

# Student Materials



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

#Orientation2022



**COMMITTEE ON PROFESSIONALISM**

**Atlanta’s John Marshall Law School  
Orientation on Professionalism  
State Bar of Georgia  
Auditorium**

**August 6, 2022  
8:30 a.m. – 12:45 p.m.**

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**LAW STUDENT AGENDA**

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8:30 – 9:00	Registration .....	Auditorium
9:00 – 9:15	Welcome Address .....	Dean Jace C. Gatewood Dean, Atlanta’s John Marshall Law School
9:15 - 10:00	Fitness Application Process .....	John A. Earles Director, Supreme Court of Georgia Office of Bar Admissions
10:00 – 11:00	The Meaning of Professionalism.....	Honorable Eric Richardson Judge, State Court of Fulton County
11:00 - 11:05	<b>Break</b>	
11:05 –12:45	Professionalism Breakout Sessions – State Bar Various Locations <i>See Breakout Room Assignment Handout</i>	

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**HEADQUARTERS**

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# CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

August 6, 2022

## Members

The Honorable Michael P. Boggs (Chair)  
Chief Justice, Supreme Court of Georgia  
Atlanta, Georgia

Mrs. Sarah B. (Sally) Akins  
Ellis Painter  
Savannah, Georgia

Associate Dean Michael Scott Boone  
Atlanta's John Marshall Law School  
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Mr. Christopher J. Chan  
Eversheds Sutherland (US) LLP  
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. Ronald Edward Daniels  
Daniels Taylor Law LLC  
Eastman, Georgia

Mrs. Molly Barrett Gillis  
The Gillis Law Firm, LLC  
Marietta, Georgia

The Honorable Steven D. Grimberg  
U.S. District Court, Northern District of Georgia  
Atlanta, Georgia

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

Mr. Francys Johnson  
Davis Bozeman Johnson Law  
Statesboro, GA

Mrs. Nekia Hackworth Jones  
U.S. Securities & Exchange Commission  
Atlanta, GA

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

Mrs. Maria F. Mackay  
Watkinsville, Georgia

The Honorable T. Russell McClelland III  
State Court of Forsyth County  
Cumming, Georgia

The Honorable Shondeana Crews Morris  
Superior Court of DeKalb County  
Decatur, Georgia

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

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Ms. LaToya Simone Williams  
Houston Circuit Public Defenders Office  
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Supreme Court of Georgia Advisor  
The Honorable Justice Shawn Ellen LaGrue  
Supreme Court of Georgia  
Atlanta, Georgia

## Staff

Ms. Karlise Y. Grier  
Executive Director

Dear Atlanta's John Marshall Law School Students:

Congratulations as you begin your law school career! We are pleased you are participating in the Law School Orientation on Professionalism. This is the 30th year that the Chief Justice's Commission on Professionalism and the Committee on Professionalism of the State Bar of Georgia have conducted this program at every law school in Georgia. The heart of the Professionalism Orientation is the breakout session, during which one of the documents you will discuss is A Lawyer's Creed and the Aspirational Statement on Professionalism. This document is intended for use by Georgia's practicing lawyers and judges, but as you will discover during your breakout sessions, the principles embodied in it have many applications to you as a law student. In 1992, the Supreme Court of Georgia explained that it was our "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."

I truly believe that judges and lawyers need to emphasize the importance of professionalism to law students from the very start of their legal careers to help you avoid disciplinary issues but even more to teach that you are part of a professional community. You are now a member of your law school community, and you will eventually become a member of the bar. You will often interact with one another in stressful, chaotic environments that are designed to be adversarial. But you should never put aside the moral compass you brought with you to law school or forget that we are all colleagues in a noble profession. For our profession to thrive, we must remember that the way in which we resolve disputes defines part of the character of our society and we should act accordingly.

I hope that you will have interesting and thought-provoking discussions during your Professionalism Orientation, and I send you my best wishes as you begin your legal career.

Sincerely,

Michael P. Boggs  
Chief Justice, Supreme Court of Georgia and  
Chair, Chief Justice's Commission on Professionalism

MPB/kg



August 6, 2022

Dear Atlanta's John Marshall Law School 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 because this is one of the foundational elements of professionalism. While you may not realize it yet, the relationships that you establish with your peers will benefit you throughout your entire professional life. The persons who now share your classroom space will be your professional colleagues once you formally enter the practice of law. Whether you decide to practice law in Georgia or not, the reputation that you build among your classmates will follow you into your professional pursuits.

I encourage you 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. In addition, Atlanta's John Marshall Law School and the Atlanta legal community will provide you with opportunities to engage in the local legal community, and with other resources to help you grow professionally. I also hope you will take advantage of those opportunities and resources.

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. Your school has various resources to help you and your classmates to take care of your mental health. Don't 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. Finally, keep in mind that being a lawyer is a privilege, not simply a means to the end of making 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.

Sincerely,

Sarah B. "Sally" Akins  
President, State Bar of Georgia



## COMMITTEE ON PROFESSIONALISM

**TO:** Law Students

**FROM:** Joshua I. Bosin  
Chair, Committee on Professionalism

**DATE:** August 2022

**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 of Georgia. 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 30th 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.

