4:30 p.m. - 7:30 p.m.**

LAW STUDENT AGENDA

4:30 - 4:45	Welcome.....	Leslie Wolf Interim Dean and Professor of Law
4:45 - 5:30	GSU Honor Code Overview	Members of Faculty & Student Code Committees
	Bar Character & Fitness – Overview	Alexis Martinez Associate Dean for Students
5:30 - 6:00	Professionalism Introduction & Overview	
	Professional Development & Career Opportunities Staff	
6:00 - 7:30	Professionalism Hypotheticals Review & Discussion	
7:30	Administration of the Professionalism and Honor Code Pledge	

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CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

The Honorable Harold D. Melton (Chair)
Chief Justice, Supreme Court of Georgia
Atlanta, Georgia

August 11, 2020

Ms. LaToya Simone Bell
Houston Circuit Public Defenders Office
Warner Robins, GA

Mr. Michael Scott Boone
Atlanta's John Marshall Law School
Atlanta, Georgia

Professor Nathan S. Chapman
University of Georgia School of Law
Athens, Georgia

Professor Clark D. Cunningham
Georgia State University College of Law
Atlanta, Georgia

Mr. Gerald M. Edenfield
Edenfield, Cox, Bruce & Classens, PC
Statesboro, Georgia

The Honorable Susan E. Edlein
Fulton County State Court
Atlanta, Georgia

Ms. Elizabeth L. Fite
Rogers & Fite, LLC
Atlanta, Georgia

Ms. Rebecca Holmes Liles Grist
Bibb County Solicitor General's Office
Macon, Georgia

Mr. Norbert Daniel Hummel IV
Lewis Brisbois Bisgaard & Smith LLP
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Mr. Francis Johnson, Jr.
The Johnson Firm PC
Statesboro, GA

Ms. Dawn M. Jones
The Firm of Dawn M Jones LLC
Atlanta, Georgia

The Honorable Meng H. Lim
Tallapoosa Circuit Superior Court
Tallapoosa, Georgia

Professor Patrick E. Longan
Mercer University School of Law
Macon, Georgia

Maria F. Mackay
Watkinsville, Georgia

Mr. Andrew Alan Pinson
Georgia Office of the Attorney General
Atlanta, Georgia

The Honorable William M. Ray, II
U.S. District Court, Northern District of Georgia
Atlanta, Georgia

The Honorable Clyde L. Reese III
Court of Appeals of Georgia
Atlanta, Georgia

Adwoa Gharthey-Tagoe Seymour
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Dr. Monica Willis-Parker
Emory University School of Medicine
Atlanta, Georgia

Supreme Court of Georgia Advisor
The Honorable Sarah Hawkins Warren
Supreme Court of Georgia
Atlanta, Georgia

Staff
Karlise Y. Grier
Executive Director

Dear Georgia State University Law Students:

Congratulations as you begin your law school career! You are beginning this journey during unprecedented times and I commend you for your commitment to pursuing your legal education in the midst of a global pandemic. We are pleased to have you participate in the Law School Orientation on Professionalism. The Professionalism Orientation in which you will participate is now in its 28th year, and is conducted by the State Bar of Georgia Committee on Professionalism and the Chief Justice's Commission on Professionalism at every law school in Georgia.

The heart of the Professionalism Orientation is the breakout session. During the breakout session, one of the documents you will discuss is *A Lawyer's Creed and the Aspirational Statement on Professionalism*. *A Lawyer's Creed and the Aspirational Statement on Professionalism* is intended for and used by Georgia's practicing lawyers and judges; however, as you will learn during your breakout sessions, the ideals embodied in these documents have many applications to you as a law student. The Supreme Court of Georgia wrote in a 1992 Order: "It is the Court's hope that Georgia's lawyers, judges, and legal educators will use the . . . ideals [set forth in *A Lawyer's Creed and the Aspirational Statement on Professionalism*] to reexamine the justifications of the practice of law in our society and to consider the implications of those justifications for their conduct." (Creed and Statement at Lines 41 – 44). Always remember that embodying professionalism will enhance the legal profession – and in many cases, make your work more enjoyable – whereas failing to demonstrate professionalism will make difficult work much harder for you and those who interact with you.

Most of you decided to attend law school because you want to help other people. Understanding your responsibilities as part of a learned profession is one of the most important steps you can take as you begin training for this great calling. The legal profession faces many challenges, and we need lawyers and law students who demonstrate a strong sense of professionalism.

I hope that you, as well as the lawyers, judges, and law faculty who serve as your Group Leaders, will have interesting and thought-provoking discussions during your Professionalism Orientation. Best wishes as you embark on this phase of your legal career.

Yours Very Truly,

Harold D. Melton
Chief Justice, Supreme Court of Georgia and
Chair, Chief Justice's Commission on Professionalism



August 11, 2020

Dear Georgia State University College of Law Students:

The State Bar of Georgia welcomes you to Georgia's legal community!

Beginning with your first moments as a law student, it is important that you establish solid professional and social relationships with your classmates; this is one of the foundational elements of professionalism. While you may not yet realize it, these relationships will benefit you throughout your initial legal studies and continue through your legal career. Whether you decide to practice law in Georgia or elsewhere, the reputation you establish as a law student will follow you into your career as a lawyer, so be diligent about comporting yourself with professionalism, in large part, by establishing and maintaining a positive reputation.

I also encourage you to take advantage of opportunities to engage with Georgia's legal community. Georgia State University College of Law and the Atlanta legal community will provide you resources to grow professionally; take advantage of them. Also take advantage of the opportunity to become a Student Associate Member of the State Bar of Georgia by completing the enclosed application. This membership enables you to receive State Bar publications and to attend State Bar meetings, where you can interact with the leaders of Georgia's legal community. Even during these trying times, virtual interactions during this pandemic can benefit you.

I encourage you to approach your academic and professional careers with a dedication to professionalism. This means doing more than just what is required by a code of ethics, such as your school's honor code. Professionalism encompasses what is expected of lawyers by both the public and the traditions of the legal profession itself; not only competence and civility, but also service – to clients, the community, the public, and justice itself. During these pivotal times in our nation's history, there are numerous opportunities for you to serve. Look for ways that you can serve the community, the public, and justice itself as a law student and then offer yourself for service.

You must also remember to take care of yourself and to consider the welfare of others. As a former ICU nurse, I know the importance of taking care of your physical and mental well-being. Your school has various resources to help you and your classmates to support your mental health. Do not be afraid to ask for help for yourself or for others when (not if) it is needed. As lawyers, we cannot serve others if we ourselves are not well and healthy.

Finally, keep in mind that being a lawyer is a privilege, not simply a way to make a living. As former Chief Justice of the Georgia Supreme Court Robert Benham says, "Do not live just to make a living; rather, live to make a life." As you embark on this journey, embrace the professionalism ideals so that you can make an exemplary life.

Please accept my best wishes for your success as law students and lawyers. And please take care.

Sincerely,

Dawn M. Jones
President, State Bar of Georgia

HEADQUARTERS

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COMMITTEE ON PROFESSIONALISM

TO: Law Students

FROM: Robert L. Arrington, Jr.
Chair, Committee on Professionalism

Joshua I. Bosin
Vice-chair, Committee on Professionalism

DATE: August 2020

RE: Law School Orientation on Professionalism Overview

The Chief Justice's Commission on Professionalism is charged by the Supreme Court of Georgia with ensuring that the practice of law in this state remains a high calling, enlisted in the service not only of clients, but also of the public good. The State Bar of Georgia's Committee on Professionalism focuses the energy and talents of the members of the State Bar on the continuing professionalism movement launched in 1989 by the Supreme Court. An important part of the Committee's on-going effort is the Orientation on Professionalism at each of the law schools in Georgia. With the support of the schools, the Professionalism Committee will conduct a Professionalism session as part of your law school orientation. This is the 28th year of these programs.

The program will begin with brief remarks by a lawyer or judge, followed by small group discussions of issues raised in the attached hypotheticals. Each group will be composed of a small group of students and one to three group leaders who will be assigned to your group from among the Georgia lawyers and judges who have signed up to participate in the program. Because of the COVID-19 pandemic, for the first time, we are holding the sessions virtually so please be patient if there are any technical challenges!

You need to become familiar with the basic fact situations of all of the hypos. **As the enclosed instructions state, you will only need the materials included in this packet to prepare for the breakout sessions. Research is neither necessary nor appropriate.** We hope that you will find the group discussions to be lively and instructive as you begin your careers in the legal profession.

