

**Report
on a
Survey of Law School
Professionalism Programs**

Conducted by the ABA Standing Committee on Professionalism
of the American Bar Association

March 2006

**Standing Committee on Professionalism
(2005-2006)**

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**Law School Professionalism Survey
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The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association American Bar Association and, accordingly, should not be construed as representing policy of the American Bar Association.

Introduction and Executive Summary

Survey Sponsor

The ABA Standing Committee on Professionalism sponsored this survey of law school professionalism programs as part of its mission to “encourage and provide assistance to state and local bar associations, law schools, the judiciary and all members of the legal community in their efforts to improve lawyer professionalism.”

Goal

The primary goal of the survey was to gather information from law schools regarding their professionalism programs in order to create a resource that will aid those schools that may be looking for ways to improve or expand their programs and that will lead to innovations in the area of professionalism at all schools. The Committee believes that, in the past, law schools have not given sufficient focus to professionalism, but that significant change has begun. The Committee hopes to encourage and reinforce the notion that the law schools have an important role to play in this area and to aid the schools in creating a matrix of their best efforts. The information gathered from the survey will also be used to advise the Conference of Chief Justices on the progress being made towards complying with the recommendations of *A National Action Plan on Lawyer Conduct and Professionalism*.

The Parameters of Professionalism

The Committee did not attempt to conform the survey to a single definition of professionalism. Instead, the Committee decided to identify programmatic areas within law schools that contribute to the development of a lawyer as a professional, apart from the specialized knowledge of a particular field of law. The thought was that the process of professionalism training in law schools should not consist merely of a course or two, as good as they might be, but rather should consist of a continual and comprehensive educational and supportive focus. With that in mind, the Committee sought guidance from a variety of sources, including: *A National Action Plan on Lawyer Conduct and Professionalism*, adopted by the Conference of Chief Justices in January 1999; and *Legal Education and Professional Development—An Educational Continuum—Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (“MacCrate Report”) (July 1992).

Methodology

The Committee initiated the process of creating the survey by determining what topics to cover in the various sections. In making that determination, the Committee took an expansive view of professionalism, as gleaned from the parameters of professionalism discussed above. Once the areas were chosen, the Committee drafted preliminary questions for each section. Then the Committee identified a law school professor with expertise in each area, with whom to consult regarding the proposed questions. With the

help of those professors and with the help of the ABA Marketing Department, the questions were refined. Representatives of the American Association of Law Schools helped spread the word that the survey would be forthcoming to encourage participation. The ABA Section of Legal Education and Admissions to the Bar sent the survey out on its Associate Dean list serve in February 2005. Members of the National Organization of Bar Counsel contacted representatives from the law schools to encourage them to complete the survey. Responses were gathered by an outside vendor and the raw data computed and assembled in the manner presented here by the ABA Professionalism Department. Sixty-four schools responded to at least some part of the survey.

Format

Each section contains three parts. The first part provides a short summary of some of the highlights of the responses to that part of the survey. The second part provides the Committee's remarks related to important issues revealed by the responses. Where appropriate the Committee made specific recommendations. The third part in each section provides the raw data collected by the survey. Percentages in that section are rounded off to the nearest whole number.

Survey Sections and Committee Recommendations

The following sections and committee recommendations appear in the survey. Many schools already adhere to some or many of these recommendations, but the Committee believes that all schools should.

Law School Student Assistance Programs and Services

- Establish a program
- Include information about the program in orientation materials
- Counsel students, preferably at orientation, about the implications for bar admission
- Get help from state lawyer assistance programs

Law School Rules and Policies Regarding Conduct and Integrity

- Have an appeal process
- Include students on hearing committees
- Regularly evaluate the system
- Maintain jurisdiction over other forms of misconduct at the law school in addition to academic misconduct
- Maintain written standards for determining sanctions
- Provide students with the same kinds of protections that lawyers receive in the lawyer disciplinary system
- Institute diversion programs

Law Schools and Inns of Court

- Associate with an Inn of Court
- Have students evaluate their Inn of Court experience

Law School Professionalism Lectures and Seminars

- Use interactive presentation methods

- Use not only faculty, but also judges, practitioners and disciplinary counsel

Law School Mentor Programs

- Have a mentor program that includes practitioners as mentors
- Use disciplinary history as a criteria for selection of mentors
- Provide mentors with written information and guidelines regarding their responsibilities
- Use all available means to promote mentor programs to students

Law School Law Office Management Courses

- Offer training in law office management, whether through a dedicated course or otherwise
- Include financial management, conflicts checking, and client relations as part of the training

Law School Professionalism Orientation Programs

- Institute a mandatory professionalism orientation program
- Use not only faculty, but also practitioners and judges
- Provide students with written materials
- Involve students by way of discussion

Law School Pro Bono\Public Service Programs

- Encourage students to do their service in law-related activities, with an emphasis on service to persons of limited means
- Establish an evaluation process
- Have students complete time sheets

Law School Professionalism Courses

- Offer courses in addition to the basic required professional responsibility course
- Encourage professors to incorporate ethics and professionalism components in all courses
- Teach more than just the ethics rules

The Future

The Committee wishes to express its appreciation to all the schools that participated in the survey. The Committee believes that significant progress has been made by the law schools in recent years in regard to their professionalism programs, though it has no prior statistics upon which to base that conclusion. Thus, the plan is to use the results of this survey as a base line. The Committee believes that the results provide encouraging information regarding the scope of professionalism activities being carried on by the law schools, but also provide evidence that there is room for improvement in regard to the schools creating a more comprehensive approach. The Committee hopes that the questions will be revisited on a regular basis every few years to measure the change, if any, in the law school community.

Appendices

Included at the end of the report are appendices that contain the following information:

Appendix A: Summaries of the Winners of the Gambrell Professionalism Awards, 1991-2005.

Appendix B: Summaries of the Winners of the National Innovation in Teaching Award, 2004-2006.

Appendix C: A list of the law schools that supplied responses to the survey.

Appendix D: Related Web sites.

Part 1 - Student Assistance Programs and Services

Summary

95% of the schools responding to this section indicated that they or their parent university has a program of assistance available to law students who may be dealing with substance abuse or mental health issues. 85% of those make available a university related student health program, while 62% also have informal programs and 65% have access to the state bar lawyer assistance program. Referral to outside counseling services is available at 90% of the schools, counseling at 85% of the schools and assessment at 65%. 50% of the schools reported that 25 or fewer students use the program in a year. At almost all schools the services are free to the students. The services are advertised to the students by a variety of means, with the most common by far being mention at new student orientation. Self-referral is most common but many students are also referred by fellow students, administrative staff and faculty. 22.5% of the schools have a hotline for the students to call. Most funding is from general revenues. 35% of the schools reported that a student's participation in counseling under any of these programs is never included in the student's law school record. Just over half of the schools do include it in the record if the referral is part of a disciplinary matter. 77.5 % of the schools reported that students who participate in the program are counseled about implications for bar admission, particularly if substance abuse is involved, most often at the time the problem is being addressed, but also during orientation at a number of schools, and typically by administration. The most frequently encountered problems in administering the programs are education of the students and getting students who need help to seek it.

Committee Remarks

The Standing Committee would encourage those schools that do not have a program to start one. There are lawyer assistance programs in every state that can be of help, as can the ABA Commission on Lawyer Assistance Programs, which maintains a Students in Recovery list serve. The Committee would also encourage those schools that do not currently include information about their program at orientation to do so. The Committee suggests that those schools that do not currently counsel students about implications for bar admission should do so, preferably at orientation. It appears that schools are not taking full advantage of help from lawyer assistance programs, but the Committee does not know whether this is caused by a lack of access to those programs or by the schools' reluctance for some reason to work with these programs.

Survey Responses (42 responses)

1. Does your law school or parent university have a program of assistance available to law students who may be dealing with substance abuse or mental health issues?
Yes = 40 (95%)
No (If no, this part of the survey is over.) = 2 (5%)

2. What types of programs are available to law school students? (*Percentages for the rest of the answers are of the 40 who answered yes to question 1.*)

- a. Informal programs through an administrative office = 25 (62.5%)
- b. University related student health program = 34 (85%)
- c. Student run program of assistance program = 3 (7.5%)
- d. Formal program run by the law school (including disciplinary and non-disciplinary actions) = 4 (10%)
- e. State Bar Lawyer Assistance Program = 26 (65%)
- f. Other (please specify)

University Counseling Center = 2

BarCARES is a confidential cost-free assistance program that provides short-term solution-oriented personal and career counseling by licensed professionals. The service is available to members of local bar groups that have "opted into" the program. It provides three free counseling sessions each year for the attorney student or a member of that person's immediate family. BarCARES is affiliated with the North Carolina Bar Association. The BarCARES Board works with local bar associations, bar-related groups and law schools to establish a program that offers free short-term crisis counseling to North Carolina lawyers and law students (and their immediate family members.)

We have just started a combination of c and e. We now have a student division of our state bar lawyer assistance program.

We have a mental health professional on-site two days a week.

A student-run program on campus under the auspices of the Florida Assistance Program.

Drug & Alcohol screening education and referral programs.

Personal counseling by Associate Dean for Students.

Referral to state social services office; referral to psychological services provided through a local church; referral to private counseling service.

3. What services are offered to law school students? (check all that apply)

- a. Assessment for mental health and/or substance abuse problem = 26 (65%)
- b. Counseling for mental health and/or substance abuse problem = 34 (85%)
- c. Referral to outside counseling services for mental health and/or substance abuse problem = 36 (90%)
- d. Links to individuals (law students and lawyers) in recovery from substance abuse problems or coping with mental illness = 20 (50%)
- e. Education and prevention – programs, literature = 11 (27.5%)
- f. Intervention = 8 (20%)
- g. Other (identify)

Assessment counseling and referrals are done through the university's counseling center, which law students are invited to use.

Ohio requires one hour of instruction related to substance abuse before an applicant may sit for the bar. We include this instruction routinely in each student's professional responsibility course.

The Assistant Dean for student affairs does one-on-one counseling with students when these problems come to his attention.

Confidential intervention "informally" by Associate Dean for Students (as opposed to the typical meaning of intervention).

Couples and group services. Medication management.

4. On average, how many law school students participate in the program in a year?

Fewer than 10 = 17 (42.5%)

10-25 = 7 (17.5%)

26-50 = 2 (5%)

51-100 = 1 (2.5%)

100- 200 = 1 (2.5%)

More than 200 = 2 (5%)

No response = 10 (25%)

Your questions don't exactly fit our situation. Under your numbers above we present a substance abuse information session in which about 130 students participate; that session is mandatory and free. For the more individual services fewer than ten would be the correct answer; most years the answer would be fewer than 5; services through the university counseling center entail some charge in some situations.

The number of law students participating is confidential; it is not published.

5. Are the services free to law school students?

Yes = 33 (82.5%)

No = 3 (7.5%)

No response = 4 (10%)

Other (please explain)

Student fees include \$11.95 annual membership in BarCARES.

They are required to pay for insurance and that insurance covers mental health care.

Most are but varies depending upon whether outside services are used.

Educational components are free; most of our participating students participate in educational programs.

Students can access formal programs through the University's Counseling and Testing Center. Law school staff and faculty regularly refer students to the Center. With the blessing of the law school administration law students in recovery have set up an anonymous e-mail address to facilitate student communication.

Payment determined on sliding scale based upon student income.

University counseling and health services are provided through student fees. We have a close relationship with the Bar Association of Erie County and the New York State Bar Association Lawyer Assistance Programs

The first three visits for students referred to an outside counseling service are free.

Some counseling is but at some point the student may be referred to a charging counselor.

Covered by student health fee.

6. How are the services advertised to law school students? (check all that apply)
- Materials distributed annually to all students = 10 (25%)
 - Materials distributed to new students only = 16 (40%)
 - Information posted on law school website = 11 (27.5%)
 - Discussed at new student orientation = 33 (82.5%)
 - Presentation by student assistance program = 9 (22.5%)
 - Uniformly discussed in specific class (identify course or courses) = 3 (7.5%)

First-year Professionalism Development Program
Professional Responsibility class
Substance abuse issues are discussed in the Legal Profession courses.

Other (please specify)

Discussed at orientation program for returning students.

Administrators regularly discuss with and refer students to the university's counseling center for assistance.

Student Handbook. Counseling materials are also available to all students in Office of Dean of Students (who has a Ph.D. in Psychology).

We have programs on professionalism that relate to mental health issues or substance abuse and professionalism. All students are invited--via e-mail posters etc.

Services are also advertised by the state bar. In addition a presentation is given by the state bar at a meeting of all first year law students. State bar staff and various attorneys from around the state serve as presenters.

Posters. Student Handbook.

The state lawyer assistance program publishes a quarterly newsletter that is available for free in several public areas of the school.

Mass emails periodically, visibility of Associate Dean for Students as a reminder of her availability.

Representatives of student counseling center participate in annual information fair at the law school.

7. From your experience what are the three most common referral sources to the program? (please check three)

- a. Self-referral = 33 (82.5%)
- b. Administrative referral = 24 (56%)
- c. Faculty = 17 (42.5%)
- d. Fellow student = 19 (47.5%)
- e. Family and friends = 3 (7.5%)
- f. Other (please specify) = 2 (non specific) (5%)

8. Is there a program hotline for law school students to call?

Yes = 9 (22.5%)
No = 30 (75%)
No response = 1

9. Where does the program refer law school students? (check all that apply)
- a. Student health services
 - i. Service within the law school = 0
 - ii. Part of university-wide service, but physically separate from law school = 16 (40%)
 - b. Lawyer's Assistance Program
 - i. Affiliated with state bar association = 12 (30%)
 - ii. Affiliated with independent counseling organization = 1 (3%)
 - c. Other entity (please specify) = 7 (No response = 4)

The program would not accept multiple answers. The law school refers students to the student health services and a lawyers' assistance program affiliated with the state bar association.

To both student health services - part of university-wide service but physically separate from law school and Lawyer's Assistance Program - Affiliated with state bar association.

The program refers students to either the university's health services or the Lawyer's Assistance Program run through the state bar.

To health professionals in the community.

AA in-patient drug and alcohol services.

Choices 2 and 3 and to Associate Dean for Students.

The questions have switched the reference from "services" to "programs." We do not have a formal "program." The University Health Center offers counseling services among its other health services and distributes information about those services.

10. How are the programs funded? (check all that apply)
- General revenues = 33 (82.5%)
 - Grant = 1 (2.5%)
 - Donations = 0
 - Other (please specify) = 6 (15%)

Annual student fee of \$11.95.

Law school.

General revenues of the university for the university's health services- state bar funding for the state bar's program.

Helping Lawyers is funded by the Virginia Bar Association. Cumberland Mountain Community Services is funded by the Commonwealth of Virginia and the counseling services provided through the local church are paid for by the church.

11. Is a law school student's participation in counseling under any of these programs included in student's law school record? (check all that apply)
- a. Never = 14 = 35%
 - b. Substance abuse = 1 = 2.5%
 - c. Mental health = 0
 - d. Other (Please explain)

BarCARES contacts are strictly confidential. If a student discloses information to the law school dealing with an issue of character or fitness the Dean is required to report same in his certification to the State Bar.

Each case is handled on an individual basis.

In some cases referrals are made (like an externship supervisor or attorney or faculty member will write in a letter of concern. Those are kept in student files.) In other cases a record exists in a separate file like for ADA considerations. Those are kept as records but separate from academic files.

No established policy.

- e. If referred as part of disciplinary matter = 21 (52.5%)
- f. If referred as part of academic problem = 10 (25%)
- g. Only upon consent of student = 3 (7.5%)
- h. Always = 0

12. If the law school has a student/peer program, what is its relationship to the student assistance program? (*% is of the 12 answering this question*)

- a. No relationship = 8 (67%)
- b. Provides a link to the student assistance program services = 1 (8%)
- c. Mentors students upon request from the student assistance program (either exclusively or along with other counseling services) = 2 (17%)
- d. Provides financial and administrative support = 0
- e. Other (please specify) = 1 (8%)

Provides a link to student assistance program by request or with the consent of the student only. There is a link to the Asst. Dean for student affairs with the consent of the student.

13. Are law school students who participate in any assistance program counseled about implications for bar admission?

- Yes = 31 (77.5%)
- No = 4 (10%)
- No response = 5

14. If yes, when? (*Some were done at more than one time*)

- Orientation = 6
- When the student reveals the problem = 4
- At least by fall of the second year.
- At the beginning.
- In cases of administrative referral at the time the associate dean refers the student.
- Throughout the year.
- All first years are counseled.
- Several different times including: (1) orientation week before first year begins;
- (2) a general first year meeting held in conjunction with the state bar in November of

first semester; (3) at individual sessions with the Dean of Students and the student being referred to or participating in the counseling service.

At the time of counseling preliminary to their entry into the program.

When problem is ongoing.

As soon as possible and practical.

When referred and if we know.

As part of general message to include all possibly relevant facts and answer all questions completely and candidly.

At the time of referral.

At time of admission.

Professional responsibility course.

At threshold of participation.

When referred or when counseling after referral.

When they talk with me about their problems. I am the person responsible for determining accommodations for our students with disabilities.

Concurrently.

On a case-by-case basis when need arises.

15. If yes to number 13, which programs? (check all that apply) (*% is of those answering yes to question 13*)

Mental health = 24 (77%)

Substance abuse = 30 (97%)

16. If yes to number 13, who provides the counseling? (*% is of those answering yes to question 13*)

a. Faculty = 0

b. Administration = 23 (74%)

c. State Bar Examiners = 2 (6%)

d. Student volunteers = 0

e. Lawyers Assistance Program = 5 (16%)

No response = 1

17. List some of the successful aspects of your program.

Its 24-7 availability.

This is the first year we have started a student division of Lawyers Helping Lawyers (our state bar lawyering assistance program) so it is too soon to state successes. We did have well received small group discussions in the fall led by select faculty and staff to discuss stress and depression with interested law students.

Counseling has been a very beneficial aspect of the program enabling many students to continue in law school in a healthier state. The local Lawyers Assistance Program has also been inclusive of students when needed.

The students have an avenue for help and can easily obtain it.

We have a great counselor at the University who really understands the pressures of law students.

Confidentiality; mentoring follow up.

The university mental health program reports that law students are frequent users of the program. Students self-report positive results.

We have had students placed in treatment for mental health and substance abuse issues. We do not have clinical evaluation of successfulness of our program.

Develops a strong and caring relationship between the individual student and the Dean of Students. Conversations with the student within both the Dean of Students and the state bar personnel are confidential unless the student gives permission to discuss his/her situation with other faculty or staff members - Helps the student who may have had a problem show the bar admissions committee of his/her progress in solving his/her particular problem. This has proven to be helpful in allowing students who have had substance abuse or other problems in the past show the state bar of their commitment to recovery.

The program was begun recently and insufficient time has passed to make an adequate assessment.

Counseling and Testing Center works well with Student Health to address physical and mental aspects of substance abuse.

Counseling services at University works well with law students and is receptive to emergency needs.

We have has some recovering law students speak to the general student population. We have encouraged student organizations to employ alcohol risk management techniques when planning events.

We are able to educate students about the difficulties encountered by substance abuse as well as to screen them and refer them should problem behaviors arise.

Excellent service providers.

Confidentiality; caring environment.

Students seem to know that there is help available and come in on their own or to help friends.

Individual students have sought assistance and been helped.

We have a counselor and doctor across campus who are very sensitive to these issues and to the special pressures experienced by law students. We are able to coordinate very effectively.

Confidential intervention.

We are fortunate to be affiliated with a University that has a world-class medical school and hospital system. The resources available to our students are excellent.

18. List some of the limitations/weaknesses of your program.

Students do not have easy access to support programs. Not enough literature throughout the school speaking of potential pitfalls.

There have been occasional reports of students having difficulty making contact with BarCARES.

We have a terrific university counseling center that does work with many of our law students. The problem is convincing law students that they should go and take advantage of the services during this stressful time of their lives.

We cannot reach as many students as we would like.

Still difficult to get students to seek assistance.

The University's program is not available to students who withdraw because of mental health or substance abuse issues but plan to return.

Few self-referrals.

Difficult to identify students who might benefit from counseling.

No evaluation. Limited resources. Student resistance.

At times students are somewhat hesitant to take that first step in seeking help.

The program was begun recently and insufficient time has passed to make an adequate assessment.

Once referral is made law school has no further information regarding student's condition unless student voluntarily reveals.

Students still find bar night as the preferred method of fundraising and socialization.

We don't have a program; we only have the link to the University counseling services.

If a student needs in-patient addiction recover services we have few alternatives.

Students do not always have health insurance.

Far too few counselors no real "outreach" no presence in the law school at all.

Students for the most part do not like to talk about the issue of substance abuse.

Not well enough publicized.

Money and personnel. Given the potential difficulty that mental health & substance abuse issues could cause more money and personnel (based in the law school) would seem appropriate.

Students don't readily participate.

We need to develop an annual program for all students; need to put information on our web site.

Not enough general education.

No on-campus presence of trained mental health counselor.

We could do a better job of making our students aware of the services that are available.

Need more psychologist staffing to handle law student needs without as much wait time.

The University counseling programs appear to be under staffed etc.

Law students hate to admit they have problems.

19. What advice would you give to other law schools interested in starting a similar program?

Acknowledge that drug and alcohol abuse happens and stop putting heads in the sand. Have system in place that students can be anonymous in seeking treatment.

Programs like BarCARES are a tremendous resource to students in need. Our experience with BarCARES has been very successful.

Having some type of mental health program in place is a necessity and can really catch a serious problem early.

Rely heavily on your university's counseling professionals.