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.



## 2022 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 print it and bring it 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.



## Law Student's Oath of Professionalism

As I begin the study of law at Atlanta's John Marshall Law School, I acknowledge and accept the privileges and responsibilities inherent in my becoming a lawyer, and the high standards and ideals that accompany such an undertaking.

Accordingly, I pledge that I will at all times conduct myself with the dignity befitting an advocate and counselor in a learned profession.

I commit myself to service without prejudice, integrity without compromise, and the diligent performance of my duties with the utmost good faith.

I acknowledge that I will be a zealous advocate, but will act with courtesy and cooperation toward others, and I will at all times, personally and professionally, conduct myself in a professional manner.

I will remember that my responsibilities to the legal profession should control my conduct both as a student of the law and, therefore, as a member of the bar.

I hereby accept my new status as a professional, and I will approach my colleagues and adversaries alike with the same integrity, professionalism and civility that the practice of law demands.

I pledge to conduct myself in accordance with and abide by Atlanta's John Marshall Law School's Code of Student Responsibility.

This pledge I take freely and upon my honor.

Signature: \_\_\_\_\_

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.

*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*



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*

47

## 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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- 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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**Atlanta's John Marshall Law School - CODE OF STUDENT RESPONSIBILITY**

**I. CANONS OF ETHICS**

C.E. 1. Lawyers and law students are bound to obey the law but are free to criticize it and advocate its change.

C.E. 2. Lawyers should exemplify integrity, honor, personal morality, and responsibility. Students at the Law School ought to conform to those standards in preparing for the legal profession. Public confidence in a self-regulating legal profession depends upon the willingness of lawyers and law students to be responsible for the conduct of their colleagues. Each student at the Law School should actively discourage other students from violating the Disciplinary Rules. A student who has personal knowledge of a violation of the Disciplinary Rules should report that knowledge to an official of the Law School and should assist in the investigation and determination of any such alleged violation.

**Atlanta's John Marshall Law School - CODE OF STUDENT RESPONSIBILITY**

**II. DISCIPLINARY RULES**

**A breach of the Canons of Ethics may not be grounds for discipline unless the breach also violates any of the following Disciplinary Rules.** Expulsion, suspension, or a lesser disciplinary sanction may be imposed. A lesser disciplinary sanction is defined as either a "disciplinary warning," "disciplinary probation," or other disciplinary sanction determined to be commensurate with the level of breach of conduct of rules as enumerated by the Disciplinary Rules set forth herein:

...  
(1) Other Disciplinary Sanctions include the following:

...  
D.R. 1. Dishonesty in any academic pursuit, including examinations and the submission of work for credit or publication. Dishonesty includes the giving or receiving of unauthorized assistance.

D.R. 9. Conduct evidencing bad moral character that is relevant to fitness for the study or practice of law.

**Atlanta's John Marshall Law School - Drug Free Campus Policy - Student Handbook**

(b) Drug Free Work Place Rule

(1) General Rule

Law School employees and students may not unlawfully manufacture, possess, use, or distribute illicit drugs and alcohol on Law School property, or as a part of any of its off-campus activities. Every employee and student must follow this rule. Any employee who violates this rule will be disciplined, suspended, or released. Any student who violates this policy will be disciplined, suspended, or expelled. The Law School will assist any law enforcement agency which is investigating drug or alcohol

law violations involving John Marshall employees or students.

(3) Suspension or Dismissal from School

A violation of the General Rule is a violation of the John Marshall Law School Code of Student Responsibility. Every law student and each faculty or staff member who is aware of a violation of the General Rule is obliged to report the violation as provided in the Code of Student Responsibility.

The Dean's Office will investigate any alleged violations of the General Rule. It may recommend that a student who has violated the General Rule be suspended or dismissed from school or any lesser penalty consistent with the Law School Drug Free Work Place Policy.

(c) Criminal Sanctions for Drug and Alcohol Abuse

(1) General

The following list of criminal penalties for drug and alcohol abuse is not exhaustive. Note well that there may be other provisions of Georgia and Federal statutes related to drugs and alcohol that are not included here.

(2) Criminal Acts in Georgia

John Marshall employees and students are subject to prosecution under the laws of Georgia for drug abuse and unlawful drug sales. Georgia has adopted the Uniform Controlled Substances Act (General Laws of Georgia §§ 16-13-20 *et seq.*). Some of the offenses contained in this Act and elsewhere in the General Laws of Georgia are described in a general manner below. Note well that there may be other provisions of Georgia statutes related to drugs and alcohol that are not included here. Driving under the influence of liquor or drugs is a misdemeanor but carries substantial penalties.

Causing serious bodily injury while driving under the influence of liquor or drugs is a different offense.

When death follows as a proximate result of operating a vehicle while under the influence of liquor or drugs, the penalties are even more severe than in the categories above.

Driving while in possession of a controlled substance is a separate offense. Consumption of alcoholic beverages while operating a motor vehicle is another separate offense.

...

*Atlanta's John Marshall Law School - Student Handbook*

**Sexual Harassment Policy of Atlanta's John Marshall Law School**

**Section 1. Human Rights Policy.**

It is the policy of the Law School not to discriminate on the basis of sex, physical handicap, disability, race, age, color, religion, national or ethnic origin, marital status, or sexual or affectional preference in its educational programs, admissions programs, employment practices, financial aid, or other school-administered programs.

