



Louisiana  
State Bar  
Association

*Serving the Public. Serving the Profession.*

---

Summer 2019

Dear Future Member of the Bar:

You're about to begin an exciting time in law school. On behalf of the more than 20,000 Bar Association members, I welcome you to the start of your professional career.

One of the most important aspects of being a lawyer is not found in the confrontational attitudes that provide for dramatic moments in television and movies about attorneys; rather, it is the ability to act as a professional even in the heat of battle. The Bar Association believes so highly in professionalism that we have a special committee that is devoted to this issue; it seeks to promote professionalism in the practice of law through education, communication and understanding, and to study ways in which members of the legal profession may balance their personal and professional lives.

One of the ways to impart an appropriate approach to professionalism is to begin with this subject on your first day in law school. With the support of your school, the Committee on the Profession will conduct a session as part of your law school orientation.

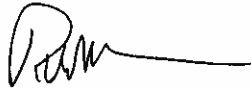
The program will begin with brief remarks by a Louisiana State Bar Association Representative as well as a Justice of the Louisiana Supreme Court. After that will follow small group discussions of professionalism and ethical issues raised in the enclosed paper. Please read these hypothetical situations (which as you shortly find out, are referred to in law schools as "hypos"). You will participate in a small group of no more than 30 students and will be asked to discuss your views on these issues with the lawyers and judges who will lead your group. The group leaders, drawn from our volunteer lawyers and judges, also will be available to answer questions you may have about professionalism and will be available to share with you their practical experiences in this area.

Page 2

As the enclosed instructions state, we ask that you bring these hypos with you to the orientation session. All that you need is to have read them; research is neither necessary nor appropriate. The only thing required to engage in the discussion is your own life experiences.

We hope that you will find the group discussions to be lively and instructive as you begin your careers in the legal profession, and we look forward to seeing you in a few short weeks.

Sincerely,



Robert A. Kutcher  
President,  
Louisiana State Bar Association

Sincerely,



Barry H. Grodsky  
Chair, Louisiana State Bar Association  
Committee on the Profession

RAK & BHG/cs  
enclosures

## LAW SCHOOL ORIENTATION ON PROFESSIONALISM INSTRUCTIONS

Prior to the orientation session on professionalism, you should read over these hypothetical situations, give some thought to what issues arise in each situation and consider what sort of decisions you would make if you were faced with these facts. Be prepared to discuss why you would make a particular decision or pursue a particular course of action. Your own, personal view on why you feel this way is the most important part of the discussion.

These hypothetical situations are intended to expose you to some of the ethical challenges you may encounter in law school or after law school in the day-to-day practice of law. The goal of this exercise is not to have you approach these situations with the mind-set of a lawyer who is versed in the written codes, rules, and aspirations of the profession, or who has consulted case law and treatises. The purpose of these problems is to stimulate thought and discussion about professionalism and what it means to be a professional. It is also to show, at the very outset of your legal career, how the application of legal knowledge and the actual practice of law take place within a context of responsibility to your client, to your profession and to yourself.

All we ask is that you bring to these hypotheticals is your life experience and your own set of ethics, whatever they may be. We are not asking for any professional knowledge or research. Most importantly, do not ignore your “gut reaction” – *i.e.* how these situations make you feel – for this is an important part of the equation.



# Professionalism Program Problems

## Hypotheticals for New Students

### Problem 1

Stephanie Hackworth has been charged with plagiarism in connection with a draft article she submitted for the “write on” competition for law review. The charge is that she incorporated a significant amount of textual and footnote material from three law review articles into her draft without any attribution.

Stephanie has asked you, her study companion, to assist her in connection with the law school disciplinary investigation and proceedings. The law school administration sometimes gives permission for law students to “represent” students who have been charged with violations of the law school code of conduct. In this case, you have been given permission to assist Stephanie. Under the procedures, any confidential conversations between you and Stephanie about the subject matter of the disciplinary proceeding are “privileged.” Where the privilege applies, it means that neither of you can be compelled to reveal what either of you says to the other.

After obtaining permission to represent Stephanie in the disciplinary proceedings, you meet with Stephanie to plan your strategy. One of the things that the two of you decide to do is to have Stephanie offer “testimony” in the disciplinary proceeding. The plan would be to have Stephanie say (1) that she is a disorganized and sloppy person; (2) that, when she prepared her draft article, she incorporated a number of different things into it, including many quotations for which she did give proper attribution and some “mini-drafts” that she had written along the way; and (3) that when she incorporated the materials that are the subject matter of the investigation, she mistakenly and sloppily, but not intentionally, thought that they had come from some of the “mini-drafts” that she herself had written earlier.

In a subsequent meeting with Stephanie, she tells you (confidentially) that she is guilty of the charge. She admits that she incorporated textual and footnote materials from the other articles into her draft, without attribution, knowing that this amounted to plagiarism. Stephanie tells you, as well, that she is very upset, because if she is found to have been guilty of plagiarism, she fears that this would eventually be reported to bar admission authorities, and she would not be permitted to sit for the bar exam.

- a. What advice do you have for Stephanie at this point?
- b. Should you continue to “represent” her?
- c. Regardless of whether or not you continue to represent her, should you disclose her “confession” to law school authorities?

## Problem 2

Senior Partner (SP) walks into the office of Young Associate (YA) one morning.

SP: I see that you have accepted your third pro bono case this year.