This type of program is well worth the effort and the benefits to students can last a lifetime.

I would encourage such programs particularly where they involve a student organization that is likely to provide an optimum environment for entry into the program.

Work with established resources - local and state bar associations are very helpful and have publications speakers and other resources available.

Try to get student involvement.

Arrange to remind students often of the problems associated with substance abuse and mental health issues particularly in seminars and ethics classes. Contact New York State Lawyers Assistance Trust for speakers, handout materials etc.

Be sure your goal is to help students with problems not punish them.

Try to work with your local or state bar if possible. Students who work with attorneys who are recovering find it easier to believe that they can recover and that they can still have a career in law.

Rules and Policies Regarding Conduct and Integrity

Summary

Almost all of the law schools responding to this section have their own rules and policies, with only two of the schools relying solely on their university's rules. All of the rules apply to academic conduct, with varying lesser percentages applying to other kind of conduct in and outside the school. In 67% of the schools, a Dean is the contact person for questions about the rules. 56% of the schools have written standards for determining the appropriate punishment for violations that are to be applied consistently to like offenses. Hearing committees are split fairly evenly between one to five members and six to ten members. There is a variety of representation on the committees, with students being represented 89% of the time. One-year terms are the most frequent, particularly for student members. Some of the committees are ad hoc. The most common requirement for the finding of a violation is agreement of a majority of the committee but there is significant deviation from that. The same result is found in regard to determination of the sanction. At all the schools the accused has the right to be present and hear the evidence but that is not the case as to other rights. 42% of the schools give the accused the right to have the hearing held in public. At 60% of the schools the standard of proof for a violation is clear and convincing evidence. 47% of the schools issue a written public decision, but only a small percentage of those reveal the student's name. Appeal is permitted by 91% of the schools. At half those schools, the appeal is to the Dean. Only one school makes information about the numbers and types of cases available to the public. Half the schools regularly evaluate the performance of the system, from some combination of faculty, participants and the student body. All the schools report violations to their state bars.

Committee Remarks

The Standing Committee would encourage the small percentage of schools that do not have an appeal process to institute one. It is highly unusual for any administrative, judicial, or quasi-judicial process not to allow for appeal. The Committee would also encourage that small percentage of schools that do not have student representation on their hearing committees to include students. Student participation adds a peer element to the process akin to the jury system and provides the student body with a meaningful responsibility. The Committee would encourage those schools that do not regularly evaluate the performance of their system to start doing so. The Committee would encourage those schools that do not maintain jurisdiction over "other conduct unbecoming a lawyer occurring in law school activities" or "other misconduct at the law school" to consider doing so. It is important for students who are preparing to be part of the legal profession to learn to accept the full responsibilities that are entailed in such participation and the ramifications for not adhering to those responsibilities. Lawyers in practice are subject to discipline for actions that reflect adversely on their fitness to practice law. The Committee would also encourage those schools that do not have written standards for determining sanctions to create such standards. This is consistent with how the lawyer disciplinary system works. The Committee would recommend that

those relatively few schools that do not, should permit a suspected violator to be accompanied by any person of his or her choosing in order to provide support. (The Committee is not suggesting that nonlawyers be permitted to represent the students at hearings.) The suspected violator also should be able to “confront and cross-examine adverse witnesses” and “call witnesses and present evidence on his or her own behalf respecting whether a violation occurred or in mitigation of punishment.” These rights are consistent with rights of an accused in the criminal justice system and in the majority of states’ lawyer disciplinary systems. The Committee also would recommend that schools develop diversion programs along the lines of state disciplinary systems, and, in particular, institute a form of ethics school as some states have.

Survey Responses (45 responses)

1. Does the law school have separate or additional rules and policies to those of the larger University regarding conduct and integrity (whether called an honor code or something else)?

Yes (Please provide any URL where they may be found) = 43 (96%) (25 provided URLs)

No, but the University has rules and policies to which the law students are subject (Please provide any URL where they may be found) = 2 (4%)

No, there are no law school or University rules or policies to which law students are subject (If no, this part of the survey is over.) = 0

www.hofstra.edu/law/handbook

<http://law.campbell.edu/studentlife/studon.html> - Click on Honor Code to access pdf document

<http://www.law.uidaho.edu/default.aspx?pid=65355>

http://law.slu.edu/current_student.html<http://law.slu.edu/policies/ethics.html>

http://www.cooley.edu/publications/studentpolicy_04.htm

http://www.law.udc.edu/students/pdf/honor_system_handbook_2004_2005.pdf

<http://www.law.duke.edu/general/info/s05.html#rule5-1> (please note these rules will be significantly revised in the next several months)

<http://washburnlaw.edu/policies/honorcode.php>

<http://www.nyls.edu/pdfs/studhandbk0405.pdf> (pp. 75 ff.)

<http://www.wm.edu/so/honor-council/honorcode.htm>

www.law.gsu.edu

<http://www.law.ufl.edu/students/pdf/hdbook2004.pdf>

<http://law.wustl.edu/Students/Rules/honorcode.html>

<http://law.quinnipiac.edu/x277.xml> - Click on Student Services Handbook

http://www.law.nd.edu/currentstudents/hoynes/hoynes_code_brochure.pdf

<http://new.stjohns.edu/academics/graduate/law/current/handbook/appendices/b.sju>

www.scu.edu/bulletin/law

www.lclark.edu/LAW/

<http://www.law.stetson.edu/policies/studentpolicies.asp>

<http://www.law.missouri.edu/current/stdhdbk.htm>

<http://www.asl.edu/documents/standards.pdf>

http://www.okcu.edu/law/academics/academics_conduct.html
www.law.tulane.edu/intranetpub/handbook/student.pdf - See Honor Code and Code of Student Conduct in Table of Contents of Tulane Law School Student Handbook
<http://www.law.utulsa.edu:8080/academics/handbook/f.pdf>
www.uchicago.edu/docs/studentmanual/ - for University rules; we excerpt from this the relevant portions
<http://campuslife.byu.edu/honorcode/>
http://mainelaw.maine.edu/student_handbook/ - The Law School has its own procedural rules for conduct inquiries; Code of Conduct is University-wide. Law School also has its own policies regarding admission and retention standards. These are found in Appendix III to the Student Handbook at the URL shown.

2. What kinds of conduct does the law school maintain jurisdiction over? (Check all that apply)

Academic misconduct = 45 (100%)
 Other conduct unbecoming a lawyer occurring in law school activities = 31 (69%)
 Other misconduct at the law school = 34 (76%)
 Conduct unbecoming a lawyer outside of the law school community = 21 (47%)
 Other misconduct outside of law school = 18 (40%)

3. Whom are students told to contact regarding questions about the rules and policies? (Check all that apply)

Faculty = 19 (42%)
 Dean = 30 (67%)
 Other staff = 26 (58%)

4. Does the committee that enforces the rules have written standards for determining the appropriate punishment for violations that are to be applied consistently to like offenses?

Yes = 25 (56%)
 No = 19 (42%)
 No response = 1 (2%) (*from one of the two schools that don't have their own code*)

5. How many committee members are there?

1-5 = 21 (47%)
 6-10 = 21 (47%)
 More than 10 = 0
 No response = 3 (6%) (*1 of which is from a school without its own code*)

6. What groups are represented on the committee? (Check all that apply)

Tenured professors = 35 (78%)
 Non tenured professors/faculty = 29 (64%)
 Administrative staff = 10 (22%)

Students = 40 (89%)
Other (please specify) = 0

7. How long do committee members serve?

One year = 24 (53%)

Two years = 4 (9%)

No response = 1 (2%) (*from one of the two schools without its own code*)

Other (please specify) = 16 (36%)

No term limits = 2

Ad hoc (appointed by Dean) = 4 (*For one - The student may elect to have students sit on the committee.*)

Students are elected in the first year and serve 3-year terms. Faculty members are appointed one year at a time.

Students are elected each year for one year terms --they are not infrequently re-elected; the faculty member generally serves for 3-5 years.

Four member slots are on two-year terms; one is on a one-year term.

One student from each class is elected to the Honor Council to serve during their three years at law school.

Student Members - One year; Faculty staff members get annual appointment - may serve unlimited consecutive terms.

Elected annually; often members serve several consecutive years.

Three years staggered.

The student is elected and serves one year. The faculty members are appointed to hear a specific case and are appointed on the basis of not being the faculty member directly involved in the complaint.

Investigators under the Academic Honor Code and the Conduct Code are appointed by the Dean. An Academic Integrity Officer is elected by the faculty.

The Grievance Committee shall consist of: the Chair of the Grievance Committee who shall be the Chair of the Student-Faculty Liaison Committee (or, in the absence of the Chair, a substitute Chair appointed by the Dean selected from the full-time tenured faculty members of the Student-Faculty Liaison Committee, but if such appointed faculty member is unavailable, the Dean, in the Dean's sole discretion shall appoint a substitute from the full-time tenured faculty members of the School of Law); one law student selected by lot from the members of the House of Representatives of the Student Bar Association of St. John's University School of Law; one student selected by lot from the law student membership of the Student-Faculty Liaison Committee (or in the event of such student's unavailability, one student selected by lot from the members of the House of Representatives of the Student Bar Association of St. John's University School of Law); and two full-time tenured faculty members of the School of Law selected by lot.

Three Honor Board representatives shall be elected from each of the first and (rising) second year Law School classes. Four Honor Board Representatives shall be elected from the (rising) third year Law School class.

8. What percentage of the committee is required to find a violation?

100% = 7 (16%)

75% = 0
 66 and 2/3% = 5 (11%)
 51% = 17 (38%)
 No response = 3 (7%) (*1 of which is from a school without its own code*)
 Other (please specify) = 13 (29%)
 60% (3 of 5) = 4 (9%)
 80% = 1 (2%)
 83 and 1/3% = 1 (2%)

"The defendant will be found 'not responsible' if more than one of the presiding Honor Court Justices finds the accused 'not responsible.'"

The procedure calls for a 3-person probable cause panel (2 students, 1 faculty) followed by a 5 person final hearing panel (3 students, 2 faculty) both chaired by a faculty member. Full faculty must hear panel recommendations on guilt and sanctions for major violations.

Two thirds of the members present, which must be a quorum, which must be three-quarters of the committee membership.

A majority of a three-member hearing panel can find a violation; appeals of that finding can be made to all nine members of the Honor Council. However most violations are found through admissions made by the suspected violator.

In theory only a majority is required but in practice the committee acts unanimously.

The prosecutor of the Honor Court after investigation recommends proceeding with prosecution if he or she believes that probable cause exists.

The committee has never met in about 25 years. The responsibility is shared by the central administration and the law school. The Dean also has power if the student waives his right to a formal hearing with the committee to assign sanctions.

9. What percentage of the committee is required to decide upon a sanction?

100% = 5 (11%)
 75% = 0
 66 and 2/3% = 7 (16%)
 51% = 16 (36%)
 No response = 2 (4%) (*1 of which is from a school without its own code*)
 Other (please specify) = 15 (33%)

60% = 2 (4%)

Rules do not specify = 1 (2%)

3 of 5 members except in case of expulsion where 4 of 5 must agree

The Honor Court attempts to arrive at a consensus from among the available sanctions. Since the sanction is a recommendation from the Honor Court to the Dean the Court would inform the Dean of the options under consideration upon which the Court was unable to reach a consensus.

Two-thirds of the members present, which must be a quorum, which must be three-quarters of the committee membership.

If a violation is admitted the Dean of Students proposes a sanction that will become effective unless six of nine members overrule it. In a contested case a majority of a three-

member hearing panel that finds a violation can decide a sanction which can be appealed to the full nine-member Honor Council if it involves suspension dismissal or revocation of a degree.

In theory only a majority is required but in practice the committee acts unanimously.
60% (100% for expulsion or suspension)

The committee recommends (either unanimously or individually) a sanction to the Dean.

Sanctions are decided by the Asst. Dean for Student affairs on recommendation of the Honor Court based upon their findings or by the Asst. Dean independently depending upon whether the Asst. Dean or the Honor Court has jurisdiction of the matter.

Unanimous jury recommends sanction it is imposed by judge who is a faculty member.

The committee recommends a sanction but the Dean actually is the final decision maker as to the specific sanction.

We currently have two tracks that the accused can select. A student committee or a student/faculty committee. The student can agree to accept the student committee recommendations or to have the proposed sanction reviewed by the Dean. If the accused selects the other route the sanction is imposed by a majority of 51% with a detailed appeal process.

Presumably a majority but the committee hasn't met in 25 years.

10. What rights does the suspected violator have at the hearing? (Check all that apply)

(% is of those who answered yes to question 1) The right to

be present = 43 (100%)

be accompanied by and to consult any person of his or her choosing = 34 (79%)

hear the evidence against him or her = 43 (100%)

confront and cross-examine adverse witnesses = 40 (93%)

call witnesses and present evidence on his or her own behalf respecting whether a violation occurred or in mitigation of punishment = 42 (98%)

have the hearing be held in public = 18 (42%)

other (please specify) = 15 (35%)

remain silent = 2

be represented by a member of a certain group

any another student = 3

from student defense roster = 1

attorney = 1

either of the two appointed Defense Counsel or by any member of the SBA = 1

The accuser must also be identified

Review faculty investigator's probable cause report.

Rights depend in part on which committee the student chooses to hear the matter.

The accused student is entitled to notice at least one week before the hearing may not be forced into self-incrimination and is entitled to make a statement during the hearing.

In every case that has come before the law school every student has asked to have the dean impose a sanction rather than have the formal committee meet. So the rights I have

checked I assume are the rights that the student will have but the issue has not been tested as I indicated for at least 25 years.

Make at own expense a tape recording separate from the official tape recorded record.

Although the student has these basic rights we do not use "judicial" or "legal" language in describing our process. The University manual says: The University's disciplinary system and the legal-judicial structures of the general society differ and are distinct in principle. It may be taken as self-evident that students do not abdicate any of the rights that are guaranteed to them by the civil society and that they are at all times free to claim and assert through the institutions presumably judicial of that society. At the same time it is affirmed that the University is a private enclave dedicated to a purpose that imposes additional and special obligations while granting certain privileges to its members. The University's disciplinary procedures are therefore not to be assimilated into the processes of law: the University's regulations are applied to incidents that are not "cases" the bodies that hear and dispose of incidents are not "courts" individuals who may accompany a student in the course of a disciplinary proceeding are not "counsel" scrutinizing procedures for compliance with "rules of evidence" and requests for review of disciplinary decisions are not "appeals." As a leading illustration of the sense of this statement it should be understood that the relation of collegiality and trust that binds all members of the University community entails an obligation of candor on the part of any student who is involved in a disciplinary proceeding.

11. If a student has counsel, may that counsel actively participate in examining witnesses, arguing the case, etc. (*% of those responding to this question*)

Yes = 30 (75%)

No = 10 (25%)

No response = 5 (*1 of which was from one of the schools without a code*)

12. What is the standard of proof for finding a violation? (*% of those responding to this question*)

Beyond a reasonable doubt = 5 (12%)

Clear and convincing evidence = 26 (60%)

Preponderance of the evidence = 5 (12%)

Not specified = 5 (12%)

No response = 2 (*1 of which was from one of the schools without a code*)

Other (please specify) = 2 (5%)

"clear cogent and convincing evidence"

Not specified in front of student committee. In front of the student/faculty committee, it is reasonably convinced by the evidence.

13. Is a written public decision issued?

Yes = 21 (47%)

No = 24 (53%)

14. If yes, is the student's name disclosed?

If a violation is found

Yes = 3 (14%)

No = 18 (86%)

If no violation is found

Yes = 1 (5%)

No = 18 (86%)

No response = 2 (*1 of which was from one of the schools without a code*)

Regarding publication of infractions with or without student name, major infractions are published, minor are not. I answered with respect to major violations.

15. May the student appeal? (*% of those responding to this question*)

Yes = 40 (91%)

No = 4 (9%)

No response = 1 (*from one of the schools without a code*)

16. If yes, to whom?

The same committee = 1 (2%)

Another committee = 10 (25%)

The Dean = 19 (47%)

Other faculty or staff = 9 (22%)

No response = 1

17. To whom is information about the numbers and types of cases made available?
(check all that apply) (*% of those with own codes*)

Committee members = 23 (53%)

All faculty = 17 (40%)

Administration = 30 (70%)

All students = 12 (28%)

General public = 1 (2%)

No one = 8 (19%)

18. Do you regularly evaluate the performance of the system?

Yes = 22 (49%)

No = 23 (51%)

19. From whom do you seek evaluations and opinions? (check all that apply) (*% of those who evaluate*)

Participants = 11 (50%)

Faculty = 15 (68%)

Student Body = 13 (59%)

20. Are violations reported to the State Bar? (*% of those responding to this question*)

Yes = 43 (100%)

No = 0

No response = 2 (*1 of which was from one of the schools without a code*)

American Inns of Court

Summary

65% of the law schools responding to this part of the survey indicated that they were associated with an American Inn of Court or similar program. 53% of those make meeting announcements on behalf of the Inn and 47% facilitate the use of meeting space for the Inn. 40% also accept RSVPs, 37% make copies of materials and 37% provide audio-video equipment for meetings. All but one of the schools reported faculty participation, of typically between one and five faculty members. 40% of the schools reported that one to ten students participate each year, while an equal number reported that eleven to twenty-five students participate each year. One school reported that over 50 students participate. No correlation between the size of the school and the number of students participating was done. About two-thirds of the schools reported a limit on the number of students who could participate at one time, with about two-thirds of those falling in the six to twelve range and about one-third falling in the eighteen to thirty range. Most schools had criteria for student eligibility. 60% of the schools require the students to be third year students. Additionally, about half of the schools permit the faculty liaison to decide which students should be chosen. The most significant other factor for participation is the student's work in litigation related courses. Almost two-thirds of the schools promoted the participation through announcements by faculty, while one-third used the school's Web site and e-mail notices. Private invitations to selected students were used by 37% of the schools. Two-thirds of the Inns covered the costs of the students' meals at meetings. 30% of the schools provided an orientation program for participating students. 77% of the Inns granted the students full membership. Almost none of the schools required the students to submit an evaluation of their experience. Two-thirds of the schools did not track whether their former students apply for Inn membership following graduation.

Committee Remarks

Based on the results of the survey and high participation of students at law schools who associate with Inns, the Standing Committee would encourage those schools that are not associated with an Inn of Court to do so if it is geographically feasible. The Committee would also encourage more schools to ask students for an evaluation of their Inn of Court experience to ensure that the students are taking full advantage of the opportunity to participate and to address any of the concerns the students may have with the experience. The Committee contacted the American Inns of Court (American Inns) to obtain information regarding student participation nationwide. One hundred thirty seven Inns reported that a total of one 1341 students were members of their Inns, for an average of almost 10 students per Inn. The range of participation was from one student to 40 students. The American Inns notes that some Inns do not report pupil members who are law students, so the total number of students nationwide may well be larger. The American Inns also suggests that most programs are successful because of word-of-mouth campaigns among students. Other ways to promote the program are through

posters, e-mail and by correlating involvement to a student's ability to get a job, network, or improve his or her own future prospects.

Survey Responses (46 responses)

1. Is the law school associated with an American Inn of Court or analogous program?

Yes = 30 = 65%

No (If no – this part of the survey is over) = 16 (35%)

2. If yes, what services does the law school or a faculty or staff member provide for the administration for the program? (Check all that apply.) (*Unless otherwise noted, percentages in the following answers are of the 30 who answered yes to question 1.*)

Makes meeting announcements = 16 (53%)

Accepts RSVPs = 12 (40%)

Facilitates use of the meeting space = 14 (47%)

Makes copies of materials = 11 (37%)

Provides A/V equipment = 11 (37%)

Maintains a list serve = 3 (10%)

Other (please specify)

None = 1

Promotes and recruits student members = 5 (17%)

Selects students = 2 (7%)

Provides facilities and catering arrangements when meetings are held at the law school/university = 2 (7%)

Provides primary administrative assistance - organizing pupilage groups, preparing programs and providing financial support for refreshments on occasion.

May help arrange for speakers or outside events, may provide some funding for programs and events.

Faculty member participates in the Inn (which does not meet at the law school) and facilitates participation of third-year law students with the Inn.

Complete reports for national organization; coordinates with other Inns in the state.

Faculty members act as liaison between Inns and law school for membership information, locating guest speakers etc.

Prepares a newsletter, is creating web site, attends annual meeting, and plans meetings.

3. In an average year, how many faculty members from the law school participate as members of the Inn?

Unknown = 4 (13%)

None = 1 (3%)

1-5 = 21 (70%)

6-10 = 3 (10%)

11-15 = 1 (3%)

16-20 = 0

More than 20 = 0

4. In an average year, how many students from the law school participate as members of the Inn?

- Unknown = 2 (7%)
- None = 0
- 1-10 = 12 (40%)
- 11-25 = 13 (43%)
- 26-50 = 2 (7%)
- More than 50 = 1 (3%)

5. What number of students may be members of the Inn at one time?

- Unknown = 6 (20%)
- No limit = 5 (17%)
- Specific number (please state the number) = 19 (63%)
 - (6 for 1, 12 for 2nd, no limit for third) = 1 (3%)
 - 6 = 1 (3%)
 - 6-8 = 1 (3%)
 - 7-8 = 1 (3%)
 - 8-10 = 1 (3%)
 - 10 = 3 (10%)
 - 10-12 = 1 (3%)
 - 12 = 3 (10%)
 - 18 = 1 (3%)
 - 20 = 2 (7%)
 - 20-22 = 1 (3%)
 - 24 = 1 (3%)
 - 25 = 1 (3%)
 - 25-30 = 1 (3%)

6. What criteria must students meet to be eligible to participate? (Check all that apply)

- None – Open to all interested students = 4 (13%)
- Must be a 3L = 18 (60%)
- Discretion of faculty liaison = 15 (50%)
- Number of litigation related courses taken = 5 (17%)
- Quality of work in litigation courses = 4 (13%)
- Grade point average = 5 (17%)
- Other (please specify)

Try to get "top" students from different areas e.g. law review, pro bono board, moot court.