**Section 2. Discrimination and Harassment.**

The Law School seeks to create and maintain an academic environment in which all members of the community are free from unlawful discrimination and harassment.

Definition of Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes sexual harassment when

...

(c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or academic performance or creating an intimidating, hostile, or offensive work or classroom environment.

...

*Atlanta's John Marshall Law School -Policy on Plagiarism*

*What is Plagiarism?*

Plagiarism is the "unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one's own original work." Random House Unabridged Dictionary 1479 (Stuart Berg Flexner et al. eds., 2d Ed., Random House 1993).

Plagiarism occurs when a writer fails to acknowledge the ideas of another.<sup>1</sup> The most direct form of plagiarism occurs when a writer inserts a verbatim quotation from a source and does not acknowledge it. However, plagiarism can also occur when there is an incomplete acknowledgment of the writer's source. For instance, a writer has plagiarized if he/she mixes in his/her own words with the words of the original source but nonetheless does not acknowledge the original source. Even when the author puts the entire idea and concept contained in the original source into his/her own words, if the author fails to acknowledge the source of his/her idea, he/she has plagiarized.

In legal writing, failing to cite to a source for a legal idea is a form of plagiarism. Almost all legal analysis is supported by case-law, statutes, or secondary sources, which must be cited as "authority." Court documents must contain citations to authority in support of legal arguments or the arguments will lack legal credibility. In fact, the author's legal argument carries more weight and is considered more authoritative when the argument is supported by legal authority.

The interplay between citations and plagiarism will be new to most students who may only be familiar with plagiarism in the context of undergraduate education. Some writers who are new to legal writing may feel that the extensive citation requirements stifle their originality and creativity. Unlike other forms of writing, however, good legal writing is defined by a lawyer's ability to use pre-existing legal authority to support legal conclusions. Thus, in the legal writing context, the author's



use of legal authority in ingenious ways is considered to be original and creative.

Plagiarizing violates the rights of the original author of a work and puts the plagiarizer at an unfair advantage over other students. Plagiarism also undermines one of the educational missions of John Marshall Law School, which is to produce lawyers who can engage in independent legal analysis. Turning in work that is not completely your own creates barriers to reaching your full potential as an attorney.

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<sup>1</sup> Adapted from the Publication on Plagiarism from the Legal Writing Institute, published in 2003 (“LWI Plagiarism Brochure”).

## What Are the Consequences of Plagiarism?

Plagiarism violates the John Marshall Law School Code of Student Responsibility, which prohibits “[d]ishonesty in any academic pursuit, including examinations and the submission of work for credit or publication” and “[c]onduct evidencing bad moral character that is relevant to fitness for the study or practice of law.” John Marshall Law School Code of Student Responsibility, D.R. 1 and 9.

Because plagiarism is a serious breach of the Law School’s Code of Student Responsibility, a violation can lead to severe consequences, which may include:

- a failing grade for the course or assignment;
- lowering of grade in any course to which the offense pertains;
- withdrawal of credit in a course;
- academic probation;
- written reprimand;
- oral admonition;
- suspension from law school;
- expulsion from law school;

Because plagiarism is dishonest, it runs contrary to principles of professional responsibility that all lawyers must meet. Accordingly, if you engage in plagiarism in law school, it may have far-reaching professional consequences. Because plagiarism is deemed to be a breach of character and fitness standards required by most jurisdictions to become an attorney, plagiarism in law school may prevent you from sitting for the bar exam or receiving a law license.

### *How Do I Avoid Plagiarism?*

When working with legal authority and other sources, knowing when to cite will help you avoid plagiarism. What follows are some basic guidelines<sup>2</sup> for understanding when you need to cite:

1. Acknowledge direct use of words that are another’s;
2. Acknowledge any paraphrase of words that are another’s;
3. Acknowledge direct use of another’s idea;
4. Acknowledge a source when your own analysis or conclusion builds on that source;
5. Acknowledge a secondary source when your idea about a case, statute or other legal authority came from a source other than the legal authority itself;
6. Take careful notes when researching so that you can document the source of the ideas that you will use; and
7. Ensure that material obtained from any source is attributed, including material obtained from electronic databases such as LexisNexis; Westlaw; and the Internet.

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<sup>2</sup>The following rules and guidelines have been adapted from the LWI Plagiarism Brochure.



