Syllabus

Legal Profession
Professor Longan
Spring semester, 2018

Introduction

In orientation week, you participated in a classroom exercise with Professor Floyd and me about professionalism. You also heard a speech about professionalism and participated in a small group discussion about hypothetical problems that raised issues of professionalism. You took an oath to abide by the Mercer Law Student’s Creed. Since then, you have completed one semester of law school. This course is the next step in your professionalism education, as you continue the early stages of the transition from student to lawyer.

Mercer’s faculty has made the decision that this course is crucial to your professional development. The course has received recognition nationally with the National Award for Innovation and Excellence in Teaching Professionalism from the American Bar Association Standing Committee on Professionalism, the Conference of Chief Justices, and the Burge Endowment for Legal Ethics. The law school also won the 2014 E. Smythe Gambrell Award for Professionalism from the ABA Standing Committee on Professionalism for the “Inside the Legal Profession” part of the course (described below).

This course is not like your other courses. It is going to require you to be attentive to weekly deadlines and to a schedule that is not the same every week. In those senses, it is closer to the experience you will have as lawyers than it is to the typical law school experience.

The course is pass/fail, but you are expected to treat it as seriously as every other course. If you do not, you will miss a unique opportunity to prepare yourself for what you will encounter when you enter the profession. You will also find yourself possibly completing make-up work during finals in May when you could be studying for your graded exams.

Goals of the Course

By the time you complete the Legal Profession course, there are things that we want you to know, things we want you to care about, and things we want you to be able to do.
Knowledge: You need to know what “professionalism” means for lawyers and why it matters whether or not lawyers fulfill these expectations. You also need to know how, in the current environments in which lawyers work, these values of professionalism are challenged. This part of the course seeks to develop your sensitivity to professionalism issues.

Values: We want you to emerge from the course with at least the beginning of a commitment to living up to the values of the profession. Another way of putting this is that we aspire for you to begin to form a “professional identity,” or set of dispositions, that will lead you to try to act in accordance with professionalism as we will define it. Part of this process is for you to learn how important it is for clients, the system of justice, and for the public more generally that lawyers live up to these virtues. Another part is for you to begin to understand that much of your own happiness as a lawyer will be tied to your commitment to the values of professionalism. Here we are concerned with your motivation.

Skill: Professionalism issues do not arise for lawyers in the abstract, and difficult situations often involve conflicting values. You need to begin to develop the skills of reflection, self-awareness, reasoning and judgment that will serve you well when you must make and implement difficult decisions in conditions of inherent conflict and uncertainty. It is little use for you to know what professionalism means but be unable to make or implement a decision that implicates one or more of the values of professionalism. These are questions of ethical reasoning and implementation.

Methodologies

The course employs a number of methodologies, many of which are unconventional. Here are the different methodologies and how they relate to the goals of the course:

- **Online lessons.** We will post for you a series of online lessons to provide the necessary background and context for the group discussions and guest visits that you will experience. These lessons serve the goal of imparting some basic knowledge that you then must apply. We have chosen to deliver such information online because that is the most efficient means of doing so.

- **Weekly discussion groups.** Each of the five sections of the first-year class meets once a week for an hour-long discussion. These are the same sections as last semester. The dates, places and times of your section’s discussion group are:

  Monday 10:50 Section 2 – Faculty Seminar Room (led by Professor Longan)
Monday 2:20 Section 3 – Faculty Seminar Room (led by Professor Longan)

Wednesday Noon Section 4 – Faculty Seminar Room (led by Professor D. Floyd)

Wednesday 2:20 Section 5 – Faculty Seminar Room (led by Professor T. Floyd)

Friday 1:10 Section 1 – Faculty Seminar Room (led by Professor Longan)

You will complete assigned readings before each discussion group. In the groups, we will do three kinds of things:

(1) We will discuss case studies of lawyers who have confronted issues of professionalism and failed to live up to the ideals about which you will learn. These sessions are intended to give you the chance to identify issues of professionalism, to discuss why the lawyers acted as they did, and to explore alternatives that the lawyers might have taken. You are working primarily on sensitivity to professionalism issues, and you are learning about why lawyers act as they do. You should learn something about why professionalism matters, which should affect your motivation. You should also begin the process of exploring how to reason to and implement a professional decision.

