

---

# STATE BAR OF GEORGIA COMMITTEE ON PROFESSIONALISM

Hypothetical problems for group discussion





## Problem 1

---

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.

1





## Problem 1 Cont

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?



# Read and reflect on these sources . . .

## [Emory Law School Professional Conduct Code](#)

The Values Underlying Emory's Legal Education:

**Integrity.** For everyone in our professional context – practicing lawyers, professors, staff and students – an ethic of integrity is essential as well. This value means much more, however, than simply honesty. It is the consistent personal application of an inner ethic of excellence.

For practitioners, integrity means remaining faithful to the bedrock elements of the "rule of law" on which the legitimacy of their work depends. This can be summarized, in large part, by the idea that at some point a lawyer's responsibility is not to do what a client demands, but instead to say "no" because the system of law itself – and the lawyer's place within it – will be compromised unacceptably by any lesser response. It is an uncomfortable thing to have to do.

# Read and reflect on these sources . . .

## Emory Law School Professional Conduct Code

### OFFENSES

The following are acts of misconduct that will subject a student to prosecution under this Code.

#### Academic Misconduct:

- Intentionally obtaining or giving information about the content of an examination, knowing that the release of that information has not been authorized; or otherwise intentionally giving or obtaining unauthorized assistance on any academic assignment or examination;
- Failing to report to the Dean of Students, unintentional receipt of information about the content of an examination, knowing that the release of that information has not been authorized;
- Intentionally using, giving, or obtaining unauthorized assistance on any academic assignment or examination;
- Intentionally mis-shelving, hiding, or damaging library property or intentionally removing library property without authorization.

---

## 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:

(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

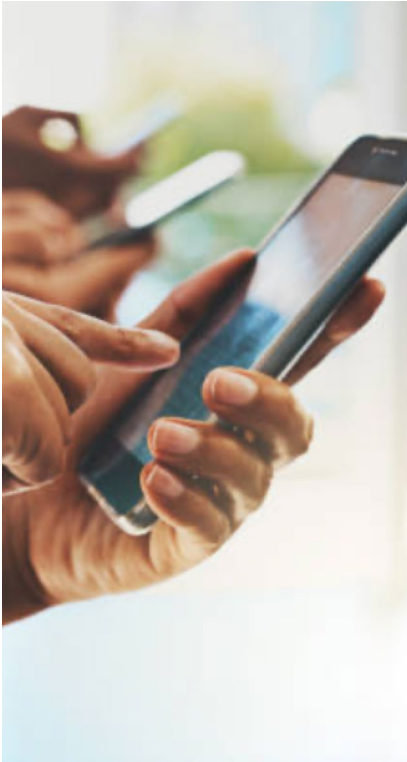
---



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.

7





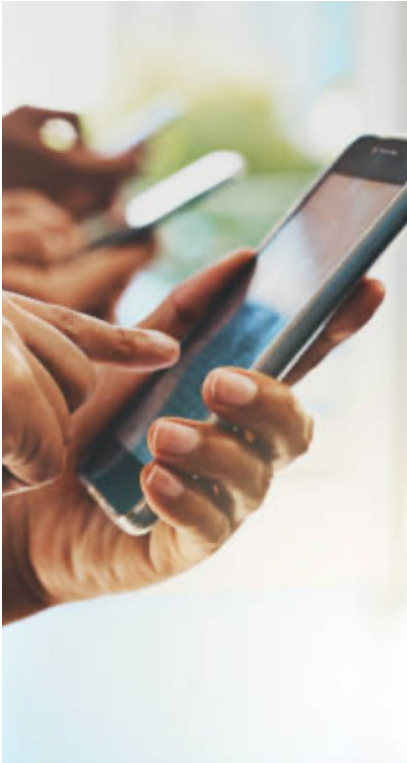
## Problem 2 Cont

---

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.

8





## 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?





# Read and reflect on these sources . . .

## [Emory Law School Professional Conduct Code](#)

One of the four values that characterize and animate Emory Law's Conduct Code, includes the concept of Excellence.

"In the context of a professional education, information alone is never the ultimate goal. What we seek is the wisdom and judgment to use information to its fullest, most appropriate potential. This means that the key, unavoidable test to be applied to any decision made by any member of our community is whether it moves that person—and us as a whole—in the direction of distinction rather than the merely adequate. This value is therefore an attitude, not a result. Excellence means that Emory Law faculty's standards for itself and its students must be high."



# Read and reflect on these sources . . .

## Emory Law School Professional Conduct Code

### OFFENSES

The following are acts of misconduct that will subject a student to prosecution under this Code.

#### Unlawful Conduct:

- Conviction for breach of the law of the United States or any state.

#### Unethical Conduct:

- Failing to report to the Dean of Students, conduct that would subject a student to prosecution under this Code.

---

## 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:

(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."