# State Bar of Georgia

## **RULE 1.0. TERMINOLOGY AND DEFINITIONS. (EXCERPT)**

See [https://www.gabar.org/\\_files/ugd/7b5a59\\_3515af3a114f4bcbbd5a4c1fea13e2fe.pdf](https://www.gabar.org/_files/ugd/7b5a59_3515af3a114f4bcbbd5a4c1fea13e2fe.pdf) (Last Visited July 25, 2022)

- (a) “Belief” or “believes” denotes that the person involved actually thought the fact in question to be true. A person’s belief may be inferred from the circumstances.
- (b) “Confidential Proceedings” denotes any proceeding under these Rules which occurs prior to a filing in the Supreme Court of Georgia.
- (c) “Confirmed in writing” when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person, or a writing that a lawyer promptly transmits to the person confirming an oral informed consent. See paragraph (l) for the definition of “informed consent.” If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.
- (d) “Consult” or “consultation” denotes communication of information reasonably sufficient to permit the client to appreciate the significance of the matter in question.
- (e) “Conviction” or “convicted” denotes any of the following accepted by a court, whether or not a sentence has been imposed: (1) a guilty plea;  
(2) a plea of nolo contendere; (3) a verdict of guilty;  
(4) a verdict of guilty but mentally ill; or  
(5) a plea entered under the Georgia First Offender Act, OCGA § 42-8-60 et seq., or a substantially similar statute in Georgia or another jurisdiction.

\* \* \*



# State Bar of Georgia

## **RULE 8.1 BAR ADMISSION AND DISCIPLINARY MATTERS**

See [https://www.gabar.org/\\_files/ugd/7b5a59\\_3515af3a114f4bcbbd5a4c1fea13e2fe.pdf](https://www.gabar.org/_files/ugd/7b5a59_3515af3a114f4bcbbd5a4c1fea13e2fe.pdf) (Last Visited July 25, 2022)

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.



# State Bar of Georgia

## **RULE 8.3 REPORTING PROFESSIONAL MISCONDUCT**

See [https://www.gabar.org/\\_files/ugd/7b5a59\\_3515af3a114f4bcbbd5a4c1fea13e2fe.pdf](https://www.gabar.org/_files/ugd/7b5a59_3515af3a114f4bcbbd5a4c1fea13e2fe.pdf) (Last Visited July 25, 2022)

- (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.

There is no disciplinary penalty for a violation of this Rule.

### Comment

[1] Self-regulation of the legal profession requires that members of the profession initiate disciplinary investigations when they know of a violation of the Georgia Rules of Professional Conduct. Lawyers have a similar obligation with respect to judicial misconduct. An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense.



# State Bar of Georgia

## RULE 8.4 MISCONDUCT

See [https://www.gabar.org/\\_files/ugd/7b5a59\\_3515af3a114f4bcbbd5a4c1fea13e2fe.pdf](https://www.gabar.org/_files/ugd/7b5a59_3515af3a114f4bcbbd5a4c1fea13e2fe.pdf) (Last Visited July 25, 2022)

- (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;
  - (5) fail to pay any final judgment or rule absolute rendered against such lawyer for money collected by him or her as a lawyer within ten days after the time appointed in the order or judgment;
  - (6)
    - (i) state an ability to influence improperly a government agency or official by means that violate the Georgia Rules of Professional Conduct or other law;
    - (ii) state an ability to achieve results by means that violate the Georgia Rules of Professional Conduct or other law; (iii) achieve results by means that violate the Georgia Rules of Professional Conduct or other law;
  - (7) knowingly assist a judge or judicial officer in conduct that is a violation of applicable Rules of judicial conduct or other law; or
  - (8) commit a criminal act that relates to the lawyer's fitness to practice law or reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer, where the lawyer has admitted in judicio, the commission of such act.
- (b)
- (1) For purposes of this Rule, conviction shall have the meaning set forth in Rule 1.0 (e)
  - (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.
- (c) This Rule shall not be construed to cause any infringement of the existing inherent right of Georgia Superior Courts to suspend and disbar lawyers from practice based upon a conviction of a crime as specified in paragraphs (a) (1), (a) (2) and (a) (3) above.
- (d) Rule 8.4 (a) (1) does not apply to any of the Georgia Rules of Professional Conduct for which there is no disciplinary penalty.

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 prevent 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 cannot.

[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.

[4] Reserved.

[5] A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2 (d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

[6] Persons holding public office assume responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.

See <https://www.gabaradmissions.org/policy-statement> (last visited 07-25-22)

**SUPREME COURT OF GEORGIA  
OFFICE OF BAR ADMISSIONS  
(EXCERPTS)  
POLICY STATEMENT OF THE BOARD  
TO DETERMINE FITNESS OF BAR APPLICANTS  
REGARDING CHARACTER AND FITNESS REVIEWS**

The Supreme Court of Georgia has delegated to the Board to Determine Fitness of Bar Applicants the responsibility of deciding whether applicants for admission to the practice of law possess the integrity and character requisite to be members of the Bar of Georgia. The public interest requires that the public be secure in its expectation that those who are admitted to the Bar are worthy of the trust and confidence clients may reasonably place in their attorneys.

In order to be certified for fitness, the Board requires 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. A person with a record showing a deficiency in honesty, trustworthiness, diligence, reliability, or judgment might not be recommended by the Fitness Board to the Supreme Court for admission. The burden is on the applicant to establish and document his or her current good character and fitness for admission. If the Board determines that the applicant's current character and fitness are deficient in honesty, trustworthiness, diligence, reliability, or judgment, the applicant will not be recommended for admission.