YA: Yes, sir. It seemed as if this poor old lady really needed some legal assistance. I think she may have a valid redhibition claim against the car dealer.

SP: That's fine, YA. However, I note that you are only averaging 36 billable hours per week this year. Don't you think you need to bring that figure up?

YA: I am trying to sir, but I am having trouble meeting the firm's goal of 45 billable hours per week. You see, I coach my son's baseball team on Tuesday and Friday afternoons beginning at 4:30 p.m., and I am also putting in a lot of time with the State Bar's community action committee. In addition, I am trying to write an article for the DRI magazine.

SP: Well, I understand, YA, but first things first. If you don't meet your 45 hour per week goal, your position here may be in jeopardy. I suggest you may want to think about that seriously.

YA: But, SP...

SP: I'm afraid that's the end of our conversation.

- a. Does YA have an obligation to satisfy the firm's 45-hour per week goal before engaging in any pro bono or bar association work?
- b. Should Young Associate forgo coaching his son's baseball team if it prevents him from meeting his obligations to his firm?
- c. Should YA work all day Saturday, if necessary, in order to satisfy the 45-hour goal?
- d. Is 45 hours a reasonable goal for billable hours per week—or too much?
- e. How many hours of pro bono service a year should a lawyer engage in? Should any particular number of pro bono hours be required in order to maintain one's license to practice law?
- f. Should Senior Partner encourage YA's pro bono work and even count it as credit toward the firm's 45-hour billable goal?
- g. Should law students be obligated to perform pro bono or community service? Should a certain number of hours of such service be a requirement for graduation?

### **Problem 3**

QVC, Network, Inc. is interested in acquiring Paramount Communications, Inc., and has made a tender offer to Paramount's shareholders. Viacom, Inc. is also interested in acquiring Paramount, and has also made a tender offer. But QVC believes that Viacom has done more than that. In fact, QVC claims that its efforts to acquire Paramount are being frustrated by illegal defensive measures undertaken by Paramount and Viacom, and QVC has sued both companies to prevent a Paramount-Viacom merger.

During the course of the litigation, William Johnson, an attorney for QVC, scheduled the deposition of Hugh Liedtke, one of Paramount's directors. Liedtke was personally represented in the deposition by attorney Joseph Jamail. Paramount itself was represented by attorney Peter Thomas. Johnson began to ask Liedtke some questions about a document, and the following occurred:

MR. JOHNSON: Do you have any idea why Mr. Oresman was calling that material to your attention?

MR. JAMAIL: Don't answer that. How would he know what was going on in Mr. Oresman's mind? Don't answer it. Go on to your next question.

MR. JOHNSTON: No, Joe--

MR. JAMAIL: He's not going to answer that. Certify it. I'm going to shut it down if you don't go to your next question.

MR. JOHNSTON: No. Joe, Joe--

MR. JAMAIL: Don't "Joe" me, asshole. You can ask some questions, but get off of that. I'm tired of you. You could gag a maggot off a meat wagon. Now, we've helped you every way we can.

MR. JOHNSTON: Let's just take it easy.

MR. JAMAIL: No, we're not going to take it easy. Get done with this.

MR. JOHNSTON: We will go on to the next question.

MR. JAMAIL: Do it now.

MR. JOHNSTON: We will go on to the next question. We're not trying to excite anyone.

MR. JAMAIL: Come on. Quit talking. Ask the question. Nobody wants to socialize with you.

MR. JOHNSTON: I'm not trying to socialize. We'll go on to another question. We're continuing the deposition.

MR. JAMAIL: Well, go on and shut up.

MR. JOHNSTON: Are you finished?

MR. JAMAIL: Yeah, you--

MR. JOHNSTON: Are you finished?

MR. JAMAIL: I may be and you may be. Now, you want to sit here and talk to me, fine. This deposition is going to be over with. You don't know what you're doing. Obviously someone wrote out a long outline of stuff for you to ask. You have no concept of what you're doing. Now, I've tolerated you for three hours. If you've got another question, get on with it. This is going to stop one hour from now, period. Go.

MR. JOHNSTON: Are you finished?

MR. THOMAS: Come on, Mr. Johnston, move it.

MR. JOHNSTON: I don't need this kind of abuse.

MR. THOMAS: Then just ask the next question.

Q. (By Mr. Johnston) All right. To try to move forward, Mr. Liedtke, ... I'll show you what's been marked as Liedtke 14 and it is a covering letter dated October 29 from Steven Cohen of Wachtell, Lipton, Rosen & Katz including QVC's Amendment Number 1 to its Schedule 14D-1, and my question--

A. No.

Q. --to you, sir, is whether you've seen that?

A. No. Look, I don't know what your intent in asking all these questions is, but, my God, I am not going to play boy lawyer.

Q. Mr. Liedtke--

A. Okay. Go ahead and ask your question.

Q. --I'm trying to move forward in this deposition that we are entitled to take. I'm trying to streamline it.

MR. JAMAIL: Come on with your next question. Don't even talk with this witness.

MR. JOHNSTON: I'm trying to move forward with it.

MR. JAMAIL: You understand me? Don't talk to this witness except by question. Did you hear me?

MR. JOHNSTON: I heard you fine.

MR. JAMAIL: You fee makers think you can come here and sit in somebody's office, get your meter running, get your full day's fee by asking stupid questions. Let's go with it.

