

UNIVERSITY OF ST. THOMAS SCHOOL OF LAW

Moral Reasoning for Lawyers: Foundations 1
Syllabus -- 2023

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Overview: This course introduces students to the foundational moral commitments shaping both the structure of our system of justice and the multiple roles of the lawyer in administering that system. Each line of inquiry is explored through both Catholic texts and texts from other religious or philosophical traditions, and by examining the multiple roles of the lawyer – as advocate for powerless or powerful clients, as policy-maker, as judge, as voter, as community member, and as family member.

Course Objectives: The course objectives are to:

- Equip students with the skills needed to **discern the moral dimension** of law and legal practice (which connects to Learning Outcome 1 – Professional Formation and Ethical Responsibilities);
- Help students begin to **understand the professional identity of a lawyer and the importance of well-being to professional success** (which connects to Learning Outcome 1 – Professional Formation and Ethical Responsibilities);
- Provide concepts and language by which students can **articulate** the connections between law and social justice particularly in the context of **human dignity** (which connects to Learning Outcome 4 – Written and Oral Communication Skills, as well as Learning Outcome 2 – Knowledge of Procedural and Substantive Law)

- Introduce students to the **critical reasoning** that is foundational to legal practice (which connects to Learning Outcome 3 – Legal Analysis, Reasoning and Problem Solving);
- Provide opportunities for students to engage with students with different perspectives on issues being discussed and to **practice the civil discourse** that is essential to the function of the legal profession but increasingly rare in our society (which connects to Learning Outcome 6 – Teamwork and Relationship Skills).
- Introduce students to the importance of being attentive to their **well-being** as law students and lawyers.

The course begins with a four-day, seven-session introduction into the moral implications of our legal system and of being a lawyer, with some reflections on the role that faith and morality play in framing our understanding of what it means to be a lawyer and of how law school shapes our understanding of the law and of what it means to be a lawyer. As part of the course, we also will have a breakfast presentation on Wednesday, August 23, by Dr. Yohuru Williams.

The fifth-class session will take place over the lunch hour during the first full week of classes (either on Tuesday, August 29 (Section A) or Thursday, August 31 (Section B)). The sixth class session is scheduled for Monday, September 11 (Section A – different times) or Tuesday, September 12 (Section B – different times), and will focus on well-being. The final class session will be Monday, September 18 (Section A – different times) or Tuesday, September 19 (Section B – different times) and will focus on better understanding how to work with people from different cultural contexts.

Text: The course text will be available on the course webpage under the Resources tab, with readings for each class session presented separately. Some additional readings may be posted on the course webpage.

Moral Reasoning for Lawyers: Foundations 1 -- First Week Reading Assignments:

Moral Reasoning for Lawyers: Foundations 1 will meet Monday, Tuesday, Wednesday, and Thursday, during the week starting Monday, August 21. There are daily reading assignments for each day of First Week as set forth below. There will be one class session of one-hour and forty-five minutes on Monday. The classes on Tuesday through Thursday will be two-hours and forty-five minutes broken into two sessions of roughly 75 minutes with a 15-minute break. In addition, on Wednesday, August 23, the breakfast presentation by Dr. Yohuru Williams is considered part of the Moral Reasoning for Lawyers course.

Please be sure to have read the assignments for the session on Monday, August 21 before you arrive at school for the first class sessions. We will start class right away on Monday discussing *Buck v. Bell* and Roger Cramton's *The Ordinary Religion of the Law School Classroom*.

You should come to class each day prepared to discuss the readings and the questions for that day reflected in the notes following the readings. We strongly encourage you to reread or

review the materials identified for each day after class while reflecting upon the class discussion and the questions addressed in class.

Grades -- Writing Exercises, Project and Final: This is a one-credit, pass-fail course. Passing the course involves successfully completing all assigned tasks during First Week, attending the lunch session with Dr. Yohuru Williams, attending the lunch session on well-being/self-care and admission to the bar, and attending the class sessions in September on well-being and on cultural competence.

