

## Syllabus

Legal Profession

Professor Longan

Spring semester, 2019

### Desired Learning Outcomes

**Legal literacy:** The students will have achieved a basic understanding of the meaning of professionalism and professional identity in the legal profession.

**Legal communication:** The students will be able to communicate orally and in writing about issues of professionalism and professional identity.

**Problem identification:** The students will be able to identify the aspects of professionalism and professional identity that are implicated in particular situations and the challenges to professional conduct that are present.

**Problem analysis:** The students will be able to apply the principles of professionalism and professional identity to arrive at proposed solutions to dilemmas presented in class.

**Critical thinking:** The students will have learned how to reflect on their own proposed solutions to the dilemmas presented and to the proposed solutions offered by their classmates and by the instructor.

**Forming professional identity:** The students will have learned the meaning of professional identity and the core values that must be part of a lawyer's professional identity. They will be motivated to seek to acquire and cultivate a professional identity that incorporates competence, fidelity to the client, fidelity to the law, public spiritedness, civility and practical wisdom.

## **Introduction**

On the first day of orientation, you participated in a classroom exercise with Professor Tim Floyd, Dean Daisy Floyd and me about professionalism. On the last day of orientation, you 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. As I said at the time, if nothing else these exercises should have alerted you that "professionalism" for lawyers – whatever that means -- is important.

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).

The course is pass/fail, but not because the faculty believes the course is less important than Property, Contracts, or your other graded first-year courses. Rather, as you will appreciate more after you have taken the course, we deliberately chose to remove any external motivation for you to work hard in this course (other than the necessary passing grade) because one of the keys to you finding satisfaction in your work ultimately is for you to focus on the internal rewards you derive from it. If that does not make sense to you yet, that is all right. It will. For now, just be sure not to interpret the pass/fail grade as a message that the course does not matter as much or that the expectations are lower than for your other courses. You would be wrong to make those assumptions.

## **Overview of Weekly Events and Assignments**

This course is not like your other courses. I am going to describe in this syllabus in detail what we expect from you. The course has many moving parts, the details of which are set forth below. To give you first a general sense of those expectations, here is what a typical week looks like in this course:

- Attend class in Classroom C with all of the other sections on Monday morning at 8:30 a.m., after having read any reading assignments related to that meeting.
- Prepare for your section's weekly discussion meeting by doing the assigned reading and then meeting in person with a small group to which you have been assigned to prepare for the discussion.
- Attend and participate in your section's weekly discussion meeting, where you will be required to respond to the questions posed to you in that week's problem.
- Attend class in Classroom C with all of the other sections on Friday morning at 8:30 a.m., after having read any reading assignments related to that meeting.
- Complete the reading assigned for your weekly writing assignment on your section's "Discussion" on Canvas and respond to the prompt by 8 a.m. on Monday.
- Complete and email to me by 8 a.m. on Monday a completed assignment sheet in which you certify on your honor that you completed all of the assignments or you provide a written explanation why you did not do so.

Given the numerous assignments, deadlines and meetings that are required, you will need to adopt a careful calendaring system to make sure you do not miss anything. This is a good habit that you will need as a lawyer.

### **Details Regarding Assignments and Class Procedures**

#### **Monday and Friday meetings of all sections**

The first three of these large class meetings (January 14, 18, and 25) will be conducted largely in lecture format. I will handle the first and third of these, and Dean Floyd will handle the second.

After those introductory lectures, most (and perhaps all) of the remaining large class meetings will be conducted as our “Inside the Legal Profession” series. In these class meetings, I will conduct interviews with lawyers and judges in front of the entire class. Each of these interviews will last about 45 minutes, and then you will have time to ask questions. You will also be able to come forward after class and introduce yourself to our guests.

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. For example, two of our confirmed guests are Chief Justice Harold Melton of the Georgia Supreme Court and Dean Cathy Cox. You can link to recordings of some of my past interviews at <http://law.mercer.edu/academics/centers/clep/inside-legal-profession/> (Links to an external site.)Links to an external site..

### Working groups and section meetings

Each of the sections will meet once a week. The meetings are all in the Faculty Seminar room and are scheduled as follows:

Section 1: Monday, 10:50 - 11:50 a.m.

Section 2: Thursday, 2:20 – 3:20 p.m.

Section 3: Friday, 1:10 – 2:10 p.m.

Section 4: Wednesday, noon - 1 p.m.

Section 5: Wednesday, 2:20-3:20 p.m.

Each of you has been assigned to a small working group from your section. The lists are available on the Canvas page for the course as a whole rather than the page for your section. If you do not see your name on the list of working groups, please contact me immediately. You will meet (in person) with your working groups weekly to prepare for the section meetings, after you have done the assigned readings. These meetings

should take at least thirty minutes to do a thorough job. Each working group will designate someone to speak for the group if called on each week in the section meeting. You will rotate that responsibility.

In the weekly section meetings, we will discuss the week's assignment. Some of these will require you to be "in role." For example, one week we will convene as the Georgia Bar Committee to Determine Character and Fitness to discuss and vote on hypothetical bar candidates. I expect everyone to participate in the discussions. You may not attend the meeting of any other section.

