



Athens

School of Law

UNIVERSITY OF GEORGIA

August 14, 2020

Student Materials



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

#Orientation2020



COMMITTEE ON PROFESSIONALISM

**University of Georgia School of Law
Orientation on Professionalism**

Stanford Hall Auditorium

**August 14, 2020
9:00 a.m. - 4:00 p.m.**

LAW STUDENT AGENDA

Business Casual Attire

- 9:00-10:30** **Communicating Across Differences**
X – Sanford 213 Dr. Michelle Garfield Cook, *Vice Provost for Diversity & Inclusion and Strategic University Initiatives*
Y – Hirsch A & B *University Initiatives*
Z – Hirsch C & F Greg Roseboro, *Assistant Dean for Admissions, Diversity & Inclusion and Strategic Initiatives*
- 10:30-10:45** **Break**
- 10:45-11:30** **Defining Professionalism & Administration of the Law School Honor Code**
X – Sanford 213 Kenny Tatum, *Assistant Dean for Career Development*
Y – Hirsch A & B Randy Beck, *Associate Dean for Academic Affairs and Justice Thomas O. Marshall Chair of Constitutional Law*
Z – Hirsch C & F
- 11:30-11:35** **Introduction of Character & Fitness Speakers**
X – Sanford 213 Nathan S. Chapman, *Associate Professor of Law*
Y – Hirsch A & B
Z – Hirsch C & F
- 11:35-11:55** **Character and Fitness Requirements for Bar Admission**
X – Sanford 213 Christopher Twyman, *J.D. 1999, Member of Georgia Board to Determine Fitness of Bar Applicants and Managing Partner at Cox Byington Twyman & Johnson, LLP*
Y – Hirsch A & B Heidi Faenza, *Director of Supreme Court of Georgia Office of Bar Admissions*
Z – Hirsch C & F

11:55-12:00 **Introduction of Professionalism Speaker**
X – Sanford 213 Nathan S. Chapman, *Associate Professor of Law*
Y – Hirsch A & B
Z – Hirsch C & F

12:00-12:30 **Professionalism Address**
X – Sanford 213 Janyce Dawkins, *Director of UGA Equal Opportunity Office*
Y – Hirsch A & B
Z – Hirsch C & F

12:30-2:30 **Break**

1:00-2:00 **Professionalism Breakout Group Leader Training**
Zoom Karlise Grier, *Executive Director of Chief Justice’s Commission on Professionalism*

2:30-4:00 **Professionalism Breakout Sessions**
Zoom Led by School of Law alumni/alumnae and other members of the bar.

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CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

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Atlanta, Georgia

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Houston Circuit Public Defenders Office
Warner Robins, GA

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

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University of Georgia School of Law
Athens, Georgia

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

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Statesboro, Georgia

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

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Tallapoosa Circuit Superior Court
Tallapoosa, Georgia

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The Honorable Clyde L. Reese III
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Atlanta, Georgia

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

Staff
Karlise Y. Grier
Executive Director

August 14, 2020

Dear University of Georgia 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 14, 2020

Dear University of Georgia 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. The University of Georgia School of Law and the Athens 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

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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.

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School of Law
UNIVERSITY OF GEORGIA

LAW STUDENT OATH

As a student entering the University of Georgia School of Law, I understand I am joining not only an academic community but am embarking on a professional career.

I acknowledge that my conduct, inside and outside of the law school, reflects on the entire University of Georgia Law School community, past, present and future.

I will conduct myself with dignity and civility and will treat all fellow students, staff, faculty, alums, and employers with courtesy and respect.

I promise to live up to the highest standards of the legal profession and uphold the highest standard of academic honesty and ethical practice throughout law school and the remainder of my professional career.

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

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

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

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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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SPECIFIC ASPIRATIONAL IDEALS

As to clients, I will aspire:

- (a) To expeditious and economical achievement of all client objectives.
- (b) To fully informed client decision-making. As a professional, I should:
 - (1) Counsel clients about all forms of dispute resolution;
 - (2) Counsel clients about the value of cooperation as a means towards the productive resolution of disputes;
 - (3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
 - (4) Communicate promptly and clearly with clients; and,
 - (5) Reach clear agreements with clients concerning the nature of the representation.
- (c) To fair and equitable fee agreements. As a professional, I should:
 - (1) Discuss alternative methods of charging fees with all clients;
 - (2) Offer fee arrangements that reflect the true value of the services rendered;
 - (3) Reach agreements with clients as early in the relationship as possible;
 - (4) Determine the amount of fees by consideration of many factors and not just time spent by the attorney;
 - (5) Provide written agreements as to all fee arrangements; and
 - (6) Resolve all fee disputes through the arbitration methods provided by the State Bar of Georgia.
- (d) To comply with the obligations of confidentiality and the avoidance of conflicting loyalties in a manner designed to achieve the fidelity to clients that is the purpose of these obligations.

