



COLLEGE *of* LAW
MICHIGAN STATE UNIVERSITY

PROFESSIONALISM DISCUSSION PROBLEMS

Professionalism in Action

Program August 26, 2026

Introduction

A lawyer's responsibilities to clients, the judicial system, and the public are governed both by law and by rules of professional conduct. (You can view the ABA's Model Rules of Professional Conduct [here](#).) Every law student must complete a class on legal ethics in the second or third year and pass the Multistate Professional Responsibility Examination before they can be admitted to practice.

The law and rules governing provide the minimum standard that all lawyers must achieve. The profession, however, aims for more. In the preamble to the Model Rules of Professional Responsibility, the American Bar Association calls for lawyers not only to "conform to the requirements of the law" but also to improve "the law" and to "devote professional time and resources . . . to ensure equal access to our system of justice." The ABA therefore expects law students to work on developing a professional identity in law school. This means thinking about "what it means to be a lawyer" and considering the "the special obligations lawyers have to their clients and society." Law students should consequently undertake "intentional exploration of the values, guiding principles, and well-being practices" that lead to "successful legal practice." At the MSU College of Law, our goal is to prepare students to fulfill their ethical and legal obligations as well as their broader duties to clients and society.

When working through the following scenarios please consider not only what is required of the law students in these situations but also the values, principles, and well-being practices they demonstrate. Ask how these students could have better prepared themselves to fulfill their "special obligations" as future legal professionals and how this might inform development of your own identity, values, and wellness practices as a professional.

Problems

Problem One

Sly Cutter has just graduated from law school and has recently passed the bar exam. However, unlike his fellow bar passers, Sly is not celebrating this momentous occasion because he has not received a character and fitness clearance from the State Bar, which is required for bar admission. To make matters worse Sly does not understand why his clearance is being delayed. The issues that are being questioned occurred at a time prior to law school when Sly was "super busy" and having trouble keeping up with all his obligations. He believes these issues have nothing to do with how he will function as a lawyer, which is evidenced by the outstanding performance reviews he has received after working in his law school externship program for the past two summers. In fact, he performed so well in his externship, his supervisor agreed to allow him to continue to work as a volunteer after graduation.

The delayed clearance stems from the following facts:

Sly held several part-time jobs while he was an undergraduate student. Two of these jobs resulted in Sly being terminated for cause. The first termination was from his job as a department store clerk. The store was

taking inventory and clerks were required to complete the inventory of their assigned sections by the end of their shift. When Sly saw the section that had been assigned to him, he knew that he could not complete the inventory by the end of his shift. He then looked at the section assignments and noticed that Wendy, one of his co-workers who had been scheduled to work a longer shift, had been assigned a section that Sly could complete during his shift. Sly also knew that the section he had been assigned to complete could be completed by Wendy by the end of her shift. Sly took it upon himself to switch the two assignments without seeking approval or informing his supervisor. When Sly's supervisor discovered what had happened and asked for an explanation, Sly described what he had done, and in his usual witty and arrogant way, suggested that his supervisor say "Thank You" for correcting his mistake. Sly was fired on the spot.

The second termination occurred when Sly was working as a student clerk in a doctor's office the last semester before law school. The office hired many college students to assist with filing and other clerical duties. Students were expected to sign their time sheets upon arrival and anytime they left the office. To accommodate their class schedules, it was not uncommon for students to work a split shift throughout the day. Several months after Sly had been hired the office manager discovered that he was incorrectly reporting on his time sheet that he had arrived and returned from lunch on time. When Dr. Notolerance was made aware of what was occurring, she called Sly into her office and informed him that his actions were unacceptable and that he must accurately report time worked. Several weeks after issuing the warning, Dr. Notolerance was trying to locate Sly, but could not find him in the office. She looked at his time sheet, and it indicated that he had already returned from lunch. When Sly finally returned, Dr. Notolerance called him into her office and informed him that his failure to heed her warning about falsifying his time sheet left her no choice but to fire him. Sly felt the doctor had overreacted in firing him because his assigned duties had not been neglected because of his actions.

The State Bar's Affidavit of Personal History that applicants submit when applying to sit for the bar exam asks applicants to provide a "Reason for employment separation." Sly's Affidavit indicated, "Last summer before law school; resulted in time constraints which led to a difference of opinion" as his reason for separation from his position in the doctor's office. He also stated that the underlying circumstances regarding his reason for separation was "The employer and I had a disagreement based upon time conflicts, which resulted in a parting of ways." No further explanation was provided.

The State Bar later received a letter from Dr. Notolerance regarding Sly's termination. The letter stated that "Mr. Cutter was terminated for cause, as there was a concern over his character, particularly with regard to accurate reporting of hours worked." The State Bar shared the letter with Sly and asked that he provide further details, since his Affidavit of Personal History contained conflicting information. Sly's response confirmed that he had been warned about his failure to accurately report time worked, but he never explicitly stated that he had been terminated. Instead, he stated that he was informed by Dr. Notolerance that his services were no longer needed because he "neglected" to follow procedures.