Litigation (Interest in litigation; litigation courses and related work; commitment to advocacy as demonstrated through participation in mock trial and moot court; participation in student organizations related to litigation). = 4 (13%)

Inns look for students interested in practicing law in the geographic area where the Inn is located. = 3 (10%)

Submit application and statement of interest. = 3 (10%)

Completion of first-year required courses.

Seniority of student.

Recommendation of faculty liaison is important though not necessary. Service to law school is taken into account.

2L and 3L.

7. How is the program promoted to students? (Check all that apply)

Student handbook. = 4 (13%)

Law school Web site. = 10 (33%)

Announcements by professors = 19 (63%)

Bulletin boards = 13 (43%) (*Unknown if this includes both old fashioned and electronic bulletin boards.*)

Presentations by members of the Inn = 8 (27%)

Private invitations to selected students = 11 (37%)

Other (please specify)

Email = 9 (30%)

School newsletter or paper = 3 (10%)

Handouts = 1 (3%)

Posters = 1 (3%)

Letter from Dean to 3Ls = 1 (3%)

Paper announcement/invitation to all students = 1 (3%)

8. How do you finance student participation? (Check all that apply)

The students pay for any actual costs such as meals. = 9 (30%)

Tax-deductible contributions to the law school by members to cover the cost of student participation, including meals. = 3 (10%)

Dues from the other members cover the costs of the student's meals. = 20 (67%)

Our for-profit law school covers the cost of the students' membership in the Inn. = 1 (3%)

9. Do you provide an orientation session specifically for new student members of the program?

Yes = 9 (30%)

No = 21 (70%)

10. What is the status of students as members of the Inn?

Full. = 23 (77%)

Limited = 7 (23%)

11. Are the students who participate required to submit an evaluation of their experience?

Yes = 2 (7%)

No = 28 (93%)

12. If Yes, by what means

Written = 1 = 50% (*of the 2 who answered yes to question 11*)

One on one = 0

Informal feedback (please explain) = 1 (e-mail feedback at end of year) = 50%

13. How many students apply to be Associates in an American Inn of Court the year following their graduation?

Unknown = 20 (67%)

1-10 = 7 (23%)

11-25 = 2 (7%)

26-50 = 1 (3%)

51-100 = 0

More than 100 = 0

Professionalism Lectures and Seminars

Summary

78% of the schools responding to this section of the survey indicated that they present professionalism lectures/seminars for their students. Of those, most used a lecture format, but intermixed that with other more interactive formats. About one third of the schools with programs presented one to two a year, while another third presented three to five. For 80% of the schools with programs, the program was mandatory, usually for first year students. Academic credit was given by 17% of the schools with programs. A similar percentage of the schools pay expenses for speakers. Faculty and administration have the greatest input into topic selection, but the speakers and students also have input at a significant number of schools. Weekdays are by far the most common time for the programs.

Committee Remarks

There may have been some overlap between this section, which was meant to poll about lectures and seminars outside of the first year orientation program and the section specifically directed toward orientation programs. Therefore, the number of “yes” responses to question number 1 may be inflated. As a “no” answer to question 1 would end this part of the survey, other questions that follow may result in skewed percentages as to particular answers. For example, it is likely that the percentage of mandatory programs reflected in the answers to question 4 is also skewed. And the question regarding format did not offer the same choices as the like question in the orientation section so a one to one comparison is not possible. Still, it is worth noting that, while lecture is widely used, more interactive presentation methods are also used to a great extent and the Committee encourages this. The Committee also encourages the use of a wide variety of presenters, not only faculty members, but also from outside the law school, including judges, practitioners and disciplinary counsel.

Survey Responses (45 responses)

1. Does the law school present professionalism lectures/seminars for students?
Yes = 35 (78%)
No (If no, this part of the survey is over) = 10 (22%)

2. What format is used? (check all that apply) (*Unless otherwise noted, percentages in the rest of the answers are of the 35 that answered yes to question 1.*)
Lecture = 33 (94%)
Roundtable = 20 (57%)
Video = 15 (43%)
Q and A = 23 (66%)
Social interaction = 20 (57%)
Other (please specify)

Law firm negotiation simulation with leading lawyers serving as senior partners for and clients of simulated law firm of 10 students each.

Small group discussions led by practitioners.

Two student/staff/faculty retreats - one focusing on leadership and professionalism and one on public service.

Small group problem solving sessions.

Schoolwide "Issues Forums" on a variety of topics dealing with ethics and professionalism.

All students are required to take a first year course with a significant professionalism component involving simulated transactional and litigation contexts. Plus all upper level students must take an additional professional responsibility offering, which can be met by a traditional classroom PR course, by clinics or by various seminars.

3. On average how many professionalism lectures/seminars does the law school present per year?

1-2 = 11 (31%)

3-5 = 11 (31%)

6-8 = 4 (11%)

9-12 = 4 (11%)

More than 12 = 4 (11%)

No response = 1

4. Is attendance at any of the professionalism lectures/seminars mandatory?

Yes = 28 (80%)

No = 7 (20%)

5. If yes, for whom? (check all that apply)

First year students = 26 (74%)

Second year students = 4 (11%)

Third year students = 5 (14%)

6. Is there an academic credit given for attendance?

Yes = 6 (17%)

No = 29 (83%)

7. If not mandatory, how many students typically attend one of the lectures/seminars? (Percentages are of the 6 who answered this question, not of the 7 who answered No to question 4.)

1-10 = 1 (17%)

11-25 = 2 (33%)

26-50 = 1 (17%)

51-100 = 2 (33%)

More than 100 = 0

No response = 1

8. Are speakers compensated in any way? (check all that apply) (*some of the speakers are faculty*)

No = 16 (46%)

Some are, some not = 15 (43%)

Yes

Expenses = 6 (17%)

Stipend = 1 (3%)

Other (please specify)

For Professionalism Symposium every four years many receive expense reimbursement and some may receive stipend.

9. Who has input into the selection of topics? (check all that apply)

Faculty = 31 (89%)

Students = 16 (46%)

Administration = 28 (80%)

Speakers = 23 (66%)

10. What topics have been the most popular?

Law firm negotiation simulation

Ethics in government practice

"Great Lives in the Law" presentations by Supreme Court Justice Ginsberg and other prominent attorneys and first-hand accounts of alumni discussing their views on legal professionalism

Dealing with Stress in the Profession; Law & Etiquette; Issues for Prosecutors of Terrorists

Programs presented by the Board of Law Examiners: How to Stay out of Trouble with the Bar, Becoming an Ethical Lawyer

Deadlines: How to Juggle Competing Priorities, Professional and Social Etiquette, Unveiling the Mystery of Billable Hours, Your Client Your Livelihood, Practice Pointers from the Judiciary, Essential Business Skills for the Liberal Arts Lawyer

Professionalism Problems: Applying the State Rules and the Model Rules, Pro Bono Opportunities, Bar Admission Standards

Personal integrity topics

Problem Solving under the State and Model Rules of Professional Conduct; Careers in Public Service; Pro Bono Opportunities

Those relating to the practice of law and the programs presented by elected government officials who are also lawyers and have been previously involved in the public or private practice of law

Diversity in the profession

On being a happy and ethical practitioner

Topics related to current events

What it means to be a professional; life in balance issues

Sessions concerning the transition from student to professional employee and the leadership development series

Duty of Advocacy; Admission and Attorney Discipline; Duty of Loyalty to the Client; Bias in the Profession; Billing Issues

Public interest and meeting the needs of the disadvantaged; diversity in the profession; religion and the profession

11. What have you found to be the best times to present the lectures/seminars?

Evenings = 1 (3%)

Weekends = 1 (3%)

Weekdays = 33 (94%)

12. Please list the topics from the last two years. (*These responses have been edited down.*)

Introduction to the Legal Profession; Professionalism and Law School

Demeanor before the courts; demeanor with colleagues; demeanor with the public

Social responsibility

Problems of diversity, bigotry and respect

Role of the profession in making a better society

Responsible Leadership and Corporate Social Responsibility

Faculty Lives in Public Service

Leadership-What Role Should Lawyers Play; What Role Does Religion Play in the Courtroom

Prosecutorial Professionalism

The Ethics of Military Justice

Colloquium for Prospective & Aspiring Law Teachers

Charting Courses: African-American Lawyers: Empowering and Enriching Lives through Leadership Service and Collaboration

Career Issues for Attorneys

Conversation with ACLU President

At the Threshold: The Professional Choices of Young Lawyers

Ethics and Politics

The Challenge of Professional Integrity

Ethics and Leadership

Faith and Career; Faith Family and Friends

The Role of the Judge

Great Lives in the Law: Justice Ruth Bader Ginsberg

Balancing Legal Career and Family Life

The Crisis of Professions in the Post-Enron Era

Professional conduct for clinical students

Professionalism and Alcohol/Mental Health issues

Challenges in Client Representation (several programs in a variety of practice areas)

Lawyering & Social Justice

Board of Law Examiners: What the Bar Expects of You

Being an Ethical Lawyer in Today's Society

Multiculturalism and the Law

The Zealous Advocate

Deadlines: How to Juggle Competing Priorities
 Professional and Social Etiquette
 Unveiling the Mystery of Billable Hours
 Your Client Your Livelihood
 Practice Pointers from the Judiciary
 Learning Your Firm's Culture: Norms Values and Practices
 Deadlines and How to Cope (Effective Time Management)
 Essential Business Skills for the Liberal Arts Lawyer
 A Balanced Approach to Practicing Law -- Mentoring Relationships and Other
 Helpful Resources
 Bar Admission Standards
 Public Service/Pro Bono work.
 Can You Practice Zealously Profitably and Professionally - all at the same time?
 Parallels between the Recent Crisis in Corporate Governance in American and Issues
 of Professionalism and Ethics in the Practice of Law
 Lessons and Law from the Abu Ghraib Prison Inquiry and the U.S. Air Force
 Academy Scandal
 Perspective from Washington and advice for young lawyers
 Current Issues in the Congress
 How to lose an appeal---Misconceptions about what makes a good brief and argument
 Blakely v. Washington ... The Impact on Federal Sentencing Guidelines
 Reflections from the Federal Bench and comments on Racism and Ethics
 State of the Court and Ethical Considerations for Practitioners
 Lawyer/client communication dynamics
 Diversity in the profession; Civility in the profession; Effects of substance abuse on
 the professionalism
 An Honorable Profession - about what it means to be a professional how to practice
 in away that is civil and professional.
 Conflict Management When You Can't See I to I
 Cat in the Hat - The Many Hats a Lawyer Wears
 Parliamentary Procedure
 Prosecutorial ethics
 Corporate counseling
 Gays and lesbians in the profession law
 Religion, work and family balance.
 The Lawyer's Myth: A guide to the construction of your story about your life and the
 legal profession
 Knowledge of self and others as a necessary element of lawyer competence
 Lawyer Roles: Fiduciary and Advocate [Who's in Charge? Videotape]
 Lawyer Roles: Interviewing [Dilemmas in Legal Ethics videotape: divorce case]
 Lawyer Roles: Counseling [Dilemmas in Legal Ethics videotape: in-house counsel
 case]
 Lawyer Roles: Negotiating [Dilemmas in Legal Ethics videotape: personal injury
 case] Conversations with Lawyers Subject to Discipline and The North Carolina State
 Bar's Disciplinary Process

Knowledge about Alcohol Substance Abuse and Addiction as an Element of Lawyer
Competence

- Practice in Different Types and Sizes of Firms
- Representing Criminal Defendants
- Representing Clients Engaged in Questionable Business Practices
- Professional Aspirations: Pro Bono and Public Interest Practice and the Duty to
Continuously Improve as a Lawyer
- Professionalism from the Perspectives of Business Clients
- Professionalism from the Perspectives of Personal Plight Clients
- Capital Punishment: Do or Die?
- Returning Civility to the Lawmaking Process
- Entrance Ramps along the Ethical Highway
- Transparency an Essential Element of Democracy and Ethical Governance
- When Courts Do More than Say What the Law Is - Some Thoughts on a the Ethical
Role of the Judiciary in a Constitutional Democracy
- Why Ethics Matter
- Professional Image
- Does Character Matter?

Mentor Programs

Summary

59% of the schools responding to this part of the survey indicated that they had a formal mentor program. The survey did not distinguish between programs using lawyer/judges as mentors and programs using only students as mentors. Students in all years of school participate in the programs, with almost all the programs reporting that first year students participate. More than half the schools reported that over 50 mentors participate in an average year and 81% of the schools reported that over 50 students participate in an average year. Half the schools limit mentors to working with one or two students at a time. The most common criteria for mentors are a reputation for integrity, accessibility and competence. A third of the schools consider practice specialty distinctions when assigning mentors. Almost all the schools use students as mentors. Outside mentors are found through a variety of means, with former mentors being the greatest source. Almost all the schools provide information to prospective mentors regarding their responsibilities, most often through written materials and in-person meetings. 54% of the schools have written guidelines for mentors to follow. 73% of the schools reported the length of the mentorship to be between one semester and one year. Students are informed of the program through a variety of means, the most common being presentations by program leaders. About half the programs report little or no cost other than staff time, while the other programs average about \$2750 per year in costs, mostly for administration and materials. Funding at 73% of the schools comes from general revenues. By far the most prevalent problem encountered was with a lack of commitment by students or mentors. Too few mentors was the second most common problem, being reported by 35% of the schools.

Committee Remarks

The Standing Committee encourages all schools to institute a mentor program. Cost does not appear to be an issue at those schools with programs. Obviously those schools that would be starting new programs would have to look for mentors from sources other than prior mentors, but schools with programs report a variety of other sources. The use of students as mentors is widespread among those schools with programs and while the Committee does not see a student mentor as a replacement for a lawyer mentor, it does support the additional use of student mentors as a valuable experience for both the mentors and the mentees. One interesting statistic about the selection criteria for mentors is that only 19% of the programs use discipline history. The Committee believes that all schools should take disciplinary history into account when selecting mentors. Two of the programs do not provide prospective mentors with information regarding their responsibilities. The Committee believes that all programs should provide such information. The Committee also believes that those schools that do not currently provide written guidelines to their mentors might consider following the lead of those schools that do. The Committee is surprised that more schools do not promote their programs through email to students, through the school Web site and through the student

handbook. The Committee recommends that the schools use all available means to promote their programs.

Survey Responses (44 responses)

1. Does the law school have a formal mentor program?

Yes (please provide a URL if there is one) = 26 (59%) (*5 were provided*)

www.cooley.edu/alumni/alumnimentor.htm
<http://www.law.udc.edu/alumni/mentor.html>
<http://www.law.ufl.edu/career/alumni/> and
<http://www.law.ufl.edu/career/students/index.shtml#mentor>
<http://www.nyls.edu/pages/2663.asp>
<http://washburnlaw.edu/career/mentor/index.php>

No (If no, this part of the survey is over) = 18 (41%)

2. Which students participate in the mentor program? (Check all that apply.) (Unless otherwise noted, *percentages for the rest of the answers are of the 26 who answered yes to question 1.*)

1L's = 24 (92%)

2L's = 18 (69%)

3L's = 19 (73%)

3. In an average year how many mentors participate?

1-5 = 0

6-10 = 0

11-25 = 3 (12%)

26-50 = 8 (31%)

More than 50 = 15 (58%)

4. In an average year how many students participate?

1-5 = 0

6-10 = 0

11-25 = 1 (4%)

26-50 = 4 (15%)

More than 50 = 21 (81%)

5. How many students may a mentor work with at a time?

1 = 7 (27%)

2 = 6 (23%)

3+ = 13 (50%)

6. What are the law school's selection criteria for mentors? (Check all that apply.)

Practicing or retired lawyer or judge = 11 (42%) (*Presumably the others are law students.*)

Years of practice = 6 (23%)

How many years

5 years = 3 (12%)

3 years = 1 (4%)

2 years = 1 (4%)

6 months = 1 (4%)

Reputation for (Check all that apply.)

Integrity = 9 (35%)

Accessibility = 9 (35%)

Competence = 10 (38%)

Other (please specify)

Reputation for interest in public service public interest and public policy in keeping with the School of Law's mission.

Reputation for Leadership.

Other (please specify)

Discipline history = 5 (19%)

Referral from another group or agency = 3 (12%)

Practice specialty distinctions = 10 (38%)

Geographic location = 4 (15%)

Student-to-student mentor program = 3 (12%)

Alumni = 2 (8%)

Faculty = 2 (8%)

Mentors who do not follow through with responsibilities are not utilized in subsequent years.

None - Voluntary sign up.

7. Does the law school use students to mentor other students?

Yes = 23 (88%)

No = 3 (12%)

8. How does the law school find mentors? (Check all that apply.)

Through bar associations = 7 (27%)

Through the courts = 3 (12%)

Through law firms = 6 (23%)

Through former mentors = 10 (38%)

Through professors = 4 (15%)

Other (please specify)

Through alumni – 11 (42%)

Through Student Bar Association = 5 (19%)

Through Dean's Advisory Committee = 1 (4%)

We have faculty mentors and student mentors who are volunteers from the previous year's entering class.

The Stetson Ambassadors serve as an elite student leadership team that mentors new students.

Students are paired with an attorney to work on a pro bono case assigned by local legal services agency. The agency finds the attorneys based on the above criterion.

Student volunteers

Student mentors are Teaching Assistants who work in our Academic Support Program.

9. Does the law school provide information to prospective mentors regarding their responsibilities?

Yes = 24 (92%)

No = 2 (8%)

10. If yes, how? (Check all that apply.) (*% of the 24 who answered yes to question 9*)

Videotape = 0

Web site (please provide URL) = 1 (4%)

List serve = 0

Email = 16 (67%)

Written materials = 16 (67%)

In Person = 16 (67%)

Other (please specify)

Telephone conversations - also written materials are being developed.

CLE on mentoring & ethics.

Leadership Training.

The SBA meets with student volunteers and instructs them on the program.

11. Does the law school have written guidelines for mentors to follow?

Yes (If yes and they are available online, please provide the URL) = 14 (54%)
(*No URLs were provided.*)

No = 12 (46%)

12. What incentives does the law school provide for lawyers to become mentors?

Recognition in law school publication = 1 (4%)

None = 8 (31%)

No Answer = 6 (19%)

Other (11) (please specify)

Recognition luncheon\reception = 3 (12%)

Personal recognition from the school.

Recognition in law school publication and invitations to special mentor events.

Student mentors are highlighted at all-school "Meet you mentor" events.

Our mentors are all full time faculty members.

Prestige in the community, reception, Ethics CLE.

We do not use lawyers for our mentor program.

No pay etc. But with respect to members of the bar we select individuals active in the alumni group and members active in the alumni group are happy to do it.

Awards are given to outstanding mentors. All mentors receive a mug with the slogan "mentor a law student mold a lawyer" on it.

13. How long does the average mentorship last?

One semester or less = 2 (8%)

Between one semester and one year = 19 (73%)

More than one year = 5 (19%)

14. How are the students informed about the program? (Check all that apply.)

Presentations by program leaders = 19 (73%)

Announcements by professors = 4 (15%)

Bulletin boards = 7 (27%)

Student handbook = 9 (35%)

Web site (provide URL) = 9 (35%) (*4 were provided*)

<http://www.law.udc.edu/alumni/mentor.html>

<http://www.nyls.edu/pages/2663.asp>

<http://washburnlaw.edu/career/mentor/index.php>

www.law.stetson.edu/studentlife/

Other (please specify)

Email = 7 (27%)

New student orientation = 6 (23%)

Law school's newsletter = 4 (15%)

Career Services Office = 2 (8%)

Word of mouth between student mentees

Alumni magazine available to current students

Assignment to student mentors by administration.

Invitations to alumni mentor receptions thrice yearly.

Admissions materials.

With respect to student mentors a list is handed out to first year students.

Student drop files.

15. How is the program evaluated for success? (Check all that apply)

Survey = 8 (31%)

Student evaluations = 13 (50%)

Mentor evaluations = 12 = 46% (*11 of the programs did both student and mentor evaluations*)

Other (please specify)

Small focus groups at the end of the academic year

Informal feedback from students = 3

No established means of evaluation = 3

16. What costs are associated with the program? (Check all that apply)

Administrative = 18 (69%)

Materials = 10 (38%)

Travel = 1 (4%)

None = 2 (8%)

Other (please specify)

Postage

Meals\luncheons\receptions between mentors and mentees = 9 (35%)

The SBA provides a small gift as a token of appreciation to the student mentors.

17. On average, what are the total costs per year to run the program?

\$500, \$3,000, \$1,000, \$4,000, \$6,000, \$1,800, \$6,000 to \$8,000, \$500, \$2,000-\$2,500, \$1,500 (= average of \$2750 for those responding)

We do visit with mentors but travel costs are associated with alumni association meetings around the country.