The Board views character and fitness as including, but not limited to, the following elements:

- The ability to conduct oneself with a high degree of honesty, integrity, and trustworthiness in all professional relationships and with respect to all legal obligations.
- The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others.
- The ability to conduct oneself with respect for and in accordance with the law and the Georgia Rules of Professional Conduct, (Part IV of the Rules and Regulations for the Organization and Government of the State Bar of Georgia), and A Lawyer's Creed, and the Aspirational Statement on Professionalism (Part IX).
- The ability to exercise good judgment in conducting one's professional business.
- The ability to avoid acts that exhibit disregard for the health, safety and welfare of others.
- The ability to conduct oneself diligently and reliably in fulfilling all obligations to clients, attorneys, courts, and others.
- The ability to comply with deadlines and time constraints.
- The ability to conduct oneself professionally and in a manner that engenders respect for the law and the legal profession.

The Board will conduct a thorough investigation of each applicant, using as a basis for the investigation the Fitness Application submitted to the Office of Bar Admissions by the applicant. There is conduct that the Board may consider the basis for further inquiry. This conduct includes, but is not limited to:



If, at the time of the application, criminal charges are pending against the applicant, the Board will table the application until these charges are resolved. If a conviction results in probation, restitution or some other sentence, the Board will not consider the application until the sentence has been served and probation completed. The Board will then proceed to investigate the facts and circumstances that led to the criminal charges. The Board will adhere to the court's original sentence in calculating the eligibility date for Certification of Fitness to Practice Law, regardless of any earlier termination or completion of probation.

B. Academic Misconduct:

The Fitness Board strongly believes that academic misconduct, notably plagiarism, is indicative of dishonesty and untrustworthiness and predictive of dishonesty and untrustworthiness in the practice of law. Academic misconduct in law school is of particular concern to the Fitness Board. If an applicant has received a sanction or been disciplined for a charge of plagiarism or any other academic misconduct in law school, the applicant might not be recommended by the Fitness Board to the Supreme Court for admission.

C. Making a False Statement:

A pattern of dishonesty in dealings with employers, schools and authorities, including the Office of Bar Admissions, is the most frequent reason for denial of Bar applicants. Giving false information on the application or failing to be entirely forthcoming and completely candid in the application process is a serious error which will have negative consequences for an applicant. The failure to be fully responsive to application questions, or any other lack of candor in the application process, involves sworn statements made to an agency of the Supreme Court itself; since such dishonesty is both current and ongoing, the applicant to whom it might be charged will have a difficult time showing that rehabilitation--which requires more than contrition--has occurred and will be sustained.

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E. Evidence of Mental or Emotional Instability:

Evidence of mental or emotional instability, like evidence of chemical dependency, is one of the factors about which the Fitness Board must inquire. Board members recognize that the stresses of law school, as well as other life factors, frequently result in seeking psychiatric or psychological counseling. The Board encourages any applicant to obtain such counseling or treatment if potential benefits might accrue. The applicant should not allow his or her future Bar application to color that decision. Only severe forms of mental or emotional problems will trigger an in-depth investigation or have an impact on Bar admission decisions. Isolated instances of consultation for conditions associated with emotional stress will not be of serious concern to the Board.

F. Drug or Alcohol Dependency and Mental or Emotional Instability:

Evidence of drug or alcohol dependency or abuse and evidence of mental or emotional instability are relevant conduct factors about which the Board must inquire. Accordingly, the applicant should be prepared to provide treatment records, as well as other records of incidents which were associated with any abuse or addictive behavior or mental or emotional instability.

If the applicant has a problem with drugs or alcohol or mental health issues, he or she is strongly encouraged to get the counseling or treatment needed as soon as possible. The applicant's recognition of the problem and the treatment record will be important evidence of rehabilitation, regardless of the seriousness of any misconduct which may have arisen from the chemical dependency or mental health issues. The Board has the option of asking

applicants to obtain a drug, alcohol, or mental health evaluation from a Board-certified psychiatrist or licensed psychologist of Ph.D. level recommended by the Board.

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

“I, \_\_\_\_\_, swear that I will truly and honestly, justly and 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 22, 2002*

See <https://www.gasupreme.us/rules/amendments-to-rules/attorney-oath/> (last visited 08-02-21)

## LAW STUDENT APPLICATION

State Bar of Georgia  
Membership Department  
104 Marietta St. NW, Suite 100  
Atlanta, GA 30303-2743

**Please submit via email to:** [membership@gabar.org](mailto:membership@gabar.org)

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 \_\_\_\_\_

PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

EXPECTED YEAR OF GRADUATION \_\_\_\_\_

SIGNATURE OF APPLICANT \_\_\_\_\_

**Instructions**

This fillable form is provided for your convenience. **The easiest way to submit your application is via email.** Simply fill out the form\* and use the submit button to email your completed application to the State Bar of Georgia Membership Department.

*\*Your typed name in the signature box will be accepted as a signature when submitting via email.*

Or you may fill out the form, print, sign and mail the completed application to:

State Bar of Georgia  
Membership Department  
104 Marietta St. NW, Suite 100  
Atlanta, GA 30303

If you have any questions, please email [membership@gabar.org](mailto:membership@gabar.org), or call 404-527-8777/800-334-6865.

**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. Affiliate Membership and Law Student Membership.**

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.

