



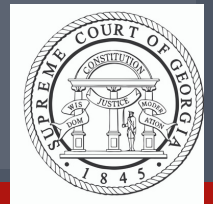
Athens

School of Law

UNIVERSITY OF GEORGIA

August 11, 2023

Student Materials



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

#Orientation2023



COMMITTEE ON PROFESSIONALISM

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

Sanford Hall Room 213

**August 11, 2023
1:15 p.m. - 4:15 p.m.**

LAW STUDENT AGENDA

- 1:15 - 2:00 Curriculum & Student Conduct Standards Dean Kent Barnett
Associate Dean for Academic Affairs & J. Alton Hosch Professor of Law
- 2:00 – 2:30 Character and Fitness Requirements for Bar Admission Tony Waller
Assistant Dean for Career Development
(J.D. 1993)
- Mr. Christopher P. Twyman
Vice Chair, Board to Determine Fitness of Bar Applicants
Managing Partner, Cox, Byington, Twyman & Johnson, LLP
(J.D. 1999)
- Mr. Kevin Wilson
Staff Counsel, Office of Bar Admissions, Supreme Court of Georgia
(J.D. 1996)
- 2:30 - 2:45 Break and Transition into Breakout Groups
(See breakout room assignment on the back of your nametag)
- 2:45 – 4:15 Professionalism Breakout Group Sessions Law School Graduates and
Other Members of the State Bar of Georgia
Various Rooms, Hirsch Hall & Rusk Hall
- 4:15 Adjourn

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CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

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Chief Justice, Supreme Court of Georgia
Atlanta, Georgia

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Columbus, Georgia

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Atlanta's John Marshall Law School
Atlanta, Georgia

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Akerman LLP
Atlanta, Georgia

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Christopher J. Chan IP Law
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

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DelCampo Grayson Lopez LLC
Atlanta, Georgia

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WestRock Company
Atlanta, Georgia

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The Gillis Law Firm, LLC
Marietta, Georgia

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Court of Appeals of Georgia
Atlanta, Georgia

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

Professor Tonja Jacobi
Emory University School of Law
Atlanta, Georgia

Mr. Francys Johnson
Davis Bozeman Johnson Law
Statesboro, GA

Mrs. Nekia Hackworth Jones
Federal Government
Atlanta, GA

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Mercer University School of Law
Macon, Georgia

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The Honorable Shondeana Crews Morris
Superior Court of DeKalb County
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Atlanta Circuit Public Defender's Office
Atlanta, Georgia

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Atkins Global North America, Inc
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Ms. LaToya Simone Williams
Georgia Public Defender Council
Atlanta, Georgia

Ms. Sandy Wisenbaker
Coweta County Solicitor General's Office
Newnan, Georgia

Supreme Court of Georgia Advisor
The Honorable Andrew A. Pinson
Supreme Court of Georgia
Atlanta, Georgia

Staff

Ms. Karlise Y. Grier
Executive Director

August 11, 2023

Dear University of Georgia School of Law 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 31st 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 11, 2023

Dear University of Georgia School of Law Students:

The State Bar of Georgia welcomes you to Georgia's legal community!

Beginning with your first moments as a law student, it is important that you establish solid professional and social relationships with your classmates 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. In fact, I met one of my current law partners as an undergraduate at Emory University. Moreover, I built significant relationships as a law student at the Georgia State University College of Law, which are still vital to me today. Your professional reputation starts developing in law school, not after you take the bar. So, be careful what you do, what you say, and how you act, because people will remember. The persons who now share your classroom space will be your professional colleagues once you formally enter the practice of law.

I also encourage you to get involved in your law school, your community, and in civic organizations – even as a law student. Getting involved is not only good for your soul, it is not only good for doing what is right, but it is also good for your legal career. You can start your involvement by becoming a Student Associate Member of the State Bar of Georgia and 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. Your colleagues will help you and give you advice, if you just get out there, meet people, and get involved.