Minimal = 5 (22%)

Staff Time = 6 (23%)

Zero

Nominal/Negligible

There is not a separate budget line for the mentor program = 2 (8%)

18. How is the program funded?

General revenues = 19 (73%)

Grant = 0

Donations = 2 (8%) (*one of these was also general revenues*)

Other (please specify) = 6 (23%)

Bar association partners assume portion of costs

Alumni association shares costs with career services office budget

Unrestricted donations

Law Alumni Association = 2

Student Bar Association and Dean of Students

19. What administrative or other difficulties have you been challenged with? (Check all that apply)

Too few mentors = 9 (35%)

Personality conflicts between mentors and students = 4 (15%)

Lack of commitment by students or mentors = 22 (85%)

Lack of staff resources = 2 (8%)

Other (please specify) = 3 (12%)

We have plenty of mentors but not always in the right location or practice specialty.

Lack of funding for outreach or to incentivize.

Although a feedback survey was given in the past the response rate to the survey was limited.

20. How did you overcome the difficulties?

We offer guidance and incentives.

Lack of commitment has been only from students, not mentors. Personality conflicts are rare. Alumni director spends an hour with the mentees counseling them how to work with mentor at beginning of pairing.

The largest problem is student apathy not alumni apathy. We encourage the alumni to contact their mentees first rather than waiting for students to contact them. This process appears to generate better communication between mentors and mentees.

The Dean and Director of Alumni Relations continue to encourage mentor and student participation through letters e-mail and presentations.

In years where mentor participation is initially light, mentor program manager makes personal appeals to individual attorneys and also broadcasts need through various bar associations. Re lack of commitment program manager becomes involved to encourage more meaningful interaction between mentor and law student.

Ongoing endeavor.

We have occasionally reassigned mentees.

Students tend to seek mentors in the practice areas of interest to them while we welcome mentors from all practice areas. Some practitioners from small general practice firms note that students do not tend to call upon them. Before each of our alumni mentor receptions we hold a workshop for the students about participating in the program and networking where we share with them the value of reaching out to mentors in multiple practice areas and about mentor feedback (disappointments and successes).

Participation in the mentor program is voluntary. We always have more mentors than students interested in the program. This is simply a reality of working with attorneys and students. If the students do not utilize their mentor we try to find another student who will appreciate the assistance.

Reassigning students to new mentors discussions with students on civility and professional responsibility clarifying student and mentor guidelines.

On-going process - each year is different. When we are short on mentors the program director (me) does outreach to alumni and past mentors to recruit additional mentors. When there is a personality conflict attempts are made to repair the issue or to rematch the mentor and student with other available mentors and students. If there is a lack of commitment by either the student or mentor attempts are made to repair the relationship or to rematch the interested party.

Periodic reminders to mentors to stay in contact with mentees.

We haven't. Complaints are few and far between.

We started asking mentors and students to participate in at least (3) activities a year. We also started a system of gentle reminders. Activities should include a visit to the mentor's office a visit to the state or federal courthouse and attendance at an Inns of Court Meeting a TCBA meeting or a Mentoring Committee function. The program encourages mentors and students to participate in more serious events such as lectures by practicing lawyers on particular practice areas. In addition mentors are encouraged to

invite their student to a court hearing trial or public meeting a Continuing Legal Education event a day of "shadowing" office activities a session to discuss law coursework or course selection.

Last year we went to an electronic service where students select their mentor. It is believed that by selecting one's mentor there will be more student commitment/buy-in.

Students have tended to sign up in smaller numbers than mentors; we have tried to overcome this by pushing the program more aggressively; the Women's Law Association has developed a program with the Women's Law Section of the Bar Association this year. And the Student Bar Assn has also developed a student mentor program. We are hoping these will bolster the alumni/student mentor program as a resource.

Law Office Management Courses

Summary

47% of the schools responding to this part of the survey offer a law office management course. For half of them it is a two-credit course. It is not a required course for graduation at any of the schools. On average approximately 11 - 50 students per year attend such courses at each responding school. In 81% of the cases, adjunct professors teach the course. Half of those answering regarding course books indicated that they use the ABA publication "How to Start & Build a Law Practice" by Jay Foonberg. A variety of materials, including articles, forms, videos and power point presentations, are used in addition to or in lieu of textbooks. None of the classes had an externship component. The most commonly covered topics were setting up a law practice, marketing and advertising, client development, client relations, time and office management and law firm management.

Committee Remarks

While the Standing Committee recognizes that there are constraints about what can be included in a law school curriculum, the fact remains that a large percentage of lawyers in the United States maintain solo or small firm practices and are therefore in need of training in regard to law office management. Many of these lawyers go into these practices straight out of law school and therefore do not have the luxury of on the job training before they find themselves in office management situations. In addition, even those new lawyers who start out in positions that do not require them to take the lead on office management issues will find themselves subject to the implications of those issues and thus would benefit from an educational background in the area. Office management problems can lead to client complaints and even disciplinary sanctions, as well as stress and job frustration. Therefore, the Committee believes that every law school should offer educational opportunities to its students, whether through a course in law office management or through incorporation of law office management issues into other courses. This should be done even if the law office management course is not part of the formal curriculum. For example, it may be possible for the school to partner with a local bar association, such that students can attend bar programs on the subject at no charge.

The Committee found interesting the fact that even those topics that one might assume would be taught by every school as part of its law office management course, were not. In particular, only 77% of the classes cover financial management and a same percentage cover conflicts checking systems, while 85% cover client relations. These are three areas that lead to numerous professional problems, even for experienced lawyers and that are not necessarily intuitive. The Committee believes that all the classes should cover these topics.

Although the Committee does not have a prior survey on which to base a comparison, it is the Committee's belief that more schools have started offering office management

courses in recent years. The Committee believes that schools that do not join this trend are missing the opportunity to provide their students with an important element of professionalism for their future in the practice of law.

Survey Responses (55 responses)

1. Does the law school offer an office management course?
Yes (please provide any Website address that contains a course description or syllabus) = 26 (47%) (*No URLs were provided*)
No (If no, this part of the survey is over.) = 29 (53%)

2. How many credit hours is it? (*Unless otherwise noted, percentages for the answers to the following questions are of those answering yes to the first question.*)
1 = 6 (23%)
2 = 13 (50%)
3 = 6 (23%)
4 = 1 (4%)

3. Is it required for graduation?
Yes = 0
No = 26 (100%)

4. If no, how many students on average take the course per year?
1-10 = 1 (4%)
11-25 = 12 (46%)
26-50 = 9 (35%)
51-100 = 2 (8%)
101-200 = 1 (4%)
More than 200 = 0
No answer = 1

5. Who teaches the course?
Professor = 4 (15%)
Adjunct professor = 21 (81%)
Instructor = 0
Combination of any = 1 (4%)

6. What books are used for the class? (If there is a website that contains this information, please provide the URL) (*16 of the 26 answered - % is of those 16*)

Foonberg, How to Start & Build a Law Practice = 8 (50%)
No textbooks are used for the class = 3 (19%)
Professor develops her own materials = 2 (12.5%)
Crowley & Winick, Guide to the Basics of Law Practice, 8th Ed. = 2 (12.5%)
Gary A. Munneke, Law Practice Management (West Group 2nd. 2002) = 1 (6%)

A Guide to the Basics of Law Practice (8th ed. 2000); Opening and Managing a Law Practice Checklists and Worksheets (2d ed. 2000).

Florida Legal Secretary (James Publishing)

During prior academic year: Altman Weil Pensaís Introduction to Law Office Management by Miller & Slavick (Matthew Bender 3d ed. 1993) and Essential Lawyering Skills by Krieger Neumann McManus & Jamar (Aspen Law & Business 1999).

7. Are there any other types of materials used? (Check all that apply.)

Articles = 18 (69%)

Forms = 16 (62%)

Videos = 12 (46%)

Power Point Presentations = 10 (38%)

Other (please specify)

Copies of disciplinary proceedings

Internet Websites, software and hardware demonstrations.

8. Does the class have an externship component?

Yes = 0

No = 26 (100%)

9. If yes, how many hours of externship work are required of each student?

Less than 10

10-40

More than 40

10. Which of the following topics are covered by the class? (Check all that apply.)

Marketing and advertising = 22 (85%)

Client development = 22 (85%)

Client relations = 22 (85%)

Case management = 20 (77%)

Time and office management = 21 (81%)

File management = 17 (65%)

Calendar control = 18 (69%)

Applied legal research = 8 (31%)

Software and technology = 18 (69%)

Setting up a law practice = 23 (88%)

Financial Management (Bank Accounts, Time Keeping, Accounting) = 20 (77%)

Billing procedures = 18 (69%)

Use of staff = 18 (69%)

Handling of personnel = 15 (58%)

Law firm management = 21 (81%)

Location of the law office = 12 (46%)

Purchase of law books and office equipment = 17 (65%)

Conflicts checking systems = 20 (77%)

Risk management = 15 (58%)
Insurance = 19 (73%)
Professional development = 17 (65%)
Collaboration with other attorneys = 19 (73%)
Balance & quality of life issues = 17 (65%)

Professionalism Orientation Programs

Summary

80% of those schools responding to this part of the survey indicated that they had a professionalism orientation program. For all but one of those schools, the program is mandatory for first year students. For all, as one might expect, the program is held at the beginning of the year. However, a few of the programs also hold the program in the middle or end of the year to reinforce their efforts. The most common length of program is one to two hours. However, fully one quarter of the programs last half a day and another one quarter last more than a full day. Some of the schools present the program in conjunction with other entities: state or local bar associations, alumni associations, and state supreme courts or the courts' professionalism commission. Almost all of the schools use a combination of faculty and practitioners to present the programs, with over 60% also using judges. One school indicated that upper class students are also utilized. Multiple formats seem to be the norm. While 85% of the schools use a lecture format, 61% also use small group discussion and 42% use a panel format. The use of hypotheticals is widespread and 64% of the programs distributed a professionalism code. For 90% of the schools, the program addressed not only professionalism, but also ethics.

Committee Remarks

The Standing Committee would encourage those schools that do not yet have a professionalism orientation program to consider developing one and all schools to make the program mandatory. There is a heightened emphasis placed on professionalism and ethics in the real world. Students should not be able to opt out of familiarizing themselves with the issues. Even if it is only one to two hours in duration, it will provide a strong message to the incoming students about the importance of professionalism in the practice of law.

The Committee also encourages the use of a combination of faculty, practitioners and judges to provide a cross section of viewpoints and to demonstrate that professionalism is the concern of everyone associated with the legal profession. Those programs that last one half day or more might also consider the value of adding students to the mix, as at least two schools have done. Peer support can be very powerful.

Where time permits, the use of multiple formats as seen in many schools can also be of great benefit. Involving incoming students in the discussion and using a variety of means to stimulate their interest can be just as beneficial to them in this setting as it is for any class in the curriculum. All the schools should provide written materials for this type of program.

Survey Responses (41 responses)

1. Do you offer a professionalism orientation program?
Yes = 33 (80%)

- No (If no, this part of the survey is done.) = 8 (20%)
2. For which students is the program mandatory? (Check all that apply) (*% for all answers below is of programs that answered Yes to Question #1*)
- None = 1
 - First year = 32 (97%)
 - Second year = 0
 - Third year = 0
3. During what part of the school year is the program presented? (Check all that apply)
- Beginning of year = 32 (97%)
 - Middle of year = 4 (12%)
 - End of year = 2 (6%)
4. How long does the program last?
- 1-2 hours = 14 (42%)
 - Half day = 8 (24%)
 - Full day = 2 (6%)
 - More than one day = 8 (24%)
 - No response = 1
5. What entity presents the program? (Check all that apply)
- Law school = 30 (91%)
 - Local bar association = 4 (12%)
 - State bar association = 10 (30%)
 - Alumni association = 4 (12%)
 - State Supreme Court = 6 (18%)
 - Other (please specify)
- Local Judge = 2 (6%)
 - Chief Justice's Commission on Professionalism = 2 (6%)
6. Who does the teaching, leading? (Check all that apply)
- Law school faculty = 30 (91%)
 - Practitioners = 28 (85%)
 - Judges = 20 (61%)
 - Other (please specify)
- Director of the Chief Justice's Commission on Professionalism
 - Administrators and deans = 5 (15%)
 - Ethics scholars from other institutions
 - Bar examiners
 - Upper class students = 2 (6%)
7. What format is used? (Check all that apply)
- Lecture = 28 (85%)

Class discussion = 14 (42%)
Small group discussion = 20 (61%)
Video with guided discussion = 7 (21%)
Panel = 14 (42%)
Other (please specify)

Interactive role-playing and simulations
Question and answer sessions--large groups

8. What kind of written materials are used? (Check all that apply)

Hypotheticals = 23 (70%)
Questions = 17 (52%)
Articles = 6 (18%)
Essays = 4 (12%)
Professionalism codes, pledges, creeds = 21 (64%)
Other (please specify)

None = 1 (3%)
Student Commitment to Honor = 1 (3%)
Bar examination standards = 1 (3%)

9. What is the focus of the program?

Professionalism only = 3 (9%)
Professionalism and ethics = 30 (90%)

Pro Bono\Public Service Programs

Summary

17% of the schools responding to this section indicated that their pro bono program was mandatory. Half the programs required ten to twenty hours from the students, with the other half requiring more. Over 60% of the programs allowed the students to finish the requirement any time before graduation. Two of the schools also reported a faculty pro bono requirement. In terms of all the programs, whether mandatory or not, a combination of administrative staff, faculty and students staffed the programs. 77% of the programs required that the work be law-related, 68% required that the services be provided to persons of limited means and 62% required the availability of on-site supervision for the students. The placements are found through a variety of means, most often through faculty, the Office of Career Services, Bar Associations contacts and law firm contacts. Students also find some of them on their own. Legal aid bureaus provide placements in more programs than any other entities. There are a variety of prerequisites for beginning the service. In 35% of the programs, it is completion of the first year core courses. In just over half the programs the students must complete time sheets. The programs are most often funded by general revenues, but grants and donations also play a part in some programs. Most of the budgets are used to cover staff and administrative costs. In less than half of the programs are the students evaluated by the entities with which they are placed. In just over half the programs, the students evaluate the entities.

Committee Remarks

Standard 302 (b)(2) of the ABA Standards for Approval of Law Schools and Interpretations 2005-06, adopted by the ABA House of Delegates in February 2005, states that a law school shall offer substantial opportunities for student participation in pro bono activities. The ABA Section of Legal Education and Admissions to the Bar has proposed a new Interpretation 302-10 to that Standard, which states in part:

Each law school is encouraged to be creative in developing substantial opportunities for student participation in pro bono activities. Pro bono opportunities should involve the rendering of meaningful service to persons or organizations of limited means. While law school pro bono programs should generally involve law-related services, pro bono programs that involve meaningful services that are not law-related also may be included within the law school's overall program of pro bono opportunities.

The Standing Committee supports the substance of the proposed Interpretation. However, the Committee is interested in why some programs do not require that the service be law-related. It is possible that it is a matter of availability of placements. But the Committee would suggest that schools encourage students to do their service in law-related activities. The same issue may apply regarding the availability of placements related to the service to persons of limited means, but the Committee would also suggest

that this be a priority. Both these suggestions are in line with Model Rule 6.1 as it applies to lawyers.¹ The Committee also thinks that time sheets and evaluations are an important part of the process and should be incorporated into all the schools' programs.

Survey Responses (47 responses)

Program Creation

1. Is the law school's student pro bono program mandatory?

Yes = 8 (17%) (*The ABA Section of Legal Education's Web site reports that 20 law schools have mandatory pro bono programs, which would equal slightly over 10% of the ABA accredited law schools.*)

No (If no, skip to question 7) = 39 (83%) (*4 of these appear to not have a program at all = 8.5%*)

2. If yes, what were the principal challenges in creating a mandatory program? (Please check all that apply) (*Percentages for answers to questions 2 through 6 are of programs that answered yes to question 1.*)

Student opposition = 0

Faculty opposition = 0

Finding sufficient placements = 1 (12.5%)

Insufficient resources = 2 (25%)

Difficulties presented by time constraints upon evening or part-time students = 1 (12.5%)

Other (please specify) = 1 (12.5%)

Finding administrative support.

¹ Model Rule 6.1 states as follows:

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

(3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

3. How were these challenges overcome?

We have a number of placements that offer weekend and evening opportunities to perform pro bono work.

Pounding the pavement in search of placements and seeking grants to create several legal advice programs.

At the outset the program was made a part of the Career Planning Center (no additional staff just additional responsibility). Since then we have added a part-time CPC staff person whose primary responsibilities include public service and pro bono.

We currently have over sixty ongoing project opportunities. We have experienced some funding issues associated with the basic operation of some of the projects. Fortunately we have received tremendous support from our staff and faculty members as well as the community at large.

4. How many hours are the students required to put in?

Less than 10 hours = 0

10-20 hours = 4 (50%)

21-30 hours = 2 (25%)

31-40 hours = 1 (12.5%)

More than 40 hours = 1 (12.5%)

Requirement is per project not per hours = 0

5. What is the time frame for completing the requirement?

School year = 1 (12.5%)

Calendar year = 2 (25%)

Any time before graduation = 5 (62.5%)

6. Is there a faculty pro bono service requirement?

Yes = 2 (25%)

No = 6 (75%)

7. If yes, how many hours are faculty members required to put in? (*Percentage of the 2 answering yes to question 6.*)

21-30 hours = 1 (50%)

10 hours = 1 (50%)

Program Operation

8. Who staffs the operation of the program? (Check all that apply) (*We assumed that all those answering had a program of some sort – mandatory or voluntary – but apparently not – the percentages for the rest of the questions are based upon 43 programs, not 47.*)

Administrative staff = 29 (67%)

Faculty = 20 (46.5%)

Other (please specify) = 17 (40%)

In addition to faculty and staff we have a student run pro bono program.

Associate Dean

Director (Professor) and Paralegal for Elder Law Program staff the program "pro bono."

Students = 3

Center for Career Services: Director of Career Services and support staff.

Asst. Dean for Public Interest Programs and Program Coordinator (both of whom also handle other programs).

A board composed of about 40 students works with the Associate Dean and Coordinator of the Office of Public Interest and Pro Bono. Outside the Office of Public Interest and Pro Bono another group provides community service opportunities that are not law-related. This is the Community Service Board of the Duke Bar Association.

Our pro bono efforts are more decentralized and different aspects are handled by different people. For example our Sixty Plus clinic students can opt to work additional hours for senior citizen clients than those hours required by their course and that counts as pro bono. Career Services may direct students into volunteer programs that may count as pro bono. Cooley has required clinics and a professional development continuum program that encourages volunteering but no formal pro bono program. Professor Gary Bauer is Cooley's representative to the Law School Consortium Project, which also encourages support to solo practitioner and pro bono activity. All student organizations engage in public service of some type. Some professors have public service components to courses.

There is no "program" to staff. Students simply report their pro bono activities. Those with exceptional service are honored at graduation.

The Dean's Advisory Committee (DAC) consisting of representatives of the student body created the program. In conjunction with our faculty Public Interest Director the DAC promotes the program and reviews the recorded hours to determine persons who meet the criteria for recognition at graduation.

A Staff Attorney in the Law Clinic.

There is no pro bono "program." Our student equal justice group and our career services director have taken the lead in advising students about available opportunities but it is done in a rather ad hoc fashion. Other public service occurs in our clinical programs and externships.

Our student organizations are very involved in pro bono activity. A number are aimed at the persons of limited means.

In the past the administrative staff in the Career Services office handled all pro bono referrals. However that is not being currently done and we are reviewing the matter in light of the new ABA rule regarding providing sufficient pro bono opportunities to students as part of the curricular requirement.

Clinical faculty supervise a number of clinical programs some involving litigation some transactional work and some legislation. A student organization the Public Interest Law Society identifies and sponsors public interest opportunities for students.

9. What are your selection criteria for entities that provide positions? (Check all that apply)

Law-related work = 36 (77%)

Provides services to persons of limited means = 32 (68%)
Availability of on-site supervision = 29 (62%)
Other (please specify)

Volunteer hours with the Hofstra Law School student groups that advocate on behalf of clients such as the Unemployment Action Center [UAC] or Domestic Violence Courtroom Advocates Project [CAP] and for groups that provide legal education such as the Street Law Project or Goldie Locks count towards Hofstra's Public Service Certificate. Non-legal work can count for 20% of the total hours worked towards the Public Service Certificate. Work that qualifies for Hofstra's Public Service Certificate include any of the following: (1) work for a nonprofit organization that provides legal representation to individuals or groups who are under-served under-represented or of limited means; (2) perform law related work for a governmental agency; or (3) assist attorneys providing legal services free of charge or at significantly reduced cost to individuals or groups who are under-served; under-represented or of limited means. All legal work must be done under the supervision of an attorney and without pay or credit.

Public Service broadly defined

Students are encouraged to provide at least a portion of their pro bono legal services with indigent legal services agencies.

We provide help to any organization that is both a worthy cause (whatever that means) for which students want to provide help.

Location (distance from the law school); availability of supervising attorneys; need for assistance.

Students can volunteer with any nonprofit organization so long as they are not paid nor receive academic credit for the services.

Services must be provided to underserved or under represented individuals or groups; students cannot receive neither academic credit nor remuneration; and entity must be a government agency not-for profit or 501(c)3.

We don't limit our students to entities that will provide positions. Our service activities include a broad range of community service that are not in the form of "positions" as well as some that are. Some are law-related some are not. Some need supervision some do not.

Or work on behalf of a qualifying student-led organization targeting people of limited means with the goal of improving public understanding of the law (e.g. Street Law).

Students must be supervised by an attorney.

Can include work for non-profit organizations.

Our selection criteria is very broad. In a voluntary program we feel the best approach is to recruit a wide variety of placements that will appeal to many students. This year almost half the student body has selected a placement. While most placements serve low-income people not all do. The placements are in all three sectors - non-profits government and private attorney pro bono. We have about thirty subject matter areas and a variety of job functions and time requirements. Some of our placements are one-on-one with community attorneys and some are group pro bono placements.