The Character and Fitness Committee reports that it is not comfortable with recommending Sly for admission to the bar without further investigation for the following reasons:

It is unclear if Sly intentionally tried to deceive by not including detailed information on his Affidavit of Personal History when asked to provide the underlying circumstances regarding his reason for separation from his position at the doctor's office.

There is concern that Sly either does not appreciate the seriousness of his actions, or is intentionally glossing over facts, given that he states the reason for termination from the doctor's office was due to a neglect to follow procedure, after being provided with details of Dr. Notolerance's letter.

Questions to consider:

1. Do you agree with Sly that the Committee is placing too much emphasis on his past performance, given the reports he has received from his externship supervisor? You should provide support for your answer.
2. If you had been advising Sly throughout this process, what advice would you have given him?

Problem Two

Sara Smith was about to finish writing the concluding lines for her law school essay exam when she heard the proctor call out that the time had ended. Although Sara knew that according to MSU College of Law exam policies, all students must stop typing when time is called, she continued to add a few last points, hoping that the proctor would not notice. Several students sitting near Sara told her to stop typing and that time had been called, but she panicked and continued to type. This caused several students to urge the proctor to do something about Sara's refusal to stop typing. The proctor called out again that the time had ended, and then walked up to Sara's seat while continuing to warn her about the time. Sara finished her last sentence and stopped typing. In her panic after running out of time, however, Sara realized that she failed to enter on the scantron sheet her answers to the multiple-choice section of the test. She had only marked them on the exam itself. Wanting to ensure that she received credit for her answers, Sara decided to fill in the bubbles on the scantron sheet as she stood in line to turn in the exam and the scantron. This was observed by several students, who again brought this to the attention of the proctor. The proctor asked her to stop, but she refused until her answers were filled in.

The proctor reported Sara's behavior to the Registrar's Office, and several students reported Sara's efforts to continue working on the exam to the Office of Student Engagement. Sara was contacted by the Office of Student Engagement and asked about the reports from the proctor and other students. She denied that she had continued to work on the exam after the time was called and said that she felt the other students were "out to get her" because she typically received high grades on her exams. Because Sara's story differed from the proctor and the other students, an investigation was conducted that revealed that the proctor had recorded the time for the end of the exam as 12:22 pm and that the special software used by students for exams indicated that Sara had not exited her exam until 12:27 pm.

After the investigation, Sara was contacted by the Office of Student Engagement. When presented with this additional information, Sara acknowledged that she continued to type after time had been called by the proctor. She explained that she felt panicked when the time was called and expressed remorse for not

stopping her typing immediately but added that she only had time to add a few sentences. Sara also admitted that she had continued to write on the scantron after time had been called but said she did not make any changes to her answers that she marked on the exam itself. Because the multiple-choice section was worth one-third of the exam grade, she did not want to risk not getting credit for her answers. Sara apologized and said that she would not engage in this kind of conduct again. She also said she felt badly about lying when first confronted about her behavior.

The MSU Law Code of Student Discipline contains the following provisions:

Standing to assert violations.

Any faculty, staff (including examination proctors), or student of the Law College has standing to assert a violation of this Code. Such assertion shall be made to the Dean of the Law College, who shall then proceed as set forth in Section III.

...

III. Jurisdiction

A. Violations subject to discipline under this Code shall include:

- (1) Any examination irregularity, whether committed before, during or after an examination, . . .
 - (3) Any act of deceit, dishonesty, or misrepresentation
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Questions to consider:

1. Did Sara's behavior violate the MSU Law Code of Student Discipline? If so, what sort of sanction is appropriate?
2. Assume that the last few lines Sara added to her exam made no difference in the grade, and that the answers she marked on the exam were the same as what she marked on the scantron, so again, her actions resulted in no increase to her exam grade. Does this change your answer to the first question?
3. What about the conduct of the students who observed Sara's behavior during the exam? Did they respond appropriately?
4. What if no students had reported Sara's behavior at the time, and the proctor did not notice? Should those students have report Sara's behavior to the Office of Student Engagement later?
5. If Sara had come to you for advice before she was questioned by the Office of Student Engagement about her exam behavior, what would you have told her?

Problem Three

In 2004, Shirley Murdock had applied to several law schools, but was not admitted to any. When she received her last letter of denial from the Great Lakes College of Law School, Shirley asked Great Lakes to provide its reasons for the denial. Shirley was informed that her entering credentials, specifically her law school admission test (LSAT) score and her undergraduate grade point average (UGPA), were exceptionally low. Shirley pointed out that she attended a highly prestigious and competitive private undergraduate school and that, in her opinion, any graduate from that school has stronger entering credentials than most law school applicants to Great Lakes. Rather than debating the issue with Shirley, the admissions office informed her that she was welcome to reapply for admission and that an improved LSAT score and meaningful work experience could improve her chances of admission.

Although Shirley was unsuccessful in improving her LSAT score, she did obtain employment at the prestigious law firm of Dayton, Hudson, and Walden, P.C., where she has worked as a law clerk for two years. This experience and the strong letters of recommendations from several lawyers at the law firm convinced Great Lakes to extend an offer of admission to Ms. Murdock.