Atlanta's John Marshall Law School is committed to providing a successful learning and working environment for all members of its community, free from any sexual misconduct or harassment. The Law School regards such behavior as a violation of the standard of conduct required of all students. Should you have any questions regarding the Title IX Policy, please contact:

Title IX Coordinator  
Dean Sheryl Harrison  
(678) 916-2681  
sharrison@johnmarshall.edu

**Additional Resources:**

**Campus Security**

(404) 275-2910 cell  
(678) 916-2695  
security@johnmarshall.edu

**Peer Victim Advocates**

Gandara Gallishaw: gggallishaw@johnmarshall.edu  
Lindsey Roberts: lnroberts@johnmarshall.edu

**Campus Counselor**

1 Alliance Counseling and Psychotherapy Services  
678-310-6631 or [info@1AllianceCPS.com](mailto:info@1AllianceCPS.com)

Sarah Young  
Midtown Psychotherapy Associates  
(202)591-9770 or sarahyoungmft@gmail.com

Cecil Walker  
Midtown Psychotherapy Associates  
(470)231-9640 or [cecil.rolston.walker@gmail.com](mailto:cecil.rolston.walker@gmail.com)

## Mental Health

The law school promotes mental health for all students. Students have access to a diverse group of counselors. Students are permitted six (6) free counseling sessions. If you are interested in a telemental health session (a virtual session that is similar to Skype), please contact Lisa Smith at [lisa.smith@lalliancecps.com](mailto:lisa.smith@lalliancecps.com) or 770-530-8813, Cecil Walker at [cecil.rolston.walker@gmail.com](mailto:cecil.rolston.walker@gmail.com) or 470-231-9640, or sarah young at [sarahyoungmft@gmail.com](mailto:sarahyoungmft@gmail.com) or 202-591-9770 .

Students should also note that Wellness Wednesdays are held throughout the fall and spring semesters to promote physical, mental, social and financial well-being among students at the law school.



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# STATE BAR OF GEORGIA COMMITTEE ON PROFESSIONALISM

Hypothetical problems for group discussion





## Problem 1

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In Marcus's 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 1 Cont

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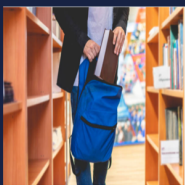
Three days before the exam, Marcus receives an e-mail from a college friend who is attending another law school. His friend tells him that Marcus's Civil Procedure professor used to teach at that law school a couple of years ago. Marcus's friend has learned of a book that contains a contribution by the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





## Problem 1 Cont

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

- 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?

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## 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)



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## Aspirational Statement on Professionalism

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

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

(1) act with complete honesty.

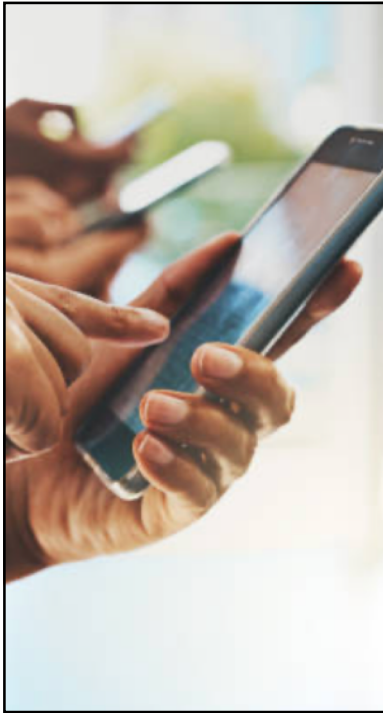
(Lines 115, 128 – 129)

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

(c) To assist my colleagues become better people in the practice of law and to accept their assistance offered to me.

(Lines 139, 142)

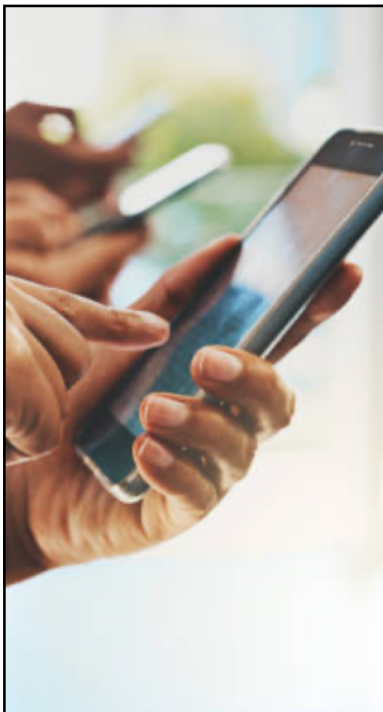




## Problem 2

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All 1L students have torts with Professor Brown in either her Section A or Section B class. Students in both sections took the same midterm. Students in Section A had completed their midterm exam on Monday afternoon, while students in Section B had their midterm on Wednesday afternoon. On Monday evening, after completing their afternoon exam, students in Section A began discussing the exam on the Section A Group Me chat. Various Section A students discussed the content of the questions, the issues involved, and how they resolved the issue.