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. 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,

J. Antonio DelCampo
President, State Bar of Georgia

HEADQUARTERS

104 Marietta St. NW, Suite 100
Atlanta, GA 30303
404-527-8700 · 800-334-6865
Fax 404-527-8717
www.gabar.org

COASTAL GEORGIA OFFICE

7402 Hodgson Memorial Dr., Suite 105
Savannah, GA 31406
912-239-9910 · 877-239-9910
Fax 912-239-9970

SOUTH GEORGIA OFFICE

244 E. 2nd St. (31794)
P.O. Box 1390
Tifton, GA 31793
229-387-0446 · 800-330-0446
Fax 229-382-7435



COMMITTEE ON PROFESSIONALISM

TO: Law Students

FROM: Michael Herskowitz
Chair, Committee on Professionalism, State Bar of Georgia

DATE: August 2023

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 31st 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 helpful and instructive as you begin your careers in the legal profession.

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912-239-9910 · 877-239-9910
Fax 912-239-9970

SOUTH GEORGIA OFFICE

244 E. 2nd St. (31794)
P.O. Box 1390
Tifton, GA 31793
229-387-0446 · 800-330-0446
Fax 229-382-7435

2023 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.



School of Law
UNIVERSITY OF GEORGIA

LAW STUDENT OATH

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

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

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

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

1

A LAWYER'S CREED



2 **To my clients**, I offer faithfulness, competence,
3 diligence, and good judgment. I will strive to represent you
4 as I would want to be represented and to be worthy of your
5 trust.

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

10 **To the courts**, and other tribunals, and to those who
11 assist them, I offer respect, candor, and courtesy. I will
12 strive to do honor to the search for justice.

13 **To my colleagues in the practice of law**, I offer
14 concern for your welfare. I will strive to make our
15 association a professional friendship.

16 **To the profession**, I offer assistance. I will strive to
17 keep our business a profession and our profession a calling
18 in the spirit of public service.

19 **To the public** and our systems of justice, I offer
20 service. I will strive to improve the law and our legal
21 system, to make the law and our legal system available to
22 all, and to seek the common good through the
23 representation of my clients.

24 **ASPIRATIONAL STATEMENT ON PROFESSIONALISM**

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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School of Law

UNIVERSITY OF GEORGIA

HONOR CODE CONSTITUTION EXCERPT

University of Georgia School of Law (Article III of Honor Code Constitution)

ARTICLE III. HONOR CODE

See <https://www.law.uga.edu/honor-code-constitution> (Last Visited July 26, 2023)

ARTICLE III. HONOR CODE Section 1. Definitions

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

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

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

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

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

a. Knowingly makes a materially false or deceptive statement to a person in

authority in connection with an academic matter; or

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

1) For the purpose of gaining an unfair advantage over another student, or

2) Under circumstances such that a reasonable law student would know that the conduct was likely to result in an unfair advantage.

Section 3. Examples of Honor Code Violations

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

a. Violation of any procedure adopted by any person in authority for an examination or any other graded material, including but not limited to: 1) Use of unauthorized materials;

2) Writing beyond the time limit of the examination;

3) Communication with any unauthorized person during the examination or the preparation of the graded material; or

4) Communication concerning the examination or preparation of

the graded material with any student who already has taken or who has yet to take the examination.

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

See <https://www.law.uga.edu/honor-code-constitution> (Last Visited July 26, 2023)

materials or computer;

k. Violation of the confidentiality rules created by the Honor Code Constitution.

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

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

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

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

_____ *Signature* The
pledge remains in effect until (a) graduation or (b)
termination of education

prior to graduation.



RULE 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

- (a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the scope and objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.
- (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.
- (c) A lawyer may limit the scope and objectives of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.
- (d) A lawyer shall not counsel a client to engage in conduct that the lawyer knows is criminal or fraudulent, nor knowingly assist a client in such conduct, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

The maximum penalty for a violation of this rule is disbarment.

Comment

Allocation of Authority between Client and Lawyer

[1] Paragraph (a) confers upon the client the ultimate authority to determine the purposes to be served by legal representation, within the limits imposed by law and the lawyer's professional obligations. The decisions specified in paragraph (a), such as whether to settle a civil matter, must also be made by the client. See Rule 1.4 (a) (1) for the lawyer's duty to communicate with the client about such decisions. With respect to the means by which the client's objectives are to be pursued, the lawyer shall consult with the client as required by Rule 1.4 (a) (2) and may take such action as is impliedly authorized to carry out the representation.

