
STATE BAR OF GEORGIA COMMITTEE ON PROFESSIONALISM

Hypothetical problems for group discussion v.07-20-23



Problem 1



In Marcus' first-year Civil Procedure course, the professor uses the same two hypotheticals to stimulate discussion. The class always gets involved in trying to solve the issues raised, but the professor never gives any clue that the class is on the right track.

Each time, the professor gives hints that these, or similar problems, will be on the exam.

Problem 1



Three days before the exam, Marcus speaks with a college friend who attends another law school. During the conversation, Marcus discusses his Civil Procedure course.

His friend tells him that Marcus' Civil Procedure professor used to teach at her law school and there is a little-known website that contains an in-depth discussion of the professor's hypotheticals.



QUESTIONS

FOR DISCUSSION

- Should Marcus access the website?
- Should Marcus share the information with members of his study group?
- Should Marcus share the information with anyone else?

Problem 1 Cont.



Marcus learns that the Civil Procedure professor plans to give students access to a password protected website during the study period before exams. Marcus' mentor gives him access to the same website at the start of the semester.

What if Marcus found the website and it was password protected?

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.



Aspirational Statement on Professionalism

- As to the courts, other tribunals, and to those who assist them, I will aspire to model for others the respect due to our courts. As a professional I should act with complete honesty (Lines 115, 128 – 129)
- As to my colleagues in the practice of law, I will aspire to assist my colleagues become better people in the practice of law and to accept their assistance offered to me. (Lines 139, 142)



Problem 2



All 1L students take torts with Professor Brown in either her Section A or Section B. Students in both sections took the same midterm.

Students in Section A completed their midterm exam on Monday afternoon, while students in Section B completed their midterm exam on Wednesday afternoon.

Problem 2



On Monday evening, after completing their afternoon exam, students in Section A began discussing the exam on the Section A GroupMe chat.

Various Section A students discussed the content of the questions, the issues involved, and how they resolved the issues.

Problem 2



Although the GroupMe was set up for only Section A students, a few students in Section B, who were 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 chat.

Problem 2



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 GroupMe discussion about the midterm?
- Did Miranda act unprofessionally by sharing the information with other students?
- 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?
- 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

- Will Section A classmates feel they were disadvantaged because Section B had more advanced knowledge of the exam than the Section A students?
- In what ways do you think Miranda's professional reputation could be affected by her conduct among her Section A and Section B classmates?

A 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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- As to my colleagues in the practice of law, I will aspire to assist my colleagues become better people in the practice of law and to accept their assistance offered to me. (Lines 139, 142)



Aspirational Statement on Professionalism

As to clients, I will aspire, to comply with the obligations of confidentiality and the avoidance of conflicting loyalties in a manner designed to achieve the fidelity to clients that is the purpose of these obligations.

(Lines 115, 128 – 129)



Problem 3



Ray, one of your classmates, recently told you that he was discussing a recent affirmative action case when his supervisor asked, “Why do these people think this solution is a good idea?”

Ray was shocked by his supervisor’s statements but reluctantly nodded, appearing to agree with her.

Problem 3



Because Ray truly disagrees with his supervisor, he wants to share his opinion, but he is afraid of the potential consequences for stating his thoughts about the remark.

Ray asks you for advice.



QUESTIONS FOR DISCUSSION

- How do you approach talking with your classmate about this situation?
- What is your advice to your classmate?
- Should the law school speak to the supervisor and/or placement about your classmate's concerns?



QUESTIONS FOR DISCUSSION

- What if your classmate also told you that he or she informed a career counselor at your law school, and the career counselor suggested your classmate not say anything so he or she wouldn't burn bridges for the job?
- Does your response change?

A 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)
- 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)
- To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients.
• (Lines 19 – 23)



Aspirational Statement on Professionalism

- To avoid all forms of wrongful discrimination in all of my activities including discrimination on the basis of race, religion, sex, age, handicap, veteran status, or national origin. The social goals of equality and fairness will be personal goals for me. (Lines 54 – 57)
- To preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good.
(Lines 58 – 59)



Aspirational Statement on Professionalism

- To preserve the dignity and the integrity of our profession by my conduct. The dignity and the integrity of our profession is an inheritance that must be maintained by each successive generation of lawyers. (Lines 64 – 66)
-
- Be courteous and civil in all communications. (Line 108)
- To recognize and to develop our interdependence. (Line 140)



Problem 4 – Part A



Tracy and Morgan are study partners. First semester finals are approaching quickly. Tracy has been so stressed over classes that she has had trouble concentrating. Her outlines are incomplete, and she is certain that she will not be ready for finals at this rate.

Problem 4 – Part A



Tracy knows Morgan has a medical prescription for Adderall, a controlled substance.

Although she does not have a medical need for Adderall, Tracy is 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 several law school classmates who also do not have a medical prescription for Adderall.

Problem 4 – Part A



To give her an edge through finals, Tracy asks Morgan to give her a 'few' pills.