(2) We will have a series of sessions in which you are put in roles to discuss and decide a series of professionalism issues. Some of these are based upon real cases, while others are hypothetical. In these discussions, you are practicing together the skills of reasoning about and implementing decisions that implicate your professionalism, under conditions of conflicting values and uncertainty. This series of discussions will involve problems of increasing complexity.

(3) At the end of the semester, we will use the discussion groups to talk about Just Mercy, Bryan Stevenson’s memoir about his career.

- **Weekly blogs.** Each section has its own blog. You are required to post an informal reflection once a week. The posts are not anonymous. I will provide the prompt for each week’s postings, many of which require you to complete a reading assignment first. In addition to responding to the prompt, you may post a comment about any relevant subject you choose. For example, you might comment on one of the online lessons or follow up on the most recent discussion group. The purpose of the blog is to require you to engage in serious reflection about what you are learning. In this semi-public forum, you should be developing your skills of reasoning, self-awareness and judgment about professional issues. Remember that these posts are informal, but you are expected to take them seriously. They will be available to other students in your section and to the law faculty. Do not use the type of shorthand you would use in a text message. Do not be vulgar. You are instructed not to share the postings of any student with anyone outside the small section. I reserve the right to withhold credit for any posting that does not reflect serious effort. You may post more than once and
respond to the comments of your classmates or instructors. I will read all of the blog posts before each section meeting and may have comments or questions as a result.

- **Guest lectures.** Over the course of the semester, there may be several guest lectures. These are intended to give you necessary background information from people who have expertise that I do not have. These lectures are intended to impart knowledge that you need to have and need to be able to apply in other parts of the course.
- **“Inside the Legal Profession.”** Over the course of the semester, I will conduct a series of interviews with lawyers and judges in front of the entire class. Each of these interviews lasts about 45 minutes, and then you will have time for questions. The purposes of these interviews are to expose you to different careers in the law and to put before you exemplars of people who live, practice and thrive while they act in accordance with professionalism.
- **Oral histories.** You will be assigned to go in small groups to interview a local judge or lawyer about his or her life in the law. The interviews take place in the lawyers’ offices or the judges’ chambers. These interviews, like the ones I conduct in class, are intended to put you in touch with exemplars of professionalism. The students in prior years routinely have said that this is their favorite part of the course.
- **Additional Reading.** As I just mentioned, you are also assigned to read *Just Mercy*, by Bryan Stevenson. This book will be the subject of one of our group discussions late in the spring.
- **Final assignment.** At the conclusion of the semester, you will complete a final assignment on line. The assignment consists of a self-evaluation, an evaluation of your fellow “working group” members, and an evaluation of the course.
- **Make up assignments.** If you are required to make up any assignments, these will be completed by the deadline I assign and may be given during the reading and finals period.

**Required materials**

There will be a number of articles posted to the course web page. In addition to those, you will need access to the following books for the course:

Deborah Rhode and David Luban (ed.) *Legal Ethics: Law Stories*

William S. Duffey and Richard A. Schneider (ed.) *A Life in the Law*

Paul A. Haskins (ed.) *Essential Qualities of the Professional lawyer*

Bryan Stevenson *Just Mercy*
Policies and Procedures

Grading

I know that a central concern for all law students is how they will be graded. You are entitled to know exactly how the grades will be determined. This course is unlike your other first year course because it is pass/fail. Do not let the pass/fail system fool you into thinking that this course is unimportant or will not require hard work.

The work for this course is “front-loaded,” which means that it will be more intense early in the semester and will be lighter as exams in your other courses approach. If you stay on schedule, you will have completed all the requirements for the course well before the end of classes. That will give you time to shift your complete focus to your graded courses as the exams approach. Plan your studies accordingly.

