A Quick Overview of the Legal Profession Course
Walter F. George School of Law
Mercer University

Introduction

In its 1996 report, *Teaching and Learning Professionalism*, the Professionalism Committee of the American Bar Association Section on Legal Education and Admissions to the Bar recommended that law schools devote more class time to lawyer professionalism, beyond discussion of the Model Rules of Professional Conduct. The report called particularly for a course for first-year law students and predicted that most law schools would find such a dramatic change to the curriculum to be difficult.

In 2004, Mercer added a required course on professionalism to its first year curriculum. This course, named “The Legal Profession,” is not a course in the Model Rules of Professional Conduct. Mercer’s upper-level Law of Lawyering course covers that material. Rather, the first year course addresses broader themes about life in the legal profession. Those themes include, as the ABA report called for, emphasis on reflective moral judgment and the practice of law as a public service. For his work in developing the course, Professor Patrick Longan received the 2005 National Award for Innovation and Excellence in Teaching Professionalism from the National Conference of Chief Justices, the American Bar Association Standing Committee on Professionalism, and the Burge Endowment for Legal Ethics. This quick overview will describe the goals and pedagogies of the course.

Specific Goals of the Legal Profession Course

The first goal of the Legal Profession course is to sensitize students to professionalism issues and challenges. The students learn what professionalism means for lawyers and why it matters whether or not lawyers fulfill these expectations. The students also learn how, in the current environments in which lawyers work, these values of professionalism are challenged.

The second goal is to motivate students to make a commitment to practicing with professionalism despite pressures not to do so. Another way of putting this is that the course aspires for the students to begin to form a professional identity, or set of dispositions, that will lead them to try to act in accordance with professionalism as the course defines it. The essential point is for the students to begin to understand that much of their own happiness and success as lawyers will be tied to their commitments to the values of professionalism.

The third goal is to help the students begin to learn to make and implement decisions about professionalism in complex circumstances. Professionalism issues do not arise for lawyers in the abstract, and difficult situations often involve
conflicting values and irreducible uncertainties. The students begin to develop the skills of reflection, self-awareness, reasoning and judgment that they will need. It is little use for students to know what professionalism means but be unable to make or implement a decision that implicates one or more of the values of professionalism. The course seeks to begin the process of enabling them to do so through the exercise of practical wisdom.

**Pedagogies for each of these purposes**

1. **Sensitization**

   **Lectures and background readings:** To learn what professionalism means for lawyers, the students begin with a lecture and readings on “virtue ethics.” They learn that one way to understand professionalism is to imagine the “ideal” lawyer and ask what virtues such a lawyer would have. By reading and discussing a collection of professionalism codes from various courts and bar associations, the students learn what those virtues are. These virtues include at least competence, fidelity to the client, fidelity to the courts, fidelity to the law, public service, civility, and practical wisdom. The students here acquire knowledge of the meaning of professionalism and a common vocabulary for discussing it.

   **Weekly small discussion groups:** The first year class is divided into sections of approximately 25 students. Each of the sections meets once a week for an hour-long discussion that is guided by a faculty member. Before each such discussion, the students meet and discuss the problem for the week in assigned groups of three or four, and these small groups appoint a reporter for the section meeting. The students confront case studies and hypotheticals about lawyers in various practice settings, including prosecution, criminal defense, civil litigation, transactional work and others. Through discussion and role-playing, the students gain an appreciation of the pressures on lawyers in these various settings not to live up to the ideals of professionalism. They are sensitized to these dangers.

2. **Motivation**

   **Readings on the connection between professionalism and satisfaction.** The students are assigned readings that describe the results of studies about what makes people happy in their profession. They learn that it is the intrinsic reward of doing the work in the right way that, in the end, brings the deepest satisfaction. As David Brooks writes in *The Road to Character*, “if you serve the work – if you perform each task to its utmost perfection – then you will experience the deep satisfaction of craftsmanship .....” He goes on to write that “people with a vocation ... feel the joy of having their values in deep harmony with their behavior.” Here, the students learn that a dedication to professionalism will yield them their deepest joy as lawyers.
“Inside the Legal Profession” Interviews. Over the course of the semester, Professor Longan conducts a series of interviews with lawyers and judges in front of the entire class. Each of these interviews lasts about 45 minutes, and then the students have time for questions. These interviews expose the students to different careers in the law, but more importantly they put before the students exemplars of people who live, practice and thrive while they act in accordance with professionalism. The primary purpose of these interviews is to motivate the students to make a commitment to professionalism because of the examples of success and satisfaction that the guests provide. Mercer received the 2014 E. Smythe Gambrell Professionalism Award from the ABA Standing Committee on Professionalism for the “Inside the Legal Profession” series.

Interview with local lawyer or judge. Near the end of the semester, the students go in groups of three or four to interview experienced local lawyers or judges about life in the law. The purpose of this exercise is to expose students again, even more directly, to lawyers who have lived lives in the law that have exemplified the values of professionalism. The goal is to motivate the students to do likewise. Students frequently describe this as their favorite part of the course.

3. Implementation

Readings, lectures and exercises in practical wisdom. In their weekly discussion groups, the students do a series of practical wisdom exercises. The students are put in roles to discuss and decide what to do in hypothetical situations (mostly based upon real cases) that involve multiple conflicting goals and numerous uncertainties. First in their working groups of three, and then in their section meetings of twenty-five, they must decide upon a wise course of action and be prepared to defend it to the group. The students enter this part of the course after they complete readings on practical wisdom and listen to at least one lecture on what practical wisdom is and how one learns to exercise it.

Weekly reflective writing. Each section of the course has its electronic discussion board. The students are required to post an informal writing assignment once a week in response to a prompt from the instructor. The postings are not anonymous. The purpose of the assignments is to require the students to engage in a habit of serious and regular reflection about what they are learning. In this forum, they should be developing their skills of reasoning, self-awareness and judgment.

Just Mercy assignment. All members of the class read Just Mercy, by Bryan Stevenson, about his years representing clients on death row and others who desperately needed, but could not afford, vigorous representation. This book and related discussions and writing assignments serve the twin purposes of motivating the students by exposing them to a remarkable exemplar and also providing an opportunity to explore the challenges that Bryan Stevenson has faced and how he has dealt with them.
Conclusion

This quick overview is an attempt to summarize the purposes and pedagogies of Mercer’s Legal Profession course. We have arrived at this point after sixteen years of experimentation. We are eager to share what we have learned with others, and we are eager to learn from the experiences of others who are trying to do what the American Bar Association called for so long ago, to bring professionalism training into the core of the law school curriculum. Much more information is available on the web page for the course, https://law.mercer.edu/academics/centers/clep/education.cfm.