QUESTIONS FOR DISCUSSION

- What should Morgan do?
- What if Morgan decides to confront Tracy? How does that conversation sound?
- Does Tracy's request for Adderall violate the honor code? What if Morgan gave the pills to Tracy?



QUESTIONS FOR DISCUSSION

- 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 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

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



QUESTIONS FOR DISCUSSION

- How do you reconcile your peers' widespread substance misuse 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?
-

A Lawyer's Creed

- To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust. (Lines 2 – 5)
- To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship. (Lines 13 – 15)
- To the profession, I offer assistance. I will strive to keep our business a profession and our profession a calling in the spirit of public service. (Lines 16 – 18)



Aspirational Statement on Professionalism

As to my colleague 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.



Aspirational Statement on Professionalism

As to our profession, I will aspire to protect the public from incompetent or other wrongful lawyering.

(Lines 144, 149-150)



Aspirational Statement on Professionalism

(b) 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 149-150, 152 - 154)



Problem 5 – 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 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 – 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 – Part A



Soon after Professor Lee hosts the panel, a few enraged students circulate 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.



QUESTION FOR DISCUSSION

Imagine you are in Amari's position. What should Amari consider in making her decision on whether to sign the petition?

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(Lines 19 – 23)



Aspirational Statement on Professionalism

As a lawyer, I will aspire:

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

(Lines 60 – 61)



Professionalism: Repaying the Debt

The legal profession has risen to no greater heights than when it stepped forward in defense of the despised. A lawyer proves his or her professionalism with the willingness to represent an unpopular cause. Just as John Adams defended British soldiers who participated in the Boston Massacre, lawyers of this age have a duty to serve those in need without respect to their popularity.

PROFESSIONALISM: REPAYING THE DEBT

by Presiding Justice Harold G. Clarke,
Georgia Supreme Court

After the Supreme Court of Georgia and the State Bar of Georgia announced their emphasis on professionalism, skeptics posed two questions: what is it and why does it matter? This article attempts to examine, but perhaps not answer, those questions looking at them in reverse order.

Public attitudes and expressions

of these problems makes necessary an identification of the nature of professionalism and an examination of how it can be instituted.

Professionalism Defined

Most observers express a belief that a definition of professionalism lies outside an area in which a consensus can be reached. Some even

Presiding Justice Harold G. Clarke has served on the Supreme Court of Georgia since his appointment in 1979. He is a life-long resident of Forsyth, having been born there September 28, 1927. He graduated from the University of Georgia School of



Georgia Rules of Professional Conduct

- Rule 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer:
 - 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.
- Comment 5 to Rule 1.2: Legal representation should not be denied to people who are unable to afford legal services, or whose cause is controversial or the subject of popular disapproval. **By the same token, representing a client does not constitute approval of the client's views or activities.** (Emphasis supplied).



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 Jordan has the right to make the statement, do you think this statement has professional ramifications?
 - If you were an attorney interviewing Jordan for a position at your firm, what does this post tell you about his professional brand?
 - Does it matter if the post is public or private? What if the post is only shared in a group message with friends?
 - Does the post reflect on Jordan's law school, employer, or the legal profession as a whole? Why or why not?
-

A 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)
- 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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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.

(Lines 48, 54 – 57)



Aspirational Statement on Professionalism

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

- (a) To counsel clients about the moral and social consequences of their conduct.
- (b) To consider the effect of my conduct on the image of our systems of justice

(Lines 155 – 157)



Problem 6 – Part A



Savannah anticipates graduating in the spring and has begun the job search process. In law school, she joined eight student organizations, but does not hold any leadership positions.

Although she listed all these organizations on her resume, she is not active, attends meetings only sporadically and is otherwise not involved in any of them. She has not attended any programs hosted by the organizations.

Savannah has not contributed any effort to the organizations.

Problem 6 – Part A



Savannah applied for a position at a law firm and during the interview she stated, “I am involved and active in eight student organizations on campus.”

The law firm is impressed with Savannah’s credentials and offers her a position.



QUESTIONS FOR DISCUSSION

- Has Savannah violated the code of student responsibility, any honor code, student responsibility code, or professionalism expectations?
- Should Savannah have listed all of the organizations on her resume?
- Does it matter if she attends virtually or attends in person?
- If a firm reached out, what do you think the organization would say about Savannah's position?

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(Lines 10 – 12)



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(e) To preserve the dignity and the integrity of our profession by my conduct. The dignity and the integrity of our profession is an inheritance that must be maintained by each successive generation of lawyers.

(Lines 48, 64 – 66)



Aspirational Statement on Professionalism

As a professional I should:

(1) Act with complete honesty.

(Lines 128 – 129)



Acknowledgments

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- **Joshua I. Bosin, Holland & Knight LLP, Chair**
- **Michael Herskowitz, U.S. Attorney's Office, NDGA, Vice Chair**

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Acknowledgments

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- Assistant Director Leron Burge, Atlanta's John Marshall Law School
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Acknowledgments

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