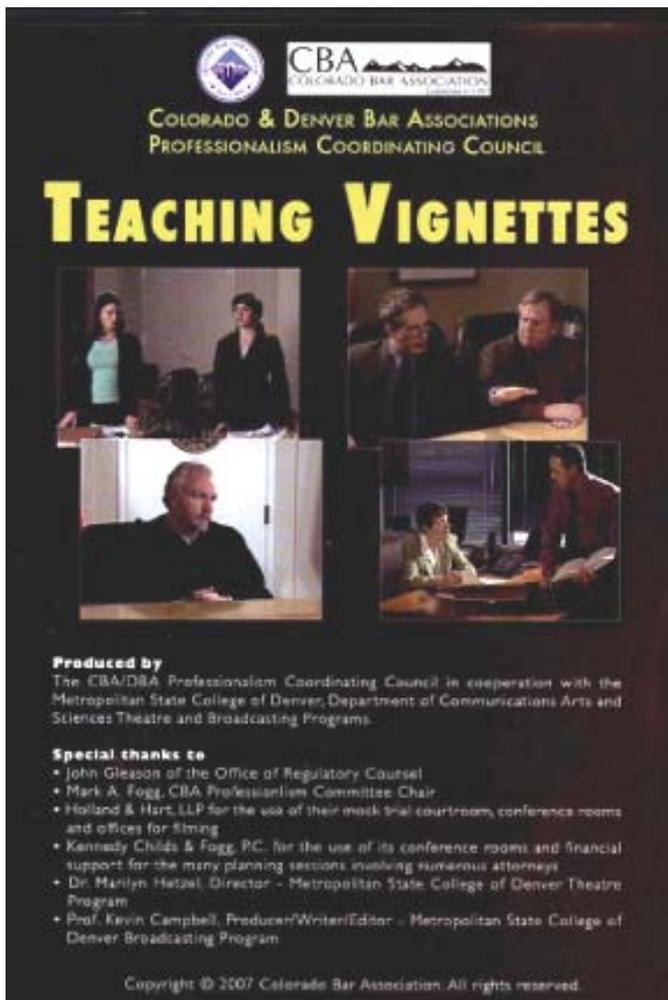


For the ABA Standing Committee on Professionalism:  
E. Smythe Gambrell Award Nomination

# Professional Teaching Vignettes — A DVD

Produced by the Colorado and Denver Bar Associations  
and Attorney Regulation Counsel



   
COLORADO & DENVER BAR ASSOCIATIONS  
PROFESSIONALISM COORDINATING COUNCIL

## TEACHING VIGNETTES

**Produced by**  
The CBA/DBA Professionalism Coordinating Council in cooperation with the Metropolitan State College of Denver, Department of Communications Arts and Sciences Theatre and Broadcasting Programs.

**Special thanks to**

- John Gleason of the Office of Regulatory Counsel
- Mark A. Fogg, CBA Professionalism Committee Chair
- Holland & Hart, LLP for the use of their mock trial courtroom, conference rooms and offices for filming
- Kennedy Childs & Fogg, P.C. for the use of its conference rooms and financial support for the many planning sessions involving numerous attorneys
- Dr. Marilyn Hetzel, Director - Metropolitan State College of Denver Theatre Program
- Prof. Kevin Campbell, Producer/Writer/Editor - Metropolitan State College of Denver Broadcasting Program

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**CBA/DBA PROFESSIONALISM COORDINATING COUNCIL  
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**Crew:**  
Kevin Campbell, Producer/Writer/Editor  
Dr. Marilyn Hetzel, Director  
Cherie Swenson, Assistant Director  
Ben Rader, Camera  
Jonathan Snyder, Audio

# Project Information Form:

<b>Name of Organization:</b>	Colorado and Denver Bar Associations Professionalism Coordinating Council, and the state Attorney Regulation Counsel
<b>Address:</b>	1900 Grant St. – Suite 900 Denver, CO 80203
<b>Telephone:</b>	(303) 860-1115
<b>Application prepared by: Title:</b>	Christine McManus, Director of Communications, DBA Tara Miller, Communication Specialist, DBA
<b>Project/ Program Title:</b>	<b>Teaching Vignettes – A DVD</b> of real-life professionalism case scenarios for engaging study and discussion  Produced in partnership by the CBA/DBA Professionalism Coordinating Council and the Colorado Attorney Regulation Counsel  www.cobar.org
<b>Web Site Address for Project/Program (if applicable):</b>	
<b>Starting Date:</b>	January 2007

