
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

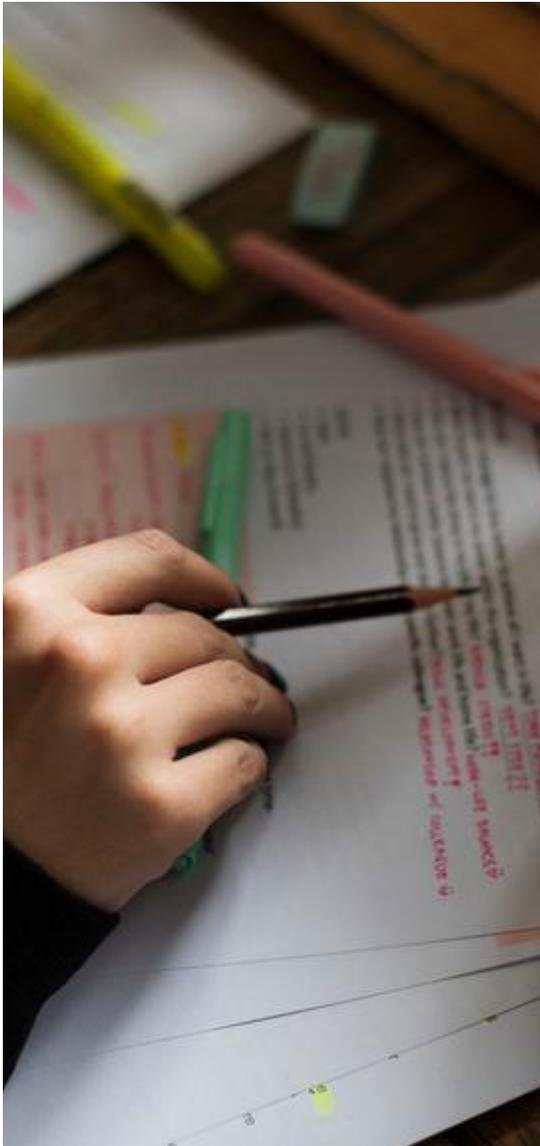
Part A

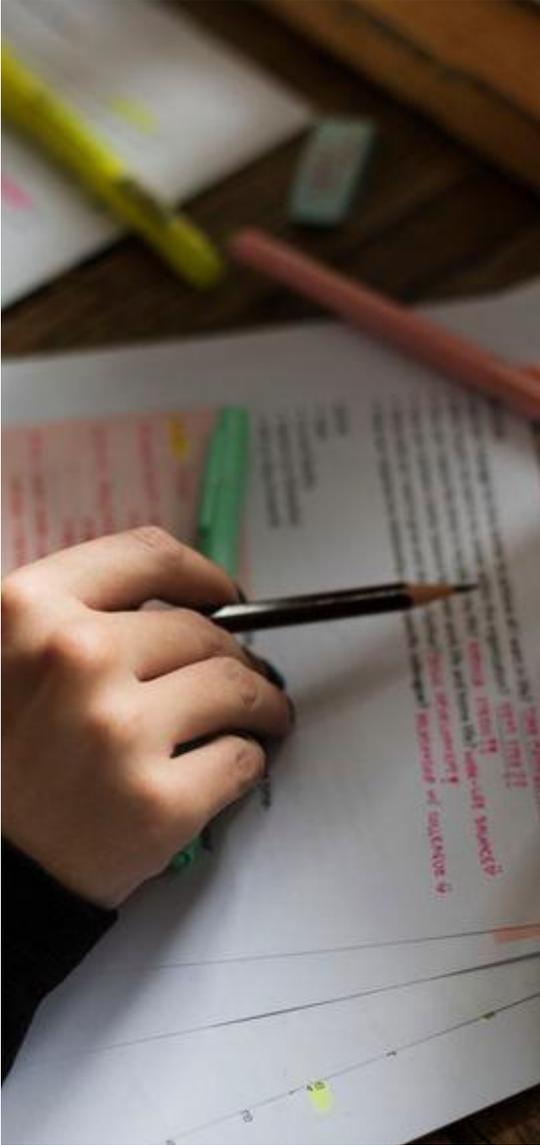
- Should Marcus have checked out that book?
 - Should Marcus have shared this information with his classmates? Members of his study group? Anyone else?
 - Suppose Marcus just photocopied the relevant parts of the book and then took it to another part of the law library and shelved it with some little 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 study partners. First semester finals are approaching quickly. Tracy has been so stressed out over classes that she has had trouble concentrating in class. Her outlines are a mess, and she is certain that she will not be ready for finals at the rate things are going.

Problem 4 Cont



Tracy knows Morgan has a medical prescription for Adderall, a controlled substance. Though she does not have a medical need for Adderall, Tracy has been aware of the stories about it being a “wonder drug” and knows plenty of people who regularly use it to concentrate and stay alert, including some of her law school classmates who also do not have a medical prescription for Adderall.

Problem 4 Cont



Looking for something to give her an edge through finals, Tracy asks Morgan to give her a 'few' pills to help her focus on exams.