We offer opportunities and encourage students to participate in a continuum of activities including volunteer work for non-legal work pro bono for legal work with supervision and without. Curricular experiences must always include on-site supervision.

Our Sixty Plus in-house clinic program provides free legal services to persons who cannot afford legal assistance and some moderate-income senior citizens. Our Innocence Project provides free investigative work to persons who cannot afford a lawyer. Students in our Public Defender program provide services to indigent clients through Washtenaw County PD. We only count as pro bono however that clinic work in excess of required curricular hours by students.

A limited number of non-legal pro bono volunteer positions are offered.

General charitable work preferably related to law.

The program documents and collects information on both law-related and general community service volunteer contributions. We do not pre-approve/select eligible organizations but encourage students find a need in the community and lend their time in fulfillment of that need.

We focus on non-law related activities and focus on more traditional service projects.

Students will occasionally receive pro bono credit for working with organizations that do not provide services to the persons of limited means such as District Attorney offices or courts.

Supervisor required.

10. How do you find the entities? (Check all that apply)

Through faculty = 32 (74%)

Through Office of Career Services = 27 (63%)

Bar association contacts = 30 (70%)

Law firm contacts = 25 (58%)

PSLawNet and other on-line databanks = 12 (28%)

Other (please specify)

Most any office from the first six choices in question 11 below qualifies. While some of these offices contact us our students generally initiate the contact and coordinate the details and arrangements between that office and the Associate Dean.

Contacts with governmental agencies the Judiciary Legal Services and Pro Bono Organizations.

Local non-profits were identified when the program was created and invited to participate in the program.

Organizations contact me directly if they have opportunities for students. I will also contact organizations to find placements for students.

Direct solicitation from service providers and student initiated programs.

Through community contacts = 4

The students find them = 5

Alumni contacts = 2

Word of mouth = 2

Web searches

Referrals from other organizations.

University volunteer services coordinator.

The Associate Dean for the Office of Public Interest and Pro Bono worked many years as a legal services attorney and Deputy Director of the statewide Legal Services of North Carolina. She was and is active in bar associations and non-profit organizations

and uses these contacts to recruit placements. Students also suggest placements both for individual positions or new pro bono groups.

Through the courts and also through the efforts of the Assistant Dean for Pro bono & Public Interest Programs.

Virginia Bar Association's Community Service Council.

We solicit requests for pro bono research each semester through letters to public defender offices, legal services offices, county and federal bar associations and public interest organizations.

We provide students a pre-approved list of placements but they are permitted to submit placements of their choosing for approval.

11. What kinds of entities provide placements? (Check all that apply)

- Legal aid bureaus = 37 (86%)
- Criminal defenders = 34 (79%)
- Prosecutors = 28 (65%)
- Governmental Agencies = 31 (72%)
- The courts = 30 (70%)
- Non-Profits = 37 (86%)
- Private Law Firms = 19 (44%)
- Other (please specify)

Student groups

International and nongovernmental agencies

In-house clinics.

Non-legal non-profit community service.

Public service organizations.

Law school legal clinic as part of the law school's clinical program = 2

12. Are there any prerequisites the students must complete before beginning their approved service? (check all that apply)

- First year core courses = 15 (35%)
- Ethics course = 2 (5%)
- Other (please specify)

Completion of first semester courses = 3 (7%)

Organizations' instructions on prerequisites = 2 (5%)

There are some pro bono activities that 1Ls perform even in their first semesters.

First year Law and Justice course.

Training required for some aspects or projects.

For law-related placements I generally require that students have completed their first semester of law school with a satisfactory grade in legal research & writing.

Depending on the placement -- e.g. prerequisite for one program is an IP course.

Part-time students must complete 30 credit hours before beginning their pro bono service.

Most of our pro bono projects require completion of law school provided training prior to participation.

Depends on nature of the service to be performed.

We hold an Introduction to Community Service course each fall semester. All first-year law students are required to attend this course, which focuses on the community and building leadership skills.

Technically there is no "approved service." To participate in clinical representation student have to be in their 3rd year and to have taken ethics; to participate in externships students must have completed the first year.

Students working in litigation clinics are required to take pre-trial advocacy and intensive trial practice workshops.

Attend a half-day orientation class.

13. What program requirements do the students have? (Check all that apply)

Completing time sheets = 24 (56%)

Writing descriptive essays of their experiences = 8 (19%)

Other (please specify)

Complete an Evaluation and Hours Log and give them to the Director of Public Sector Career Planning. Complete the hours by the first Monday after spring break of third year.

Every two weeks the students prepare a memo regarding the issues and projects on which they have been working. They then meet with the faculty supervisor on the same bi-weekly basis.

Student Registration (approval of placement) student evaluations supervisor evaluations.

The students must complete a packet of information that includes times sheets and description of services provided as well as an evaluation.

Specific projects may require reports.

Varies depending on employer and circumstances of student's employment = 3

I ask students to complete an evaluation of their experiences.

Students must read and sign an "Intent to Participate" that includes caveats such as the unlicensed practice of law appropriate attorney supervision confidentiality and other areas.

Evaluation form from Supervising Attorney as well as evaluation form from student.

Supervisor's report; placement confirmation form (required for private firm or corporation placements only).

Recording them on the school's web site.

A Student Agreement Form and Placement Confirmation Form. More information available at <http://law.loyno.edu/probono/>

Supervisor sign-off; must provide description of work.

Students must submit a form describing their work or project.

Students are required to attend a four-hour orientation session and to work with a team of students to conduct eight two-hour legal information sessions for the general public. If a student misses a session the student must make arrangements with the program coordinator to make up the time.

Learning Plan, Weekly Journal Entries, Midterm Report, Final Report, Student Self-Evaluation, 10 pages of work product, Feedback Form, Externship Description, Interview with Faculty Externship Coordinator at the End of the Externship.

14. How is the program funded? (check all that apply)

General revenues = 28 (65%)

Grant = 6 (14%)

Donations = 7 (16%)

Other (please specify)

Not funded = 5

The funding comes from the Career Planning Center's operational budget; there is no budget line specifically for the pro bono program.

Law school operating funds.

15. What % of the program's budget goes to each of the following items?

Staff – 30, 90, 1, 70, 25, 80, 100, 70, 75, 100, 20 (*of the 11 selecting this answer, the average % is 60%*)

Marketing – 10, 5, 1, 25, 20, 15, 10 (*of the 7 selecting this answer, the average % is 14%*)

Administration – 50, 100, 10, 5, 25, 50, 20, 10, 10, 70 (*of the 10 selecting this answer, the average % is 35%*)

Other (please specify)

There is no separate budget. = 9

Not funded

Conferences, postage, photocopying.

Our personnel are funded from a different line in the budget. 100% of the budget is set aside for operating and marketing costs.

The program is voluntary and staff and a Pro Bono committee only approve placements and help students keep track of their pro bono hours. Consequently the administrative and marketing costs are not significant.

Program Evaluation (percentages are of those responding to this section)

16. Are the students evaluated by the entities with which they are placed?

Yes = 19 (46%)

No = 22 (54%) (6 did not respond, 4 of which appear not to have any program at all)

17. Are the placements evaluated by the students?

Yes = 23 (56%)

No = 18 (44%) (6 did not respond – 4 of which appear not to have any program at all)

Professionalism Courses

Summary

63% of the schools completing this section reported that they offer more than one professional responsibility or professionalism course. 20% offered more than 5. 73% of the schools encourage professors to incorporate ethics and professionalism components in other courses. About half the schools have a mission statement or equivalent written policy for teaching students the standards and values of the legal profession. Only one of the schools requires all students to engage in the supervised practice of law before graduation. This is done through an externship program the summer after the first year of school. All but three of the schools report that the mandatory ethics course deals with more than just the ethics rules, most typically with the philosophical foundation of our legal system, which is also dealt with most often in the elective courses.

Committee Remarks

The Standing Committee would encourage all schools to offer more than just the basic professional responsibility course. The Committee would also encourage all schools to encourage their professors to incorporate ethics and professionalism components in other courses. The Committee recognizes that there is not a lot of time to spare in the other courses, but believes that even a minimal infusion of these elements would help educate the students as to the pervasiveness of ethics and professionalism issues in the practice of law so as to increase the students' awareness levels and promote proper conduct. The Committee would encourage the small percentage of schools whose mandatory ethics courses deal with just the ethics rules to expand that coverage, again recognizing that time constraints exist. These constraints are a reason for offering more than just the basic course.

Survey Responses (41 responses)

1. How many different professional responsibility or professionalism courses does the law school offer during the academic year?

1 = 15 (37%)

2-3 = 15 (37%)

4-5 = 3 (7%)

More than 5 = 8 (20%)

2. Please provide course descriptions of all of them. (Please specify if the course is mandatory and list required readings. If there is a Web page where this information is located, please provide the URL.)

Appalachian School of Law

History, structure, goals, duties, values and responsibilities of the legal profession, including instruction in the Model Rules of Professional Conduct. The course focuses on a lawyer's responsibilities and duties to clients the legal profession courts and the public.

University of Arizona James E. Rogers College of Law

Legal Profession

Mandatory

3 unit graded course for 2Ls and 3Ls

No prerequisites

1st Section: Course Overview: This course will attempt to help students develop a better understanding of the many often quite difficult choices faced by the ethical lawyer. We will work with basic concepts such as the Model Rules of Professional Conduct. But we will also explore some of the ethical moral and personal choices that many lawyers face in daily practice and that cannot be easily resolved by reference to the rules alone. The hope is that the course will be one step in helping students become reflective and competent lawyers.

Course Materials: Zitrin and Langford Legal Ethics in the Practice of Law; American Bar Association Model Rules of Professional Conduct; plus some materials supplied by the Professor. Suggested (not required): Stuart Gary L. The Ethical Trial Lawyer State Bar of Arizona 1994. Class Format: We will focus primarily on problems and situations posed by the text. Lectures on topics in Professional Responsibility can be deadly boring. So students can anticipate being called upon to make presentations to work in small groups and to participate in class discussions. At least once in the semester students will be asked in advance to help present a problem to the class. We will also have discussions generated from films videos and classroom exercises. In addition we will have occasional guest speakers.

2nd Section: Course Overview: The background and basis of the lawyer's professional responsibility to the client the courts other lawyers and society generally. Also an introduction to a very challenging body of law that governs lawyers themselves and the law of lawyering. Course addresses ethics rules (chiefly the ABA Model Rules) and ABA ethics opinions interpreting those rules time is also devoted to other aspects of the law of lawyering aspects that draw for example on principles of agency law torts contracts civil and criminal procedure tax and securities regulations and state and federal constitutional law. Also addressed: the economics of law practice the structure of lawyers' workplaces the history of the profession and some issues in moral philosophy and jurisprudence as they bear on legal ethics.

The College of Law at Arizona State University

Required

Textbook - depending on the instructor - Rhode, Rotunda, Gillers or Hazard.

University of Arkansas, Fayetteville, Leflar Law Center

Professional Responsibility

Required

3 credits

Covers ethical decision-making and rules of professional conduct;

Solo Practice Planning (formerly professional responsibility for the solo practitioner)
3 credits

Skills class; covers ethical dimensions to solo practice as well as practical considerations and decision-making.

Brigham Young University-J. Reuben Clark Law School

Professional Responsibility

2.0 hours

The course uses the Model Rules of Professional Responsibility as a backdrop for an examination of issues in ethical lawyering.

Professional Seminar

0.5 hours

No exam

Enrollment: Limited to 30 students

Elective Course

Grading: Pass/fail

Readings and discussion sessions explore the intersections of law religion values and professionalism and the relations between legal education the legal system the practice of law and the roles of lawyers in society. The objective is to consider how lawyers should think and act. There will be seven 100-minute sessions.

Professional Seminar

0.5 hours

No exam

Enrollment: Limited to 30 students

Elective Course

Grading: Pass/fail

The primary text for the course will be *Life in the Law: Answering God's Interrogatories* a compilation of speeches and essays delivered at the law school and at law school related functions over the past 15 years. Discussions will center on practical problems encountered in the study and practice of law and how to turn those potential problems into opportunities for growth. The course will meet for one hour weekly throughout the semester.

Campbell University School of Law

Professional Responsibility and Ethics

Required in 2nd year.

2 Hours

This course considers the law and ethics of lawyering. It focuses on professional responsibility as embodied in the ideals of the legal profession articulated by leading members of the bar and professional groups and on basic ethical requirements in the relationship between lawyer and client lawyer and court and lawyer and society. Topics considered include prohibited assistance competence confidentiality fees and conflicts of interest.

First-year Professionalism Development Program

Required course in the 1st year

Orientation sessions plus 7 lectures scheduled each semester and a one-week intersession simulation

One credit hour

Campbell's First-Year Professionalism Development Series provides a comprehensive professionalism experience throughout the first year of law study. Beginning with an orientation workshop, students are encouraged to utilize an action-observation-reflection model shown below to facilitate their progress more efficiently and efficaciously through the professionalization process. During the 2004-05 academic year approximately 60 lawyers and clients will interact with the first-year class as story-tellers role-players panelists mentors and responders in creating lessons of experience for the students helping them begin answering the central question: "What does it mean to be and to behave like a lawyer?" The orientation and introductory program will focus on orienting students to the action-observation-reflection model and on the utility of the personal attributes of self-knowledge and knowledge of others and on the central themes of Walter Bennett's book *The Lawyer's Myth* in which he contends that the profession has lost its roots in large part because for a variety of reasons lawyers have stopped talking with each other and particularly have stopped telling stories. The fall semester sessions that follow will involve teams of distinguished lawyers responding to students' small-group discussions about ethical dilemmas in interviewing counseling advocacy and negotiations situations concluding with a presentation by the Executive Director of the North Carolina State Bar and small-group seminars facilitated by 20 practicing lawyers. The intersession simulation will involve firms of ten students each in structured negotiations with other firms of a marital dissolution. Distinguished family law practitioners from around the state will serve as senior partners for the firms and students will play the roles of associates. The spring semester programs bring in lawyers to discuss trends problems and opportunities in the profession; practice in different types and sizes of firms and locales; representing criminal defendants and representing civil clients in questionable business practices; and civic leadership and public service and pro bono practice; and then conclude with two final sessions of panels of clients and their lawyers providing clients' perspectives of professionalism first business clients and then personal-flight clients.

The University of Chicago Law School

The following courses include a substantial content on professionalism/professional skills:

Advanced Civil Procedure

Advanced Issues in Criminal Procedure

Affordable Housing Transactions

Appellate Advocacy Clinic civil Rights Clinic

Complex Appellate Litigation

Constitutional Decision Making

Criminal and Juvenile Justice Project

Criminal Justice and Cyber Law

Criminal Justice Reform

Decision Making
Divorce Practice
Employment Discrimination Project
Entrepreneurship and the Law
Financial Accounting for Lawyers
The First Amendment and the Media Franchise Law
Fundamentals of Commercial Real Estate Transactions
Information Technology Law
Institute for Justice
Clinic on Entrepreneurship
Intensive Trial Practice Workshop
Irwin Ashkow Housing Initiative
The Law and Practice of Zoning/Land Use/Eminent Domain
Legal Elements of Accounting
The Legal Profession
Legal Research and Writing
Mental Health Advocacy
Poverty and Housing Law Seminar
Pre-Trial Advocacy
Structuring Venture Capital and Entrepreneurial Transactions
Telecommunication Law
Trial Practice
Trusts and Estates
U.S. Legal Process/Writing/Analysis
White Collar Criminal Practice and Advocacy Course

University of Cincinnati College of Law

This year we are changing our required course from a 2 credit hour Professional Responsibility course to a 4 credit hour course that includes PR (the rules) professionalism professional development issues (e.g. balancing work and family succeeding in a firm etc.); skills (drafting interviewing counseling decision analysis); and values.

DePaul University College of Law

We offer one course in *Professional Responsibility*.
Mandatory.

The required readings vary with the particular instructor.

Duke University School of Law

Website - <http://www.law.duke.edu/curriculum/coursesFrame.html>

Florida Coastal School of Law

Website - <http://www.fcsf.edu/admissions/catalog/2003/#Description>

Professional Responsibility

3 hours

Mandatory

Required readings vary based on the textbook chosen by the professor. Many of us use Morgan & Rotunda as our textbook.

This course is an examination of the Florida Rules of Professional Conduct and the ABA Model Rules of Professional Conduct from two main perspectives: the obligation of the legal profession to society and the obligation of the lawyer to the client and the court. Advertising by lawyers, solicitation of clients, specialization, conflicts of interest, competence and legal malpractice are covered.

Prerequisites- None

Fordham University School of Law

Students must take one 3-credit course in professional responsibility. They may choose from among the following options. Not all are offered every year.

Professional Responsibility (3 credits) This survey course covers the following topics: organization of the Bar; discipline; duty to courts clients public and fellow lawyers; fiduciary duty; advocacy and the adversary system; fees; solicitation; morality at the Bar. Students who are interested in pursuing their studies in professional responsibility beyond the initial three credit courses may enroll in the Advanced Seminar in Ethics in Public Interest Law.

Professional Responsibility: Criminal Advocacy (3 credits) This course focuses on the ethical responsibilities of prosecutors and criminal defense lawyers. Topics include the allocation of decision-making authority the duty of confidentiality and its limits conflicts of interests and ethical responsibilities in the investigation and trial of criminal cases. While focusing on the codified standards of professional responsibility the course will also explore the relationship between the Constitution and ethical rules as well as how problems left unresolved by those rules ought to be addressed. A paper will be required. Enrollment is limited.

Professional Responsibility: Public Interest Law (3 credits) This course will examine the ethical responsibilities of public service lawyers as well as related jurisprudential issues. It will cover the topics discussed in the general course on Professional Responsibility but will deal with most of these topics in the context of civil public service practice. It will also cover the issues relating to public service practice in greater depth. These issues will include: How is justice a factor in a lawyer's work? What are the special obligations of an attorney representing a person with mental health disabilities or a child? Do government attorneys have a duty to the public that limits the zealotry of their representation or modifies their duty of confidentiality? Who is the client for a lawyer representing a class or a group? This course satisfies the Professional Responsibility requirement. Students have the option of a take-home exam or a paper. Enrollment is limited.

Professional Responsibility: Corporate and International Practice (3 credits) This course explores the role of the lawyer in negotiating corporate and business transactions in the United States and abroad and in litigating disputes on behalf of corporate and business entities. Among the specific topics covered are maintaining the independence of in-house counsel the duties of confidentiality and loyalty as they relate to corporate and business entities avoidance of conflicts in merger and acquisition transactions of corporate clients and ethical restrictions on the conduct of investigations to ferret out wrongdoing by

corporate employees. The course will also examine how professional responsibility codes in other countries can affect clients' expectations and how the ethical norms they impose may contradict the ABA Model Code of Professional Responsibility and Model Rules of Professional Conduct. A take-home examination is the norm. A limited number of students may elect a paper option.

Professional Responsibility: Regulatory Tax and International Practice (3 credits) This seminar examines the increasingly complex web of professional standards statutes regulations and common law rights that governs a lawyer's conduct in the representation of clients in the modern administrative state and in the global business arena. Particular attention is paid to ethical issues in the context of federal securities and tax law regulatory malpractice cross-border practice and the representation of business entities such as corporations, general and limited partnerships and joint ventures. Computer research and Internet searching will be an important component of the seminar and students are expected to have access to a personal computer. They may use their own or one in the Law School Computer Laboratory. A paper is required. Enrollment is limited.

Professional Responsibility: Corporate Counsel (3 credits) The role of in-house corporate counsel has changed radically over the last twenty years. Their numbers have increased substantially and they often negotiate transactions and supervise litigation in ways that diminish the power and authority traditionally wielded by outside counsel. This course explores the ethical implications of these changes and the new role of corporate counsel. The course materials include cases law review articles newspaper accounts of significant events and problems. From time-to-time distinguished practitioners will be invited to address the class.

Franklin Pierce Law Center
Professional Responsibility
Required

Legal Malpractice Ethics Morals and the Law: Seminar

Georgia State University College of Law
Professional Responsibility
Mandatory
Readings vary depending on professor;

Electives

Advanced Seminar in Georgia Ethics and Professional Responsibility (just approved)
Bioethics and the Law
Course in "Heroes and Villains", which is a combination of Professional Responsibility and counseling class.

Lewis & Clark Law School
Mandatory class: *Regulation and Ethics of Lawyers*
Required reading: ABA Model Rules; Gillers text.

This is a traditional PR class covering Model Rules. Students are also assigned a Professionalism Project and approximately 1/4 of the course explores issues beyond ethical rules.

Law and Society

Elective

Explores many professionalism issues as they relate to lawyers practicing in a variety of settings. Issues include lawyer-client relations balancing life and work and related professionalism topics.

Loyola University School of Law, New Orleans

Title - *The Legal Profession*

Required for 1L day and 2L night students

Credit - 2-hours

Textbook - each professor chooses his/her own

One uses Crystal Professional Responsibility: Problems of Practice and the Profession.

University of Maine School of Law

Professional Responsibility

Mandatory

3-credit course

Offered by different faculty who teach it in different ways. One professor has redesigned her course to include extensive involvement by members of the bar.

University of Missouri-Columbia School of Law

Website – <http://law.missouri.edu/jd/curriculum.html>

Professional Responsibility

Mandatory

3-credit

Each professor uses a different text but all cover more than just the ethics rules. Our externship courses all focus on professionalism issues. Our clinic courses spend significant time covering professionalism issues. We also require all 1Ls to take a 3-credit lawyering course in their second semester that addresses many professionalism issues. We also have a professional perspectives requirement that requires students to attend a number of lectures and programs scheduled throughout the year that feature professionalism topics.