## Outline of Nomination — An Overview

This entry addresses the following items, as required:

Page 3–4: **Project Description:** Please provide a full description of your project, including future plans. (please specify the nature and use of any materials submitted as exhibits accompanying this application)

Page 5: **Success of Project:**

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# Project Description

Please provide a full description of your project, including future plans. (please specify the nature and use of any materials submitted as exhibits accompanying this application)

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## **WHAT: Professionalism Project — “Professionalism Teaching Vignettes” A DVD**

Any attorney, firm, law professor or agency can grab a copy of the new, Professionalism Teaching Vignettes DVD, and lead multiple, engaging discussions on professionalism. The Colorado Bar Association and State Office of Attorney Regulation produced a high-quality DVD, titled “Teaching Vignettes” — a series of 21 short case scenarios of “lawyers behaving badly,” and other professionalism issues with an accompanying teaching manual designed to stimulate discussion and foster compatibility in the legal community, as well as a more effective practice of law. The DVD is available to Colorado and Denver bar members on loan for free, and sells to any other bar program in the nation for \$50, so this project is easily replicable and useable at any bar or firm or law school.

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## **SUCCESS: CLE Accredited. And popular by demand.**

Not only are copies of the DVD already in circulation among hundreds of attorneys, law firms, law schools, committees, sections and many bars’ professionalism workshops. The Continuing Legal and Judicial Education under the Supreme Court deemed the professionalism training tool so noteworthy, that attorneys may earn significant credits toward their annual requirement of continuing legal education. So, Colorado firms or local bars may host a vignette discussion session and help members receive valuable CLE credits.

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## **CONTENT: What the vignettes are about**

Each of the 21 vignettes range from 1-3 minutes, presenting common pitfalls that can happen when professionalism is at risk. Areas of specialization and interest include civil litigation, workers’ compensation, family law, criminal law and civil transactions. The DVD focuses on issues such as resolving disputes, mentoring, trial and courtroom behavior, depositions and age/gender bias. A teaching manual was created to be used in conjunction with the vignettes.

A few examples of vignette story lines:

- One vignette is about attorneys who assume that when opposing counsel makes a slight mistake or delay, that he or she is using evil strategies. The attorneys become so hostile toward each other, that they are no longer focused on their clients.
- Another vignette is about a longtime attorney who gets a voicemail message from an old peer about a young attorney at the firm. The peer is opposing counsel to the young attorney, and is complaining about the young attorney’s behavior. As mentor to the young attorney, the longtime attorney must decide what to do, if anything.
- One last example is about two attorneys who earn themselves a terrible reputation because they are fighting incessantly over the timing of a deposition. Outlandish allegations fly in the case. The screen flashes to the viewpoint of the judge who is hearing the case: he imagines the two attorneys are like little kids on the playground.

Typically, the discussions are so lively around each vignette, that a firm hosting a brown-bag luncheon for CLE credits, for example, will only get through the first few case scenarios. Lawyers say they really get a lot out of the discussions and that they:

- form better alliances,
- improve business relations and
- experience an overall improved practice as a result of the DVD.

The vignettes were scripted over several months, based on surveys of more than 20 different types of lawyers in various fields. Incoming DBA President John Baker ('09-'10) helped now-current DBA President Mark Fogg ('08-'09) and John Gleason of the Attorney Regulation Counsel to write the scripts. On video, for two days, those legal professionals answered the question: "Regarding professionalism, what are the most challenging issues you face regularly in your area of practice?" As a result, the case scenarios fall into six categories: Lawyers/Clients/Opposing Counsel; Client/Counsel Communication; Courtroom Decorum; Depositions; Bias Issues and Mentoring. Please see attachment #1, the DVD jacket cover with the list of the 21 specific vignette titles.