[2] On occasion, however, a lawyer and a client may disagree about the means to be used to accomplish the client's objectives. Clients normally defer to the special knowledge and skill of their lawyer with respect to the means to be used to accomplish their objectives, particularly with respect to technical, legal and tactical matters. Conversely, lawyers usually defer to the client regarding such questions as the expense to be incurred and concern for third persons who might be adversely affected. Because of the varied nature of the matters about which a lawyer and client might disagree and because the actions in question may implicate the interests of a tribunal or other persons, this rule does not prescribe how such disagreements are to be resolved. Other law, however, may be applicable and should be consulted by the lawyer. The lawyer should also consult with the client and seek a mutually acceptable resolution of the disagreement. If such efforts are unavailing and the lawyer has a fundamental disagreement with the client, the lawyer may withdraw from the representation. See Rule 1.16 (b) (4). Conversely, the client may resolve the disagreement by discharging the lawyer. See Rule 1.16 (a) (3).

[3] At the outset of a representation, the client may authorize the lawyer to take specific action on the client's behalf without further consultation. Absent a material change in circumstances and subject to Rule 1.4, a lawyer may rely on such an advance authorization. The client may, however, revoke such authority at any time.

[4] In a case in which the client appears to be suffering from diminished capacity, the lawyer's duty to abide by the client's decisions is to be guided by reference to Rule 1.14.

Independence from Client's Views or Activities

[5] 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.

Agreements Limiting Scope of Representation

[6] The scope of services to be provided by a lawyer may be limited by agreement with the client or by the terms under which the lawyer's services are made available to the client. When a lawyer has been retained by an insurer to represent an insured, for example, the representation may be limited to matters related to the insurance coverage. A limited representation may be appropriate because the client has limited objectives for the representation. In addition, the terms upon which representation is undertaken may exclude specific means that might otherwise be used to accomplish the client's objectives. Such limitations may exclude actions that the client thinks are too costly or that the lawyer regards as repugnant or imprudent.

[7] Although this rule affords the lawyer and the client substantial latitude to limit the representation, the limitation must be reasonable under the circumstances. If, for example, a client's objective is limited to securing general information about the law the client needs in order to handle a

common and typically uncomplicated legal problem, the lawyer and client may agree that the lawyer's services will be limited to a brief telephone consultation. Such a limitation, however, would not be reasonable if the time allotted was not sufficient to yield advice upon which the client could rely. Although an agreement for a limited representation does not exempt a lawyer from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. See Rule 1.1.

[8] All agreements concerning a lawyer's representation of a client must accord with the Georgia Rules of Professional Conduct and other law. See, e.g., Rules 1.1, 1.8 and 5.6.

Criminal, Fraudulent and Prohibited Transactions

[9] Paragraph (d) prohibits a lawyer from knowingly counseling or assisting a client to commit a crime or fraud. This prohibition, however, does not preclude the lawyer from giving an honest opinion about the actual consequences that appear likely to result from a client's conduct. Nor does the fact that a client uses advice in a course of action that is criminal or fraudulent of itself make a lawyer a party to the course of action. There is a critical distinction between presenting an analysis of legal aspects of questionable conduct and recommending the means by which a crime or fraud might be committed with impunity.

[10] When the client's course of action has already begun and is continuing, the lawyer's responsibility is especially delicate. The lawyer is required to avoid assisting the client, for example, by drafting or delivering documents that the lawyer knows are fraudulent or by suggesting how the wrongdoing might be concealed. A lawyer may not continue assisting a client in conduct that the lawyer originally supposed was legally proper but then discovers is criminal or fraudulent. The lawyer must, therefore, withdraw from the representation of the client in the matter. See Rule 1.16 (a). In some cases, withdrawal alone might be insufficient. It may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm any opinion, document, affirmation or the like. See Rule 4.1.

[11] Where the client is a fiduciary, the lawyer may be charged with special obligations in dealings with a beneficiary.

[12] Paragraph (d) applies whether or not the defrauded party is a party to the transaction. Hence, a lawyer must not participate in a transaction to effectuate criminal or fraudulent avoidance of tax liability. Paragraph (d) does not preclude undertaking a criminal defense incident to a general retainer for legal services to a lawful enterprise. The last clause of paragraph (d) recognizes that determining the validity or interpretation of a statute or regulation may require a course of action involving disobedience of the statute or regulation or of the interpretation placed upon it by governmental authorities.