1. What does it seem to you that Mr. Jamail was trying to do? Was he successful?
2. What do you think about how Mr. Johnson attempted to deal with the situation? Did he succeed?
3. Does success in litigation require attorneys to be obnoxious?
4. Do obnoxious lawyers make the professional and personal lives of other lawyers less pleasant? If so, does that matter?
5. Does an obnoxious lawyer lose anything as a consequence of his or her obnoxiousness?



#### **Problem 4**

You and fellow third year student, Pat Law, have been close friends since your Freshman Year. In this the beginning month of the Fall Semester of your Senior Year you notice that Pat has been acting rather "peculiar". Upon returning from summer break you and other close friends and classmates have noticed that Pat's personality has changed. While before Pat was gregarious, studious, caring and conscientious, now the generally accepted feeling is that he has become alone, defensive, depressed, short tempered and dilatory in his school work. He has recently developed a habit of cutting classes, appears disoriented and "lost" when he does attend class, and has even offered you money to "take notes for me." Pat's grades have always been stellar. And, he has always performed his duties as Assistant Editor of Law Review in a judicious manner. But now, his professors, friends and family fear that his recent behavior may affect his Senior Year, class ranking and preparation for the Bar Exam. They are also worried that the August Law Firm, the prestigious major firm in Metropolis which recently offered Pat an associate position upon graduation, may learn of Pat's erratic behavior and rescind their offer. One evening following your weekly study group Pat offers you a ride home. While in the car you notice what "appears" to be drug paraphernalia, an empty bottle of whisky and a large number of worthless video poker receipts from Lucky Jims Casino under the driver's seat in Pat's car. He doesn't notice your discovery. In your opinion, Pat is on a road to ruin. And, while you have no "proof positive" that Pat is abusing drugs or alcohol, or is an addicted gambler, you know in your heart that something is seriously wrong. How can, and should you assist Pat, keeping in mind that making the problem known to others may result in academic discipline, a loss employment opportunity and a "flag" on Pat's bar application? What can you do? What should you do? What will you do?

**Earlier in the semester you noticed an announcement mentioning confidential help available through the Judges and Lawyers Assistance Program. Should you call or urge Pat to do so?**

## Problem 5

You are a law student who has been lucky enough to obtain a summer clerkship at a small law firm. You show up for work on the first day (Monday) and the attorney hands you a folder with a motion and tells you that she needs you to read the motion, review the file materials (in an accordion folder just below the folder containing the motion), and prepare a draft memorandum in opposition to the motion. The attorney tells you if you have any questions please ask and that the opposition must be filed by Thursday.

You were told when you were hired that you would be using your own laptop, which is fine with you. The office manager hooks you up to the firm's internet and provides you with an e-mail address to use during your employment.

In the meantime, the attorney is working in another part of the office and at some point in the day walks by your office and says, "I'm off to court for a hearing – I'll talk to you later".

You read the motion and then review the other papers contained in the accordion folder. You go back to the motion and begin to make an outline of the argument and a list of the cases that you need to research in order to understand the argument and determine what the response should be. This takes most of the day as you are unfamiliar with the issues, the file materials and papers and this is your first project. During the day you also periodically check to see if your eBay auction item has a bid and check to see what's going on in the "real world."

It's now close to 4:45 and the attorney has not returned to the office. You post a few end of the day items on your Facebook including a short blurb about your first day on the job, then decide to take the folder with all the papers and pack up your laptop and leave for the day.

Tuesday morning you wake up and log onto your computer, check your Facebook and other important sites, make some coffee and then start pulling the cases cited in the motion. After you have pulled the cases, you settle down on your bed and start reading the cases.

Around 10:30 a.m. the office manager texts you and says, "I have been calling you for two hours! Where are you?" You explain that you are working on the project that the attorney gave you yesterday and that you are making good progress. The office manager sputters for a moment and then says, "But why aren't you here? We had a crisis come up about 5:30 yesterday and you weren't here and now we have a hand delivery that needed to go to another firm first thing this morning and we need you to take this right now!"

You calmly explain that you are working on the project that the attorney gave you yesterday and that it is much more efficient for you to continue to work on this from home since this project requires your concentration and having to shower, get dressed, and drive to work will just result in taking time away from working on this important project.

Also, you suggest, why not scan and then send the item by e-mail or DropBox or by a link as this makes much more sense than driving a document around town.

Nevertheless, you jump up, rush to the office and deliver the document. After making the delivery, you stop at the Starbucks to plug in, and send a short update to the attorney on what you've done so far on the project with some ideas about the case. You get a terse e-mail saying to

return to the office immediately and bring the firm's file materials with you.

When you get to the office the attorney is unhappy, to put it mildly. You are confused since you have been working on the project you were assigned and it's only Tuesday and it doesn't have to be filed until Thursday. The attorney explains that it is your job to be at the office during office hours (8:30 – 5:30) and that if you are not going to be in the office you need to let her and the office manager know in advance. You try to explain that you are doing the work that has been requested in the most efficient manner but the lawyer cuts you off and insists that she wants you there, which makes no sense to you. You also try to suggest some ideas you have for how the office can operate better based on your technology experience but the lawyer just cuts you off.

## **Problem 6**

Ray Smith was outgoing in high school and college. He was a member of many clubs at school, in a fraternity in college and had an active social life. He also volunteered with his local church and youth groups, and at the local food bank. He applied to and was admitted to law school in Louisiana due to his good grades, and excellent LSAT score.