You will receive a passing grade when you have completed all of the assignments for the course or you have (1) been excused from any missed assignment for good cause, or (2) have completed all make-up assignments for any missed assignments. At the beginning of each week (starting January 22), you will submit to me electronically a completed assignment page for the previous week. I will post the form for the assignment page to the course web page. Your submission of the assignment sheet is your certification, on your honor, that you completed each of the checked tasks in a timely manner. Follow the instructions about the electronic submission. These are not to be submitted to my Mercer email account but rather to mercerlp2018@gmail.com. I reserve the right to double-check your certifications. For any tasks that you do not complete that week, there will be space on your assignment sheet to explain why you did not do so. The explanation is required. I will treat untruthful certifications as violations of the student honor code. In the past, I have made Honor Court referrals for false certifications.

As the semester progresses, I will review the assignment sheets. If you do not complete all the assignments and are not excused for good cause, I will provide makeup assignments to ensure that you receive a passing grade in the course. The length, depth, and difficulty of the makeup assignments will be a function of what assignments you did not complete and why you did not complete them. These assignments may be made at any time during the semester, including during the reading and finals period.

Working groups for section meetings and oral histories
Each of you will be assigned to a small working group from your section for purposes of the section meetings and the oral histories. Those working groups will be posted to the course web page. You will meet (in person) with your working groups weekly to prepare for the section meetings. It is an honor code violation to certify that you met in person when you did not do so, even if you communicated telephonically or electronically with your fellow working group members. Each working group will designate someone to speak for the group if called on each week. You will rotate that responsibility. This is also the group that will work together to take the oral history. At the end of the semester, each of you will complete an evaluation of your working group members. I will use these evaluations in determining what additional work, if any, to assign when the semester is over.

If you do not see your name on the list of working groups, please contact me immediately. I will be using the names from the most recent class roster from the registrar’s office.

Class Procedures:

1. **Computer usage:** **Computers are not allowed in class.** Because students use their computers for reasons other than taking notes, to the detriment of themselves and those around them, I do not permit them to be used in class. This includes the large group meetings for guest lectures and interviews, as well as the section meetings. If necessary, please print out your notes for reporting to the section meetings on the results of your working group discussions.

2. **Cell phones, tablets, smart phones, I-phones, Apple watches, etc.:** All tablets, cell phones and similar devices must be **turned off and put away** before class begins, unless you obtain my approval otherwise because of a particular situation that makes it vital that you be reachable during class. You may not use these devices for any purpose during class. This includes the large group meetings for guest lectures and interviews. This includes casual glances at the phone to check a text message or an email.

3. **Punctuality:** If a lecture, guest presentation or a small discussion group has begun before you reach the classroom, **do not enter.** I will not permit you to enter the room if you arrive late, regardless of the reason. You will have the opportunity to explain the reason on your assignment sheet. I may excuse an absence for good cause, but **yes, this means you may not attend any class or section meeting even if you are only “a little” late and/or have a good reason.** Plan to arrive early to avoid any issues.

4. **Leaving class:** In recent years, there has been a trend of students leaving in the middle of class and returning. If you become ill during class, then of course you may leave. Otherwise, I expect you to remain seated until the conclusion of the
class period. **If you must leave, then do not return to the classroom while the class is still underway.** Doing so is disruptive.

Class Scheduling

1. **Large group meetings.** We meet for guest presentations and “Inside the Legal Profession” on most but not all Mondays and Fridays from 8:30 a.m. to 9:30 a.m. in Classroom C. Check your weekly assignment sheets for details.

2. **Discussion groups.** Discussion groups are assigned by section at different times during the week, as set forth above. You may attend only the discussion group to which you are assigned.

Recording

No taping (audio or video) of any part of any class is permitted except with my permission for the purpose of complying with the Americans with Disabilities Act. You may notice that some of the guest presentations will be recorded. Some will be made available on Mercer’s YouTube channel.

Announcements and Assignments

I will post announcements and assignments to the course web page regularly during the semester. Please check for announcements frequently.

Contact information

My office is on the third floor of the law school building, and my telephone number is 301-2639. You are welcome to come by my office at any time, or you are welcome to make an appointment. You may also reach me by e-mail, at longan_p@law.mercer.edu.