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2020 LAW SCHOOL ORIENTATION PROGRAM INSTRUCTIONS FOR STUDENTS

What is the Law School Orientation on Professionalism Program?

Each year, every law school in Georgia partners with the State Bar of Georgia Committee on Professionalism and the Chief Justice's Commission on Professionalism to conduct a program that orients incoming students (new, transfer, visiting) to professionalism. The program engages students in interactive discussions – using hypothetical situations relating to the life of a law student – that are facilitated by Group Leaders who are judges and lawyers.

The message of this program to law students is the same as the message of Professionalism Continuing Legal Education required of all active members of the State Bar of Georgia: that the function of lawyers is to assist clients in the proper use of the legal system and to balance assistance to clients with a lawyer's other roles and responsibilities to the courts, to opposing counsel, to other colleagues in the legal profession, to the broader community, to the justice system and to the rule of law. When acting as advocate for clients, the lawyer represents the client's interests to others in a vigorous and committed manner, while at the same time remaining conscious of duties to other lawyers, the legal system, and the community in general.

What Should You Do Before the Orientation?

Prior to the orientation session on professionalism, you should:

1. **Download this entire "Student Materials" packet to an electronic device (such as a cell telephone, tablet or laptop) that you plan to bring with you to the orientation. If you want a hard copy of the Student Materials, please bring them with you.**
2. Read over the hypotheticals.
3. Review *A Lawyer's Creed and the Aspirational Statement on Professionalism*, your law school's honor code excerpts, the Georgia Rules of Professional Conduct related to Bar Admissions and any other Rules provided in these materials. **Additional research is neither necessary nor appropriate.**
4. Give some thought to what issues arise in each situation and which portions of *A Lawyer's Creed and the Aspirational Statement on Professionalism*, or your law school's honor code excerpt might apply to each hypothetical situation; and
5. Consider what sorts of decisions you would make given the facts as written. Be prepared to discuss which portions of *A Lawyer's Creed and the Aspirational Statement on Professionalism*, or your law school's honor code excerpt might apply, and why you would make a particular decision or pursue a particular course of action.

What Should You Expect to Get From the Discussions?

These hypothetical situations are intended to expose you to some of the challenges you may encounter as you begin your professional career – as a law student. The goal of the group discussions is **not** to have you approach these situations with the mind-set of a lawyer who is versed in the written codes, rules and aspirations of the profession and makes his or her decisions accordingly. **The purpose of these problems is to stimulate thought and discussion about professionalism and what it means to be a “professional.”** It is also to show, at the very outset of your legal career, how the Georgia legal community’s aspirational goals for the profession apply to you as a law student. In all that you do, you should begin to think about what you want your professional identity to be and how professionalism applies to you in your everyday life as a law student.

What Is the Difference Between “Ethics” and “Professionalism”?

To put these discussions in context, it is important for you to be aware of the common understanding among the lawyers and judges of Georgia of the terms *ethics* and *professionalism*. As you begin law school, the word *ethics* probably connotes upright, moral behavior. To lawyers, however, the connotation is in reference to the old codes of ethics that governed lawyer conduct. The old Canons of Ethics evolved into the *Georgia Rules of Professional Conduct* adopted by the Supreme Court of Georgia to govern the practice of law. Thus, to lawyers, the word *ethics* means the rules or laws of lawyering. **These Rules establish the minimum requirements of conduct for members of the State Bar of Georgia.** *Professionalism*, by contrast, refers to **the attitudes and conduct that rise above this minimum standard.** It embodies the values of competence, character, civility, commitment to the rule of law, to the lawyer’s role as an officer of the court, and to public and community service. Professionalism is a commitment to carrying out both the letter and spirit of the law.

What Else Should You Bring to The Discussions?

We ask that all you bring to the discussions of these hypotheticals are your life experience and your own values, whatever they may be. We are not asking for any professional knowledge or research. Most important, do not ignore your "gut reaction," i.e., how these situations make you feel. That is part of the equation, too.

Your professional identity will take shape in many ways over the years as you experience your life as lawyer. Let your journey begin now.

FALL 2019 PROFESSIONALISM AND HONOR CODE PLEDGE

I _____, as a student entering Georgia State University College of Law, understand that I am joining an academic community and embarking on a professional career. The law school community and the legal profession share important values, many of which are expressed in the College of Law's Honor Code, Bulletin and other policies, as well as in the University's Student Code of Conduct. I understand that I am expected to familiarize myself with these provisions and policies as soon as possible, and that I am bound by them, whether I read them or not. While I am a student at the College of Law, I will at all times conduct my academic, professional and personal life to comply with the Honor Code and other College of Law and University provisions and policies.

Signature _____

Date _____

1

A LAWYER'S CREED



2 **To my clients**, I offer faithfulness, competence,
3 diligence, and good judgment. I will strive to represent you
4 as I would want to be represented and to be worthy of your
5 trust.

6 **To the opposing parties and their counsel**, I offer
7 fairness, integrity, and civility. I will seek reconciliation
8 and, if we fail, I will strive to make our dispute a dignified
9 one.

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

13 **To my colleagues in the practice of law**, I offer
14 concern for your welfare. I will strive to make our
15 association a professional friendship.

16 **To the profession**, I offer assistance. I will strive to
17 keep our business a profession and our profession a calling
18 in the spirit of public service.

19 **To the public** and our systems of justice, I offer
20 service. I will strive to improve the law and our legal
21 system, to make the law and our legal system available to
22 all, and to seek the common good through the
23 representation of my clients.

24 **ASPIRATIONAL STATEMENT ON PROFESSIONALISM**

25 The Court believes there are unfortunate trends of commercialization and loss of professional
26 community in the current practice of law. These trends are manifested in an undue emphasis on the
27 financial rewards of practice, a lack of courtesy and civility among members of our profession, a lack
28 of respect for the judiciary and for our systems of justice, and a lack of regard for others and for the
29 common good. As a community of professionals, we should strive to make the internal rewards of
30 service, craft, and character, and not the external reward of financial gain, the primary rewards of the
31 practice of law. In our practices we should remember that the primary justification for who we are
32 and what we do is the common good we can achieve through the faithful representation of people
33 who desire to resolve their disputes in a peaceful manner and to prevent future disputes. We should
34 remember, and we should help our clients remember, that the way in which our clients resolve their
35 disputes defines part of the character of our society and we should act accordingly.

36 As professionals, we need aspirational ideals to help bind us together in a professional
37 community. Accordingly, the Court issues the following Aspirational Statement setting forth general
38 and specific aspirational ideals of our profession. This statement is a beginning list of the ideals of
39 our profession. It is primarily illustrative. Our purpose is not to regulate, and certainly not to
40 provide a basis for discipline, but rather to assist the Bar's efforts to maintain a professionalism that
41 can stand against the negative trends of commercialization and loss of community. It is the Court's
42 hope that Georgia's lawyers, judges, and legal educators will use the following aspirational ideals
43 to reexamine the justifications of the practice of law in our society and to consider the implications
44 of those justifications for their conduct. The Court feels that enhancement of professionalism can
45 be best brought about by the cooperative efforts of the organized bar, the courts, and the law schools
46 with each group working independently, but also jointly in that effort.

*Entered by Order of Supreme Court of Georgia, October 9, 1992, nunc pro tunc July 3, 1990; Part IX of the
Rules and Regulations of the State Bar of Georgia, as amended September 10, 2003 and April 26, 2013*

GENERAL ASPIRATIONAL IDEALS

48 **As a lawyer**, I will aspire:

- 49 (a) To put fidelity to clients and, through clients, to the common good, before selfish
50 interests.
- 51 (b) To model for others, and particularly for my clients, the respect due to those we call
52 upon to resolve our disputes and the regard due to all participants in our dispute
53 resolution processes.
- 54 (c) To avoid all forms of wrongful discrimination in all of my activities including
55 discrimination on the basis of race, religion, sex, age, handicap, veteran status, or
56 national origin. The social goals of equality and fairness will be personal goals for
57 me.
- 58 (d) To preserve and improve the law, the legal system, and other dispute resolution
59 processes as instruments for the common good.
- 60 (e) To make the law, the legal system, and other dispute resolution processes available
61 to all.
- 62 (f) To practice with a personal commitment to the rules governing our profession and
63 to encourage others to do the same.
- 64 (g) To preserve the dignity and the integrity of our profession by my conduct. The
65 dignity and the integrity of our profession is an inheritance that must be maintained
66 by each successive generation of lawyers.
- 67 (h) To achieve the excellence of our craft, especially those that permit me to be the moral
68 voice of clients to the public in advocacy while being the moral voice of the public
69 to clients in counseling. Good lawyering should be a moral achievement for both the
70 lawyer and the client.
- 71 (i) To practice law not as a business, but as a calling in the spirit of public service.