When he applied to the Louisiana State Bar for admittance, he read the 2009 Comprehensive Guide to Bar Admission Requirements put out by the National Conference of Bar Examiners and thought he had nothing to worry about, as his fraternity antics were behind him, and although he went out with friends every weekend and had some good times, this was New Orleans after all and he figured no one at the Bar would ever find out about nor care about his after hours extracurricular activities.

Ray also worked for a law firm during the summers and during school, as a law clerk, and was allowed frequent client contact and to go to Court with his boss. Even though he had not yet taken the bar, Ray's boss took him to Court frequently, and introduced him to several colleagues and Judges, who Ray then friended on Facebook figuring it was an advance to his career to be friends now with other lawyers and judges. Some of them accepted his friend request.

One Friday, while Ray was online, he posted his status on Facebook as "Going to casino for the weekend with my boss, client party, lots of drinking and debauchery to be had." Subsequently, Ray spent the weekend at the casino with his boss, and one of the firm's clients, drinking heavily, going to a few out of the way places, and taking pictures of all of their activities on his iPhone and posting them directly to his Facebook account.

Monday morning, the firm had a big hearing set in one of its cases. Ray's boss called his secretary, Melanie, on Monday morning and told her to call Judge Longtooth and advise him that the hearing needed to be continued since he was out sick with a very bad virus. Judge Longtooth was not pleased, since this was a long running case and there was an upcoming trial date, which could be jeopardized if the motion in limine hearings weren't finalized. However, since he knew the firm and was friendly with Ray's boss and did not know Ray's boss to ever be untruthful to him or dilatory in handling a case, he gave him the benefit of the doubt, and allowed the continuance over the strenuous objections of opposing counsel.

When Judge Longtooth, who also happened to be a bar examiner for the state bar association, had his staff meeting Monday afternoon, his law clerk attended and when she heard about the motion in limine continuance, she asked to speak with the Judge after the meeting. She advised him she was friends on Facebook with Ray, and what Ray's status and pictures from over the weekend indicated. Judge Longtooth asked to see her proof, and she logged onto her Facebook page in his office, and showed him Ray's page. Ray had friended her on Facebook some months back during the course of the litigation. When Judge Longtooth saw the contents of Ray's page, he called an emergency status conference for the next morning at 9:00 a.m. and printed several things from Ray's page including pictures.

At the emergency status conference the next morning, Judge Longtooth sanctioned Ray's boss for lying to him about his supposed virus, and ruled on several of the motions right then and there. Some of the rulings were going to have a very adverse impact on the client's case.

Judge Longtooth then advised his fellow members of the Bar Examiners committee of what he had seen on Ray's Facebook page, including pictures of Ray smoking what appeared to be a marijuana cigarette, hundreds of pictures of Ray drunk and/or passed out at parties during law school, videos of a half dressed man cavorting with a farm animal, videos of sex acts, postings by Ray about how he was billing one of the firm's clients, while partying one weekend out of town on a vacation, and finally, a video of Ray and some of his former fraternity brothers dated when Ray was in his 2<sup>nd</sup> year of law school breaking into the car of a law school professor which was parked on school grounds, keying the car, stealing his radio and leaving whipped cream on his car seats as a prank.

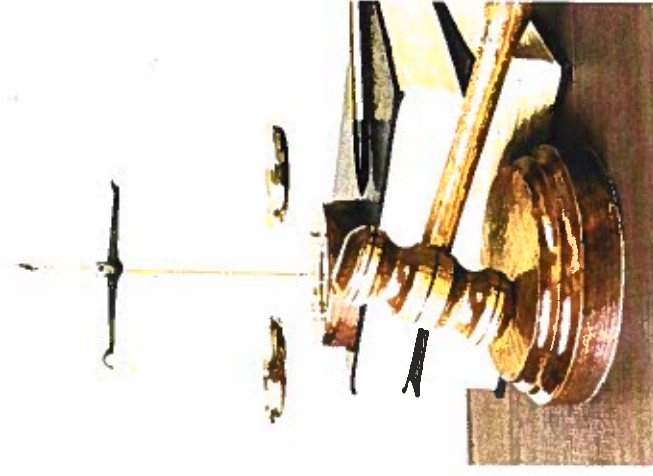
Some questions present themselves for consideration, including:

1. Are there any ethical repercussions from Ray's friending of judges and other lawyers on Facebook? Is there an ethical dilemma with a lawyer having a Facebook page?
2. Can Ray's boss be held liable to the client or the Bar for any of Ray's actions?
3. Did Ray's boss violate any of the Rules of Professional Conduct by telling the court he was sick and continuing the hearing?
4. Does Ray's boss now have to report the weekend's activities and Facebook activity to the client, and disclose how it may have affected the motion rulings to the client?
5. Are Ray's Facebook page and photographs enough for the Bar to refuse to admit him to the practice of law in this State? Do drunken college antics count towards the character and fitness requirements to be admitted to the Bar?
6. Can Ray's postings regarding his boss' actions, and possible dishonesty to the court, be used against the boss in a disciplinary action?