Shirley continues to work for the law firm part-time while attending law school full-time. She frequently shares stories about her law school experiences with her co-workers and on Facebook. Her latest story involved an incident that occurred in her Contracts course. The professor was discussing a case where the outcome depended on whether the item in question was highly valuable. The professor was randomly calling on students asking if certain items would be viewed by the ordinary person as having high or minimal value. A Waterford Crystal vase was one of the items used as an example.

Frank Montel is a classmate of Shirley, whose entering credentials (LSAT and UGPA) are among the highest in the class. Shirley, Frank, and other classmates were chatting immediately after class about some of the examples that the professor used in class, specifically the Waterford Crystal vase. Frank shared that he was relieved that the professor did not call on him regarding that item because he would not have had a clue, as he had never heard of Waterford Crystal. Shirley immediately burst into laughter and responded "Come on Frank. In the short time that I have known you I am not surprised that you have never owned something made by Waterford Crystal, but it does shock me that you don't even know what it is. Are you sure you belong in law school?"

When Shirley shared the story with a fellow law clerk, Jeannette Cortez, she added that Frank looked like someone who could be related to Jeannette. Then, Shirley started to laugh while stating, "Frank might have managed to get into law school, but he has no chance of obtaining a position in this firm, we are out of his league!" Shirley posted the story on her Facebook page. Jeannette also recounted on Facebook what Shirley had said to her. Jeannette is not Facebook friends with Shirley.

Douglas Lentel is the human resources director at Dayton, Hudson, and Walden, P.C., who happens to be Facebook friends with both Shirley and Jeanette. After reading both postings, Doug thought that it might be

helpful to have a chat with Shirley about the Facebook postings. However, Shirley can't imagine what is contained in the posting that would result in Doug wanting to meet with her.

Shirley has always been able to turn to you to be objective and candid with her. So, she has asked if you could think of any reason why Doug would want to discuss the Facebook posting, particularly since as she puts it: "it is none of his business what I post."

Question to consider

What insight would you provide Shirley?

Problem Four

John Short had always wanted to go to law school. Finally, at the age of 40, he decided to go. Prior to and during law school, John worked for Dependable Mortgage Company ("Dependable"), where he held several positions. He was chief administrative officer at the time of his resignation, following a disagreement with the company principals, Alex Cane and Alex's father, Claude Cane. The disagreement occurred after John learned that the Canes had misrepresented to the court that they had no knowledge of receiving a contract revocation from a client who had revoked in a timely manner. The misrepresentation resulted in Dependable earning a large profit, while the client suffered a sizeable loss.

As a law student, John was concerned about his reputation, since he was the employee who initially conducted the investigation to locate the revocation and was informed that it had not been received. He was particularly concerned, because he was the one who communicated the non-receipt of the revocation to the client. John chose to resign after he was unsuccessful in convincing the principals, who are both attorneys, to do the right thing and notify the court of the misrepresentation.

After resigning, John attempted to contact the Canes to persuade them to notify the court about the misrepresentation, but he was unsuccessful. He also wanted to resolve a dispute regarding payment owed for unused vacation and sick time. So, he sought the assistance of one of his college classmates, Earl Rudely, who has been practicing law for many years. John felt that Earl could convince the Canes to do the right thing without the need for legal action because Earl has bragged about how he has succeeded in avoiding legal action by persuading difficult opponents to cooperate.

Earl tried to resolve the matter with the Canes through written communication and telephone messages. When they failed to respond, he felt that they were not taking the matter seriously, and he decided that it was time to take a more aggressive approach. Earl left the following voice mail message for Alex Cane:

This is Earl Rudely calling in the matter involving your former employee, John Short. This phone message is being recorded pursuant to Michigan law that makes it permissible when one party consents. I have attempted to resolve the disputes involving John Short amicably, but you and your father are refusing to cooperate. If these matters have not been resolved within 72 hours, I will be notifying the Judge, Attorney Grievance Commission, and many of your business and personal

associates. I am sure that you do not want information of this nature to get out and ruin your father's good name.

Four days later Earl left another message:

This is Earl Rudely calling again in the matter of John Short. This phone message is again being recorded pursuant to Michigan law that makes it permissible to record a one-way conversation. You were informed that I needed to hear from you within 72 hours. I have yet to put the gears in motion, but once I do there will be irreparable harm to both you and your father's reputation. In fact, it can be perilous to your bar licenses and ability to practice law. This can all be avoided if you just cooperate with my requests.

Questions to consider:

1. What is your reaction to Earl Rudely's approach to resolving the matter?
2. How would you have phrased the voice mail messages that were left for Alex?
3. John Short hired Earl with knowledge of his tactics. Do you think that hiring Earl provides any insight about John's reputation as a future lawyer?
4. Could John Short have reported the Canes' misrepresentation to the court to the Attorney Grievance Commission?
5. Did Earl Rudely have a duty to report the Canes' unethical conduct? If so, what is the ramification of his failure to report under the Michigan Rules of Professional Conduct?