The idea for the DVD project germinated among bar leaders before, during and after the ABA Conference in Chicago in Aug. 2006. Current DBA President Mark Fogg, a leader of the Professionalism Council here, then began meeting with the leader of the state Attorney Regulation Counsel leader, John Gleason, to begin the collaboration.

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### **Partnership involved: CBA, DBA, Attorney Regulation Counsel and many others**

To enhance professionalism among lawyers, the DVD project was produced primarily by a triumvirate of volunteer attorney leaders formed among the Colorado Bar Association, Denver Bar Association (both voluntary bars) and the Colorado Attorney Regulation Counsel government agency. The Office regulates the licensing and discipline of some 22,000 attorneys in Colorado.

As testament to the leadership, the partners worked with many other entities, as well. Cooperating partners who helped fund, research, produce, distribute, market and use the Teaching Vignettes include: CBA Litigation Council (contributed \$5,000), CBA Young Lawyers Division, Colorado Defense Lawyers Association, Colorado Trial Lawyers Association, Holland & Hart and other firms. Instructors of the Colorado Bar's Annual Leadership Class also study and discuss the DVD extensively every year.

The project might not have happened, for financial reasons, if it hadn't been for another important alliance with Metropolitan State College of Denver's Department of Communication Arts and Sciences. At a mere fraction of the cost of a professional production studio, Denver-area theatre students and professors helped produce the high-quality DVD.

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### **Future plans**

As word of mouth spreads across the Denver legal community and the judicial districts in Colorado, the bars are also actively marketing the DVD. We've run full articles in the bar publications. See attachment #2. The bars advertise the DVD on their web sites. We plan to run ads in bar publications regularly into the future. The CBA Leadership Program will continue to feature the DVD in its curriculum.

Since the current DBA President Mark Fogg was a key leader on the DVD project the past couple years, his active Board of Trustees is touting the DVD at firms and in other committee/section meetings. Also, because the DVD was designed to withstand classic tests of time:

- firms can keep their DVD readily available and host additional discussions on a quarterly or annual basis
- the DVDs can be broken down into 6-10 hour-long discussions
- Law schools will use the DVD for the foreseeable future, as many of our most active members are heavily involved in the law school programs and curriculum
- \*\*\* winning the Gambrell Award could fund regional and national marketing of the DVD.

# Success of Project

## **A. What were the specific goals/objectives?**

The primary goal was to improve professional conduct in the legal community, with the interests of achieving justice and goodwill from all parties involved in mind.

Specifically, the Colorado and Denver Bar Associations Professionalism Coordinating Council wanted to create and implement an effective, easily do-able, professional project that the state Attorney Regulation Counsel could also use with new lawyers. Attorney Regulation Counsel uses the DVD for their mandatory professionalism class for new lawyers. The bars' Professionalism Council also needed consistent content for its statewide network of professionalism speakers. Finally, the professionalism leaders wanted to push the envelope and improve upon a similar, homemade video vignette project produced a number of years ago by a smaller bar. Another goal is to teach students professionalism. For judges, bar leaders also wanted to be able to present a concrete, tangible project because they've been informally requesting such an effort for a number of years.

## **B. How was the impact measured/evaluated?**

The impact is being measured, first, by sheer volume of DVDs distributed. Secondly, we have received an overflow of testimonials touting the quality and effectiveness of the Teaching Vignettes within firms, agencies and law schools. Third, the initial audiences of bar leadership peers who have already engaged in discussions have said that they notice improved professionalism within their circles. The DVD sessions are worth their time. The reputation of the DVDs is that the tool is, hands down, a great way to earn CLE credits at the office. Fourth, bar leaders already notice a continued, upgrading quality of practice throughout Colorado, as a result of the Teaching Vignette discussions. Fifth, evaluation forms have also helped gauge the success. Sixth, evidence of the project's success is in the quality of the many partners involved. Foremost, inclusion in the University of Colorado School of Law and the University of Denver's Sturm College of Law mandatory first-year curriculum is testament to the quality and practicality of the DVD content. Inns of the Court across the state have requested copies. Bench-Bar Retreats focus on the DVDs regularly. The Colorado Attorney General's Office uses the DVD. The DVDs have been widely available for just under a year, and the fact that word continues to spread shows we're really on the right track.