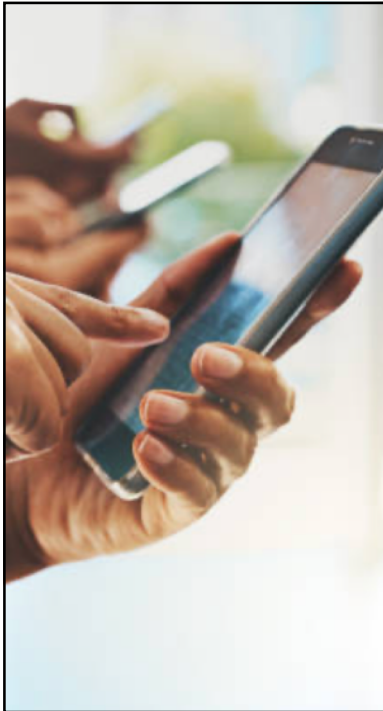


## Problem 2 Cont

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Although the GroupMe was set up for only Section A students, a few students in Section B, who had been switched from Section A to Section B immediately before the first day of class, were members of the Section A GroupMe. None of the Section A GroupMe participants in the chat were aware of the Section B students' continued membership in the Section A GroupMe, but they also did not ascertain who was included in the membership or how the membership was maintained before participating in the chat.





## Problem 2 Cont

Miranda, a student in Section B who was still a member of the Section A GroupMe, followed the chat and shared the information with some of her friends in Section B before the Section B midterm on Wednesday. The students in Section B who learned of the Section A discussion prepared for the midterm exam by incorporating the information provided in the Section A GroupMe chat.



## QUESTIONS FOR DISCUSSION

- What should Miranda have done once she became aware of the Section A Group Me discussion about the midterm? Did Miranda act unprofessionally by sharing the information with other students? Or was sharing the information with others in Section B the best way to proceed to increase the number of students in Section B with the same information about the midterm?
- What should the Section B students who learned of the midterm information from Miranda have done?



## QUESTIONS FOR DISCUSSION

- Did the Section A students act professionally in sharing information about the exam on social media? Does it matter who had access to the GroupMe chat? Is the threat of overheard or shared conversations different for in-person discussions?
  - What if, at a restaurant, you overheard your opposing counsel discussing the case that you were litigating against her with her client? Would you listen? Would you inform counsel immediately? Use the information against them?
- 



## QUESTIONS FOR DISCUSSION

- What if Miranda learned of additional information inadvertently after talking with her professor during office hours prior to the exam?
  - In what ways do you think Miranda's professional reputation among her Section B classmates could be affected by sharing the information?
  - In what ways do you think Miranda's professional reputation among her Section A classmates could be affected by sharing the information?
-





## QUESTIONS FOR DISCUSSION

- Will Section A classmates feel they have been disadvantaged because Section B had more advanced knowledge of the exam than the Section A students? Will the Section A students believe the Section B students should be graded differently than the Section A students?

## 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)





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## Aspirational Statement on Professionalism

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

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

(1) act with complete honesty.

(Lines 115, 128 – 129)

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

(c) 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. 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?
- 

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## 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).



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## Aspirational Statement on Professionalism

As a lawyer, I will aspire:

(c) 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.

(f) To practice with a personal commitment to the rules governing our profession and to encourage others to do the same.

(Lines 48, 54 – 57, 62 – 63)



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## Aspirational Statement on Professionalism, Cont

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

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

(4) Using other appropriate methods of effecting positive change in our laws and legal system.

(Lines 155, 170, 174 – 175)





## Problem 4

### Part A

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

### Part A

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. 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

### Part A

- What should Morgan do?
- What if Morgan decides to confront Tracy, what does that conversation look like?
- 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 Morgan offered them to Tracy before she asked for them? What should Tracy do?
- What if Tracy took some of Morgan's pills without her permission and told Morgan after the fact?



### Problem 4

#### Part B

Morgan refused to give the pills to Tracy but later sees Tracy on campus purchasing pills from another individual who did not appear to be authorized to give pharmaceutical prescriptions.





## QUESTIONS FOR DISCUSSION

### Part B

- What would/should Morgan do? Does it change your answer if Morgan has become aware that Tracy has a substance abuse problem and has been asking around campus of names for potential suppliers?
  - What if Morgan has noticed that Tracy exhibits some of the symptoms of a mental health disorder and could benefit from speaking to a doctor and getting her own prescription for Adderall?
    - What can Morgan do to help Tracy? What are some resources that may be beneficial to Tracy?
- 



## QUESTIONS FOR DISCUSSION

- How do you reconcile your peers' widespread use with the fact that everyone knows it is illegal?
  - As you embark on a legal career, how does that affect your responsibility to address the problem?
-

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## 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. (16 – 18)



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## Aspirational Statement on Professionalism, Cont

As a lawyer, I will aspire:

(h) 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)





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## Aspirational Statement on Professionalism, Cont

As to our profession, I will aspire to:

- (b) To protect the public from incompetent or other wrongful lawyering. As a professional, I should:
- (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, 149 – 150, 153 – 154)



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## Aspirational Statement on Professionalism, Cont

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; and,
- (c) To assist my colleagues become better people in the practice of law and to accept their assistance offered to me.

