Mercer University School of Law
Professionalism Orientation 2026

Welcome to Mercer Law School. You will find that in Georgia, and at Mercer in particular, we place a great deal of emphasis on helping you understand and cultivate the ethical and professional virtues that you will need as a lawyer. That begins in orientation, with the professionalism orientation sponsored by the Professionalism Committee of the State Bar of Georgia.

Here is how the professionalism orientation will work. On Friday of orientation week, you will visit the courthouses in Macon and be welcomed by one or more judges. You will be in professional attire, dressed as a lawyer would dress to appear in court. You will remain in professional attire for the afternoon professionalism orientation. There will be a brief speech from Judge Sharell Lewis, and then you will stand and recite the Mercer Law School Student Creed. The Student Creed is attached. You should read it now and have it in front of you during that ceremony. You will then disperse to have a small group discussion with volunteer lawyers and judges about one or more of the hypothetical situations in this document. Your active participation in the discussion will be expected. Prepare accordingly. Afterwards, then there will be an informal reception for all students and group leaders.

We recognize that you come to these hypotheticals without the benefit of any formal training in legal ethics or professionalism. You will learn about these topics in detail, but for now just read the Georgia Lawyer's Creed and Aspirational Statement on Professionalism, which are included with this document. The Supreme Court of Georgia first approved the Lawyer's Creed and Aspirational Statement in 1990, and they are still the foundational documents for professionalism in Georgia.

You will see in the Lawyer's Creed that lawyers owe duties to clients, the courts, the public, the profession, and their fellow lawyers. It is important to be able to identify those duties, but it is easier to recite them in the abstract than to implement them in a particular situation. Sometimes the duties conflict. What if being faithful to your client means being uncooperative with opposing

counsel? What if following the law requires you to act against your client's best interest? What if helping your client harms the public? Where duties conflict, lawyers need good judgment to chart a course.

The problems that follow are simplified versions of problems of judgment (also known as "practical wisdom" problems) that you will deal with in depth in the spring in our Legal Profession course. They call upon you to exercise good judgment in complex situations. Put yourself in the shoes of the lawyer in the problem and be ready to explain what you would do, why you would do it, and how you would go about it. Refer as necessary to the Georgia Lawyer's Creed and Aspirational Statement on Professionalism. Approach the discussions prepared but with an open mind. Listen to your group leaders and to your classmates. They may have perspectives that you do not have.

One last note: you will learn much more about this, but I want to leave you with this thought. You all came to law school because you are searching for careers in which your work will have meaning for others and meaning for you. The good news is that the key to both of those things is a deep understanding of, and firm commitment to, the values of the profession that go by the name "professionalism." Let the journey to that understanding and commitment begin now.

--Professor Longan

Problem #1: The Billing Partner and the Associate

You are an associate at a law firm and have been assigned to work on a multi-million-dollar case in which your firm is defending a Fortune 500 corporation. There are three lawyers in your firm working on the case. The Senior Partner has overall "big-picture" strategic responsibility for the matter but is not deeply involved on a daily basis. The Junior Partner makes the tactical decisions day-to-day. Your role as the Associate is to implement the decisions that the more senior lawyers make.

A crucial part of the case is the testimony that the plaintiff's expert witness will give. You are assigned to take the deposition of the expert. A deposition is sworn testimony under oath, usually given in a lawyer's conference room. You prepare diligently for the deposition, spending 40 hours studying the documents produced in the case and getting up to speed on the expert's field of expertise. The deposition goes well, and you obtain admissions from the expert that enable your firm to have the judge exclude the expert's testimony. Because the expert's testimony is excluded, your client obtains a summary judgment, which is victory in the case by order of the judge without a trial.

Several weeks after the judge renders the summary judgment, you are walking down a hallway in your firm's offices. An administrative assistant calls you over to his desk and shows you the bill that has been prepared for your Fortune 500 client. As an associate, you are not typically involved in billing clients, but the administrative assistant points out that the client is to be billed for 100 hours of your time in preparation for the expert's deposition. You know you only spent 40 hours, and you quickly go to your office and confirm from your records that you reported those 40 hours accurately to the Senior Partner, who oversees billing the client.

What should you do? Be sure to think through various scenarios about what may be happening and why and anticipate what reactions there may be to whatever course of action you take.

Problem #2: Just a Small Favor for an Old Friend

You represent a client in a civil case in which the other party is represented by Jay Lillard, a friend and law school classmate. You know that Jay has been in recovery from alcoholism for several years, and he has shared with you some of his experiences with rehab and Alcoholics Anonymous. He had been doing well, but over the last several months you noticed that the quality of his work deteriorated. For example, he showed up for a court hearing late, looking disheveled. Another time, he missed a deadline to respond to some written discovery you had served on him; when you reminded him, he was apologetic and asked for an extension. You gave him the extension, but his responses came in after the extended deadline and were incomplete.