17





---

## 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?



# Read and reflect on these sources . . .

## [Emory Law School Professional Conduct Code](#)

Respect. In the context of a professional education, the ethic of respect also has a more focused meaning than its conventional moral form. While all members of the law school community should treat each other with personal respect, professional respect is dependent on a person's commitment to the values of excellence and integrity on which the institution's heritage depends. Interpersonal respect at Emory, in other words, is derived from factors such as the value each of us attributes to the law itself as a social institution, the esteem in which we hold the practice of law as a profession, and the recognition we give to those among us who exhibit the highest standards for themselves as teachers or students.





# Read and reflect on these sources . . .

## [Emory Law School Professional Conduct Code](#)

### Respect (Continued)

As a consequence, ridicule of those who take their involvement in this educational community seriously has no place at Emory. By the same token, criticism of those who lack a commitment to excellence and integrity is entirely appropriate. Law students at Emory are entitled, then, to demand the professional and educational best from the faculty and their fellow students, just as faculty are entitled to demand the same from fellow faculty and students. And when these demands are met, as we believe they overwhelmingly are at Emory, respect becomes a natural and integral part of the environment.



# Read and reflect on these sources . . .

## Emory Law School Professional Conduct Code

### OFFENSES

The following are acts of misconduct that will subject a student to prosecution under this Code.

#### Unlawful conduct:

- Intentionally violating University rules and regulations applicable to law students;
- Abusing the person or property of another, including conduct occurring on University property that threatens the personal safety or the property or the physical or mental health of a member of the University community; stealing or misappropriating another person's property while that person is on University property; and
- Conviction for breach of the law of the United States or any state.

#### Unethical conduct:

- Failing to report to the Dean of Students, conduct that would subject a student to prosecution under this Code.

---

## 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:

(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)



---

## 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.

23





## 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?

# Read and reflect on these sources . . .

## [Emory Law School Professional Conduct Code](#)

Service. The legal system exists not for its own sake, but to regulate and facilitate social interaction. Lawyers operate within a service industry vital to the country's entire population, providing expert assistance in sometimes difficult and controversial circumstances. Lawyers consequently have a special responsibility to see that legal assistance is as widely available in society as it can be. The Emory Law community has long been characterized as emphasizing this ethic of professional service as a regular and expected part of legal education. We encourage faculty and students alike to participate in various activities that stretch the impact of our educational efforts well beyond Gambrell Hall, and in particular to segments of our society that have historically been underserved by the legal profession.

# Read and reflect on these sources . . .

## Emory Law School Professional Conduct Code

### OFFENSES

The following are acts of misconduct that will subject a student to prosecution under this Code.

#### Unlawful conduct:

- Intentionally violating University rules and regulations applicable to law students;
- Abusing the person or property of another, including conduct occurring on University property that threatens the personal safety or the property or the physical or mental health of a member of the University community; stealing or misappropriating another person's property while that person is on University property; and
- Conviction for breach of the law of the United States or any state.

#### Unethical conduct:

- Failing to report to the Dean of Students, conduct that would subject a student to prosecution under this Code.

---

## 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)

28



---

## 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)



---

## 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)





---

## 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.

32



## Problem 5



### 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.”

33



## Problem 5



### 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.

34

## Problem 5



### 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?

35



## Problem 5



### 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?





# Read and reflect on these sources . . .

## [Emory Law School Professional Conduct Code](#)

The Values Underlying Emory's Legal Education:

**Integrity.** For everyone in our professional context – practicing lawyers, professors, staff and students – an ethic of integrity is essential as well. This value means much more, however, than simply honesty. It is the consistent personal application of an inner ethic of excellence. As “professionals” rather than just “students,” Emory Law students are expected to be full-fledged participants in their professional development. When they become practicing lawyers, integrity means remaining faithful to the bedrock elements of the rule of law on which the legitimacy of their work depends.



# Read and reflect on these sources . . .

## Emory Law School Professional Conduct Code

### OFFENSES

The following are acts of misconduct that will subject a student to prosecution under this Code.

#### Academic Misconduct:

- Plagiarizing or plagiarism, which means using, intentionally or not, a written document or electronic record reflecting the ideas or words of another as one's own without proper attribution to the source of those ideas or words.

---

## 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).



---

## 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)



---

## 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:

- (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.

43





## 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:
  - Toshia was negligent in causing the car accident when she failed to yield and her vehicle impacted Shannon's vehicle. Toshia owed a duty to Shannon. Toshia 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?



# Read and reflect on these sources . . .

## [Emory Law School Professional Conduct Code](#)

One of the four values that characterize and animate Emory Law's Conduct Code, includes the concept of Excellence.

"In the context of a professional education, information alone is never the ultimate goal. What we seek is the wisdom and judgment to use information to its fullest, most appropriate potential. This means that the key, unavoidable test to be applied to any decision made by any member of our community is whether it moves that person—and us as a whole—in the direction of distinction rather than the merely adequate. This value is therefore an attitude, not a result. Excellence means that Emory Law faculty's standards for itself and its students must be high."

---

## 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:

(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:

(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)



---

## 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)



---

@CJCPGA

## Connect With Us

[www.cjcpga.org](http://www.cjcpga.org)



[YouTube](https://www.youtube.com)



[LinkedIn](https://www.linkedin.com)



[Twitter](https://twitter.com)

53

#Orientation2022

---