## **C. Do you feel the goals were met and why?**

Beyond the reasons stated above, there are three other qualifiers which show that the success of this project was worth every penny (\$14,000) and every minute spent by countless volunteers since January 2007. First, the endorsement from the state Attorney Regulation Counsel and CLE-accreditation is significant - it propels the project into the longterm spotlight of the legal community. The Office uses the DVD in its induction process of all new lawyers admitted to practice in Colorado. Furthermore, the bars continue to receive requests for the DVD - for example, several longtime, esteemed judges outside the Denver metro area in the mountain judicial districts heard about the vignettes and requested multiple copies. The judges recently banded together with local bars to promote ongoing Teaching Vignette discussions. Furthermore, the alliance of partners who got involved over the past couple years are evidence of and testament to the strength of the project, and have also further enhanced the DVD. Lastly, bar associations from other states have expressed an interest in obtaining the materials.

## **D. What evidence can you present to demonstrate the effectiveness of the project?**

(include any relevant documentation such as newspaper articles and letters of recommendation)

- Judge Ruckriegle letter
- Attorney Regulation Counsel letter
- CLE accreditation listing
- Documentation of # DVDs distributed
- The Docket magazine story

# Professionalism

How does this project help enhance professionalism among lawyers?

- ▶ **NOT ANOTHER BORING LECTURE** — The Teaching Vignettes DVD actually makes it fun and easy to start talking about issues of professionalism in the legal community. The skits are amusing, while at the same time, true-to-life. It's a natural learning tool.
  
- ▶ **PARTICIPANTS EASILY ENGAGED** — The skits were so well-researched, they are quite easy for practicing lawyers to relate to. Consistently, the bars and Professionalism Council hear back from firm leaders about how attorneys get so involved in an enthusiastic discussion, that they only get through a few vignettes per session.
  
- ▶ **START THEM YOUNG** — Law students at both the University of Denver Sturm College of Law and the University of Colorado Law School see the vignettes in multiple classes, guaranteed. By exposing aspiring lawyers to the pitfalls and solutions of professionalism early on, professionalism in the legal community is greatly and sustainably enhanced. It creates a standard of professionalism in the Colorado legal community, because each vignette has a resolution in the end.
  
- ▶ **INCENTIVE — EARN REQUIRED CONTINUING EDUCATION CREDITS** — With the endorsement of the Colorado Supreme Court and Attorney Regulation Counsel, lawyers earn continuing education credits each time they watch and discuss several vignettes in sessions that typically last an hour or two.
  
- ▶ **50 PERCENT OF REQUESTS COME FROM JUDGES** — A true testament has been the volume of requests coming from judges across the state. They see the trouble-spots of professionalism most often.

# To Do Kit

Outline the steps for replication of the project by others. Include suggestions or recommendations you would offer to others who might undertake a project similar to this one?



## Replication of the Teaching Vignettes DVD is very easy.

I. Call (800) 332-6736 to order a copy of the DVD and accompanying teaching manual. Free rental to CBA/DBA members. Out-of-state lawyers pay \$50.

II. Schedule a lunch-hour within your firm, law school or agency.

III. Discuss! Watch your immediate legal community thrive with more professional behavior.

IV. Marketing – Advertise and cross-market the vignettes repeatedly in bar publications, meeting announcements and e-newsletters for maximum impact.

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The vignettes' content is easily transferrable throughout various states. So, no replication is necessary. However, if other bars choose to invest the time and resources to create their own DVD, **we have a few recommendations.**

A. Research troublespots in a variety of practices, from a variety of attorneys.

B. Partner with many agencies as possible, not only for ideas but also for “buy-in” and participation. This also helps with funding, resources and distribution.

C. Start with a strong leadership who will see the project through.

D. Rather than hiring a professional camera crew and set for filming, which could cost \$20,000-\$30,000, hire a local college's journalism or film department to maintain professional quality while still saving time and money. (Actual cost using Metro State College of Denver's Dept. of Communications Arts and Sciences Theatre and Broadcasting Departments was \$14,000.)