**Resources:**

- American Bar Association - Bar Admissions  
[www.abanet.org](http://www.abanet.org)
- American Bar Association - Bar Admissions  
[www.abanet.org/legaled/baradmissions/bar.html](http://www.abanet.org/legaled/baradmissions/bar.html)
- Louisiana Committee on Bar Admissions  
[www.lascba.org](http://www.lascba.org)
- Louisiana Judges and Lawyers Assistance Program  
[www.louisianajlap.com](http://www.louisianajlap.com)
- La. S. Ct. Rule XVII Governing Bar Admissions  
[www.lascba.org/admission\\_rules.asp#s4c](http://www.lascba.org/admission_rules.asp#s4c)
- National Conference on Bar Examiners (NCBE)  
[www.ncbex.org](http://www.ncbex.org)
- NCBE: MPRE Registration  
[www.ncbex.org/about-ncbe-exams/mpre/](http://www.ncbex.org/about-ncbe-exams/mpre/)



# ARE YOU FIT TO BE AN ATTORNEY?



**Mission:** The Judges and Lawyers Assistance Program, Inc. (JLAP) serves the public, the Bar, and the profession by confidentially assisting lawyers or judges whose professional impairment may result from alcohol, drug abuse, or mental illness. JLAP also provides confidential assistance to law students and Bar applicants.

**Confidentiality:** JLAP is an absolutely confidential resource for an impaired lawyer, judge, or law student. Pursuant to La. R.S. 37:221 and La. Supreme Court Rule XIX, Sec. 16(f), any information received by JLAP must remain completely confidential and privileged as a matter of law.

For more information on JLAP's free and confidential services, contact:



1405 W. Causeway Approach  
Mandeville, Louisiana 70471

Phone: (985) 778-0571 | Fax: (985) 778-0574  
[JLAP@louisianajlap.com](mailto:JLAP@louisianajlap.com)  
[www.louisianajlap.com](http://www.louisianajlap.com)



[www.louisianajlap.com](http://www.louisianajlap.com)  
(985) 778-0571

## THE IMPORTANCE OF HONEST DISCLOSURE

You are entering a profession that holds its members to a standard of utmost honesty that does not permit any exception for a “harmless” lie. Law schools require applicants to be completely forthcoming about their backgrounds and to disclose past behavior that may have a bearing on their qualification to study law or call their character and fitness into question as it relates to becoming a trusted member of the legal profession.

Most law schools require verification and ongoing updating of information provided in your law school application. Bar examiners in some states, such as Louisiana, review an applicant’s law school application and compare it to the person’s Bar application to further ensure the reliability of information.

### Substance Use Disorders and Mental Health

During the Bar admissions process, applicants will be asked whether or not they presently suffer from a substance use disorder or mental health condition that currently affects the applicant’s ability to practice law in a competent, ethical and professional manner.

As such, applicants who are experiencing current difficulties are encouraged to address those issues immediately while in law school and well prior to applying to the Bar by contacting the Louisiana Judges and Lawyers Assistance Program, Inc. (JLAP). All calls to JLAP are absolutely confidential as a matter of law (see La. R.S. 37:221). JLAP offers comprehensive, confidential mental health assistance to law students and can help them address mental health issues that might impact their admission to the Bar.



### The Character and Fitness Requirement

To be admitted to the Bar you must show that you are fit to practice law and have the necessary character and fitness to justify the trust and confidence that clients, the public and the legal system will place in you. The Louisiana Supreme Court’s Committee on Bar Admissions reviews applicants’ past conduct to ensure that they are honest, trustworthy, diligent and reliable. Past conduct that raises concerns about competence, character or fitness may cause the Committee on Bar Admissions to investigate further.

Full disclosure by applicants is required by the Committee on Bar Admissions. Bar application questions must be answered honestly and completely, and answers must match those in your law school application. Failure to candidly disclose all information is deemed a “lack of candor” and taken very seriously. It can result in denial of admission, even if the undisclosed conduct would not necessarily have resulted in denial of admission. According to the Committee on Bar Admissions, lack of candor is the most frequent basis for denial.

### Red Flags and Bar Admissions

The Committee on Bar Admissions typically considers the following conduct as cause for further inquiry:

- Arrests or criminal charges, whether or not resulting in a conviction or expunged
  - Any unlawful conduct
  - Academic or employment related misconduct
  - Litigation
  - Military misconduct
  - Disciplinary action by a lawyer disciplinary agency of any jurisdiction
  - Acts involving dishonesty, fraud, deceit or misrepresentation
  - Abuse of process
  - Neglect of financial responsibilities or professional obligations
  - Violation of a court order (child support, restraining orders or other disobedience of court directives)
  - Conduct evidencing mental or emotional instability
  - Conduct evidencing drug or alcohol issues (DWI, underage drinking, drug-related charges, etc.)
- These are grounds for further inquiry but do not mean that your application for admission will necessarily be denied. If you have engaged in any conduct of concern, you should seek more information on the character and fitness requirements from one of the resources identified in this brochure. If your past conduct evidences drug, alcohol, or mental health issues you should definitely contact JLAP for support.



JUDGES AND LAWYERS ASSISTANCE PROGRAM, INC.