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

- (a) To cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should:
 - (1) Notify opposing counsel in a timely fashion of any cancelled appearance;
 - (2) Grant reasonable requests for extensions or scheduling changes; and,
 - (3) Consult with opposing counsel in the scheduling of appearances, meetings, and depositions.
- (b) To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. As a professional, I should:

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- 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
University of Georgia School of Law
(Article III of Honor Code Constitution)
ARTICLE III. HONOR CODE

Section 1. Definitions

a. "Academic matter" means all matters that relate to:

- 1) Any law school course;
- 2) Any law school examination;
- 3) Any matter for which law school credit is given or sought;
- 4) Any non-electoral competition for membership in any law journal or other student organization; or
- 5) Material submitted for publication in any law journal.

b. "Person in authority" means all faculty of the law school (including visiting and adjunct faculty), all employees of the law school with responsibility in connection with any academic matter, and all professional library staff members.

c. "Associate Dean" means the Associate Dean for Academic Affairs for the Law School.

Section 2. A student Violates the Honor Code if he/she:

a. Knowingly makes a materially false or deceptive statement to a person in authority in connection with an academic matter; or

b. Engages in conduct in connection with an academic matter either:

- 1) For the purpose of gaining an unfair advantage over another student, or
- 2) Under circumstances such that a reasonable law student would know that the conduct was likely to result in an unfair advantage.

Section 3. Examples of Honor Code Violations

As illustrations of conduct which violates the provisions in Section 2, the following specific forms of conduct by students are violations of the Honor Code:

a. Violation of any procedure adopted by any person in authority for an examination or any other graded material, including but not limited to:

- 1) Use of unauthorized materials;
- 2) Writing beyond the time limit of the examination;
- 3) Communication with any unauthorized person during the examination or the

preparation of the graded material; or

- 4) Communication concerning the examination or preparation of the graded material with any student who already has taken or who has yet to take the examination.
- b. Purposeful destruction, mutilation, secretion, or unauthorized removal of any law school property, including library material.
- c. Purposeful invasion, including by computer, of the security maintained for the preparation or storage of examinations or other confidential information retained by the law school.
- d. Submission, except by permission of the relevant person in authority after full disclosure, of any work prepared, used, or submitted in another course or for a law journal, clinic, employer, or any other organization.
- e. Agreeing, soliciting, attempting or agreeing to commit, assist, or facilitate a violation of this Article.
- f. Failure to report a known violation of this Article within a reasonable time.
- g. Failure to provide information or testimony when requested by the Honor Court, except upon a showing of good cause.
- h. Making a false representation about one's academic record or law school activities to a prospective employer or to another academic institution;
- i. Unauthorized use of academic materials, such as library books;
- j. Unauthorized taking of another student's books, class notes, outlines, study materials or computer;
- k. Violation of the confidentiality rules created by the Honor Code Constitution.

Nothing in this section shall be construed to limit in any way the provisions of Section 2 of this Article.

Section 4. This Article does not apply to plagiarism. Conduct alleged to constitute plagiarism remains within the authority of the faculty.

Section 5. All incoming students shall sign the following pledge on matriculation.

I, the undersigned, have read the School of Law Honor Code Constitution, and understand what is expected of me as a student, including my obligation to report violations to which I am a witness or of which I am aware.

_____ Signature

The pledge remains in effect until (a) graduation or (b) termination of education prior to graduation.

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.

...
– <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.

Wellness Information

CAPS The UGA School of Law works closely with the University Health Center's Counseling and Psychiatric Services (CAPS) to provide wellness services at the law school. A counselor works from the law school once a week to meet with students or conduct on-boarding appointments. The law school also covers all fees for CAPS services at the University Health Center that are utilized by law students. This includes individual counseling, group counseling, psychiatric services, and transition care to community resources.

Wellness Programming The law school hosts guest speakers and presenters that focus on lawyer and law student wellbeing. In cooperation with student organizations, there are also student-led discussions about mental illness, mental health, and wellness experiences. For example, the law school hosted Stacey Dougan for the past two years to speak about the science of law student wellbeing and steps that students can take to safeguard and improve their overall wellbeing. Students can also join the Georgia Law Mental Health Alliance, a student organization that aims to destigmatize mental illness and provide a safe space for students, professors, and faculty to openly discuss mental health issues impacting the law school community.

Financial Literacy Beginning in the 2020-2021 academic year, the law school will be offering the AccessLex MAX programming on law student financial literacy. Students will have access to online modules specifically tailored to financial topics impacting students during 1L, 2L, and 3L years. This program also provides one-on-one financial coaching with certified financial coaches, as well as large group presentations and a podcast. Students who complete MAX programming will have the opportunity to win generous scholarships provided by AccessLex.

Guidance for Problem 3 (Cameron and Taylor)

We would refer students with questions related to employer conduct to Assistant Dean for Career Development Kenny Tatum (krtatum@uga.edu). We would refer students with questions about inappropriate comments in class to Associate Dean for Academic Affairs Randy Beck (rbeck@uga.edu) and/or the [UGA Equal Opportunity Office](#) in the event those comments may violate the [UGA Non-Discrimination and Anti-Harassment Policy](#).



School of Law
UNIVERSITY OF GEORGIA

Athens
August 14, 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 a responsibility to let anyone know about posts 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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