### Weekly writing assignments

Each section has its own page in Canvas and its own discussion board. As I noted in the overview, you will be required to complete a writing assignment once a week, usually after having completed a reading assignment. The responses are not anonymous and will be available to the law faculty and other members of your section. I will provide the prompt for each week's assignment. In addition to responding to the prompt, you may post a comment about any relevant subject you choose. 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 response 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 posts before each section meeting and may have comments or questions as a result. Note that Canvas will automatically shut down access to the discussion after your responses are due.

### Weekly assignment sheets

As I noted in the overview, you will submit to me electronically a completed assignment page for the previous week in which you will certify on your honor the completion of the assignments. I review the assignment sheets every Monday. They are due at 8 a.m., and any sheet submitted after that will be treated as late. They must be submitted as attachments (in Word or as a PDF) to [Mercerlp2019@gmail.com](mailto:Mercerlp2019@gmail.com) and not to my Mercer email. The email must contain the reference line listed on the assignment sheet to help me keep track of them. Send the assignment sheets from your Mercer email account. This also helps me keep track.

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.

Please be aware that over the years I have made a handful of referrals to the Honor Court process as a result of false certifications. One recurring problem has been certifications regarding the working group meeting. You may certify completion of this assignment each week only if all of the working group members are physically present and the group spends sufficient time discussing the problem and preparing for class. Any meeting lasting less than 30 minutes is presumptively insufficient. If a member of the group does not attend the meeting, do not certify that this part of the assignment was completed. In the explanation section, let me know who was absent. If you were absent, explain why.

### Lawyer interview assignment

Near the end of the semester, your working group will be assigned to interview a local lawyer or judge 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. You will receive detailed instructions about how to conduct these interviews, and one of your weekly writing assignments will be about the interview.

### Grading

The workload for this course is heavy, and you may at times believe it to be particularly heavy for a pass/fail course. Note, however, that the work for this course is "front-loaded," which means that it will be more intense early in the semester but, if you stay on schedule, you will have completed all the requirements for the course well before the end of the semester. 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 by me from any missed assignment for good cause, or (2) have completed all make-up assignments for any missed assignments. Because make-up assignments usually are completed during finals for your other courses, it is highly advantageous not to have to complete one.

## Mock Bar Exam

One of the topics we discuss in this course is bar admission, including the bar exam and the character and fitness process. One requirement for this course is that you take a mock multiple-choice bar examination from 8:30 – 11:30 a.m. on April 5. The exam will cover your first-year subjects. This exam serves numerous purposes, including serving as a diagnostic tool for our bar exam preparation specialist and academic support professionals. We will provide more details as the exam approaches.

## Final assignment

At the conclusion of the semester, you will complete a final assignment online. The assignment consists of a self-evaluation, an evaluation of your fellow “working group” members, and an evaluation of the course. Note that these evaluations are not anonymous, but I encourage you to be open and honest with any critique you may have. I use these evaluations to help plan the course in future years.

## Reading assignments

You will find the reading assignments on the assignment sheets for each week. Some will come from “Reading Packets” posted to the Canvas page for all sections. Others will come from the required 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

Note that you will be required to have finished Just Mercy by the time of the last section meeting in April. You will be asked to comment on the book in light of the six virtues of the professional lawyer that you will learn about in the first week of class. It is advisable to begin reading the book early in the semester so that you do not run short on time.

## General policies and procedures

### *Use of Electronic Devices*

No electronic devices of any kind may be used in class (large classes and section meetings) except as required for an accommodation under the Americans with Disabilities Act. This includes laptops, tablets, phones, smart watches and all other electronic devices. Cell phones must be turned off and put away, unless you have received approval from me to leave your phone on because of special circumstances that require you to be reachable during class. In the section meetings, you may need to refer to notes from your working group meetings. If so, be sure to print them out before the section meetings.

### *Punctuality*

If class 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 and even if you are only “a little” late. You will have the opportunity to explain the reason on your assignment sheet, and I may excuse an absence for good cause. Plan to arrive early to avoid any issues.

### *Attentiveness*

At some point in the semester, usually around the time of mid-term exams in the graded courses, I occasionally have students come to the large classes with the expectation that they can study other subjects during the interviews of our guests. That is not permitted. Our guests are volunteering their time, and I expect everyone to be attentive.

### *Eating and drinking*

You are welcome to bring coffee or other beverages to class. You may not eat during class. Students in section 4 may want to take particular note of this rule and plan accordingly, given that they meet at noon.

### *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. You may collect your things when the class is over.

### *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.

### *Announcements and Assignments*

I will post announcements and assignments to Canvas regularly during the semester. You should make sure that your settings on Canvas are such that any announcement I post will be “pushed” to you via e-mail.

### *Contact information*

My office is on the third floor of the law school building (directly across from the faculty mailroom), and my telephone number is 301-2639. You are welcome to come by my office or call me 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](mailto:longan_p@law.mercer.edu).