Visit our website, [www.louisianajlap.com](http://www.louisianajlap.com), to access links to the following resources:

*Mental health information specifically for law students*

[www.lawlifeline.org](http://www.lawlifeline.org)

*Substance Abuse and Mental Health Toolkit*

[louisianajlap.com/wp-content/uploads/2015/11/mental\\_health\\_toolkit\\_NEW\\_FINAL.pdf](http://louisianajlap.com/wp-content/uploads/2015/11/mental_health_toolkit_NEW_FINAL.pdf)

*Uncommon Counsel*

[www.daveneefoundation.org/uncommon-counsel](http://www.daveneefoundation.org/uncommon-counsel)

*Stanford News – Law Students and Stress*

[news.stanford.edu/news/2015/april/bankman-law-anxiety-040715.html](http://news.stanford.edu/news/2015/april/bankman-law-anxiety-040715.html)

*Quitting Smoking – Information, Assistance and Support*

[www.smokefree.gov](http://www.smokefree.gov)

*Wellness Booster*

Kit [www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/lsc\\_colap\\_wellness\\_booster\\_kit\\_authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lsc_colap_wellness_booster_kit_authcheckdam.pdf)

## ARTICLES

*Why Law Students Need to Check in on their Mental Health*

[mentalhealthscreening.org/blog/why-law-students-need-to-check-in-on-their-mental-health](http://mentalhealthscreening.org/blog/why-law-students-need-to-check-in-on-their-mental-health)

*On Self-Care in the First Year of Law School*

[www.top-law-schools.com/self-care-in-first-year.html](http://www.top-law-schools.com/self-care-in-first-year.html)

*Managing a Diagnosed Condition in Law School*

[www.lawlifeline.org/uhsberkeley/articles/457-managing-a-diagnosed-condition-in-law-school](http://www.lawlifeline.org/uhsberkeley/articles/457-managing-a-diagnosed-condition-in-law-school)

*Top 10 Tips to Maintain Physical and Mental Health During Law School*

[www.fedbar.org/Divisions/Law-Student-Division/Law-Student-Division-Quick-Tips/Top-Ten-Tips-to-Maintain-Physical-and-Mental-Health-During-Law-School.aspx](http://www.fedbar.org/Divisions/Law-Student-Division/Law-Student-Division-Quick-Tips/Top-Ten-Tips-to-Maintain-Physical-and-Mental-Health-During-Law-School.aspx)

*Substance Abuse, Stress, Mental Health and the Legal Profession*

[www.nylat.org/documents/courseinabox.pdf](http://www.nylat.org/documents/courseinabox.pdf)

*A Law Student's Guide to Being a Happy, Healthy and Honorable*

*Lawyer* [www.americanbar.org/content/dam/aba/migrated/lscd/mentalhealth/happy\\_authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/lscd/mentalhealth/happy_authcheckdam.pdf)

## OTHER RESOURCES

A student-organized support group with chapters at a number of law schools: [www.activeminds.org](http://www.activeminds.org)

American Foundation for Suicide Prevention: [www.afsp.org](http://www.afsp.org)

National Suicide Prevention Hotline: 1-800-SUICIDE (784-2433), [www.hopeline.com](http://www.hopeline.com)

Mental health for college students: [www.jedfoundation.org](http://www.jedfoundation.org)

The Louisiana Supreme Court Committee on Bar Admissions: [www.lascba.org](http://www.lascba.org)



# *The Lawyer's Oath*

*I solemnly swear (or affirm) I will support the Constitution of the United States and the Constitution of the State of Louisiana;*

*I will maintain the respect due to courts of justice and judicial officers;*

*I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;*

*I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by an artifice or false statement of fact or law;*

*I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with a client's business except from the client or with the client's knowledge and approval;*

*To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;*

*I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;*

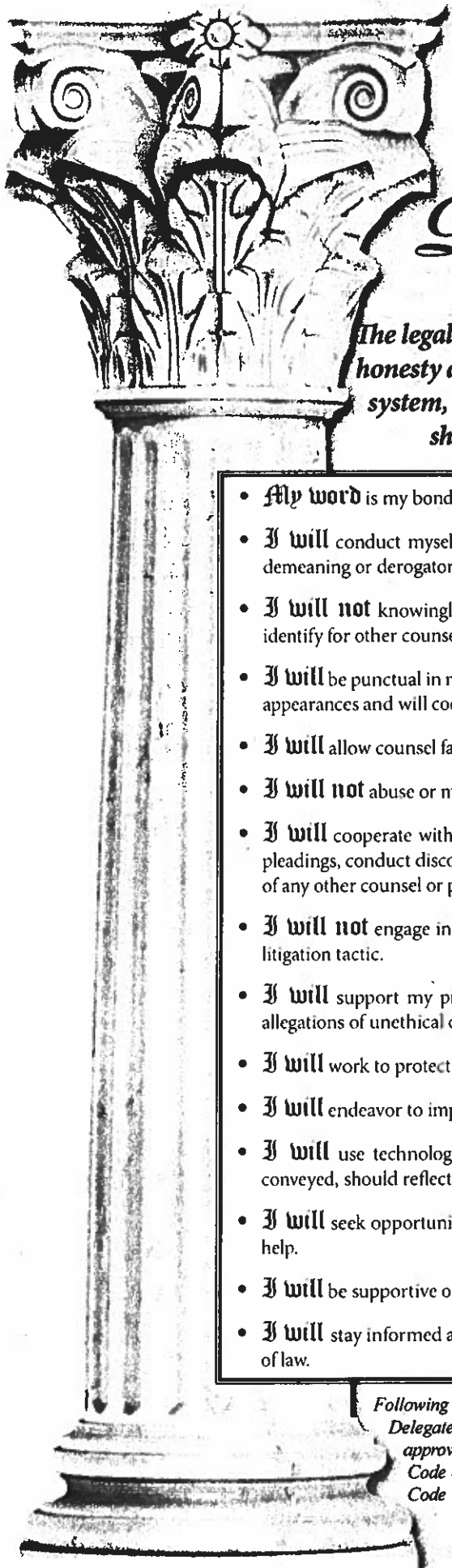
*I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice.*