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72

SPECIFIC ASPIRATIONAL IDEALS

73 **As to clients**, I will aspire:

74 (a) To expeditious and economical achievement of all client objectives.

75 (b) To fully informed client decision-making. As a professional, I should:

76 (1) Counsel clients about all forms of dispute resolution;

77 (2) Counsel clients about the value of cooperation as a means towards the
78 productive resolution of disputes;

79 (3) Maintain the sympathetic detachment that permits objective and independent
80 advice to clients;

81 (4) Communicate promptly and clearly with clients; and,

82 (5) Reach clear agreements with clients concerning the nature of the
83 representation.

84 (c) To fair and equitable fee agreements. As a professional, I should:

85 (1) Discuss alternative methods of charging fees with all clients;

86 (2) Offer fee arrangements that reflect the true value of the services rendered;

87 (3) Reach agreements with clients as early in the relationship as possible;

88 (4) Determine the amount of fees by consideration of many factors and not just
89 time spent by the attorney;

90 (5) Provide written agreements as to all fee arrangements; and

91 (6) Resolve all fee disputes through the arbitration methods provided by the State
92 Bar of Georgia.

93 (d) To comply with the obligations of confidentiality and the avoidance of conflicting
94 loyalties in a manner designed to achieve the fidelity to clients that is the purpose of
95 these obligations.

96 **As to opposing parties and their counsel**, I will aspire:

97 (a) To cooperate with opposing counsel in a manner consistent with the competent
98 representation of all parties. As a professional, I should:

99 (1) Notify opposing counsel in a timely fashion of any cancelled appearance;

100 (2) Grant reasonable requests for extensions or scheduling changes; and,

101 (3) Consult with opposing counsel in the scheduling of appearances, meetings,
102 and depositions.

103 (b) To treat opposing counsel in a manner consistent with his or her professional
104 obligations and consistent with the dignity of the search for justice. As a
105 professional, I should:

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Rules and Regulations of the State Bar of Georgia, as amended September 10, 2003 and April 26, 2013*

- 106 (1) Not serve motions or pleadings in such a manner or at such a time as to
107 preclude opportunity for a competent response;
108 (2) Be courteous and civil in all communications;
109 (3) Respond promptly to all requests by opposing counsel;
110 (4) Avoid rudeness and other acts of disrespect in all meetings including
111 depositions and negotiations;
112 (5) Prepare documents that accurately reflect the agreement of all parties; and
113 (6) Clearly identify all changes made in documents submitted by opposing
114 counsel for review.

115 **As to the courts, other tribunals, and to those who assist them**, I will aspire:

116 (a) To represent my clients in a manner consistent with the proper functioning of a fair,
117 efficient, and humane system of justice. As a professional, I should:

- 118 (1) Avoid non-essential litigation and non-essential pleading in litigation;
119 (2) Explore the possibilities of settlement of all litigated matters;
120 (3) Seek non-coerced agreement between the parties on procedural and discovery
121 matters;
122 (4) Avoid all delays not dictated by a competent presentation of a client's claims;
123 (5) Prevent misuses of court time by verifying the availability of key participants
124 for scheduled appearances before the court and by being punctual; and
125 (6) Advise clients about the obligations of civility, courtesy, fairness,
126 cooperation, and other proper behavior expected of those who use our
127 systems of justice.

128 (b) To model for others the respect due to our courts. As a professional I should:

- 129 (1) Act with complete honesty;
130 (2) Know court rules and procedures;
131 (3) Give appropriate deference to court rulings;
132 (4) Avoid undue familiarity with members of the judiciary;
133 (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members
134 of the judiciary;
135 (6) Show respect by attire and demeanor;
136 (7) Assist the judiciary in determining the applicable law; and,
137 (8) Seek to understand the judiciary's obligations of informed and impartial
138 decision-making.

139 **As to my colleagues in the practice of law**, I will aspire:

140 (a) To recognize and to develop our interdependence;

141 (b) To respect the needs of others, especially the need to develop as a whole person; and,

142 (c) To assist my colleagues become better people in the practice of law and to accept

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143 their assistance offered to me.

144 **As to our profession**, I will aspire:

145 (a) To improve the practice of law. As a professional, I should:

- 146 (1) Assist in continuing legal education efforts;
147 (2) Assist in organized bar activities; and,
148 (3) Assist law schools in the education of our future lawyers.

149 (b) To protect the public from incompetent or other wrongful lawyering. As a
150 professional, I should:

- 151 (1) Assist in bar admissions activities;
152 (2) Report violations of ethical regulations by fellow lawyers; and,
153 (3) Assist in the enforcement of the legal and ethical standards imposed upon all
154 lawyers.

155 **As to the public and our systems of justice**, I will aspire:

156 (a) To counsel clients about the moral and social consequences of their conduct.

157 (b) To consider the effect of my conduct on the image of our systems of justice including the
158 social effect of advertising methods. As a professional, I should ensure that any
159 advertisement of my services:

- 160 (1) is consistent with the dignity of the justice system and a learned profession;
161 (2) provides a beneficial service to the public by providing accurate information
162 about the availability of legal services;
163 (3) educates the public about the law and legal system;
164 (4) provides completely honest and straightforward information about my
165 qualifications, fees, and costs; and
166 (5) does not imply that clients' legal needs can be met only through aggressive tactics.

167 (c) To provide the pro bono representation that is necessary to make our system of
168 justice available to all.

169 (d) To support organizations that provide pro bono representation to indigent clients.

170 (e) To improve our laws and legal system by, for example:

- 171 (1) Serving as a public official;
172 (2) Assisting in the education of the public concerning our laws and legal system;
173 (3) Commenting publicly upon our laws; and,
174 (4) Using other appropriate methods of effecting positive change in our laws and
175 legal system.

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Honor Code

(Approved, as amended Nov. 17, 1982; Dec. 6, 1988; May 14, 1998; April 15, 2004; May 10, 2018)

Section 1. Title, Application, and General Rules.

(a) This document is the Honor Code of the Georgia State University College of Law (hereinafter "Code"). It applies to all students who enroll for any academic credit in the College of Law, and applies to any aspect of their association with the College. If any provision of this Code is inconsistent with any provision of the College of Law Bulletin or any other code of conduct applicable at Georgia State University, this Code shall govern. Non-academic dishonesty or misconduct is governed by the Georgia State University Student Code of Conduct, not by this Honor Code.

(b) Each student has a duty to read the Code. Ignorance of any provisions in this Code shall not be a defense to any violation of the Code.

(c) Except as otherwise provided in this Code, any notice requirement in this Code may be satisfied by mailing to the address last provided by the student to the administration or by sending an e-mail to the address assigned the student by the College of Law.

(d) As used in this Code, reference to the "Dean" or "Associate Dean" shall mean the Dean and Associate Dean of the College of Law and shall include anyone designated by either of them to perform any act required of them under this Code.

(e) This Code, as amended on May 10, 2018, shall apply to any violations which occur on or after that date. Violations which occurred prior to May 10, 2018 shall be governed by the Honor Code, as set forth in the College of Law Bulletin 2017-2018.

(f) Amendments to this Code shall not be effective until they have been posted in the College of Law for at least 30 days.

(g) Failure to comply with any deadlines or time requirements in this Code, other than those providing minimum time periods to give a student notice, shall not be the basis for dismissal or appeal on behalf of a student charged with violations of this Code.

Section 2. Trial Body and Jurisdiction.

(a) Trial Body. As used in this Code, "trial body" means either the Honor Court or the Faculty Honor Code Committee, acting under authority provided by this Code.

(b) Honor Court.

(1) The Honor Court shall be elected pursuant to the Constitution of the Student Bar Association of the College of Law. Except as otherwise provided in this Code, the Honor Court has jurisdiction to determine violations of Sections 4 and 5 of this Code. If a student charged with a violation of such Section so requests the Associate Dean in writing within one week of the initial notification of the charge(s) as provided in section 12(b) of this Code, the charge will be heard by the Faculty Honor Code Committee. Except as otherwise provided in this Code, when a student is charged with violations of Section 4 and 5 of this Code in addition to violations of other sections of this Code, the charge will be heard by the Faculty Honor Code Committee.

(2) The Honor Court is subject to all the rules and procedures set forth in this Code. The Honor Court shall adopt additional written rules and procedures for its own governance which meet with the approval of the faculty.