Your trial in Jay's case is on the docket two weeks from today. The judge has already entered the pretrial order, which specifies who the witnesses will be. You know that the pretrial order can only be amended by consent of all parties or on a showing of "manifest injustice." That prohibition specifically includes the identification of expert witnesses. Jay calls you to say that he wants to amend the pretrial order by agreement to add an expert witness that he had not disclosed before. He tells you, "My case is basically over without this witness." You agree with that assessment – you were surprised that he had not named an expert before. When you press him, Jay finally tearfully admits that he relapsed some months ago and that as a result of his drinking he forgot to disclose his expert. "I forgot" will not convince the judge to allow the expert. Jay asks you to agree to amend the pretrial order "as a favor to an old friend who's fallen on hard times." Sad to say, Jay's speech on this call is slurred. It is 10:00 a.m., and your friend is drunk.

What should you do?

Problem #3: The Scrivener's Error

You have been representing Mr. Smith in a contentious divorce case for several years. Mrs. Smith is represented by counsel. You have had many dealings with this attorney over the years, and frankly you do not like him. You also have a low opinion of his competence and his professionalism.

The clients have agreed to split their property 50/50, with your client Mr. Smith "buying out" Mrs. Smith for her half of the property. The parties have not, however, been able to agree on the valuation of certain real estate that is jointly owned. Mrs. Smith has developed a strong view, without much evidence, that one particular property (the so-called Holt Property) is worth $550,000. You and your client have an appraisal of the Holt Property that shows its value as $425,000.

You receive from the attorney for Mrs. Smith a document entitled "Second Proposal For A Basis of Settlement -- Smith v. Smith" which, among other things, shows a suggested figure of $70,081.85 for the value of Mrs. Smith's share in the Holt property. This value was calculated by a computation set forth in the proposal. This is the computation:

Value	$550,000.00
Less encumbrance	-308,362.99
Net Value	$141,637.01
Mrs. Smith's 50% share	$70,081.85

You note the arithmetical errors in this computation. You also note that, if instead the parties used the appraisal you and your client obtained, Mrs. Smith's share would be:

Value	$425,000.00
Less encumbrance	-308,362.99
Net Value	$116,637.01
Mrs. Smith's 50% share	$58,318.51

You share Mrs. Smith's offer with Mr. Smith. He says that he wants to accept the $70,081.85 figure. It is more than he thinks he should have to pay, but he is willing to pay the difference to

be done with the divorce. He would not agree to pay the amount that Mrs. Smith would be demanding if her attorney had done the math correctly. Mr. Smith says, “accept the offer – and say nothing about the error.” Assume it would not be fraud to accept the offer. What should you do?

II. Georgia Lawyer's Creed and Aspirational Statement on Professionalism

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.

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.

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.

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

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.

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.

ASPIRATIONAL STATEMENT ON PROFESSIONALISM

The Court believes there are unfortunate trends of commercialization and loss of professional community in the current practice of law. These trends are manifested in an undue emphasis on the financial rewards of practice, a lack of courtesy and civility among members of our profession, a lack of respect for the judiciary and for our systems of justice, and a lack of regard for others and for the common good. As a community of professionals, we should strive to make the internal rewards of service, craft, and character, and not the external reward of financial gain, the primary rewards of the practice of law. In our practices we should remember that the primary justification for who we are and what we do is the common good we can achieve through the faithful representation of people who desire to resolve their disputes in a peaceful manner and to prevent future disputes. We should remember, and we should help our clients remember, that the way in which our clients resolve their disputes defines part of the character of our society and we should act accordingly.

As professionals, we need aspirational ideals to help bind us together in a professional community. Accordingly, the Court issues the following Aspirational Statement setting forth general and specific aspirational ideals of our profession. This statement is a beginning list of the ideals of our profession. It is primarily illustrative. Our purpose is not to regulate, and certainly not to provide a basis for discipline, but rather to assist the Bar's efforts to maintain a professionalism that can stand against the negative trends of commercialization and loss of community. It is the Court's hope that Georgia's lawyers, judges, and legal educators will use the following aspirational ideals to reexamine the justifications of the practice of law in our society and to consider the implications of those justifications for their conduct. The Court feels that enhancement of professionalism can be best brought about by the cooperative efforts of the

organized bar, the courts, and the law schools with each group working independently, but also jointly in that effort.

General Aspirational Ideals

As a lawyer, I will aspire:

(a) To put fidelity to clients and, through clients, to the common good, before selfish interests.

(b) To model for others, and particularly for my clients, the respect due to those we call upon to resolve our disputes and the regard due to all participants in our dispute resolution processes.