E. Directors should include some of those who specialize in theater, and some who specialize in the practice of law.

F. Simultaneously develop a teaching manual alongside the development of the video.

G. Make sure the DVDs are guarded against public distribution. In the wrong hands, the content could be taken out of context and used against the profession.

# Attachments

- DVD – CBA/DBA Professionalism Teaching Vignettes
- Teaching Manual — CBA/DBA Teaching Vignettes
- Jacket cover
- The Docket Article on Professionalism Teaching Vignettes
- Judge Ruckriegle's letter
- Letter from Attorney Regulation Counsel John Gleason
- Proof of CLE accreditation status
- Clips from *The Colorado Lawyer*, Bar News on the vignettes (see on next page)

# THE COLORADO LAWYER – Bar News

On Saturday, February 24, 2007, approximately twenty lawyers met with Metro State producers to provide script material for these vignettes. Representatives from the **CBA Young Lawyers Division** also were present. The Professionalism Committees are grateful for the contributions of time and materials from several individuals. **Nancy Cohen, Chip Mortimer, and John Gleason**, from the Attorney Regulation Counsel, have been instrumental in moving this project forward. Special thanks are extended to the following people for their helpful contributions to the project: **Don Alperstein; Robert Anderson; Erin Asborno; John Baker; Peter Bornstein; Karen Burns; Jorge Castillo; Roger Castle; Phil Cherner; John Eckstein; Dave Furgason; Dave Goldberg; Brad Hill; Hon. Morris Hoffman; Sybil Kisken; Kate Knickrehm; Hon. José Marquez; Hon. Robert McGahey; Doug McQuiston; Theresa Moore; and Tiffany Scully.**

The Denver law firm of **Holland & Hart LLP** generously volunteered the use of its mock trial courtroom, conference rooms, and offices as the setting for filming the vignettes from March 30 to April 1, 2007. This contribution has been instrumental in keeping production costs manageable. Other financial contributions have come from several sources, including local bars and sections, the **CBA Litigation Council, Colorado Defense Lawyers Association, Colorado Trial Lawyers Association, and the Attorney Regulation Counsel.**

The vignettes will be recorded on CDs and there will be a supplementary teaching manual. The materials will be used as teaching tools during professionalism presentations to law schools, bar associations, law firms, and other legal groups. Bar associations from other states have expressed an interest in obtaining the materials. For more information about the project, contact Mark Fogg.

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## CBA/DBA Professionalism Committees Training Vignettes

During March 30 through April 1, the **CBA/DBA Professionalism Committees**, in cooperation with the **Metro State College of Denver, Department of Communications Arts and Sciences** (Metro State), completed their project of filming twelve professionalism vignettes. Metro State provided fifteen professional actors, directors, and production technicians. Below is a photo of attorneys and Metro State faculty and students who worked on this project.

The production was coordinated by **Marilyn A. Hetzel**, PhD, Director of Theatre at Metro State (fifth from right in photo), and **Kevin Campbell**, Broadcast Coordinator for Metro State (in center of photo, wearing cap). **John Gleason** of the Office of Attorney Regulation Counsel (at left of center), and **Mark A. Fogg**, CBA Professionalism Committee Chair (at right of center), served as legal consultants throughout the filming.

The vignettes reference several areas of law, including civil litigation, domestic relations, criminal law, civil transactions, and workers' compensation. They focus on issues such as resolving disputes, mentoring, trial and courtroom behavior, depositions, and age/gender bias. A teaching manual will be created to be used in conjunction with the vignettes.

The **Office of Attorney Regulation Counsel** will use the vignettes for its professionalism classes, which are required for new attorneys admitted to practice in Colorado. The vignettes also will be used as teaching tools in law schools, at CBA section and committee meetings, and at law firms and other legal organizations.

The Professionalism Committees thank **Holland & Hart, LLP** for its generosity in making available its mock trial courtroom, conference rooms, and offices for filming. The Committees also thank John Gleason for his tireless efforts, and the law firm of **Kennedy, Childs & Fogg, P.C.** for the use of its conference rooms and for its financial support of the many planning sessions involving numerous attorneys.