The University of Montana School of Law

Mandatory *Professional Responsibility* class

New England School of Law

Law & Ethics of Lawyering

3 credit survey course of professionalism and legal doctrines

Contemporary Criticism of Lawyers

2 credits.

Various other.

New York Law School

Website - <http://www.nyls.edu/pages/715.asp>

Legal Profession course

Required

3-credit

Lawyers and Public Life

Seminar required for honors students who are affiliated with our Center for Professional Values and Practice.

Legal Malpractice (Next year)

Elective

2-credit

Although they are not professional responsibility courses as such all of our clinical courses and our externship course address issues of professionalism and professional responsibility.

The State University of New York-University at Buffalo Law School

Legal Profession and Ethics

Mandatory first-year course

Readings vary from year-to-year

This course explores ethical issues in the legal profession from practical matters such as conflicts of interest to notions of professional responsibility. Lectures and readings will introduce the regulatory structure for the practice of law including ethical rules for the practice of law disciplinary matters malpractice and bar admission. On a broader scale we also will examine the practices of lawyers the nature of legal institutions and their societal context.

University of Notre Dame Law School

Website - <http://www.law.nd.edu/currentstudents/academics/coursedesc.pdf>

Ethics I

Studies and analyzes law as a profession as well as the duties and responsibilities of lawyers to society clients and the profession. Develops in prospective lawyers an awareness and an understanding of their relationship with and function in our legal system and the consequent obligation of lawyers to maintain the highest standards of ethical and professional conduct.

Ethics II

Applies the principles of ethics to practical legal problems and situations.

Professional Responsibility

Takes an in-depth view of certain ethical issues in the legal profession. Among the issues discussed are: confidentiality conflict of interests unpopular clients lawyers' speech and advertising admission to and regulation of the bar and responsibilities to some special clients. The course examines the ABA Model Rules of professional Conduct and relevant cases. In an attempt to uncover the foundation that might be claimed to underpin the rules a spectrum of philosophical theological pragmatic and utilitarian theories are considered. The course thus deals with the application of the rules of professional responsibility to real ethical conflicts and critically examines the possibilities of the moral values reflected in the law.

Pace Law School

Professional Responsibility

Required

3 credits

Advanced Professional Responsibility

3 credits

Discussion of selected topics in small group setting

Seminar on the Legal Profession

2 credits

Writing seminar on trends in and future of the legal profession

Law Practice Management

3 credits

Applied professionalism and ethics

The Pennsylvania State University, Dickinson School of Law

<http://www.dsl.psu.edu/academics/coursedesc2.cfm#31>

Three professors teach the required second year professional responsibility course. They use different books - Morgan & Rotunda, Fox & Martyn, Schwarz Wydick & Pershacker. All use a rules supplement (either Gillers or Morgan).

In addition Terry teaches a *Cross-Border Legal Practice Seminar* that includes significant ethics issues.

Glenn has taught an advanced *Professional Responsibility Seminar* (but is not doing so this semester).

Various clinics also have ethics components.

Rutgers, The State University of New Jersey School of Law, Camden

Website - <http://camlaw.rutgers.edu/students/schedules/classes.shtml>

(1) *Professional Responsibility*

(2) *Seminar: Business Ethics and Law*

St. Johns University School of Law

Website - <http://new.stjohns.edu/academics/graduate/law/academics/curriculum/a.sju>

Professional Responsibility

Mandatory for all second year students.

Saint Louis University School of Law

Website - http://law.slu.edu/curriculum/course_listings.html

Professional Responsibility

Mandatory

3-hours

Organization and regulation of the legal profession with specific reference to the ABA Model Rules of Professional Conduct, the ABA Model Code of Judicial Conduct and other proposed sets of regulations. The course covers these topics and the regulation of lawyer conduct outside the usual disciplinary process especially legal malpractice criminal liability and liability under consumer protection laws and the regulation of judicial conduct.

Lawyering Practice: This course addresses common practice issues including practical and strategic considerations as well as ethical dilemmas.

Santa Clara University School of Law

Legal Profession

Required course

3 units

The special character of the practice of law and the legal profession; conflicts between the lawyer as advocate the lawyer as officer of the court the lawyer as an institution with public responsibilities and the lawyer as a human being dependent on the income to support his/her family. Historical overview of the lawyer a consideration of what is the "practice of law" a review of the ethical standards that form the norms for the practice of law a consideration of the public responsibilities of the lawyer as the embodiment of the legal structure of society attention to the business and economic aspects of the practice of law and the place of the judiciary with respect to the bar.

University of South Carolina School of Law

We assume you did not want us to include our professional skills courses or client-contact clinical courses. Our courses that focus primarily on professional responsibility/professionalism issues include:

Professional Responsibility (required)

Problems in Professional Responsibility (an alternative to Professional Responsibility)

Advanced Legal Profession

Judicial Ethics

Family Law Practice

Internship

Judicial Internship

Stetson University College of Law

Professional Responsibility

(3 credits)

A study of the ethical considerations involved in the lawyer-client relationship. The Rules of Professional Conduct and Codes of Judicial Conduct will be examined. This course satisfies the professional responsibility requirement.

University of Texas School of Law
<http://utdirect.utexas.edu/lore/clst.WBX>

Texas Tech University School of Law
Professional Responsibility

Mandatory

3 hrs.

Provides a basic foundation for dealing with ethical and professional responsibility problems that practitioners encounter. Students examine the duties roles and responsibilities of practicing attorneys. Discussion focuses on applying ethics rules and avoiding grievances and professional malpractice claims.

Advanced Legal Ethics

Enrollment limited to 18 students

2 hrs.

This seminar is part of a project of the Carnegie Foundation for the Advancement of Teaching under the auspices of the Carnegie Academy for the Scholarship of Teaching and Learning. It is designed to explore whether a setting in which students take an explicit look at the profession and the professional education to which it is linked will enhance the student's learning in other classes. Topics will include the following: meaning of profession, role of personality type and learning styles in legal education and in law practice, defining and achieving success in law school and beyond, role of relationships in life and law, law as a healing profession and opportunities and challenges of law practice. Teaching methods will include written reflections based on prompts journaling about the law school experience web-based discussion board postings and class discussion. We will explore the application and development of professional judgment through examination of scenarios that are typical of difficult decisions that lawyers face. Lawyers, judges, other faculty and professionals from other disciplines will be included in the discussions.

Bioethics

2 hrs.

This seminar uses an interdisciplinary approach to studying moral issues in the field of medical treatment and research. Students will examine the legal ethical and policy aspects of bioethics controversies. Topics include privacy and confidentiality human experimentation the right to refuse treatment reproduction organ transplantation and genetic engineering. Students will write a paper rather than take a final. The paper will be used to satisfy the advanced writing requirement.

Legal Malpractice

3 hrs.

Designed to communicate that lawyers can significantly reduce the likelihood of being sued by simply satisfying the “reasonable expectations” of clients and nonclients.

Texas Wesleyan University School of Law

Ethical Lawyering Practicum

This course is designed to engage law students in an exploration of ethical issues that attorneys face in the daily practice of law. The class will be structured in an intensive mini session format to allow the participants to fully explore ethical considerations of a lawyer’s responsibility with focus on four areas of professional responsibility. The assignments and the course are designed to develop healthy prudent and ethical practices teaching students skill sets in an effort to avoid potential malpractice pitfalls professional burn out and other hazards of the profession.

Professional Responsibility - A study of the rules regulating the practice of law.

Tulane University School of Law

Website-

<http://www.law.tulane.edu/prog/index.cfm?d=curriculum&main=curriculum.htm>

University of Tulsa College of Law

Professional Responsibility

2 or 3 hours

An analysis of the role of lawyers and their relationship to society the Bar the courts and government is the focus of this course. Other areas include the treatment of practical professional and ethical problems for the lawyer in private corporate or public service practice disciplinary function of courts and bar associations and the Rules of Professional Conduct. A special emphasis is placed on the nature of the profession attorney-client relationship conflicts of interest unauthorized practice; prosecution and defense of cases and courtroom demeanor. Required course.

Required Readings: Rules of Professional Responsibility and an appropriate casebook.

Washburn University School of Law

Professional Responsibility

Required

2 Hours

Study of the legal profession and the law governing lawyers, focusing on the ethical rules for professional behavior, the disciplinary system for ethical misconduct and other law controlling lawyer behavior. This course is a prerequisite for Legal Malpractice Seminar Externship and Clinic Internship.

Textbooks - Paul T. Hayden *Ethical Lawyering* (Thomson-West 2003); 2004 *Selected Standards on Professional Responsibility* (Thomas T. Morgan & Ronald D. Rotunda eds. Foundation Press 2004).

Legal Malpractice Seminar

Elective

2 Hours.

Exploration of lawyer malpractice. Subjects studied include the relationship of legal malpractice to legal ethics prevention strategies theories of liability defenses insurance issues and vicarious liability.

Prerequisite - Professional Responsibility

Textbooks - Materials for Legal Malpractice Seminar Spring 2005. Edited by Professor Sheila Reynolds; Elizabeth Fajans and Mary R. Falk Scholarly Writing for Law Students (2000).

Washington University in St. Louis School of Law

The courses and number of courses vary from year to year. Below are the descriptions of the ethics courses we offered in 2004-2005.

Lawyers and Ethics in Film and Law

3 units

This course is part of the ethics curriculum; it is considered a "survey" course. Students may not take more than one "survey" course for credit toward their degree.

Film is a potent force in shaping public perceptions of the legal profession and clients' perceptions of lawyers. In this course students will study legal ethics through the portrayal of lawyers in film as well as through traditional materials. Students will read case law and scholarly commentaries will do problems and simulations and will become familiar with the professional rules. In addition to regular class meetings each week students must attend a screening of a film that deals with lawyers. During class discussions and in written assignments these films will form a stimulus for reflection about the law and ethics of legal practice. This course will help students develop the knowledge and skills necessary to reflect on the rules values and ethical dilemmas that they will face in legal practice. Through the films and more traditional texts students will examine a range of legal ethics issues including trust and autonomy in the lawyer-client relationship the tension between advocacy and truth-seeking the changing demography of the legal profession and conflicts of interest. The films will include some of the following: Anatomy of a Murder, And Justice for All, The Blum Affair, The Insider, Judgment at Nuremberg, The Music Box, The Paradine Case, Philadelphia, Rashomon, the Sweet Hereafter, The Thin Blue Line, To Kill a Mockingbird, Twelve Angry Men and The Verdict. Students are expected to participate in class discussions and either write an analytical paper on a topic related to the themes of this course or complete a take-home exam.

Other survey courses offered in 2003-2004 and/or this academic year are: *Lawyers & Justice; Legal Profession; Practical Ethics for Civil Litigation; and Litigation Ethics*

Legal Profession

3 units

Part of the ethics curriculum; it is considered a survey course. Students may not take more than one survey course for credit toward their degree.

A study of the law and institutions that govern the lawyer in our society with emphasis on the various roles of the lawyer in the legislative judicial administrative and private legal

processes. We will examine the rules which govern lawyers' behavior: the ABA Model Rules case law the Constitution etc. with particular focus on whose interests are protected by the rules. We will also watch clips from television shows and movies that involve lawyers' ethics. The class will discuss practical problems about how lawyers can avoid potential legal ethics pitfalls. The grade will be based on two components: (1) a paper which will be based on an analysis of the legal ethics issues in a novel to be assigned; and (2) a multiple choice final.

Comparative Professional Ethics: Law & Medicine

Enrollment limit: 35.

2 units

Part of the ethics curriculum; it is not considered a "survey" ethics course; therefore a student could take this course and any other ethics course for degree credit.

The ethical codes governing lawyers and physicians have many areas of overlap yet each discipline operates from a different conceptual model. We will consider the implications of the adversarial model underlying the rules of professional conduct for lawyers as contrasted with the more collaborative model underlying the principles of medical ethics. Specific subjects will include the duties of confidentiality conflicts of interest informed consent and professional competence. Class attendance and participation are expected.

Ethics of Lawyering in Government

3 units

Open only to students enrolled in Congressional & Administrative Law Clinic. This course is a part of the ethics curriculum. It is not considered a "survey" ethics course so students may take this course and other ethics courses. This course is taught in Washington D.C. in conjunction with our Congressional and Administrative Law Clinic. It will cover the ethics of policy making ethics regulations that are applicable to all government officials the law governing lawyer conduct and the professional and other rules specific to government lawyers and lobbyists. Students will be expected to participate in class discussions and complete several written assignments about the ethical issues they encounter in their clinical placements.

Legal Ethics Seminar

3 units

Enrollment limit: 16.

This course is a part of the Ethics Curriculum. It is not considered a "survey" ethics course so students may take this course and other ethics courses. There are no prerequisites for this course.

In this writing seminar each student will write a research paper on a topic related to legal ethics. The class will meet occasionally as a group to discuss paper topics research methods and the leading research sources for legal ethics. During the semester each student is required to hand in three possible topics that he or she would like to pursue; a one-sentence statement of the paper's thesis; a 1-2 page sentence outline of the proposed paper; and a more detailed 5-10 page sentence outline of the paper.

Practical Ethics for Civil Litigation

Enrollment limit: 24

2 units

Part of the ethics curriculum; it is considered a "survey" course. A civil litigator often faces ethical dilemmas including how to solicit and bill clients resolve conflicts of interest and handle confidential information. This course seeks to help prepare students to identify and resolve such dilemmas. The curriculum will focus on the professional rules that govern a civil litigator's interactions with clients opposing parties and counsel tribunals and others. Hypotheticals and problems based on real situations will be used. Grades will be based on class participation and a final drafting assignment/take-home examination.

University of Wyoming College of Law

Required second year course

It is a study of the duties of attorneys to their clients and the public under the Model rules of Professional Conduct and case law.

Required materials include an in-house Supplement and ABA Compendium of Professional Responsibility Rules and Standards.

Schools #40 and 41

Two of the schools that responded to the rest of this section did not respond to this question.

3. What is the law school's policy on incorporating ethics and professionalism components in other courses?

No policy = 9 (22%)

Professors are encouraged to do so = 30 (73%)

Professors are required to do so = 2 (5%)

4. Does the law school have a mission statement or equivalent written policy for teaching students the standards and values of the legal profession?

Yes = 21 (51%)

No = 20 (49%)

5. Does the school require all students to engage in the supervised practice of law before graduation?

Yes (Please explain) = 1 (2%)

No = 40 (98%)

6. If yes, explain the requirement.

Externship program during summer after first year.

7. Does the mandatory ethics course deal with more than just the ethics rules?

Yes = 38 (93%)

No = 3 (7%)

8. If yes, with which of the following does it deal? (check all that apply)

Philosophical foundation of our legal system = 28 (68%)

Relevance, if any, of natural law = 10 (24%)

Relevance, if any, of faith based values = 11 (27%)

Other (please specify)

The courses vary depending on who is teaching. In general, besides "ethics rules", they discuss other aspects of the law of lawyering and the lawyer regulatory process. Some professors discuss approaches to lawyer professional conduct from a philosophical and/social science perspective. And some do discuss the relevance, if any, of faith based values.

Course deals with professionalism issues broadly defined as well as with the rules of ethics.

Malpractice, ineffective assistance of counsel, FRCP 11, 26 and 37 and other statutes and rules that regulate the profession that are not embodied in the MRPC.

Professionalism systems of law governing lawyer behavior.

Also covers skills and values of the profession.

Realities of different practice contexts; differences between "morality" and requirements of professional responsibility directives, etc.

Depending on the instructor and the year, any of the above as well as other foundations for values may be part of a particular offering.

Any or all of the above subjects might be included in the mandatory course. Whether they are depends on the individual instructor's preference for that offering of the course.

Adversarial system of justice, relevance of professional values to the practice of law, and roles of lawyers' aspirational values of the legal profession.

Readings in Ethics sections have dealt with topics as diverse as gender and race in law, morality and the law, lawyers in popular culture and "Being a lawyer in an unjust world."

Moral judgments and decision making--not necessarily faith based.

Civility, evidentiary and civil procedure rules regarding attorney client relationship and attorney work product; attorney malpractice.

Ethical issues in the legal profession with reference to the rules but broader emphasis on values and principles; professional and social responsibility of lawyers; multiple regulatory structures for the practice of law; the practices of lawyers; the nature of legal institutions and their societal context.

Students also consider a lawyer's ethical obligations in light of the legal rights of clients, particularly constitutional rights and the interaction of legal ethics with other areas of the law societal values and personal values.

Malpractice, ineffective assistance, etc. and all of the other aspects of the "law of lawyering."

Law practice management other types of law beyond ethics codes.

Professionalism issues--dealing with clients and other lawyers. Professor invites local lawyer and judges to discuss professionalism issues with class.

Depends in part on which professor teaches the course but all include discussion of more than just the rules.

Most of the professors consider the various options for professional roles one could adopt (zealous advocate, wise counselor, etc.) as well as practical effects and requirements of the rules designed to raise the level of professionalism.

Course description for The Legal Profession: This course satisfies the professional responsibility requirement; students consider the principles rules aspirations traditions and substantive law that govern how lawyers practice law. The course gives students a basic introduction to the nature of what lawyers do and what is expected of them as members of the American legal profession with particular emphasis on the importance of legal ethics in the practice of law. Students consider lawyer liability under substantive law the nature of the lawyer-client relationship competency confidentiality conflicts of interest and tensions that are created by the lawyer's duties as an officer of the court and as an advocate in an adversary system. Two sections are offered with slightly different focus. The autumn section will focus on some fundamental questions about who we are and what we stand for as lawyers. The focus of the spring section is the self-regulatory tradition of the organized bar examined in the context of the rules of professional conduct.

9. Which of the following are dealt with in elective courses? (check all that apply)

Philosophical foundation of our legal system = 31 (76%)

Relevance, if any, of natural law = 18 (44%)

Relevance, if any, of faith based values = 13 (32%)

Appendix A – Law School Professionalism Survey Report

E. Smythe Gambrell Professionalism Award Winners 1991 -2005

<http://www.abanet.org/cpr/gambrell.html>

1. Virginia State Bar (Course on Professionalism) (1991)

This is a two day course on professionalism and the Code of Professional Responsibility, presented five times a year and required of all newly licensed members of the bar, including those admitted by reciprocity, within one year of attaining active status. The course aspires to impart the higher than minimum goals of professionalism through a series of lectures and workshops led by a faculty of the most eminent and respected lawyers and judges in the state.

The course text is divided into three major areas: a lawyer's relationship to the business aspects of practice; a lawyer's relationship to his or her clients; and a lawyer's relationship to the legal system in general. A course handbook containing introductory materials, course lecture outlines and various appendices is distributed to all attendees. The introductory chapter includes an overview of major disciplinary problems. The lawyer/business chapter includes sections on business development, fee arrangements and handling client funds and property. The lawyer/client chapter includes sections on independence, loyalty, avoiding conflicts, competence, maintaining clients, terminating employment and confidentiality. The lawyer/system chapter includes sections on duty to the court, obligation of good faith relationships with lawyers and other parties and obligations to the profession and the community. The appendices include principles of professional courtesy, a review of the disciplinary process, procedures for the investigation of complaints and various bar information.

2. William & Mary's Marshall-Wythe School of Law (Legal Skills Program) (1991)

A required two year program that includes six courses: legal research; writing and analysis; introduction to appellate practice; interviewing, negotiating and counseling; alternative dispute resolution; and legal ethics. Students are divided into four working groups in a 16-member "law office" to represent a series of five carefully designed "clients," learning firsthand what it means and feels like to be responsible for the legal affairs of clients. Students plan a practice activity by considering the moral and ethical dilemmas they will face in the activity to at least as great an extent as they consider legal strategies and tactics. Faculty members serve as "senior partners."

3. Case Western Reserve University School of Law (Professionalism Program) (1991)

The professionalism program has five components: a first year orientation panel that provides students with the opportunity to meet other students and discuss how professionalism issues will affect them as law students and lawyers; first year professional responsibility problems that are presented in the context of each substantive course; first year speaker series (open to all students) covering topics such as the pressure of billable hours and the ethical dilemmas of lawyers with clients and witnesses who want to lie; film series about legal issues followed by discussion; and student evaluations and planning for evolution of program.

4. State Bar of Arizona (Peer Review and Diversion Program) (1992)

This program has three phases:

1. Diversion Program Cases involving office management issues may be transferred to a probation-type program, freeing up the formal discipline system for more serious offenses and providing education and rehabilitation for individual lawyers.
2. Peer-Review Program Provides a network of trained "mentor" lawyers in eight districts across the state to contact and counsel individual lawyers who display rude, offensive, and unprofessional behavior toward clients, other lawyers, court personnel, etc.
3. Mandatory Professionalism Course All new lawyers are required to take the course within one year of being admitted. The course will be taught by lawyers who are respected for their demonstration of professionalism in practice and who are knowledgeable about the issues involved.

5. Nashville Bar Association (Colleagues Program) (1992)

This is a new program wherein 95 lawyers have been divided into 12 groups, each of which has one lawyer with more than 20 years experience, one with 5-10 years experience and a third with 10-20 years experience. All other participants have been practicing law for less than 5 years, with the vast majority having started in the past year. Group meetings are held monthly. The experienced lawyers are asked to share the traditions that are part of practicing law in Nashville, answer the practical questions relating to relationships between lawyers, pass along the values of the profession, and guide in matters of general professional concern.