(c) To avoid all forms of wrongful discrimination in all of my activities including discrimination on the basis of race, religion, sex, age, handicap, veteran status, or national origin. The social goals of equality and fairness will be personal goals for me.

(d) To preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good.

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

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

(g) 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.

(h) To achieve the excellence of our craft, especially those that permit me to be the moral voice of clients to the public in advocacy while being the moral voice of the public to clients in counseling. Good lawyering should be a moral achievement for both the lawyer and the client.

(i) To practice law not as a business, but as a calling in the spirit of public service.

Specific Aspirational Ideals

As to clients, I will aspire:

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

(b) To fully informed client decision-making. As a professional, I should:

(1) Counsel clients about all forms of dispute resolution;
(2) Counsel clients about the value of cooperation as a means towards the productive resolution of disputes;
(3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
(4) Communicate promptly and clearly with clients; and,
(5) Reach clear agreements with clients concerning the nature of the representation.

(c) To fair and equitable fee agreements. As a professional, I should:

(1) Discuss alternative methods of charging fees with all clients;

(2) Offer fee arrangements that reflect the true value of the services rendered;

(3) Reach agreements with clients as early in the relationship as possible;

(4) Determine the amount of fees by consideration of many factors and not just time spent by the attorney;

(5) Provide written agreements as to all fee arrangements; and

(6) Resolve all fee disputes through the arbitration methods provided by the State Bar of Georgia.

(d) 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.

As to opposing parties and their counsel, I will aspire:

(a) To cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should:

(1) Notify opposing counsel in a timely fashion of any cancelled appearance;

(2) Grant reasonable requests for extensions or scheduling changes; and,

(3) Consult with opposing counsel in the scheduling of appearances, meetings, and depositions.

(b) To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. As a professional, I should:

(1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;

(2) Be courteous and civil in all communications;

(3) Respond promptly to all requests by opposing counsel;

(4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations;

(5) Prepare documents that accurately reflect the agreement of all parties; and

(6) Clearly identify all changes made in documents submitted by opposing counsel for review.

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

(a) To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. As a professional, I should:

(1) Avoid non-essential litigation and non-essential pleading in litigation;

(2) Explore the possibilities of settlement of all litigated matters;

(3) Seek non-coerced agreement between the parties on procedural and discovery matters;

(4) Avoid all delays not dictated by a competent presentation of a client's claims;

(5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and

(6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.

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

(1) Act with complete honesty;

(2) Know court rules and procedures;

(3) Give appropriate deference to court rulings;

(4) Avoid undue familiarity with members of the judiciary;

(5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;

(6) Show respect by attire and demeanor;

(7) Assist the judiciary in determining the applicable law; and,

(8) Seek to understand the judiciary's obligations of informed and impartial decision-making.

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

(a) To recognize and to develop our interdependence;

(b) To respect the needs of others, especially the need to develop as a whole person; and,

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

As to our profession, I will aspire:

(a) To improve the practice of law. As a professional, I should:

(1) Assist in continuing legal education efforts;

(2) Assist in organized bar activities; and,

(3) Assist law schools in the education of our future lawyers.

(b) To protect the public from incompetent or other wrongful lawyering. As a professional, I should:

(1) Assist in bar admissions activities;

(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.

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 including the social effect of advertising methods. As a professional, I should ensure that any advertisement of my services:

(1) is consistent with the dignity of the justice system and a learned profession;

(2) provides a beneficial service to the public by providing accurate information about the availability of legal services;

(3) educates the public about the law and legal system;

(4) provides completely honest and straightforward information about my qualifications, fees, and costs; and

(5) does not imply that clients' legal needs can be met only through aggressive tactics.

(c) To provide the pro bono representation that is necessary to make our system of justice available to all.

(d) To support organizations that provide pro bono representation to indigent clients.

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

(1) Serving as a public official;

(2) Assisting in the education of the public concerning our laws and legal system;

(3) Commenting publicly upon our laws; and,

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

A LAW STUDENT'S CREED

I, ____, as a student entering Mercer University School of Law, understand that I am embarking on a course of study that will enable me to join the legal profession. I also understand that as a member of the legal profession, and as a member of this community of learning, I will be expected to conduct myself at all times with honor and professionalism. Therefore, I pledge as follows:

To the faculty, I offer my attention, my diligence, and my respect. I will strive to excel in my studies so that my future clients will benefit from the knowledge and skill that I may acquire here.

To my fellow students, I offer my support, my respect, and my courtesy. I will strive to make our association a collegial and fruitful one, in which we may depend upon each other for the benefit of all.

To the legal profession, I offer my service. I will strive to become a true professional and to learn to practice my craft as a calling, in the spirit of public service.

Mercer University, 2005