(c) Faculty Honor Code Committee.

(1) A Faculty Honor Code Committee (hereinafter "Committee") shall be appointed by the Dean of the College of Law with jurisdiction to determine all violations of the Code not specifically assigned to the Honor Court and any other violations of the Code referred to it by this Code or the approved rules and procedures of the Honor Court. When acting as a trial body, the Committee is subject to all the rules and procedures set forth in this Code. The Committee shall consist of five members of the full-time faculty, who shall be appointed to serve terms of three years. The Dean shall appoint the Chair and all members of the Committee. No appointee who has served a full term of three years shall be eligible for reappointment to the Committee until one year after termination of his or her last term. Vacancies which arise shall be filled by appointment of the Dean for the remainder of any unexpired term. The Chair of the Committee shall be a tenured full professor.

(2) The Chair may develop and promulgate written rules of procedure for the hearings, preside over hearings, rule on any procedural or evidentiary matters related to such hearings, and execute any notice provisions required of the Committee by this Code or the Committee's rules.

(3) When the Committee must be convened to hear a case under this Code, the Chair of the Committee shall choose two of the members of the Committee to hear the case with the Chair. The Chair may, in his or her discretion, disqualify a member of the Committee from sitting in a case. The Dean may, in his or her discretion, disqualify the Chair from sitting in a case, in which event the Dean shall appoint another member of the Committee to perform the duties of the Chair for that case. The Chair or any member of the faculty appointed to hear a case may recuse himself or herself at his or her discretion, in which event the Chair shall appoint a replacement from the Committee members. In the event that reasons for disqualification or other matters preclude the selection of three (3) members of the Committee to sit on a case, the Dean shall appoint other faculty members to sit by designation for that proceeding only.

Section 3. Duties of Students Under the Honor Code.

It shall be a violation of the Code for a student to:

- (a) fail to report a possible Code violation in accordance with Section 12(a) of this Code;
- (b) fail to cooperate fully with a prosecutor, investigator, or any other person engaged in an authorized investigation of any matter under this Code;
- (c) fail to appear and testify before the trial body assembled for any proceeding conducted under this Code, if requested to do so in writing by the trial body through its presiding officer or by a student whose alleged Code violation is being heard by the trial body;
- (d) make any communication in any proceeding connected with this Code or to any person conducting an investigation pursuant to this Code which is false or misleading or contains a material misrepresentation or omits any fact necessary to make the communication as a whole not materially misleading;
- (e) reveal any confidential information regarding investigations or proceedings under this Code in violation of Section 12(h).

In the event that a student charged with a violation of Sections 4 or 5 of this Code which is being investigated and tried by the Honor Court violates a provision of Section 3 in the course of the investigation or trial, the violation of Section 3 shall be investigated and tried by the Honor Court without any right of the student to seek transfer of any charges to the Faculty Honor Code Committee as otherwise allowed by Section 2(b).

Section 4. Academic Misconduct.

(a) It shall be a violation of the Code for any student to obtain or seek to obtain an unfair academic advantage for himself or herself or any other student.

(b) Examinations

(1) No student shall cheat on an examination. By way of illustration only, and not by way of limitation, the following are examples of conduct which constitutes cheating on an examination:

(A) Attempting to give or receive, or actually giving or receiving, unauthorized assistance during an examination.

(B) Possession during an examination of any books or other materials not authorized by the instructor or the Associate Dean;

(C) When all the students in a course do not take the examination at the same time, any discussion in the presence of a student who has not taken the examination, concerning the examination or any substantive matter in the course.

(2) No student shall take an examination except in a location designated by the instructor or proctor.

(3) No student shall violate examination time limitations.

(4) No student shall sign a pledge declaring, verbatim or in substance that he or she has neither given nor received any improper aid in connection with the examination, nor committed or witnessed any other possible violation of this Code in connection with an examination, when such student knows or reasonably should know that such statement is false or misleading.

(c) Library.

No student shall disobey any rules, whether posted or otherwise made generally known to the student body, regarding the use of any library materials, supplies, or equipment. By way of illustration only, and not by way of limitation, the following are examples of violations of this Code section:

(1) The removal of library materials, supplies, or equipment from the law library without first checking them out;

(2) Any unauthorized removal of any materials, supplies, or equipment from the reserve collection;

(3) Any mutilation of, marking in, or defacement of any library materials, supplies, or equipment;

(4) Any intentional mis-shelving, concealment, or secreting of library materials, supplies, or equipment;

(5) Creating, by any loud, boisterous, or other disruptive behavior, a disturbance that obstructs normal library functions;

(6) The unauthorized use of any materials, supplies, equipment, or services, including but not limited to computers, computer diskettes and supplies, video equipment, databases, and materials in the microform/microfiche collection.

(d) Tape Recording Classes.

No student shall record any class through use of audio or video recording equipment or similar means without the express, advance permission of the instructor or the Dean.

Section 5. Roll Calls.

It shall be a violation of the Code for any student to engage in any false or misleading conduct regarding the roll of class or other College of Law function. By way of illustration only, and not by way of limitation, the following are examples of such conduct under this section:

(a) Signing the roll on behalf of another person to indicate falsely that other person's presence;

(b) Having or attempting to have another person sign a roll for one to indicate falsely one's presence;

- (c) Answering a roll call on behalf of a person who is not then present;
- (d) Having or attempting to have another answer a roll call on behalf of oneself when one is not present;
- (e) Failing to indicate one's presence in class when one is called upon by the instructor;
- (f) Signing the roll and then departing before the end of the class;
- (g) Holding on to a roll call sheet so that late arriving students may sign it.

Section 6. Preprofessional Misconduct.

It shall be a violation of the Code for any student to engage in any conduct in connection with any activities of the College of Law which raises a substantial question as to that student's honesty, trustworthiness, or moral fitness to practice law or become a member of the legal profession. A violation of this section shall be charged only when the student's conduct does not violate any other specific section of this Code.

Section 7. Plagiarism and Related Offenses.

It shall be a violation of the Code for any student to commit plagiarism or a related offense.

(a) Plagiarism.

It shall be a violation of this section for any student to plagiarize with the intent to gain any academic advantage thereby.

(1) Definition. Plagiarism is the inclusion of ideas or passages taken from another in one's own written work without properly attributing the source. When one is using the words of another verbatim, proper attribution of the source requires the use of quotation marks or other conventions to indicate clearly that fact. Plagiarism includes rewriting or paraphrasing the ideas or passages of another if the source is not properly attributed.

(2) For purposes of this section, a student's intent to gain academic advantage can be inferred from facts indicating that the student knew, or it was so obvious the student must have known, that his or her work contained plagiarism which could mislead the instructor as to the extent of the student's original contribution to the work. It shall be no defense under this section that a student was unaware of this section or the definition of plagiarism herein. Students are obligated to learn the rules for the proper attribution of sources.

(b) No student shall seek to obtain an unfair academic advantage for himself or herself or any other student in the submission of any paper, project, or other written work submitted for academic credit or any other academic purpose in the College of Law. By way of illustration only and not by way of limitation, the following are examples of violations of this section:

(1) Submitting the same or substantially the same written work for academic credit in more than one course without express permission of the instructors in both courses.

(2) Submitting the work of another student as one's own, or allowing a student to submit another's work as their own. Plagiarizing the work of another student or allowing another student to plagiarize the student's work.

(3) Violating any rules governing the preparation and submission of written work for law review, moot court, or similar competitions to achieve an unfair advantage in such competition.

(4) Failing to indicate clearly to the instructor that one's written work was submitted after the announced deadline for such submissions.

(5) Fabricating references or citations in any written work submitted for credit.

Section 8. Reserved.

Section 9. Reserved.

Section 10. Reserved.

Section 11. Reserved.

Section 12. Procedures for Reporting, Investigating, and Adjudicating Possible Violations of the Code.

(a) Any person who witnesses a possible Code violation or otherwise has a reasonable basis to believe a violation of the Code has occurred shall report the possible violation as soon as practicable to at least one of the following individuals: the instructor in the course involved (if applicable), any member of the Honor Court, or the Associate Dean of the College of Law. When an instructor or member of the Honor Court receives a report of an Honor Code violation, they shall immediately relay the report to the Associate Dean.