*So help me God.*



Louisiana  
State Bar  
Association

*Serving the Public. Serving the Profession.*



# Code of Professionalism

***The legal profession is a learned calling. As such, lawyers should act with honesty and integrity and be mindful of our responsibility to the judicial system, the public, our colleagues, and the rule of law. We, as lawyers, should always aspire to the highest ideals of our profession.***

- ***My word*** is my bond.
- ***I will*** conduct myself with honesty, dignity, civility, courtesy and fairness and will not engage in any demeaning or derogatory actions or commentary toward others.
- ***I will not*** knowingly make statements of fact or law that are untrue or misleading and I will clearly identify for other counsel changes I have made in documents submitted to me.
- ***I will*** be punctual in my communication with clients, other counsel and the court. I will honor scheduled appearances and will cooperate with other counsel in all respects.
- ***I will*** allow counsel fair opportunity to respond and will grant reasonable requests for extensions of time.
- ***I will not*** abuse or misuse the law, its procedures or the participants in the judicial process.
- ***I will*** cooperate with counsel and the court to reduce the cost of litigation and will not file or oppose pleadings, conduct discovery or utilize any course of conduct for the purpose of undue delay or harassment of any other counsel or party.
- ***I will not*** engage in personal attacks on other counsel or the court or use the threat of sanctions as a litigation tactic.
- ***I will*** support my profession's efforts to enforce its disciplinary rules and will not make unfounded allegations of unethical conduct about other counsel.
- ***I will*** work to protect and improve the image of the legal profession in the eyes of the public.
- ***I will*** endeavor to improve our system of justice.
- ***I will*** use technology, including social media, responsibly. My words and actions, no matter how conveyed, should reflect the professionalism expected of me as a lawyer.
- ***I will*** seek opportunities to be of service to the bench and bar and assist those who cannot afford legal help.
- ***I will*** be supportive of new members in the profession.
- ***I will*** stay informed about changes in the law, communication, and technology which affect the practice of law.

*Following approval by the Louisiana State Bar Association House of Delegates and the Board of Governors at the Midyear Meeting, and approval by the Supreme Court of Louisiana on Jan. 10, 1992, the Code of Professionalism was adopted for the membership. The Code originated from the Professionalism and Quality of Life Committee, and was revised in June 2018.*



**Louisiana  
State Bar  
Association**

*Serving the Public. Serving the Profession.*

# COURT RULES

## SUPREME COURT OF LOUISIANA

### AMENDMENT TO RULES OF THE SUPREME COURT, PART G, NEW SECTION 11

August 5, 1997

#### RESOLUTION

**WHEREAS, the constitution of Louisiana accords the right to individual dignity to all of its resident and,**

**WHEREAS, the Code of Judicial Conduct requires judges to be patient, dignified, and courteous to litigants, jurors, witness, lawyers, and others with whom they interact in an official capacity, and advises that judges should require similar conduct of lawyers and of stand court officials, and others subject to their direction and control; and,**

**WHEREAS, civility and professionalism among judges and lawyers should be the bedrock upon which fair and impartial judicial proceedings are built; and,**

**WHEREAS, this code of professionalism expressing the specific behaviors that ought to be demonstrated by judges and lawyers in the courtroom provides a resource for encouraging greater judicial and attorney civility and professionalism;**

**NOW, THEREFORE LET IT BE RESOLVED, that the Supreme Court of Louisiana does hereby adopt and promulgate, as aspirational standards, the attached Code of Professionalism in the courts to be published as Section 11 of the Supreme Court General Administrative Rules.**

**BE IT FURTHER RESOLVED that the Supreme Court of Louisiana does hereby authorize the Judicial Administrator to encourage the voluntary adoption of the Code by all courts and the voluntary use of the standards contained therein by all judges and lawyers.**

*NOTICE: Court rules and related materials supplied by the courts are included since all rules and amendments may not have been supplied, the clerk of the appropriate court should be consulted to determine the current rules.*

**New Orleans, Louisiana, this 5<sup>th</sup> day of August 1997**

**FOR THE COURT  
PASCAL F. CALOGERO, JR.  
Chief Justice**

## **SECTION II. THE CODE OF PROFESSIONALISM IN THE COURTS**

### **PREAMBLE**

**The following standards are designed to encourage us, the judges and lawyers, to meet our obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of professionalism and civility, both of which are hallmarks of a learned profession dedicated to public service.**

**These standards shall not be used as a basis for litigation or sanctions or penalties. Nothing in these standards alters or detracts from existing disciplinary codes or alters the existing standards of conduct against which judicial or lawyer negligence maybe determined.**

**However, these standards should be reviewed and followed by all judges of the state of Louisiana. Copies may be made available to clients to reinforce our obligation to maintain and foster these standards.**

### **JUDGES DUTY TO THE COURTS**

**We will be courteous, respectful, and civil to lawyers, parties and witnesses. We will maintain control of the proceedings, recognizing that judges have both the obligation and authority to insure that all litigation proceedings are conducted in a civil manner.**