QUESTIONS FOR DISCUSSION

- What should Morgan do?
 - Does Tracy's request for Adderall violate the honor code? What if Morgan gave the pills to Tracy?
 - Would it violate Georgia law for Morgan to give Adderall pills to Tracy? For Tracy to possess them?
 - What if Tracy took some of Morgan's pills without her permission and told Morgan after the fact?
 - What if Morgan offered them to Tracy before she asked for them? What should Tracy do?
-

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)



Georgia Rules of Professional Conduct

Rule 8.3 Reporting Professional Misconduct

- (a) A lawyer having knowledge that another lawyer has committed a violation of the Georgia Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, should inform the appropriate professional authority.

- (b) A lawyer having knowledge that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office should inform the appropriate authority.



Georgia Rules of Professional Conduct

Rule 4-104 Mental Incapacity and Substance Abuse

- (a) 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.



Georgia Rules of Professional Conduct

Rule 4-106 Conviction of a Crime; Suspension and Disbarment

- (a) Upon receipt of information or evidence that a conviction for any felony or misdemeanor involving moral turpitude has been entered against a lawyer, the Clerk of the State Disciplinary Boards shall immediately assign the matter a State Disciplinary Board docket number. The Office of the General Counsel shall petition the Supreme Court of Georgia for the appointment of a Special Master to conduct a show cause hearing.



Problem 5

President: "All students are required to wear masks at all times on campus."



Me after I get on campus:



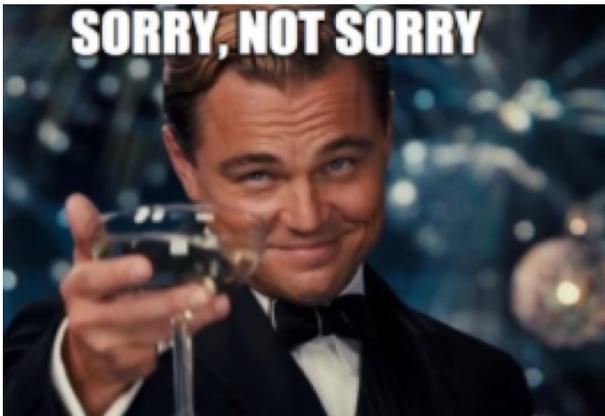
Jordan, a first-year law student, is heavily involved in social media. He enjoys posting selfies of where he travels, who he hangs out with, and even what he had for lunch that day. Jordan's posts receive regular "likes" and comments from his classmates. His biography on social media does not contain a disclaimer stating that his views are not the views of his employer or law school. His accounts across all platforms ping him as a "Social Influencer."

Problem 5

President: "All students are required to wear masks at all times on campus."



Me after I get on campus:



At the start of the semester, the University President released a statement on the University's pandemic response order for all students to wear masks at all times while on campus.

FROM THE DESK OF THE PRESIDENT

All students are required to wear masks at all times on campus.

Problem 5

President: "All students are required to wear masks at all times on campus."



Me after I get on campus:



President: "All students are required to wear masks at all times on campus."

Me after I get on campus:



The week before exams began, Jordan retweeted a meme (pictured above) mocking the University's pandemic response with the following text: "Those who value security more than liberty deserve neither. Sorry in advance if I forget my mask." Jordan posted the meme on his Instagram and Facebook page.



QUESTIONS FOR DISCUSSION

Have you ever seen something on social media that made you question whether the person should have posted it?



QUESTIONS FOR DISCUSSION

Regardless of whether or not the person has the right to make the statement, do you think this statement is representative of our legal professionalism?

What is the relationship between a person's right to make a statement and whether the statement is representative of our legal professionalism?

Why should law students be particularly vigilant of this relationship?



QUESTIONS FOR DISCUSSION

Do you think that your social media presence has the power to affect your professional brand?

If you were an attorney interviewing Jordan for a position at your firm, what does this post tell you about his professionalism?



QUESTIONS FOR DISCUSSION

Imagine that instead of Jordan, you had made the post on social media. Are you concerned about what this post says about your professionalism? Why or why not?

What perspectives on the purpose of the hypothetical come to mind when viewed against the backdrop of professional conduct on social media?

What factors in the hypothetical hold the most weight in evaluating Jordan's level of professionalism on social media?



QUESTIONS FOR DISCUSSION

If you were Jordan and felt this strongly about the issue, what is an alternative way that you can express your opinion and concerns?

Would it make a difference if only his "close friends" could see it?

Is a person's social media an extension of their home in the sense of personal expectations or is it an extension of their workplace?

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

- 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

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



Problem 6

PLAGIARISM

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

Problem 6 Cont.

PLAGIARISM

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

Problem 6 Cont.

PLAGIARISM

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

Problem 6 Cont.

PLAGIARISM

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



PLAGIARISM

QUESTIONS FOR DISCUSSION

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



QUESTIONS FOR DISCUSSION CONT

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



QUESTIONS FOR DISCUSSION CONT

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

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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