(b) Initial investigation. When a possible violation is reported, the Associate Dean, within one week, shall make a preliminary determination whether the possible violations fall within the jurisdiction of the Honor Court or the Faculty Honor Code Committee, as provided by this Code and shall, in writing, direct either the Chief Magistrate of the Honor Court to proceed as provided in subsection (b)(1) below, or a faculty investigator to proceed as provided in subsection (b)(2) below. After such direction, the Associate Dean shall, absent exceptional circumstances making notice inappropriate, immediately notify the student(s) being investigated, inform the student(s) of the nature of the complaint and the specific sections of the Code that allegedly have been violated, any rights the student(s) may have under section 2(b)(1) of this Code, and explain the procedures for resolving the issues raised by the complaint. The Associate Dean may amend the notice to the student(s) to add additional charges after investigation by the Honor Court or Faculty Honor Code Committee where warranted by the findings of said investigation. An amended notice will not provide the student(s) with an additional option under section 2(b)(1) to transfer the proceeding to the Faculty Honor Code Committee.

(1) Honor Court Investigations. When a possible violation is directed by the Associate Dean for determination by the Honor Court, the Chief Magistrate shall appoint a prosecutor (selected pursuant to Section 12(b)(1)(A) to investigate the pertinent facts of the alleged violation and report in writing to the Associate Dean and the Chief Magistrate within 30 calendar days. The report shall address at least the following matters: (i) whether there is probable cause to believe that a violation of the Code has been committed by the student who is the subject of the investigation; (ii) which Code sections, if any, have possibly been violated; and (iii) what person or persons are believed to possess knowledge that is relevant to the matter. In making a determination of probable cause, the prosecutor shall, absent exceptional circumstances making notice inappropriate, provide the student, who is the subject of the investigation, with the opportunity to make a statement if he or she desires.

(A) Upon election to office, or as soon thereafter as is practicable, the Honor Court Justices shall select five students (none of whom shall be first-year students) who with the selected students' consent shall serve as prosecutors. No member of the Honor Court may serve as a prosecutor.

(B) Probable Cause Finding. (i) Upon a finding by the Chief Magistrate that there exists probable cause to believe that a violation of Sections 4 or 5 of the Code has occurred, the Chief Justice shall set a time for the alleged violator to have a hearing before the Honor Court. Upon a finding by the Chief Magistrate that there exists probable use to believe that a violation of Sections 3, 6, or 7 of this Code has occurred, the Associate Dean shall refer the case to the Faculty Honor Code Committee for all further proceedings. (ii) If probable cause is not found, the matter shall be closed. The Associate Dean shall send a letter to the subject student reporting the finding of no probable cause and informing the student that he or she may be required by bar admission authorities to report this matter but that the student is authorized to include in any such report that the matter was "dismissed at the first opportunity for lack of probable cause."

(2) Faculty Investigations. When the Associate Dean determines that reported violations of the Code should be referred to the Faculty Honor Code Committee, the Associate Dean shall appoint a faculty member who is not a member of the Faculty Honor Code Committee to investigate the pertinent facts of the alleged violation and report in writing to the Associate Dean within 30 calendar days. The report shall address at least the following matters: (i) whether there is probable cause to believe that a violation of the Code has been committed by the student who is the

subject of the investigation; (ii) which Code sections, if any, have possibly been violated; and (iii) what person or persons are believed to possess knowledge that is relevant to the matter. In making a determination of probable cause, the investigator shall, absent exceptional circumstances making notice inappropriate, provide the student, who is the subject of the investigation, with the opportunity to make a statement if he or she desires.

(A) Assistance for Investigator. If the investigator determines that the nature of the case requires the services of a person to gather, develop, or prepare evidence in the case, upon the request of the investigator the Associate Dean shall appoint such a person.

(B) Probable Cause Finding.

(i) Upon a finding by the faculty investigator that there exists probable cause to believe that a violation of Section 3, 6, or 7 of this Code has occurred, (or Section 4 or 5 if the student opted to submit the case to the jurisdiction of the Faculty Honor Code Committee), the Associate Dean shall promptly forward the report to the Chair of the Faculty Honor Code Committee who shall set a time for the alleged violator to have a hearing before the trial body. Upon a finding by the faculty investigator that there exists probable cause to believe that a violation of Sections 4 or 5, and no other Sections, has occurred, the Associate Dean shall promptly forward the report to the Chief Justice of the Honor Court who shall set a time for the alleged violator to have a hearing before the Honor Court unless the student never had the opportunity under Section 2(b)(1) to exercise the option to transfer the case to the jurisdiction of the Faculty Honor Code Committee in which case the student shall have one week from notice by the Chief Justice to exercise such option as defined in Section 2(b)(1).

(ii) In the event that the investigative report indicates that there is not probable cause to proceed, the matter shall be closed and the Associate Dean shall send a letter to the subject student reporting the finding of no probable cause and informing that student that he or she may be required by bar admission authorities to report this matter but that the student is authorized to include in any such report that the matter was "dismissed at the first opportunity for lack of probable cause."

(c) Hearings Before a Trial Body.

(1) The presiding officer of the trial body shall be the Chief Justice in the case of proceedings before the Honor Court, and the Chair in the case of proceedings before the Faculty Honor Code Committee.

(2) The manner of conducting the hearing by trial bodies shall be determined by this Code and any supplementary written rules of the body as approved by the faculty. Prior to the hearing, the presiding officer shall consult with the prosecutor or investigator appointed under this Code to determine which witnesses should be asked to be present at the hearing, though this procedure in no way limits or substitutes for the subject student's right to request the attendance of witnesses in his or her own behalf at the hearing. If possible, the trial body should try to procure the attendance at the hearing of at least one person who can testify from personal knowledge as to the alleged misconduct. No persons other than those present at the request of the trial body shall be allowed to be present during the hearing. The subject student shall have the right to be present at all times during the hearing of evidence. The trial body has the discretion to sequester all other witnesses.

(3) Assistance for Trial Bodies. Ordinarily, the person who investigated the charges and found probable cause to believe that a violation occurred shall be responsible for presenting the case against the subject student to the trial body but if the presiding officer of a trial body determines that someone other than the prosecutor or faculty investigator should present the case, upon the request of the presiding officer the Associate Dean shall appoint such a person.

(4) A student whose possible violation of the Code is the subject of a hearing by a trial body shall be provided:

(A) Written notice of the time and place of such hearing, to be mailed or e-mailed to the alleged violator not less than 10 calendar days before the date of the hearing, which notice shall contain a specification of the violation(s) with which the student is charged, and a copy of the investigative report with all attachments;

(B) An opportunity to appear at the hearing, with a representative who may, but need not, be an attorney; and

(C) An opportunity at the hearing to (i) be present during the presentation of all testimony to the trial body; (ii) examine all documentary evidence that the trial body has entered into the record of the proceedings; (iii) cross-examine any witnesses who testify against him or her; (iv) present witnesses to testify on his or her behalf and present other evidence, subject to the discretion of the presiding officer of the trial body to exclude evidence that is irrelevant or cumulative; (v) argue the law and facts to the trial body after all the evidence has been presented.

(5) The presentation of oral testimony at any hearing provided for under this Code shall be tape recorded in a manner suitable for transcription. At the discretion of the presiding officer of the trial body or upon motion of the subject student, other parts of the hearing also may be tape recorded, but in no event shall the deliberations of the trial body be tape recorded. All tape recordings of the hearing, transcriptions thereof, and any other physical, documentary, or demonstrative material received in evidence at the hearing shall constitute the official record of the hearing.

(d) Findings By a Trial Body. Any violations must be established by clear and convincing evidence and the unanimous concurrence of the members of the trial body. The trial body shall base its determination as to whether a violation has occurred and what sanction or sanctions, if any, should be recommended solely on the evidence contained in the official record of the hearing. If the trial body determines that a violation has occurred, upon request of the presiding officer, the Associate Dean shall furnish the trial body a summary description of any previous charges of Honor Code violations, and their disposition, against the alleged violator, and such description may be considered by the trial body in determining the appropriate sanction. Regardless of its decision as to whether a violation has occurred or what sanction or sanctions, if any, it should recommend, the trial body shall prepare a written statement setting forth (1) its findings of fact; (2) its conclusions concerning the existence of any violations of particular provisions of this Code; (3) and the sanction or sanctions, if any, it recommends be imposed against the subject student. A copy of such written decision shall be delivered, as soon as possible, to the Dean and to the subject student. A trial body that has found a student in violation of this Code and is considering a sanction of suspension for one semester or more or permanent dismissal or similar sanctions must defer further deliberation on sanctions until the student has been informed of the trial body's finding of a violation and has been given an opportunity to present any evidence, in person or in writing, relating to mitigation of the sanction or sanctions.