**We will not employ hostile, demeaning, or humiliating words in opinions or in written oral communications with lawyers, parties, or witnesses.**

**We will be punctual in convening all hearings, meetings, and conferences, if delayed, we will notify counsel if possible.**

**We will be considerate of time schedules of lawyers, parties, and witnesses in scheduling all hearings, meetings and conferences.**

**We will make all reasonable efforts to decide promptly all matters presented to us for decision.**

**We will give the issues in controversy deliberate, impartial, and studied analysis and consideration.**

**While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of litigation practice.**

**We recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present proper arguments and to make a complete and accurate record.**

**We will not impugn the integrity or professionalism of any lawyer on the basis of clients whom or the causes which the lawyer represents.**

**We will do our best to ensure that the court personnel act civilly toward lawyers, parties and witnesses.**

**We will not adopt procedures that needlessly increase litigation expense.**

**We will bring to lawyers' attention uncivil conduct which we observe.**

**We will be courteous, respectful, and civil in opinions, ever mindful that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly.**

**We will abstain from disparaging personal remarks or criticisms, or sarcastic or demeaning comments about another judge in all written and oral communications.**

**We will endeavor to work with other judges in an effort to foster a spirit of cooperation in our mutual goal of enhancing the administration of justice.**

#### **LAWYERS DUTIES TO THE COURTS**

**We will speak and write civilly and respectfully in all communications with the court**

**We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.**

**We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.**

**We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability prevent our clients and witnesses from creating disorder or disruption.**

**We will not knowingly misrepresent, mischaracterize, misquote, or misstate facts or authorities in any oral or written communication to the court.**

**We will not engage in ex parte communication on any pending action.**

**We will attempt to verify the availability of necessary participants and witnesses before dates for hearings or trials are set, or if that is not feasible, immediately, after such date has been set, so we can promptly notify the court of any likely problems.**

**We will act and speak civilly to court marshals, clerks, court reports, secretaries, and law clerks with an awareness that they too, are an integral part of the judicial system.**

# The Last WORD

By Leslie J. Schiff

## A FEW IDEAS ON PROMOTION

I finally figured it out. Sitting in my office on Thursday afternoon, Jan. 28, 2016, and entering my 57th year in the practice of law, I finally figured it out.

I received a call from some gentleman congratulating me on my appointment as a Super Lawyer. I thanked him for the compliment. He then offered to send me a "free packet" of materials suggesting ways in which I might promote myself.

I thanked him profusely for his generosity and suggested to him that I was not interested in promoting myself. He thanked me and the call was terminated.

This sent me to thinking: That's our problem! We are so hell-bent on promoting ourselves and in search of the almighty dollar that we have forgotten the true spirit of our profession. I did not take down the solicitor's phone number. I wish I had. I would explain to him my views on how lawyers should promote themselves. These ideas are not novel with me and are probably not in his "free packet" of promotional suggestions.

Here are a few ideas on promotion . . .

Work hard.

Study your cases.

Investigate the facts diligently.

Keep your client informed.

Work diligently on your cases.

Maintain a strong one-on-one relationship with your client.

Gain and maintain your client's confidence.

Remember to honor the lawyer/client relationship.

Keep your client's interest foremost in your mind while handling the case.

Be kind and courteous to your partners and staff.



Respect the judiciary and your opposition.

Be honest and forthright in handling your affairs, both professional and personal.

I wonder how many of these thoughts are in the free promotional packet.

*Leslie J. Schiff, president of the Louisiana State Bar Association (LSBA) in 1989-90 and a 1960 graduate of Louisiana State University Law School, is currently with the firm Schiff, Scheckman & White, L.L.P. He concentrates his practice*

*on matters related to attorney discipline before the Louisiana Attorney Disciplinary Board and representation of judges before the Judiciary Commission of Louisiana. He is a member of the LSBA's Rules of Professional Conduct Committee, the Lawyers in Transition Committee and the Senior Lawyers Division and is a frequent speaker on legal ethics and professionalism. (leslie@ssvethics-law.com; 117 W. Landry St., Opelousas, LA 70570)*



*The Louisiana Bar Journal is looking for authors and ideas for future "The Last Word" articles. Humorous articles will always be welcomed, but the scope has broadened to include "feel good" pieces, personal reflections, human interest articles or other stories of interest. If you have an idea you'd like to pitch, email LSBA Publications Coordinator Darlene M. LaBranche at dlabranche@lsba.org.*

**Committee on the Profession  
Presents  
Law School Orientation on Professionalism Evaluation**

*Please take a minute to fill out this evaluation form. Rate all items on the scale indicated below.*

<b>SUBJECT</b>	<b>4 (Excellent)</b>	<b>3 (Good)</b>	<b>2 (Fair)</b>	<b>1 (Poor)</b>
Overall, the Program was:				
Effectiveness of General Format				
Effectiveness of Supreme Court Keynote Speaker				
Effectiveness of LSBA Keynote Speaker				
Effectiveness of Facilitators				
Rate how effective this program was in conveying the overall core values of the Law School.				
Rate the effectiveness of the Hypotheticals				
Rate the effectiveness this program had in exploring why rules cannot provide all the answers to ethical and professional dilemmas				

Please provide any suggestions on how this program may be improved for next year.

Additional Comments:

*Thank You*