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# STATE BAR OF GEORGIA COMMITTEE ON PROFESSIONALISM

2024 Hypothetical Problems for Group Discussion Final



# Problem 1



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 Savannah listed all these organizations on her resume, she attends meetings sporadically, and is otherwise not involved in any of them. She has not attended any programs hosted by the organizations. In addition, Savannah has not contributed in any efforts that support the organizations.



## Problem 1 Continued



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

## Problem 1

1. Has Savannah violated the code of student responsibility, any honor code, student responsibility code, or professionalism expectations?
2. Should Savannah have listed all of the organizations on her resume?



# QUESTIONS FOR DISCUSSION

## Problem 1

3. Does it matter if she attends virtually or attends in person?
4. If a firm reached out, what do you think the organization would say about Savannah's position?



# A Lawyer's Creed

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- 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)

- As a professional I should: Act with complete honesty.

(Lines 128 – 129)



# Aspirational Statement on Professionalism

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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)



## Problem 2 – 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.

One of the panelists is an attorney who represents companies and individuals who are fighting vaccine mandates.



## Problem 2 Part A Continued



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.”

Soon after Professor Lee hosts the panel, a few enraged students circulate a petition instructing the school not to rehire adjunct Professor Lee because he invited an anti-vaxxer to speak.

One of Amari’s friends asks her to sign the petition.



# QUESTION FOR DISCUSSION

## Problem 2A

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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# Aspirational Statement on Professionalism

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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 Article

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.

The Complete article is available at <https://cjcpgea.org/articles/>

## PROFESSIONALISM: REPAYING THE DEBT

by Presiding Justice Harold G. Clarke,  
Georgia Supreme Court

**A**fter 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

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- 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 2 – 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 on the next slide) 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.”





“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.”





# QUESTION FOR DISCUSSION

## Problem 2B

1. Have you seen something similar on social media? Regardless of whether Jordan has the right to make the statement, do you think this statement may have professional ramifications?
  2. Does it matter if the post is public or private? What if the post is only shared in a group message with friends?
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# QUESTION FOR DISCUSSION

## Problem 2B

3. Does the post reflect on Jordan's law school or the legal profession as a whole? Why or why not?
  4. If you were an attorney interviewing Jordan for a position at your firm, what does this post tell you about his professional brand?
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# A Lawyer's Creed

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- 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

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- 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 3 – Part A



All 1L students take torts with Professor Brown in either her Section A or Section B class. Students in both sections take the same midterm. Miranda is in Section B. Miranda's 2L friend, who had Professor Brown last year, shared Professor Brown's prior Torts midterm exam with Miranda. No other student had access to a sample of Professor Brown's exam.





# QUESTION FOR DISCUSSION

## Problem 3A

1. Should Miranda use the prior Torts midterm exam to study?
2. Should Miranda share the prior Torts midterm exam with members of her study group?



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# QUESTION FOR DISCUSSION

## Problem 3A

3. Do the students who learn that Miranda possesses the prior Torts midterm exam have any responsibilities?
  4. What if Miranda found the professor's prior midterm exam using ChatGPT. Would that change your opinion?
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# Aspirational Statement on Professionalism

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



## Problem 3 – Part B



It is time for Professor Brown's midterm. Students from Section A were taking the midterm on Monday and students from Section B were taking the midterm on Wednesday. Miranda was friends with Section A and was in their GroupMe. The students in Section A did not remember that Miranda, from Section B, was in the group chat.

## Problem 3 – Part B



Tuesday, before Miranda took the Torts midterm exam, students from section A discussed the content of the exam in their GroupMe. Miranda read Section A's GroupMe messages before realizing the content of the messages pertained to the Torts midterm exam.



# QUESTION FOR DISCUSSION

## Problem 3B

1. Do the students who learn that Miranda possesses the previous Torts midterm exam have any responsibilities?
2. What if Miranda found the professor's previous midterm exam using ChatGPT. Would that change your opinion? *Why?*





# QUESTION FOR DISCUSSION

Problem 3B

3. Should the Section A students have discussed information about the Torts midterm exam on GroupMe?



# QUESTION FOR DISCUSSION

## Problem 3B

4. What if, at a restaurant, you overheard opposing counsel and their client discussing the case that you were litigating for your client? Would you listen? Would you inform counsel immediately? Use the information against them?

# A Lawyer's Creed

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- 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

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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

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(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 4



Ray, one of your classmates, recently told you that he was discussing a recent affirmative action case when his supervisor said, “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.

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.***





# QUESTION FOR DISCUSSION

## Problem 4

1. What is your advice to Ray?
2. What if Ray also told you that he informed a career counselor at your law school, and the career counselor suggested your classmate not say anything so he wouldn't burn bridges for the job?

# A Lawyer's Creed

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- 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)



# Aspirational Statement on Professionalism

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- 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)



## Problem 5 – Part A



Morgan sees Tracy on campus purchasing pills from another individual who did not appear to be authorized to write or distribute pharmaceutical prescriptions.

Morgan also hears from a mutual friend that Tracy has been less engaged with her friends at school.



# QUESTION FOR DISCUSSION

## Problem 5

1. What would/should Morgan do? Does it change your answer if Morgan sees that Tracy is more irritable and looks disheveled most days in class?



# QUESTION FOR DISCUSSION

## Problem 5

2. What are some resources that may benefit Tracy for help and provide her with support to combat stress and/or substance abuse?
3. What if Tracy is resistant to any help Morgan tries to provide?



# A Lawyer's Creed

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- 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 13 16 – 18)



## Problem 5 – Part B



Morgan has a valid prescription for Adderall. To give her an edge through finals, Tracy asks Morgan to give her a “few” of the Adderall pills.



# QUESTION FOR DISCUSSION

## Problem 5 – Part B

1. What would you say to Tracy if you were Morgan? How does that conversation unfold?



# QUESTION FOR DISCUSSION

## Problem 5 – Part B

2. Does Tracy's request for Adderall violate the honor code? What if Morgan gave the pills to Tracy?
3. Would it violate Georgia law for Morgan to give Adderall pills to Tracy? For Tracy to possess them?



# QUESTION FOR DISCUSSION

Problem 5 – Part B

4. How do you reconcile your peers' widespread substance misuse with the fact that everyone knows it is illegal?



# QUESTION FOR DISCUSSION

## Problem 5 – Part B

5. As you begin your legal career, how does this discussion affect the way you think about your responsibility to your colleagues? To your profession? To the public that our profession serves?

# Aspirational Statement on Professionalism

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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

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