(e) Sanctions. Possible sanctions imposed against a student for violation of this Code include, but are not limited to, the following or any combination of the following:

(1) permanent dismissal from the College of Law;

(2) suspension;

(3) a reprimand;

(4) notation of violation on the student's permanent record. Any finding of a violation of this Honor Code, unless it is overturned by subsequent proceedings, must be noted on a student's official record at the College of Law.

A separate file shall be maintained by the College of Law of findings of probable cause that an Honor Code violation has occurred. Any such finding can be shared with appropriate Fitness Committees of State Bar organizations.

In no event shall the trial body recommend the imposition of a particular grade as a sanction for a violation under this Code. However, if the violation arose from activity related to a course or other graded activity, the trial body shall inform the faculty member charged with grading that course or activity of its decision and recommendations. The faculty member may then impose or adjust any grade in light of the trial body's findings.

(f) Decision and Review by the Dean.

(1) All recommendations for sanctions by a trial body are made to the Dean, who may impose the recommended sanctions or lesser ones in his or her discretion. Subject to Section 12(f)(2) of this Code, the Dean must impose as a sanction at least a notation of violation on the student's permanent record. The Dean shall inform the student in writing of the sanctions imposed. Any sanctions imposed by the Dean shall be based only on the official record of the

hearing and the findings of fact and conclusions submitted by a trial body. The Dean shall refer any offers of evidence that are outside the record to the presiding officer of the trial body who shall treat the offer of such additional evidence as a motion to reopen the record to permit the consideration of new evidence. If the presiding officer finds that the new evidence could not reasonably have been presented at the hearing and the evidence is material to the finding that there was a violation of the Code, the presiding officer shall withdraw the trial body's findings of fact and recommendations regarding sanctions and reconvene the trial body that made the initial recommendation to the Dean to receive the new evidence. If the new evidence relates only to possible sanctions, the presiding officer may either reopen the hearing to consider the new evidence or return the evidence to the Dean for his or her consideration in deciding the appropriate sanctions. If the new evidence reasonably could have been presented at the hearing, or if the evidence is immaterial or cumulative of evidence already in the record, the presiding officer may refuse to reopen the hearing or otherwise add the evidence to the record forwarded to the Dean.

(2) If the Dean, in his or her discretion, based upon a review of the written findings of facts and conclusions submitted by a trial body and the official record of the hearing, decides that further proceedings should be held regarding the matter, the Dean may:

(A) remand the matter to the trial body which held the original hearing for further proceedings consistent with the Dean's written order to that effect

(B) order a de novo hearing before the Faculty Honor Code Committee if the original hearing was held before the Honor Court;

(C) order a de novo hearing before a newly constituted trial body made up of three faculty members, chosen by the faculty at the next regularly scheduled faculty meeting, who are tenured and had no role in the investigation or deliberation of the matter at issue; provided, the Dean may select this option only once for any single case.

(3) Any final decision of the Dean regarding imposition of sanctions against a student for any violations of this Code may be appealed according to the statutes, rules, and regulations governing such appeals at Georgia State University of the University System of Georgia. The subject student shall have access to the official record of the proceedings against the student.

(g) Investigative Report; Subsequent Charges.

(1) An investigative or prosecutor's report submitted to the Associate Dean or Honor Court shall include a report on all possible violations of this Code known to the investigator or prosecutor at the time the report is submitted. If, after the investigative or prosecutor's report is submitted to the Associate Dean or Honor Court but before the trial body's findings have been submitted to the Dean, the Associate Dean or Honor Court is informed of additional possible violations of the Code by the alleged violator, the Associate Dean or Honor Court shall suspend any hearing regarding the initial violations until the additional possible violations have been investigated and the report thereon submitted to the Associate Dean or Honor Court pursuant to this Code.

(2) No student shall be charged with a violation of this Code if:

(A) the alleged violation has already been the subject of a hearing before a trial body against the student and that trial body has submitted its findings to the Dean pursuant to section 12(d); or

(B) the alleged violation arose out of the same conduct or transaction that served as the basis for a charge of alleged violations that have already been the subject of a hearing against the student before a trial body and that trial body has submitted its findings to the Dean pursuant to section 12(d).

Provided, that nothing in this section shall limit the right to conduct any additional proceedings under section 12(f) of this Code.

(h) Confidentiality of All Proceedings and Records.

(1) Any student who was a member of a trial body, investigated a possible violation of the Code pursuant to the Code, or was present during a hearing or other proceeding before a trial body (except a student charged at such a hearing with having committed a Code violation), shall reveal nothing learned in the course of such investigations, hearings, or other proceedings nor anything contained in any records or documents related to such investigations, hearings, or other proceedings, except as provided below.

(2) The Dean or Associate Dean may disclose information concerning probable cause findings that a violation of the Honor Code has occurred and any finding of a violation of the Honor Code:

(A) Upon the written request of the student who was the subject of such proceedings;

(B) To bar admission authorities of this or any other jurisdiction to which the subject student has applied for admission to practice law;

(C) To an investigator or trial body acting pursuant to this Code when it appears that the information is necessary to determine whether a Code violation has occurred or to determine the appropriate sanctions to recommend;

(D) To any officials of Georgia State University or the University System of Georgia pursuant to statutes, rules, and regulations of said institutions;

(E) To defend the College of Law, any of its faculty, Georgia State University, or the University System of Georgia from any charges, claims, or complaints lodged against them;

(F) In order to improve the student body's understanding and appreciation of this Code, the Chair of the Faculty Honor Code Committee shall report annually to the student body the nature of the charge and penalty assessed in those cases where it has been determined that there was a violation of the Code. In preparing this report, the Chair of the Faculty Honor Code Committee shall avoid, to the extent possible, identifying the student who was the subject of the proceeding and the witnesses or potential witnesses in the case.

(3) All documents, tape recordings, or other materials produced or submitted in connection with investigations and proceedings under this Code, and any copies thereof except those delivered to the subject student, shall, within a reasonable time after conclusion of any such proceedings involving a student, be delivered to and kept in a secure place by the Dean.

Excerpts from the Georgia Rules of Professional Conduct

RULE 8.1 BAR ADMISSION AND DISCIPLINARY MATTERS

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

The maximum penalty for a violation of this Rule is disbarment.

Comment

[1] The duty imposed by this Rule extends to persons seeking admission to the bar as well as to lawyers. Hence, if a person makes a material false statement in connection with an application for admission, it may be the basis for subsequent disciplinary action if the person is admitted, and in any event may be relevant in a subsequent admission application. The duty imposed by this Rule applies to a lawyer's own admission or discipline as well as that of others. Thus, it is a separate professional offense for a lawyer to knowingly make a misrepresentation or omission in connection with a disciplinary investigation of the lawyer's own conduct. This Rule also requires affirmative clarification of any misunderstanding on the part of the admissions or disciplinary authority of which the person involved becomes aware.

[2] This Rule is subject to the provisions of the Fifth Amendment of the United States Constitution and corresponding provisions of state constitutions. A person relying on such a provision in response to a question, however, should do so openly and not use the right of nondisclosure as a justification for failure to comply with this Rule.

[3] A lawyer representing an applicant for admission to the bar, or representing a lawyer who is the subject of a disciplinary inquiry or proceeding, is governed by the rules applicable to the client-lawyer relationship.

– <https://www.gabar.org/Handbook/index.cfm#handbook/rule154> (last visited July 24, 2018)

RULE 8.4 MISCONDUCT

- (a) It shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to:
 - (1) violate or knowingly attempt to violate the Georgia Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
 - (2) be convicted of a felony;
 - (3) be convicted of a misdemeanor involving moral turpitude where the underlying conduct relates to the lawyer's fitness to practice law;
 - (4) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation;

- (b) For purposes of this Rule, conviction shall include any of the following accepted by a court, whether or not a sentence has been imposed:
- (i) a guilty plea;
 - (ii) a plea of nolo contendere;
 - (iii) a verdict of guilty; or
 - (iv) a verdict of guilty but mentally ill.

(2) The record of a conviction or disposition in any jurisdiction based upon a guilty plea, a plea of nolo contendere, a verdict of guilty or a verdict of guilty but mentally ill, or upon the imposition of first offender probation shall be conclusive evidence of such conviction or disposition and shall be admissible in proceedings under these disciplinary rules.

The maximum penalty for a violation of Rule 8.4 (a) (1) is the maximum penalty for the specific Rule violated. The maximum penalty for a violation of Rule 8.4 (a) (2) through (c) is disbarment.