[13] If a lawyer comes to know or reasonably should know that a client expects assistance not permitted by the Georgia Rules of Professional Conduct or other law or if the lawyer intends to act contrary to the client's instructions, the lawyer must consult with the client regarding the limitations on the lawyer's conduct. See Rule 1.4 (a) (5).

**RULE 8.1 BAR ADMISSION AND DISCIPLINARY MATTERS**

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

The maximum penalty for a violation of this Rule is disbarment.

Comment

[1] The duty imposed by this Rule extends to persons seeking admission to the bar as well as to lawyers. Hence, if a person makes a material false statement in connection with an application for admission, it may be the basis for subsequent disciplinary action if the person is admitted, and in any event may be relevant in a subsequent admission application. The duty imposed by this Rule applies to a lawyer's own admission or discipline as well as that of others. Thus, it is a separate professional offense for a lawyer to knowingly make a misrepresentation or omission in connection with a disciplinary investigation of the lawyer's own conduct. This Rule also requires affirmative clarification of any misunderstanding on the part of the admissions or disciplinary authority of which the person involved becomes aware.

[2] This Rule is subject to the provisions of the Fifth Amendment of the United States Constitution and corresponding provisions of state constitutions. A person relying on such a provision in response to a question, however, should do so openly and not use the right of nondisclosure as a justification for failure to comply with this Rule.

[3] A lawyer representing an applicant for admission to the bar, or representing a lawyer who is the subject of a disciplinary inquiry or proceeding, is governed by the rules applicable to the client-lawyer relationship.

**RULE 8.3 REPORTING PROFESSIONAL MISCONDUCT**

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

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.

**RULE 8.4 MISCONDUCT**

- (a) It shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to:
- (1) violate or knowingly attempt to violate the Georgia Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
 - (2) be convicted of a felony;
 - (3) be convicted of a misdemeanor involving moral turpitude where the underlying conduct relates to the lawyer's fitness to practice law;
 - (4) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation;
 - (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 prevents a lawyer from attempting to violate the Georgia Rules of Professional Conduct or from knowingly aiding or abetting, or providing direct or indirect assistance or inducement to another person who violates or attempts to violate a rule of professional conduct. A lawyer may not avoid a violation of the rules by instructing a nonlawyer, who is not subject to the rules, to act where the lawyer can not.

[2] This Rule, as its predecessor, is drawn in terms of acts involving "moral turpitude" with, however, a recognition that some such offenses concern matters of personal morality and have no specific connection to fitness for the practice of law. Here the concern is limited to those matters which fall under both the rubric of "moral turpitude" and involve underlying conduct relating to the fitness of the lawyer to practice law.

[3] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses, that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

[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.



**Policy Statement
of the Board to Determine Fitness of Bar Applicants
Regarding Character and Fitness Reviews**

EXCERPTS FOR 2023 LAW SCHOOL ORIENTATIONS ON PROFESSIONALISM

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 requisite character and fitness to become members of the State Bar of Georgia. The Board's primary mission is to ensure that the public is 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 as fit, the Board requires that applicants to the Bar conduct themselves in a manner that would engender the trust of clients, adversaries, and courts. The hallmark of such a person is honesty, especially in connection with the Application for Certification of Fitness to Practice Law. The burden is on the applicant to establish 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:

- conducting oneself with a high degree of honesty, integrity, and trustworthiness in all professional relationships and with respect to all legal obligations;
- using honesty and good judgment in financial dealings on behalf of oneself, clients, and others;
- conducting oneself with respect for and in accordance with the law, the Georgia Rules of Professional Conduct, A Lawyer's Creed, and the Aspirational Statement on Professionalism;
- exercising good judgment in conducting one's professional business;
- avoiding acts that exhibit disregard for the health, safety, and welfare of others;
- conducting oneself diligently and reliably in fulfilling all obligations to clients, attorneys, courts, and others;
- complying with deadlines and time constraints; and
- conducting 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.

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With regard to conduct that may be the basis for further inquiry, the Board has developed the following policies and procedures:

A. Unlawful Conduct

Applicants are required to report all incidents of unlawful conduct and to provide evidence of rehabilitation and evidence of current good character. If an applicant has been convicted of a felony, the Board expects the applicant to seek a pardon before seeking admission. If an applicant is unable to obtain a pardon, the applicant should provide documentation showing that reasonable efforts were made to obtain the pardon, including documentation of the status of the petition. The Board considers restoration of civil rights to be critical to an applicant's ability to fully function as an attorney, so restoration of civil rights is a minimum requirement.