6. Cook County Bar Association (Cook County Bar Association/Attorney Registration and Disciplinary Commission Liaison Committee) (1992)

The Liaison Committee seeks to provide preventative and curative assistance to help lawyers change their detrimental practice habits and to implement efficient office management systems. The Liaison Committee focuses on lawyers who are the subject of ARDC charges of multiple neglect or minor conversion or commingling of funds. The program format consists of a three part structure: The Liaison Committee; The Of Counsel Advisor; and The Expert Panel. All Liaison Committee intervention is initiated by referral from the ARDC. The Committee then assigns an "Of Counsel Advisor" to work with the lawyer, "Respondent."

To assist the Committee with problem cases, a panel of experts in the following fields is being developed: Career Counseling; Law Office Management; Psycho-Therapist; and Certified Public Accountant. The Of Counsel meets with the Respondent monthly to monitor his/her case list; discuss the respondent's progress with the assistance from the experts, if any; and to monitor how the Respondent is responding to or resolving pending ARDC complaints. The program handles approximately four respondents per year. To assess the impact of the program, the number of complaints filed against the attorney after involvement of the Committee is monitored for two years.

7. Georgia Chief Justice's Commission on Professionalism (Town Hall Meetings) (1993)

A series of ten Town Hall Meetings was held around the state to assist and encourage lawyers, judges and legal academicians to come to a shared vision of the profession. The meetings attracted 673 lawyers and judges. Information from questionnaires from each meeting has been collated and compiled and will be used to focus breakout group discussions at the Fifth Annual Convocation on Professionalism in 1993.

8. Queen's Bench Bar Association (All in a Days Work) (1993)

An instructional video using vignettes and a study guide dealing with gender bias in the legal profession. The bar also presents training sessions to law firms and law schools and makes the tape available to other bar associations who wish to present it.

9. Temple University (Integrated Trial Advocacy & Professional Responsibility Program) (1993)

Students apply ethical precepts and evidentiary rules in trial vignettes, trial advocacy problems, a civil bench trial, three disciplinary hearings, a criminal jury trial and a jury trial involving a claim of lawyer malpractice. Each exercise contains both substantive and practical evidentiary and professional responsibility issues. The course materials for Evidence, Professional Responsibility and Trial Advocacy are completely integrated. One hundred forty-four students are participating in this year's program. Over one hundred had to be turned away because of space limitations. Professionalism, as well as ethics issues are raised.

10. Maryland State Bar Association (Professionalism - Beyond the Model Rules) (1994)

This is a mandatory course for new admittees. A volunteer faculty of forty judges and lawyers present the one-day course each fall and spring. The course combines videotaped vignettes, workshop discussions and individual presentations to give a "nuts and bolts" overview of law practice, highlighting the lawyer's relationship with the court, the client, the community and other lawyers. Seasoned practitioners provide practical advice on "real life" situations the new lawyer is likely to encounter, and focus on professional behavior. One of the goals is to create a "mentorship" environment that will continue into the new lawyer's career.

11. State Bar of California, Office of Client Relations (Educating Membership on the Importance of Good Client Relations) (1994)

There are a number of facets to this project, including the following: the bar has developed a presentation, "Good Client Relations: The Key to Success," which has been given over 20 times; the bar is working with six local bars to have in operation by July 1, 1994 a pilot program for the mediation of client-lawyer disputes; the bar is working with local bars to have local lawyers address community and civic groups on the nature of the client-lawyer relationship; the bar is planning to produce two videotapes, with accompanying written materials, focusing on developing good client relations and qualifying for MCLE credit in law practice management; and the bar has compiled a bibliography of client relations materials.

12. The American Inns of Court (1994)

The Inns have adopted a modified British model of legal apprenticeship. Each AIC has four categories of members: Master of the Bench -- consisting of judges, lawyers and law professors with more than fifteen years experience; Barristers -- consisting of lawyers and law professors with from three to fifteen years experience; Associates -- consisting of lawyers with less than three years experience; and Pupils -- consisting of third-year law students.

Members are divided into "Pupillage Teams," consisting of one or two Masters, one or two Barristers, and Pupils or Associates. Each team is responsible for conducting one demonstration a year, focusing on a particular segment of the litigation process. The presentations are followed by discussion and critique. Also, each younger member of an AIC is assigned to a more experienced lawyer and to a judge, as mentors and persons with whom personal conversations can be had about the practice of law. The younger member spends time with his or her mentor each month, in court, in deposition, or in the office, observing and then discussing what has been observed.

13. New Hampshire Bar Association (Professionalism & Management: Keys to a Successful Law Practice) (1995)

This program was designed for solo and small firm practitioners to learn how to professionally manage a law practice. It provides participants with comprehensive knowledge and practical tools to effectively manage their firms and serve their clients. The design and implementation of the program is a cooperative effort of the bar association, law school, legal administrators group and risk management insurance carrier.

The program is a series of six, four hour workshops focusing on professionalism and law practice management. The workshops cover: Starting and Operating a Law Practice, Business Planning, Practice Systems and File Maintenance, Lawyer/Client Dynamics, Equipment and Resources and Making It Work in the Real World.

14. Seattle University School of Law (Professional Responsibility Integrative Component Clinic) (1995)

This program, run in conjunction with the Washington State Bar, allows students to investigate current disciplinary complaints. The clinic has a course room component where students learn about the disciplinary system. The seminar continues throughout the semester, focusing on the actual cases under investigation (confidentiality is maintained.) Students investigate, develop the facts necessary to make the probable cause determination and draft recommendations and "trial briefs" based on their findings. The program provides students a "real-world" understanding of the tensions and ambiguities of practice. With the cooperation of the Bar, the program emphasizes the educational continuum from law school into practice.

15. Law Offices of Goldstein and Baron (Family Law Clinic) (1995)

Set up within the firm to help alleviate the overload of cases that would otherwise be handled by the Law Foundation of Prince George's County, volunteer interns work under the direction and supervision of the firm's domestic relations lawyers. A firm

lawyer signs all court documents and appears in court with the interns. Interns are given on-going training and are supported by the firm's legal assistants and support staff.

The Clinic has arranged with ancillary providers such as process servers and court reporters to offer their services free or at a discounted rate to its clients. Judges and Masters have also cooperated with the Clinic, hearing the cases early in the morning before the regular court docket.

16. Washington & Lee University School of Law (Professionalism through Law and Literature) (1996)

This project to enhance professionalism through law and literature has two parts. One part is offered to upper level law students and one part is offered to law school alumni. Both parts use brief, accessible literary works to provide the starting point for discussion of professionalism and ethics issues. The law school course covers the rules and codes of professional responsibility and then focuses on three of Shakespeare's plays. The class discusses the legal themes and situations presented by the plays. The alumni program is taught over a weekend and includes round table discussion of professionalism and ethics in light of selected literary works. The program has been approved for two hours of CLE ethics credit.

17. American Judicature Society (Sidebar Program) (1996)

The American Judicature Society's annual "Sidebar" program is implemented every summer on a volunteer basis by practicing lawyers in cities nationwide. The two hour program promotes professionalism and civility among lawyers. Experienced judges offer their observations about good and bad examples of courtroom behavior with an audience made up primarily of law students who are working in the legal field during the summer. Sidebar participants stress the importance of professional courtesy and the ineffectiveness of "Rambo" tactics. This program provides a forum for interaction between law students and judges regarding professional behavior.

18. Mercer University School of Law (Woodruff Curriculum) (1996)

The Woodruff Curriculum is a three year curriculum for law schools designed and implemented by Mercer University School of Law. The primary objective of this curriculum is the instilling of a sense of professionalism in the students. The program took five years to design and implement, culminating in its introduction to the law school in 1990. While each course offers opportunities to teach professionalism, the following courses are designed specifically for the curriculum: a first year course in Legal Writing, Research and Advice, second and third year introductory workshops, Perspective on Lawyering, and the Advanced Skills courses. At the beginning of each year, students take one week workshops that have as a central objective, the communicating of an understanding of the role of the lawyer in society. In these courses, students see that good lawyering is a service to clients and a service to the community and that the ethics of practice come from these obligations of service.

19. Chicago-Kent College of Law (1997)

Professionalism Day is a required one-day program for second-year students at Chicago-Kent College of Law. At the beginning of the program, students receive a

Professionalism Day binder that includes materials on topics such as developing a professional image, making professional contacts, planning a career and finding work/life balance. The program includes an opening videotape showing recent graduates in their legal careers. A panel discussion follows with four lawyers from varying legal organizations talking about "Strategies for Professional Excellence." Then students attend a break-out session of their choice on the topic, "Law as a Business." The breakout sessions are designed to educate students about how legal organizations (large firm, mid-size firm, small-solo firm, government, public interest, etc.) function. The breakouts are followed by a keynote address on "Civility, Respect and Relationship Building." The day ends with a reception where students and practitioners can mingle.

20. Oregon State Bar Association (1997)

The Oregon Supreme Court/Oregon State Bar Joint Commission on Professionalism was established by order of the Oregon Supreme Court in 1994. The purpose of the Commission is "to promote among lawyers and judges principles of professionalism, including civility and commitment to the elimination of discrimination within the judicial system to ensure that it equitably, effectively, and efficiently serves the people of Oregon." The primary mission of the Commission is educational.

The Commission has 15 members, including the Chief Justice of the Supreme Court of Oregon, an Associate Judge of the Oregon Court of Appeals, the Chief Judge of the U.S. District Court for Oregon and the President of the Oregon State Bar. The 11 appointed members include 4 judges, a non-lawyer member appointed by the Chief Justice, 4 lawyers, a law school faculty member and a public member appointed by the Bar President.

The Professionalism Commission and its predecessor entities have produced and presented continuing legal education programs since 1993. Programs include: Professionalism in Oregon: The Georgia Model, Professionalism and the Peterson Report, Professionalism: An Impossible Dream?, Law As Business: Economics v. Professionalism and Dilemmas in Professionalism: Solving Real-Life Problems. The Commission also has participated in an orientation program on professionalism for incoming students at Willamette University College of Law, created a speakers bureau, drafted articles on professionalism for trade publications, appeared on local cable television and presented two hour programs on professionalism at the 1995 and 1996 annual meetings of the Oregon Circuit Judges Association.

21. New Jersey Commission on Professionalism in Law (1998)

The New Jersey Commission on Professionalism is a cooperative venture of the New Jersey Supreme Court, the New Jersey State Bar Association, and the state's three law schools. Each entity appoints a designated number of members (17 members in total) and the chair rotates between them every two years. Although New Jersey is a voluntary bar, the New Jersey State Bar Association has agreed to fund the Commission.

The Commission began its work in the fall of 1995, accomplishing the following during its three years of operation: the adoption of Principles of Professionalism, the development of a Professionalism Counseling Program, the introduction of professionalism concepts into substantive courses in New Jersey's Skills and Methods program for new lawyers, an annual symposium on professionalism, bringing together

bar leaders, judges and faculty members, promulgation of a Lawyers' Pledge, beginning a law school mentor program, presenting "Lawyer of the Year" awards, continuing legal education programs, seminars, publishing a quarterly newsletter of Commission activities and serving as a resource center for bar associations across the state.

22. Kansas City Metropolitan Bar Association & Foundation (Bench-Bar Conference) (1998)

For the past 25 years, the Kansas City Metropolitan Bar Association & Foundation has held a conference for members of the bench and the bar. The focus of the weekend retreat is the communication between the bench and the bar and discussion groups aimed at identifying solutions to problems in the judicial system. A focus of the programs in each of the 25 years has been lawyer professionalism. Attendance at the 25th Anniversary Conference to be held May 1-3, 1998 is expected to be 500.

The conference is conducted in a manner designed to give the judiciary and the lawyers the opportunity to discuss common problems matter-of-factly and on a person-to-person basis. This informality allows inter-professional relationships to develop between lawyers and judges. All area courts are represented, from the federal to the municipal level. All segments of the bar are involved.

The conference planners use the forum to educate the local bench and bar about new programs, such as an arbitration program. The conference has also led to the creation of informal conferences that are now available with judges at the local circuit courts.

23. University of Miami School of Law Center for Ethics and Public Service (1998)

Founded in 1996, the Center for Ethics and Public Service is an interdisciplinary project devoted to teaching the values of ethical judgment, professional responsibility, and public service in the practice of law. The Center provides training to the law school and University as well as to Florida business, educational and legal communities.

The Center coordinates the first year ethics orientation program, participates in CLE, and organizes workshops and symposia. The Center is organizing symposia on ethics in business, government, and the law jointly with the School of Business Administration and is planning additional joint ventures with the School of Communications and the School of Medicine.

The Center is moving ahead on three new projects serving the Florida educational and legal communities. The Center is developing in-house ethics training and advisory programs with the U.S. Attorney's Office for the Southern District of Florida and Legal Services of Greater Miami. The Center is planning innovative CLE programs to present participants with interdisciplinary training in ethics and professionalism. The Center is designing ethics instructional programs in conjunction with public and private schools.

24. Emory University Law School (Law School Professionalism Project) (1999)

As an outgrowth of informal discussions about the level of professionalism with the law school community, during the 1988/1999 academic year, Emory University undertook to redesign and expand the program on "professionalism" offered at orientation for first year students. Concurrently with this redesign, Emory began a rethinking of the Student Honor Code with the object of basing the Code of Conduct upon the standards of ethics and professionalism required of members of the Bar.

At orientation, first year students met in small groups with volunteer members of the Bar and members of the law school faculty to discuss hypotheticals highlighting the kind of ethical dilemmas that they might face in law school. Materials were designed in collaboration with the Chief Justices' Commission on Professionalism. The Commission also recruited lawyer participants. The lawyers received CLE professionalism credit for participating.

These sessions were repeated with the same small groups using new materials in October and February. AS a part of the discussion, we introduced a statement of values of our community to be included in our revised Code of Pre-Professional Conduct. The purposes of these sessions were to: (a) demonstrate to the students, the common understanding between practitioners and legal academics of these issues; (b) to encourage the students to think in terms of their own values and standards of professionalism as pre-professionals and of their responsibility to uphold those values within our community.

This program will be repeated for first year students. Emory is also planning a program for second year students, building on the first year experience. In three years, all three law school classes should be actively involved in on-going discussions of professionalism and ethics throughout the year.

25. The Florida Bar's Center for Professionalism and the Supreme Court Commission on Professionalism (1999)

In response to the 1986 ABA Report, "...In the Spirit of Public Service," and a 1995 survey by The Florida Bar on lawyer professionalism, The Florida Bar set a goal to establish a Center for Professionalism. The Center, created in 1996, was endorsed by The Florida Bar and the bar requested the Supreme Court of Florida create a commission, chaired by the Chief Justice (or designee), that would establish the policies for the Center and be its governing board. The bar's Standing Committee on Professionalism provides resources to the Center in aiding implementation of its efforts. Daily operations for the Center are the responsibility of The Florida Bar and funding for the Center comes from the bar's general fund.

The overriding objective of this entire project is to raise the professionalism aspiration of all lawyers, judges and law students in the state and ensure that the practice of law remains a high calling, enlisted in the service not only of the client, but of the public good as well.

Role of the Supreme Court: The Supreme Court of Florida's Commission on Professionalism acts as a steering and long-range planning commission for the creation and implementation of professionalism programs and seminars, the commission oversees the development of judicial professionalism programs and the teaching of professionalism in law schools. The commission establishes the policies of the bar's center and is its governing board. The commission meets at least three times per year to address issues being presented. Members of the commission also speak at functions throughout the state.

Role of the Center for Professionalism: The mission of the Center for Professionalism is to support and encourage law students, lawyers, and judges to exercise the highest levels of professional integrity in their relationship with clients, other lawyers, the courts and the public. This is being accomplished through the following:

1. Presentations by speakers, panelists, and facilitators at CLE events, law school orientations on professionalism, as well as mentor programs, articles and columns on professionalism have all served to heighten awareness of issues.
2. "Quality control" for the required CLE professionalism courses is being assured through (a) the review of the content of proposed professionalism courses by the Center's staff; and (b) the introduction of professionalism materials developed by the Center for other CLE courses.
3. The Center is extending its focus to include the judiciary working through the existing judicial college by developing programs on issues of judicial professionalism. To date, four seminars have been presented with three more planned this year.
4. The Center serves as an archive and a clearinghouse for exchange of information regarding professionalism efforts past and present, local and national.

The Center has established the following: research library in professionalism, CLE seminars, database of research materials, On-line web based professionalism courses, distinguished lecturers, website access, and an ethics school (for diversionary discipline).

26. Palm Beach County Bar Association (Professionalism Council Peer Review) (1999)

The function of the Palm Beach County Bar Association's Professionalism Council ("Council") is to meet with lawyers who have conducted themselves in a manner inconsistent with the Ideals and Goals of Professionalism, adopted by the Board of Governors of the Florida Bar in 1990 or the Standards of Profession Courtesy adopted by the Palm Beach County Bar Association in 1990. The Council is a peer review group designed to promote compliance with the Ideals and Standards. The Council is composed of the Chief Judge, the Administrative Judge of the Circuit Civil Division, the Administrative Judge of the County Court, the President of the Palm Beach County Bar Association and a representative of the Florida Bar Board of Governors for Palm Beach County's Judicial Circuit.

The Council was established by an Administrative Order. When a judge within the Palm Beach County Circuit determines that a lawyer has engaged in conduct inconsistent with the Ideals or Standards, the judge may refer the matter to the Council. If any lawyer observes conduct on the part of another lawyer that is inconsistent with the Ideals or Standards, the lawyer may request the Council to consider the matter. While judges refer matters directly to the Council, matters referred by lawyers are screened by the Palm Beach County Bar's Professionalism Committee. The Professionalism Committee, in its screening of lawyer referrals, operates under Rules and Standards to provide for the efficient handling of lawyer referrals. The Professionalism Committee has developed forms for the referral of matters to the Council.

After the review by the Council, the Council publishes its findings on an anonymous basis in the Palm Beach County Bar Bulletin. Since its enactment in 1997, the Council has reviewed 20 matters. Though the Council has no authority to discipline any lawyer or to compel any lawyer to appear before it, in only one matter did the lawyer invited to attend the meeting fail to appear. In all other matters, the Council has reported positively on the review. The availability of the Council to review referrals is published

from time to time by the Professionalism Committee on the bulletin boards of judges' chambers and in the Palm Beach County Bar Bulletin.

27. The Florida Bar Young Lawyers Division (Practicing with Professionalism) (2000)

Practicing with Professionalism is a two-day Supreme Court mandated program for all newly admitted lawyers to The Florida Bar. The program is offered 11 times throughout the year around the state. Topics include: Formation and Termination of the Attorney-Client Relationship, Client Relations, Trust Accounting, Chemical Dependency/Stress Management, Advertising, Fees, and Professionalism (includes diversity and gender and racial bias).

The format of the program uses an LCD Freelance Graphics slide show, interspersed with video clips. Interaction is encouraged throughout the program, which focuses on professionalism within each topic area. All participants receive detailed course materials with updated case citations and bar contacts should problems arise.

How the Program Focuses on Professionalism: The objective of the program is to provide two full days of new lawyer training, with the second day being fully dedicated to professionalism. The information provided during the professionalism day provides specific, substantive and interactive training in areas that have been identified as those likely to be problematic for new lawyers. This new program specifically provides the necessary information to empower new lawyers with tools of professionalism, case studies, illustrate applications of these principals and access to informational sources should they have questions. This foundation should help to guide new lawyers through potential pitfalls of the profession, thereby reducing lawyer disciplinary actions, public complaints of unprofessional behavior, and ultimately enhance the image of the legal profession as a whole.

28. Genesee County Bar Association (Joint Program for Attorney Ethics and Professionalism) (2000)

The Genesee County Bar Association and the Centennial American Inn of Court have undertaken many programs to educate local lawyers on professional standards and ethics. The programs have included inviting speakers to monthly membership meetings, publishing articles on professionalism in the Bar Beat, and working with judges regarding courtroom behavior of lawyers.

This year, the two organizations undertook a joint effort to have an Inn program team present a live reenactment of a program examining how to deal with the emotionally difficult client in the context of domestic relations actions. Following the program, the two organizations realized that the Inn could reach a much larger audience if it video taped its programs and provided them to the Bar for use during its "Lunch and Learn" series or by airing them on a local cable television station. The program selected for the initial videotape program is an hour-long skit involving analysis of lawyer advertising standards.

How the Program Focuses on Professionalism: The project is aimed primarily at younger lawyers to expose them to ethical problems and to encourage them to be aware of, and implement in their practices, the highest standards of legal ethics, civility and professionalism.

29. Stein Center for Law and Ethics, Fordham University School of Law (Fordham/Stein Center Conferences) (2001)

Since 1993, Fordham Law School's Stein Center for Law has conducted conferences addressing legal ethics and professionalism issues in particular practice areas. The conference topics have included Ethical Issues in Representing Older Clients (1993); Ethical Issues in the Legal Representation of Children (1995); and The Delivery of Legal Services to Low-Income Persons: Professional and Ethical Issues (1998). Prior to a conference, legal scholars and professionals are asked to submit a written article addressing a particular ethics or professionalism issue. At the conference, participants meet in small groups and in plenary session to discuss the issues and to make specific recommendations. At the end of the conference, all participants convene to discuss the recommendations and to decide which to adopt. After the conference, the recommendations, pre-conference articles, a summary of discussions, and post-conference articles are published as the "Proceedings of the Conference" in the Forham Law Review. The goals of the conferences are to develop written materials that enhance lawyers' understanding of relevant ethics and professionalism issues, encourage lawyers to engage in "best practices" within the bounds of disciplinary rules, promote further discussion on these issues, and encourage courts, rule makers, and lawyers to take further action to promote ethical and professional practices.