Comment

- [1] The prohibitions of this Rule as well as the prohibitions of Bar Rule 4-102 prevents a lawyer from attempting to violate the Georgia Rules of Professional Conduct or from knowingly aiding or abetting, or providing direct or indirect assistance or inducement to another person who violates or attempts to violate a rule of professional conduct. A lawyer may not avoid a violation of the rules by instructing a nonlawyer, who is not subject to the rules, to act where the lawyer can not.
- [2] This Rule, as its predecessor, is drawn in terms of acts involving "moral turpitude" with, however, a recognition that some such offenses concern matters of personal morality and have no specific connection to fitness for the practice of law. Here the concern is limited to those matters which fall under both the rubric of "moral turpitude" and involve underlying conduct relating to the fitness of the lawyer to practice law.
- [3] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses, that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

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– <https://www.gabar.org/Handbook/index.cfm#handbook/rule160> (last visited July 24, 2018)

RULE 4-104. MENTAL INCAPACITY AND SUBSTANCE ABUSE

Mental illness, cognitive impairment, alcohol abuse, or substance abuse, to the extent of impairing competency as a lawyer, shall constitute grounds for removing a lawyer from the practice of law. Upon a determination by the State Disciplinary Board that a lawyer may be impaired or incapacitated to practice law as a result of one of the conditions described in paragraph (a) above, the Board may, in its sole discretion, make a confidential referral of the matter to an appropriate medical or mental health professional for the purposes of evaluation and possible referral to treatment and/or peer support groups. The Board may, in its discretion, defer disciplinary findings and proceedings based upon the impairment or incapacity of a lawyer to afford the lawyer an opportunity to be evaluated and, if necessary, to begin recovery. In such situations the medical or mental health professional shall report to the State Disciplinary Board and the Office of the General Counsel concerning the lawyer's progress toward recovery. A lawyer's refusal to cooperate with the medical or mental health professional or to participate in the evaluation or recommended treatment may be grounds for further proceedings under these Rules, including emergency suspension proceedings pursuant to Rule 4-108.

– <https://www.gabar.org/Handbook/index.cfm#handbook/rule94> (last visited July 24, 2018)

**SUPREME COURT OF GEORGIA
OFFICE OF BAR ADMISSIONS**

**POLICY STATEMENT OF THE BOARD TO DETERMINE FITNESS OF BAR APPLICANTS
REGARDING DUI AND OTHER ALCOHOL-RELATED OFFENSES**

(Adopted March 12, 2007, revised September 11, 2008; May 12, 2011, January 10,
2019)

Any applicant who receives a Driving Under the Influence (DUI) conviction or the equivalent in any jurisdiction is ineligible for Certification of Fitness to Practice Law for a period of twelve months from the date of conviction, as if the applicant had been sentenced under the mandatory twelve-month sentence required by the Georgia DUI statute (Ga. Code Ann. Section 40-6-391), regardless of whether the sentence is probated and regardless of any early termination or completion of probation.

In the case of an applicant who was charged with DUI in Georgia (or its equivalent in any jurisdiction) but for whom the DUI charge was reduced, the Board is concerned about disregard for the law as well as possible patterns or problems related to abuse of alcohol and/or other substances and of the impact of these problems on the applicant's fitness to practice law. Therefore, any applicant who receives a conviction for an offense reduced from an original charge of DUI is ineligible for fitness certification for the period extending from the date of conviction to the completion of the sentence, including any period of probation.

Following the expiration of the period during which the applicant is ineligible for certification, the applicant may be eligible to take the succeeding examination or for the release of grades from a previous examination. Such eligibility will be decided by the Board on a case-by-case basis following its standard policies.

It should be understood that this is a procedural bar only. Following the expiration of the period during which the applicant is ineligible for certification, the Board will review the applicant's file on the merits for a determination of whether to certify the applicant for fitness. The Board may have substantive concerns about the applicant's conduct that may lead the Board to make further investigation, to require that the applicant be evaluated for drug or alcohol dependency, to require the applicant to file a written, detailed statement of use of alcohol/drugs, and/or to require that the applicant appear before the Board for an informal conference, prior to the Board's acting upon certification of the applicant.

Excerpts from Frequently Asked Questions about the Georgia Character and Fitness Review:

WHAT DO THE GOOD CHARACTER AND FITNESS STANDARDS REQUIRE?

The good character and fitness standards require that an applicant to the bar be one whose record of conduct justifies the trust of clients, adversaries, courts and others. The hallmark of such a person is honesty,

especially in connection with the application for admission to the bar. Persons with a record showing a deficiency in honesty, trustworthiness, diligence, or reliability might not be recommended for admission.

WHAT KINDS OF CONDUCT MIGHT SHOW A DEFICIENCY IN THE NECESSARY QUALITIES OF HONESTY, TRUST-WORTHINESS, DILIGENCE, OR RELIABILITY?

Any of the following will be considered by the Fitness Board to be a basis for further inquiry before recommending admission:

- unlawful conduct
- . . .
- evidence of mental or emotional instability
- evidence of drug or alcohol dependency
-

Questions from the Application for Character and Fitness in Georgia

19.4 Has your driver’s license ever been suspended or revoked?

20. Driving Under the Influence

Note: Before you complete this section, you must read the Policy Statement of the Board to Determine Fitness of Bar Applicants Regarding DUI and Other Alcohol-Related Offenses, which is published on the Georgia Bar Admissions website. (See previous page)

20.1 Have you ever been charged with or cited for driving under the influence of alcohol or drugs?

**OATH OF ADMISSION
TO THE STATE BAR OF GEORGIA**

"I, _____, swear that I will truly and honestly, justly and
Attorney's Name
uprightly conduct myself as a member of this learned profession and in accordance with
the Georgia Rules of Professional Conduct, as an attorney and counselor and that I will
support and defend the Constitution of the United States and the Constitution of the State
of Georgia. So help me God."

As revised by the Supreme Court of Georgia,
April 20, 2002

Atlanta Bar Association Lawyers' Pledge

Adopted by the Atlanta Bar Association Board of Directors
December 5, 1996

As a member of the Atlanta Bar Association, I pledge to conduct myself in a manner that will reflect honor upon the legal profession.

I will treat all participants in the legal process with civility.

In every aspect of my practice, I will be honest, courteous and fair.



LAW STUDENT APPLICATION

Mail to: State Bar of Georgia - Membership Department
104 Marietta St. NW, Suite 100
Atlanta, GA 30303-2743
(404) 527-8777 or (800) 334-6865

Date: _____

I certify that I am currently enrolled at _____ School of Law, which is an ABA Accredited Law School or a Law School approved by the Board of Bar Examiners, I hereby apply for recognition as a Law Student member under the provisions of Rule 1-206 of the Rules and Regulations for the Organization and Government of the State Bar of Georgia, and of Article I, Section 6 of the Bylaws, both of which are quoted on page 2 of this application.

With this application, I am applying for Law Student Membership. I will notify the State Bar of Georgia if I am no longer enrolled at an ABA Accredited Law School or a Law School approved by the Board of Bar Examiners.

***All fields required**

FULL NAME: _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

EMAIL _____ DATE OF BIRTH ____ / ____ / ____

EXPECTED YEAR OF GRADUATION _____

SIGNATURE OF APPLICANT _____

THE RULES AND REGULATIONS FOR THE ORGANIZATION AND GOVERNMENT OF THE STATE BAR OF GEORGIA.

Part 1. Chapter 2 Membership

Rule 1-206.1 Law Student Members.

In addition to the membership and classes of membership provided in this Chapter, the State Bar may recognize as law student members, without the rights and privileges of membership, those law students currently enrolled in a law school approved by the American Bar Association or any law school approved by the Georgia Board of Bar Examiners. Law Student members may be furnished copies of appropriate publications and may be entitled to attend and participate, without the right to vote or hold office, in those meetings and activities conducted by the State Bar and any of its component parts or sections.

THE BYLAWS, STATE BAR OF GEORGIA. ARTICLE 1.

Section 6. Associates and Student Associates

In addition to the classes of membership provided in Rule 1-202, Organization of the State Bar and Admissions, the Board of Governors or the Executive Committee may consider and approve or disapprove applications for Affiliate or Law Student membership with the State Bar of Georgia. Affiliate and Law Student members shall have the right to attend State Bar of Georgia meetings and receive State Bar official publications. Neither Affiliate nor Law Student members may hold office, vote or have any other rights and privileges incident to the membership classes set forth in Rule 1-202 with the State Bar of Georgia. Affiliate or Law Student members shall not hold themselves out or imply to the public, courts or members of the legal profession that they are members of the State Bar of Georgia as defined in Rule 1-202 of the State Bar of Georgia. The State Bar retains the right to deny or revoke the membership privileges of any Affiliate or Law Student member who violates this Section.