The Board will inquire into all arrests even if the arrest did not lead to a conviction. There are many reasons why arrests do not result in convictions, and many of them have no bearing on guilt or innocence. While the occurrence of an acquittal or dismissal is relevant, it does not necessarily provide full context for the factual circumstances surrounding the

arrest or the applicant's conduct that may have led to the arrest. This is not to suggest that the Board will assume that any arrest was due to guilty conduct on the part of the applicant. Rather, it is a reminder that criminal matters are relevant to the Board's inquiries, and that the applicant is obligated to be completely forthright regarding all such matters.

If, at the time of the application, criminal charges are pending against an applicant, the Board will table the application until the 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.

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. Applicants who have engaged in this type of misconduct must show full rehabilitation prior to being certified as fit by the Board.

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 certification of fitness. Giving false information on the application or failing to be entirely forthcoming and completely candid in the application process is a serious matter. In the fitness process, applicants give sworn statements to an agency of the Supreme Court, so the failure to be fully responsive to application questions, or any other lack of candor in the application process is considered to be current and ongoing dishonesty. An applicant who exhibits such lack of candor will have a difficult time showing that rehabilitation — which requires more than contrition — has occurred.

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E. Impairment Due to Mental Illness or Substance Abuse

The Board on rare occasion denies certification to applicants whose current ability to practice law is significantly impaired by mental illness or substance abuse. The Board does not deny certification to applicants based on their decision to seek treatment or support for a mental health condition or substance abuse issue. In fact, the Board encourages applicants to seek treatment if needed and believes that an applicant's decision to obtain necessary treatment is indicative of a person who possesses the requisite character and fitness to be a member of the State Bar of Georgia. All information provided to the Board is strictly confidential.

If there is significant evidence that an applicant's ability to function as an attorney may be impaired, the Board may request more information, an informal conference, or treatment records. The Board may also ask an applicant to obtain a drug, alcohol, or mental health evaluation from a Board-certified psychiatrist or licensed psychologist identified by the Board.

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Should there be any questions about the Fitness Application or the Board's policies, please email gabaradmissions@gasupreme.us.

**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 Jul 25, 2023)

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

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, 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.



School of Law

UNIVERSITY OF GEORGIA

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

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

Financial Literacy All UGA law students have access to the MAX by AccessLex program which provides financial literacy programming specifically developed for law students. Online modules are specifically tailored to financial topics impacting students during 1L, 2L, and 3L years. This program also provides one-on-one financial coaching with certified financial coaches, as well as large group presentations and a podcast. Students who complete MAX programming will have the opportunity to win generous scholarships provided by AccessLex.

General Resources The law school maintains a “Well-Being Resources” page on the MyGeorgiaLaw portal which students can access any time to find more information on holistic wellness resources that are available at the law school, at the University-level, in the larger Athens community, and online. This page is updated frequently.



School of Law

UNIVERSITY OF GEORGIA

Guidance for Problem 3 (Supervisor Comment)

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

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)



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)



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)



CONTINUED ON NEXT PAGE

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?

A Lawyer's Creed

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

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, lawyers posed two questions: what is it and why does it matter? This article attempts to examine, but perhaps not answer, these 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 instilled.

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 County, having been born there September 24, 1927; he graduated from the University of Florida 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)



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.

(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)



CONTINUED ON NEXT PAGE

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?

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)



Aspirational Statement on Professionalism

As a lawyer, I will aspire

(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)



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- Cody Choi, 2023 J. D. Candidate, Georgia State University College of Law
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LAW SCHOOL ORIENTATIONS SUB-COMMITTEE LAW SCHOOL SUPPORT STAFF PARTNERS

- Leron Burge, Atlanta's John Marshall Law School
- Franklin B. Lebo, J.D., Ph.D., Emory University School of Law
- Shreeca S. Lott, Emory University School of Law
- Jeannie Zipperer, Mercer University School of Law
- Cody Teague, Georgia State University College of Law
- Amanda Jean Fox, University of Georgia School of Law
- Casey Anne Graham, University of Georgia School of Law
- Chantelle Tickle, University of Georgia School of Law



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