30. Fourth Judicial Circuit of Florida Professionalism Committee and the Jacksonville Bar Association (Joint Project Global Professionalism Program) (2001)

The Fourth Judicial Circuit of Florida Professionalism Committee was established in 1998 and is comprised of circuit and county judges, court officials, presidents of bar associations, and other members of the bar. The Professionalism Committee has worked in conjunction with the existing Professionalism Committee of the Jacksonville Bar Association to enhance professionalism in the Fourth Judicial Circuit.

At the recommendation of the joint committees, the Chief Judge of the Fourth Judicial Circuit adopted the Statement of Professionalism, which advises members of the bar of the high standard of professionalism and civility in the Fourth Circuit. Copies of the Statement of Professionalism and the administrative orders are given to attorneys filing a civil action in Duval County and to attorneys in the State Attorney's Office to give to defense counsel who appear in criminal cases.

In 1999, the joint committees established a Mentor Program, which is intended to increase the degree of professionalism and civility among lawyers by providing new attorneys guidance, experience, and expertise from more experienced attorneys. A mentor relationship may extend for a period of 6 months up to two years. To date, there are 53 mentors and 30 mentees in the program. In addition, the Fourth Circuit Professionalism Committee established a Professional Review Program to allow a judge or lawyer to report to a Professional Review Committee when a lawyer's conduct, though not a violation of the Code of Professional Responsibility, does not meet expected standards in the Circuit. To date, the Professionalism Review Committee has had three complaints, all of which were resolved by a member of the Committee.

In 2000, the Fourth Judicial Circuit of Florida Professionalism Committee along with the Professionalism Committee of the Jacksonville Bar Association co-sponsored a Judicial Symposium to exchange ideas and questions about professionalism among

judges and members of the bar. Participants included federal judges from the Eleventh Circuit Court of Appeals and the U.S. District Court, as well as judges from the Florida Supreme Court, Court of Appeals and circuit and county judges. A second symposium was held in February 2001.

31. East Bay Community Law Center (The Ethics and Professionalism Clinical Education Project) (2002)

The East Bay Community Law Center ("EBCLC") is the community-based component of the clinical program at Boalt Hall School of Law, University of California, Berkeley. In 1988, Boalt students founded EBCLC to meet the growing needs of low-income clients for basic legal services and to broaden students' educational opportunities by bridging the gap between legal theory and practice. Between 30 to 40 law students from Boalt Hall work at EBCLC each year under the direct supervision of experienced lawyers and clinicians in one of four practice areas: housing, welfare, HIV/AIDS and community economic development. Students are also enrolled in a concurrent clinical seminar entitled "Community Law Practice at EBCLC," during which they study and discuss the real life challenges facing EBCLC, its clients and the students working there.

In 1998, with support from Boalt Hall, EBCLC undertook the Ethics and Professionalism Clinical Education Project to more fully and directly incorporate ethics and professionalism instruction into the clinic and companion course. The course was substantially revised to integrate topics such as lawyer competence, attorney-client privilege and confidentiality, zealous advocacy, conflicts of interest and access to justice. The course and clinic develop students' abilities to recognize the dilemmas that arise for lawyers in facing conflicts between their basic professional duties and other interests and values. Using a decision-making methodology developed at the clinic, students learn to identify, address and resolve these and other ethical and professionalism issues.

The goals of the Ethics and Professionalism Clinical Education Project are to 1) provide students a hands-on opportunity to learn ethics and professionalism; 2) deepen students' understanding of ethics and professionalism by exploring these issues in a structured, live-client setting; 3) develop in law students the foundation to become reflective practitioners, a critical tool in making the transition from student to professional; 4) replicate the model in clinics at other law schools to increase the breadth of its success and learn from the experience of others; and 5) enhance the profession as a whole by helping to educate the next generation of lawyers to practice in a more civil and professionally responsible manner.

32. Yale Law School (Lawyering Ethics Clinic) (2002)

The Lawyering Ethics Clinic at Yale Law School provides free legal services to people who have filed grievances against Connecticut lawyers with the Statewide Grievance Committee. In Connecticut, there is no government or bar-sponsored entity charged with prosecuting complaints of lawyer misconduct. Therefore, the complainant, who is often a layperson, has the burden of proving by clear and convincing evidence that the lawyer has violated a rule of professional conduct. The Lawyering Ethics Clinic intercedes to provide complainants with counsel so that they may more accurately and effectively present their claims. At the Clinic, law students, supervised by two faculty members, decide which disciplinary cases to solicit for representation, prepare retainer

agreements and necessary filings, interview witnesses, conduct legal research, draft hearing briefs, prepare witnesses, collect documentary evidence, and act as lead counsel at administrative hearings. The Clinic also dedicates class time to discussions about rules governing lawyer misconduct and the grievance process.

The goals of the Clinic are to (1) provide law students with direct experience regarding ways that ethical issues arise in the everyday practice of law; (2) provide lay persons with legal counsel in the grievance process to ensure that meritorious claims of ethics violations are clearly and effectively presented for review by the Statewide Grievance Committee; (3) provide law students with an opportunity to develop their own ethical conduct when representing clients. The Clinic enhances professionalism by educating soon-to-be lawyers about their ethical responsibilities and allowing them to practice ethical and professional behavior before becoming members of the bar. The Clinic also improves the public's perception of lawyers by allowing clients to effectively voice their grievances and by demonstrating that lawyers are willing to challenge other lawyer's unprofessional conduct.

33. Campbell University School of Law (First-Year Professionalism Development Series: Talking with Lawyers about Professionalism) (2003)

Campbell University School of Law's First Year Professionalism Development Series: Talking with Lawyers about Professionalism is a comprehensive professionalism experience during the first year of study. During the fall semester, students meet every other week in sessions that combine videotaped presentations and discussions with lawyers and law professors about a lawyer's role as a fiduciary, advocate, interviewer, counselor and negotiator. During the break between their first and second semesters, students take part in a three-day interactive simulation program that explores ethical and professionalism issues in the context of a marital dissolution. In the simulation, students experience firsthand the professional tensions that lawyers confront in managing their multiple and sometimes conflicting goals. During the spring semester, students meet every other week with lawyers and business and personal plight clients to engage in "story-telling" sessions, similar to the types of discussions that used to occur in law firms at the end of the day when lawyers still had time to talk to each other. Topics of these sessions include: "Professionalism from the Perspective of Business Clients," "Representing Clients Engaged in Questionable Business Practices," and "Professionalism from the Perspective of Personal Plight Clients."

34. Houston Bar Association (Professionalism Program) (2003)

The Houston Bar Association's Professionalism Program was formalized in 1989 to promote increased professionalism among Houston Bar Association members in their relationships with each other, the judiciary and the public. The Program's activities, which are coordinated under the guidance of the HBA professionalism committee, include: Professionalism Day, "All Ethics" CLE programs, judicial polls, mentoring and clerkship programs and Bench Bar Conferences. In addition, each issue of the HBA's journal, *The Houston Lawyer*, includes "Profiles in Professionalism," featuring distinguished members of the legal profession giving their personal views on professionalism, and each year one of the journal's six issues is devoted to professionalism and ethics.

In 1989, the HBA Board of Directors unanimously adopted a professionalism mandate that urges all HBA members to uphold the highest standards when dealing with clients, other lawyers and the courts. Copies of this mandate are given to new HBA members and new county judges, and are available to attorneys and the public. In 2003, the HBA began providing copies to every student in a professional responsibility class at the three Houston law schools.

35. Nelson Mullins Riley & Scarborough Center on Professionalism at the University of South Carolina (2003)

The Nelson Mullins Riley & Scarborough Center on Professionalism was established at the University of South Carolina School of Law in 1999. The Center's initiatives are largely aimed at disseminating information and providing opportunities for sharing ideas that will lead students, lawyers, judges and academics to think more frequently and more carefully about professionalism issues. The Center has developed a national professionalism website, organized national conferences on professionalism, published professionalism pamphlets for first-year and graduating law students, presented continuing legal education programs, organized co-curricular programs for law students and hosted in-residence jurists and practitioners. The Center also sponsors an annual professionalism essay contest and clinical program professionalism award. The Center continues to develop and implement new initiatives to help positively influence the future conduct of students, lawyers and judges.

36. Southern Illinois University School of Law (Professionalism Development Workshop Series for First-Year Law Students) (2004)

Southern Illinois University School of Law's Professionalism Development Workshop Series for First-Year Law Students is designed to introduce first-year students to the major ethical issues they will face as legal professionals and to provide students with structured information and guidance on how to become competent professionals. In the fall semester, students attend a series of ethics and competence-building workshops including: An Introduction to the Law School Student Conduct Code, An Introduction to Legal Ethics, Time Management and Active Learning Skills, and Preparing for a Law School Exam. Mid-semester, the first-year class drafts a Statement of Professional Commitment, which it pledges its commitment to during an induction ceremony attended by the local bench and bar. The spring semester workshops build on the foundations of the previous semester and add a series of career development workshops that introduce students to opportunities and expectations in legal employment. In the second and third years, professionalism training is incorporated into the curriculum and is emphasized in the clinical and externship programs.

37. Wake Forest University School of Law (Professionalism Program) (2004)

Wake Forest University School of Law's Professionalism Program is a comprehensive program that emphasizes the importance of professionalism from orientation through the third year of law school. Prior to entering law school students are asked to read a book where the main character is a role model for lawyering. During orientation, students meet in small groups with faculty members to discuss professionalism issues raised in the book and the responsibilities that students and

lawyers assume as they enter the legal profession. During orientation week, students also work on a pro bono project within the community, such as a Habitat for Humanity home, and take an oath of professionalism administered by a judge at a formal ceremony. During the fall and early spring semester students attend “First Thursday” professionalism sessions, which focus on an array of professionalism issues such as pro bono obligations, civility, substance abuse and quality of life issues. Wake Forest continues to emphasize professionalism in the second and third year curriculum and through extra-curricular activities, such as legal clinics and an informal “Conversations With . . .” series, which brings lawyers and judges to the school to speak to students about why they became lawyers and their experiences in practice.

38. Duke University School of Law (Blueprint for Lawyer Education and Development) (2005)

To further Duke Law School’s goal of producing “well-built” lawyers, the Duke Blueprint to Lawyer Education and Development (LEAD), affirms Duke’s commitment to the seven Blueprint virtues and its expectation that students will internalize them and carry them into their professional careers. The Blueprint principles entreat students to Engage Intellectually, Act Ethically, Lead Effectively, Build Relationships, Serve the Community, Practice Professionalism, and Live with Purpose.

The Blueprint plays a crucial role in all student programming, crossing departmental boundaries and inspiring activities throughout the school. Woven throughout students’ entire academic experiences, the Blueprint is introduced to admitted students before they enroll, so that they make their decision to attend Duke with an appreciation of the emphasis that is placed on professionalism. Once they arrive, students quickly learn that the Blueprint underlies student programs and interactions throughout their academic tenure. Blueprint programming includes: First-Year Orientation, Advising Sessions, Professionalism Mentoring, Professionalism Retreats, a Reading in Ethics course, Ad-hoc Seminars, Focused Professionalism Course, Honor Week, Community Roundtables and Professionalism Awards.

39. University of St. Thomas School of Law (Mentor Externship) (2005)

The Mentor Externship Program is one of the most distinctive and innovative components of the University of St. Thomas School of Law, focusing on the highest ideals of the legal profession. The Program has four primary objectives: 1) To instill in students a better understanding of the responsibilities of being a professional; 2) To provide students with both an experiential window through which to view the professional world and exposure to the diverse spectrum of work that lawyers and judges do; 3) To create an intergenerational conversation about the practice of law and the profession; and 4) To provide students with the opportunity to share with other students and full-time faculty what they are observing and learning through their mentor experiences.

In each year of law study, every student is paired with respected lawyers and judges in the community. Mentors introduce students to a wide range of lawyering tasks and judicial activities and share with them the traditions, ideals, and skills necessary for a successful career. Each pair is required to engage in a number of lawyering or judicial activities together. Through this hands-on interaction with the bench and bar, students can

draw on the skills of a more senior member of the profession to better prepare for life as a lawyer. The environment provides a “real world” framework for each student to test his or her understanding and expectations of professionalism in a way the traditional classroom or lecture cannot capture.

Appendix B - Law School Professionalism Survey Report

National Innovation in Teaching Awards 2004-2005

<http://law.gsu.edu/ccunningham/Professionalism/Index.htm>

2004

First Prize

Sophie Sparrow: Professional Conduct in a 1st Year Research and Writing Course

Professor, Director of Legal Skills

Franklin Pierce Law Center

2 White Street

Concord, NH 03301

603-228-1963 ext. 1205

ssparrow@piercelaw.edu

Home Page: <http://www.piercelaw.edu/profs/sparrow.htm>

Program Summary Description:

We teach professionalism in two required first year courses, Legal Skills I and II. Having each student participate as a professional is a goal of each course, and comprises 20% of a student's final grade. Teaching sections of 19-25 students twice a week, we tailor our teaching to individual students, provide professionalism criteria in advance, and base our assessments on student performance. Because we believe and want to show students that they can all earn As in professionalism, we award students full professionalism points at the beginning of the semester these are theirs to lose.

On the very first day of class, we explain that we teach aspects of professionalism because these first year students will soon be attorneys and must be prepared to earn the trust of others. We structure our classes as if we worked together in a legal organization, and focus on the following:

- Behavior treating law school staff, classmates, teaching assistants, professors everyone associated with the course with respect and dignity. This includes taking the time to fully listen as well as speak.
- Resourcefulness taking the initiative to use resources to solve problems.
- Taking risks stretching themselves and acknowledging the discomfort in learning. This can mean volunteering to speak for a shy student, not dominating a group discussion for one who is more vocal.
- Attitude having a positive approach to working with classmates, voicing concerns directly, and proposing solutions rather than complaining about problems.
- Depth and thoughtfulness including in-class contributions and out-of-class assignments.

- Investing in learning and growing from mistakes seeking to learn from mistakes, asking questions about confusing material, talking to professors or teaching assistants when not performing well.
- Effort and perseverance working hard to improve skills throughout the semester.
- Timeliness completing assignments on time, being prepared for and attending class.

Our philosophy is that we can only expect and assess professionalism if we have first identified its complexities and assessment criteria, and regularly coached students to meet those criteria. We also believe that if we expect students to take it seriously, we need to treat it as seriously as another course. In addition, if we expect students to learn professionalism, we must model it ourselves and explain why it matters. While many of us know what we mean by professionalism, our experience is that this is not true for many of our students.

In the context of Legal Skills I and II, in which we teach legal analysis, research and writing, students learn about professionalism in many ways. They attend guest lectures given by practicing attorneys and judges. Students describe their impressions of lawyers they have observed arguing appellate issues. They frequently work collaboratively on in-class assignments, and have assignments due almost every week. Several times a semester they write cognitive protocols in which they write about their learning and how they will improve their skills. During the semester, students discuss how they might apply these skills in practice.

Honorable Mention

Leary Davis (Campbell University School of Law): Year-Long Required Professionalism Course in the First Year

James E. Moliterno (William & Mary Law School): Integrating Legal Ethics and Professional Norms into a Four Semester Required Course on Legal Skills

2005

First Prize

Patrick Emery Longan: First Year Legal Profession Course

Bootle Chair in Ethics

Mercer University

1021 Georgia Ave.

Macon, Georgia 31207

(478) 301-2639

longan_p@mercer.edu

Home Page: www.law.mercer.edu/faculty/bio.cfm?staffid=240

Summary Description:

Mercer University requires all first-year students to take a three-credit, graded course entitled The Legal Profession. This course is not the required course on the Rules of Professional Conduct. Rather, it covers broader issues of professionalism and related challenges of life in the law.

The classroom component of the course proceeds on two “tracks.” The “Professionalism” track consists of thirty class meetings. The students begin with a discussion of what professionalism means for lawyers and why it matters. We come to a definition that includes five requirements: (1) that a lawyer have the expert knowledge and skill necessary to provide competent assistance to his or her client; (2) that a lawyer act as a fiduciary of his or her client and always act in the client’s best interest regardless of the financial or other interest of the lawyer; (3) that a lawyer contribute some of his or her services for the good of others without expectation of payment; (4) that a lawyer acting as an advocate place his or her duties as an officer of the Court before the lawyer’s duties to a client or the lawyer’s own interests; (5) that a lawyer act with civility in his or her dealings with others. The classes then examine how the legal profession promotes and enforces professionalism, what obstacles to professionalism exist in different practice areas, and how the profession could improve its efforts to promote and enforce professionalism. The exam at the end of the course concerns the material covered in the “Professionalism” track.

The second classroom component is the “Living in the Law” track. These classes, all but one of which are taught by distinguished guest speakers, present issues such as what makes the life of the lawyer a life worth choosing, what obstacles exist to fulfillment as a lawyer, how attorneys can cope with or overcome those obstacles, how lawyers can find a higher calling within their profession, and how lawyers can integrate their professional and spiritual lives. One goal of this part of the course is for students to see the connection between a sense of fulfillment as a lawyer and observance of the five attributes of professionalism. The students have required readings for these classes and must attend, but the material is not covered on the exam.

The course includes three non-classroom components. First, the students write two reflective papers on their ambitions as lawyers, one at the beginning and another at the end of the course. Second, each student participates in an “oral history” interview of a senior member of our local Inn of Court. In these interviews, the students hear the reflections of seasoned members of the bar on the challenges and joys of life in the law, and the students write a short paper relating the interviews to concepts they have learned in class. Third, the students choose a biography or autobiography of a famous lawyer or judge from an approved list. They read the book and participate in a discussion group about it.

Honorable Mention

Lisa Brabbit & Neil Hamilton (University of St. Thomas): Mentor Externship Program

Lois R. Lupica (University of Maine): Professional Responsibility Redesigned

Appendix C – Law School Professionalism Survey Report

Participating Law Schools (total of 64)
(Not every school completed every section of the survey)

The University of Akron School of Law
Appalachian School of Law
The College of Law at Arizona State University
University of Arizona James E. Rogers College of Law
University of Arkansas, Fayetteville, Leflar Law Center
Ave Maria School of Law
Barry University School of Law
Boston College Law School
Brigham Young University-J. Reuben Clark Law School
University of California at Davis School of Law
Campbell University School of Law
Chapman University School of Law
The University of Chicago Law School
Chicago-Kent College of Law, Illinois Institute of Technology
University of Cincinnati College of Law
Thomas M. Cooley Law School
DePaul University College of Law
University of the District of Columbia David A. Clarke School of Law
Duke University School of Law
University of Florida College of Law
Florida Coastal School of Law
Fordham University School of Law
Franklin Pierce Law Center
Georgia State University College of Law
University of Georgia School of Law
University of Hawaii William S. Richardson School of Law
Hofstra University School of Law
University of Houston Law Center
University of Idaho College of Law
Lewis & Clark Law School
Loyola University School of Law, New Orleans
University of Maine School of Law
Mississippi College School of Law
University of Mississippi School of Law
University of Missouri –Columbia School of Law
The University of Montana School of Law
University of Nevada, Las Vegas, William S. Boyd School of Law
New England School of Law
New York Law School
The State University of New York-University at Buffalo Law School
University of Notre Dame Law School

Oklahoma City University School of Law
Pace Law School
The Pennsylvania State University, Dickinson School of Law
Quinnipiac University School of Law
Roger Williams University School of Law
Rutgers, The State University of New Jersey School of Law, Camden
St. John's University School of Law
Saint Louis University School of Law
University of San Diego School of Law
Santa Clara University School of Law
University of South Carolina School of Law
Stetson University College of Law
University of Texas School of Law
Texas Tech University School of Law
Texas Wesleyan University School of Law
Tulane University School of Law
University of Tulsa College of Law
Valparaiso University School of Law
Washburn University School of Law
Washington University in St. Louis School of Law
Wayne State University Law School
College of William & Mary, Marshall-Wythe School of Law
University of Wyoming College of Law

Appendix D - Law School Professionalism Survey Report

Related Web Sites

ABA Center for Professional Responsibility

<http://www.abanet.org/cpr/>

A Guide to Professionalism Commissions (2001)

http://www.abanet.org/cpr/scop_commission_guide.html

Conference of Chief Justices' National Action Plan on Lawyer Conduct and Professionalism

<http://www.abanet.org/cpr/reports/ccj.html>

E. Smythe Gambrell Professionalism Awards

<http://www.abanet.org/cpr/gambrell.html>

ABA Commission on Lawyer Assistance Programs

<http://www.abanet.org/legalservices/colap/>

Directory of Local Programs

<http://www.abanet.org/legalservices/colap/lapdirectory.html>

ABA Directory of Law School Public Interest and Pro Bono Programs

<http://www.abanet.org/legalservices/probono/lawschools/>

ABA Law Practice Management Section

<http://www.abanet.org/lpm/home.shtml>

ABA Section of Legal Education and Admissions to the Bar

<http://www.abanet.org/legaled/>

Pro Bono Information

<http://www.abanet.org/legaled/probono/probono.html>

ABA General Practice, Solo & Small Firm Division Mentoring Certificate Program

<http://www.abanet.org/genpractice/lawstudents/mentoringcertificate.html>

American Inns of Court

<http://www.innsofcourt.org/>

The Association of American Law Schools

<http://www.aals.org/>

Center on Professionalism at the University of South Carolina School of Law

<http://professionalism.law.sc.edu/>

Clinical Legal Education Association Best Practices Project
<http://professionalism.law.sc.edu/news.html#CLEA>

The National Award for Innovation and Excellence in Teaching Professionalism
<http://law.gsu.edu/ccunningham/Professionalism/Award-Home.htm>