(b) Law Student Membership. The application form for a Law Student member shall include a certification by the applicant that he or she is a student in good standing at an ABA accredited law school in Georgia. Law Student membership may be renewed each Bar year by certifying to the Membership Department of the State Bar of Georgia that the student is currently enrolled in law school and in good standing. The Board of Governors may set annual dues or fees for Law Student membership.



2020-2021 Wellness Resources/Initiatives

COL Mindfulness Program – more information about the new Mindfulness program will be made available in early September. Will be available through icollege and will be available to all enrolled students at the College of Law. The program will run for the Fall semester and have live (virtual) sessions, as well as pre-recorded resources for students.

Wellness in the Law Society - The Organization's purpose is to provide students the opportunity, resources, and community to address seven key areas of wellness: mental, physical, social, emotional, intellectual, professional, and inner purpose/values. Learn more about upcoming events through PIN (pin.gsu.edu)

Other student organizations – provide an opportunity for fellowship & support!

Financial Literacy– <https://sfs.gsu.edu/budgeting/>

Additional resources for students regarding all of the wellness components are available online at: <https://law.gsu.edu/student-experience/>

University Resources

GSU Recreation Center

All GSU students are automatically members. Membership includes access to the Student Recreation Center, the pool at the [Indian Creek Recreation Area \(ICRA\)](#), and the Recreation facilities at our [Perimeter campuses](#). It also includes the ability to register for the programs and services listed below. There are some restrictions and limitations to some of the programs and services, so be sure to check the specific policies for those programs and services. Membership does not grant you the ability to reserve space at ICRA, other than the picnic area near the pool.

In addition to drop-in activities, members have access to the following:

- [Aquatic classes](#)
- Equipment checkout ([game room](#), [lower level](#) and [outdoor rental](#))
- Guest privileges (see guest rates below)
- [Instructional clinics](#)
- [Intramurals](#)
- [Nutrition consultations](#)
- [Personal training](#)
- [Safety programs](#)
- [Sport clubs](#)
- [Touch the Earth \(Outdoor Recreation\)](#)

[Georgia State Counseling Center:](#)

The Counseling and Testing Center provides individual counseling sessions, group counseling, couples counseling and mind-body services that are free of charge to enrolled Georgia State University students. You can call 404-413-1640 to consult with a staff member or make an appointment.

You can also reach out and follow us online via our social media handle, @BeWellGSU and our hashtag #BeWellGSU on Facebook, Instagram, and Twitter. We look forward to seeing you out in the virtual world. To stay more connected with our programs & services, we encourage you to go to <https://pin.gsu.edu/organization/bewellgsu>, Sign In, and click the Join button.

Mindfulness Practice Sessions – Mindfulness is paying attention to the present moment, on purpose, without needing it to be any other way. In other words, it's living with an intention, to purposefully pay attention to the present, with an attitude of curiosity and kindness. Living mindfully allows for greater wellbeing of mind and body. Mindfulness is developed through the practice of mindfulness meditation. In the Mind-Body Clinic, we offer classes, groups, workshops and retreats to teach and support the cultivation of mindfulness. Outreach activities will also be taking place @BeWellGSU on Instagram Live and @PantherPause.

Nutrition Services

During this chaotic time, it's important to take care of your health and wellness, so we plan to continue offering nutrition services to our students. To promote the safety of our students and staff, we'll be moving all nutrition appointments to our TeleHealth format (meeting remotely via video conferencing). In-person appointments won't be available at this time. All future appointments will be scheduled via TeleHealth until further notice. Outreach activities will also be taking place @BeWellGSU on Instagram, Twitter, and Facebook. • Fridays on Instagram: #FoodieFriday. Check out the nutrition tips offered by Leslie Knapp, Assistant Director of Nutrition Services

WellTrack Online App.

Georgia State University is dedicated to the wellbeing and success of all students. WellTrack is free, interactive online tool to promote mental wellness on campus.

- Address anxiety, depression and negative thinking before these issues affect your academic success
- Get feedback about your health using a mental wellness assessment, and track your progress using the companion app, Moodcheck
- Secure, anonymous and free
- Easy to use right on your phone, computer or tablet

Tuck Sleep

Tuck Sleep Foundation is a non-profit community devoted to improving sleep hygiene, health and wellness through the creation and dissemination of comprehensive, unbiased, free web-based resources. Tuck has been featured on NPR, Lifehacker, Radiolab and is referenced by many colleges/universities and sleep organizations across the web.

Georgia State University does not discriminate against individuals on the basis of race, color, sex, religion, creed, age, sexual orientation, gender, disability, national origin, or veteran status in employment or the administration of the program and activities conducted by Georgia State University or any of its several departments now in existence or hereafter established.

It is expected that our guests at the institution abide by the same professionalism expectations as our students, faculty and staff, especially while in our building.

Should any student need to report behavior like that in the Cameron hypothetical, they should reach out to the College of Law Dean of Students Office.

Additional University resources for the Cameron Hypothetical:

Sexual Misconduct by *faculty or staff* should be reported to:

Opportunity Development/Diversity Education Planning

1 Park Place South, Suite 308

404-413-3303

[Report Here](#)

Confidential Disclosures can be made to:

Important Note About Confidentiality:

In instances of sexual misconduct, all university employees except those described below serve as Responsible Employees who are required to share all reports of sexual misconduct with administrative officials for university review. If you wish to disclose an incident of sexual misconduct confidentially, contact one of the confidential disclosure resources below.

While the services below are available to any student who has experienced any crime, sexual misconduct in particular may be disclosed confidentially in the following areas:

- [Georgia State University Counseling and Testing Center](#)
75 Piedmont Ave. NE, Suite 200
404-413-1640
- [Georgia State University Student Health Clinic](#)
141 Piedmont Ave. NE, Suite D
404-413-1950
- [Georgia State University Student Victim Assistance](#)
75 Piedmont Ave. NE, Suite 239
404-413-1965



Atlanta
August 11, 2020

Orientation on Professionalism



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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?
-

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

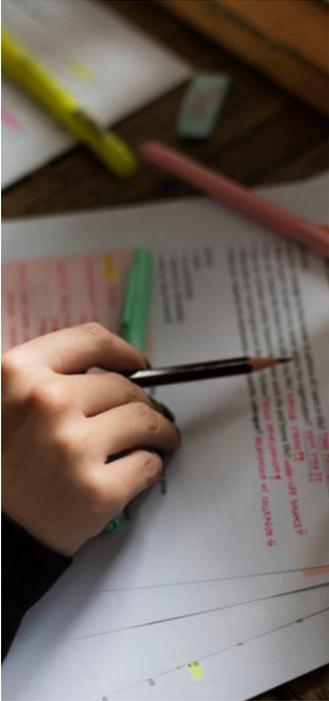
Three days before the exam, Marcus receives an e-mail from a college friend who is attending another law school. His friend tells him that Marcus' Civil Procedure professor used to teach at that law school a couple of years ago. Marcus' friend has learned of a book that contains a contribution by the 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

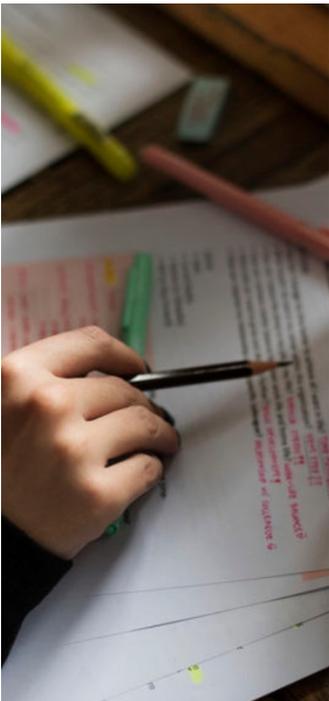
- Should Marcus have checked out that book?
 - Should Marcus have shared this information with his classmates? Members of his study group? Anyone else?
 - Suppose Marcus just photocopied the relevant parts of the book and then took it to another part of the law library and shelved it with some little 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

Part B

Sarah and Jordan are friends on Facebook and Instagram. 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.



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?
-



PLAGIARISM

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?
-

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:
 - (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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State Bar Committee on Professionalism

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- Joshua I. Bosin, Holland & Knight LLP, Vice Chair

State Bar Committee on Professionalism Law School Orientations Planning Sub-Committee

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