(Lines 139 – 142)





## Problem 5 Cont

### Part A

Amari is a second-year law student who is excited about her classes, especially her public health elective. After a few weeks, Amari’s public health professor, an adjunct named Professor Lee, tells the class that there will be a panel discussing constitutional issues at the next class. The next week, the panelists arrive as planned and begin discussing vaccines, science, healthcare, and individual rights.



## Problem 5 Cont

### Part A

One of the panelists is an attorney who represents companies and individuals who are fighting vaccine mandates. The attorney says to the class, “Controversial issues like these have a lot of emotion involved, but at the end of the day, it’s not about emotions—it’s about rights. Everyone deserves representation.”





## Problem 5 Cont

### Part A

Soon after Professor Lee hosts the panel, a few enraged students start circulating a petition instructing the school not to rehire adjunct Professor Lee.

- Amari is approached by a friend who was deeply offended by the professor's panel and presentation. She says to Amari, "How could Professor Lee allow someone like that in the classroom? Any professor who tolerates anti-vaccine conspiracy theorists is not any professor I want teaching at my school." She asks Amari to sign the petition.



## Problem 5 Cont

### Part A

- Imagine you are in Amari's position. What should Amari consider in making her decision on whether to sign the petition?
- Amari knows many of her classmates have family members and friends who have died from various airborne diseases. Many of those diseases have vaccines to prevent their spread. In fact, Amari lost a close relative to an airborne disease earlier this year.
  - If you are in Amari's position, does this change your perspective?





## Problem 5 Cont

### Part B

Soon, news of the students' petition spreads to social media. Jordan, a first-year student at the school who heard about the panel and the petition, posts a meme (pictured below) with the following text:

**“Students of the Professionalism College of Law, this message is for you and your ridiculous petition to get rid of Prof. Lee! This is law school, not daycare. Your precious feelings don’t get to be coddled.”**



## QUESTIONS FOR DISCUSSION

- Have you seen something similar on social media? Regardless of whether the person has the right to make the statement, do you think this statement has professional ramifications?
  - a. What is the relationship between a person's right to make a statement and whether the statement is representative of the professional brand a person wants to portray? Why should law students be particularly cognizant of this relationship?
  - b. If you were an attorney interviewing Jordan for a position at your firm, what does this post tell you about his professional brand?



## QUESTIONS FOR DISCUSSION

- c. Imagine that instead of Jordan, you had made the post on social media. Are you concerned about what this post says about your professional brand? Why or why not?
- d. 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?
- e. Does it matter if the post is public or private? What if the post is only shared in a Group Message with friends?
- f. Do these posts reflect on the law school as a whole? Why or why not?
- g. Do the posts reflect on the legal profession as a whole? Why or why not?

## GRPC RULE 1.2 SCOPE OF REPRESENTATION

(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the scope and objectives of representation . . .

(b) ***A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.***

(Emphasis supplied).



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## Lawyer's Creed

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

(Lines 6 – 9)



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## Lawyer's Creed, Cont

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)



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## Aspirational Statement on Professionalism

As a lawyer, I will aspire:

(b) 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.

(c) 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.

(e) To make the law, the legal system, and other dispute resolution processes available to all.

(Lines 48, 51 – 53, 54 – 57, 60 – 61)





## Problem 6

Kapress, a first-year law student, has a legal research and writing assignment on negligence based upon a specific factual scenario. The assignment is due in one week. Nervous, Kapress accepts assistance from a third-year law student who had the same instructor during his first year. Kapress learns that the instructor always uses the same assignments.



## Problem 6 Cont

The third-year student provides his negligence paper to Kapress. Kapress decides to directly copy the following paragraph from the third-year student's submission without making any changes, without quotation marks, and without source citation:

Tosha was negligent in causing the car accident when she failed to yield and her vehicle impacted Shannon's vehicle. Specifically, Tosha owed a duty to Shannon. Tosha breached that duty when she failed to yield. The breach of duty resulted in physical injuries, pain and suffering, lost wages, and property damage.







## QUESTIONS FOR DISCUSSION

- Did Kapress commit plagiarism?
- Would your answer to question no. 1 change if Kapress changed wording of the paragraph as follows:
  - Tosha was negligent in causing the car accident when she failed to yield and her vehicle impacted Shannon's vehicle. Tosha owed a duty to Shannon. Tosha breached her duty when she failed to yield. The breach of duty resulted in property damage, pain and suffering, physical injuries, and lost wages.
- Pretend the instructions required electronic submission of the assignment and that Kapress included a video on negligence without providing any information as to the video's origin. Did Kapress commit plagiarism?

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(Lines 10 – 12)



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(Lines 115, 128 – 129)

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(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)

As to clients, I will aspire:

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

(Line 73 – 74)



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## Aspirational Statement on Professionalism, Cont

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

(e) to improve our laws and legal system by, for example,

(4) using other appropriate methods of effecting positive change in our law and legal system.

(Lines 155, 170, 174 – 175)



## Acknowledgements

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Special thanks to:

### State Bar Committee on Professionalism

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- Terrica Redfield Ganzy, Southern Center for Human Rights, Vice Chair

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- Michael Herskowitz, U.S. Attorney's Office, Northern District of Georgia, Chair
  - Kacey Baine, VC
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  - Kent Barnett
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  - Christopher Brock
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