In addition, there are two written assignments you must submit to pass the course. The first assignment will be a 400-600 word reflection on your understanding of what it means to be a lawyer and your reflection on what success will mean for you in law school and beyond. It will be due at the end of the first full week of classes (Friday, September 1). The second assignment is a reflection essay of 500-700 words due at the end of the fall semester. It will focus on connecting something we addressed or discussed in the Moral Reasoning for Lawyers course with some other aspect of your experience during the fall semester. More details will be provided when the assignments are posted on Canvas.

Moral Reasoning for Lawyers: Foundations 1

Table of Contents

All of the materials listed below, including links for the Scottsboro Boys video and the TED Talks, are available in the Resource List on the Canvas Course webpage, with the materials for each given class session listed separately. For each class session there is a “Notes” page on the Resource List that you should review, which provides some questions to think about as you read/review the materials.

Please note that for many of the readings, there is a delineation of the portion of the book/article that you are expected to read. There is a download option for most resources if you would rather not read the materials in the digital interface provided. All or almost all of the readings should be available with just one click or two clicks.

First Day – Monday, August 21

Buck v. Bell

Roger C. Cramton, *The Ordinary Religion of the Law School Classroom* (**Note:** Read all of the Introduction, Parts I, III, and Conclusion)

Second Day – Tuesday, August 22 (First Session)

Joseph Singer, *Normative Methods for Lawyers* (**Note:** Read pages 1-22, 37-54, and 90-92)

Second Day – Tuesday, August 22 (Second Session)

Genesis 1

Melissa Weintraub, *Ivod Ha-Briot: Human Dignity in Jewish Sources* (**Note:** You only need to read the excerpted PDF file. If you would like to view the entire article, click on the link on the Resource List.)

Second Vatican Council, *Gaudium et spes* (**Note:** Read numbered paragraphs 12-17, scroll down to Chapter 1)

Ven. Dr. K. Sri Dhammananda, *Buddhist Principles for Human Dignity* (**Note:** Read the first three sections only: Superiority of Human Life, The Nature of the Human Mind, and Three Natures in Human Life)

Mohammad Hashim Kamali, *The Dignity of Man: An Islamic Perspective*

Stanford Encyclopedia of Philosophy, *Kant’s Moral Philosophy* (**Note:** Scroll down page to the table of contents. Read sections 4 Categorical and Hypothetical Imperatives, 5 The Formula of the Universal Law of Nature, and 6 The Humanity Formula)

John Stuart Mill, *Utilitarianism* (**Note:** Read pages 12-19)

United Nations Declaration on the Human Genome and Human Rights (**Note:** Read Part A, Articles 1-4)

Peter Singer, *Practical Ethics* (**Note:** Read pages 181-191)

Third Day – Wednesday, August 23 – Breakfast Presentation – Dr. Yohuru Williams – “This is Your Democracy. Make It, Protect It, Pass It On”: Race, Law, and Social Responsibility in an Age of Mass Disruption. In this engaging lecture Dr. Williams will explore the history of the law and public policy as they relate to challenges in our contemporary moment around issues of housing, education, access to public accommodations, and criminal justice. In order to prepare for this interactive session students should view and be prepared to discuss the HBO Documentary *Shouting Fire: Stories from the Edge of Free Speech* (HBO Documentary 2009).
(Note: a link to the video is on the Resource List)

Third Day – Wednesday, August 23 (First Session)

Plessy v. Ferguson

Brown v. Board: An American Legacy

A 'Forgotten History' of How the U.S. Government Segregated America

Mark Osler, *Short of the Mountaintop: Race Neutrality, Criminal Law, and the Jericho Road Ahead* (Note: Read article Introduction and Part III A and B)

Review History Channel Summaries of Civil Rights Act, Voting Rights Act and Fair Housing Act (Note: links to each of these summaries are on the Resource List)

Third Day – Wednesday, August 23 (Second Session)

Stephen L. Pepper, *The Lawyer's Amoral Ethical Role: A Defense, a Problem, and Some Possibilities* (Note: Read pages 613 through the end of section I on page 619)

Robert Vischer, *Legal Advice as Moral Perspective* (Note: Read excerpted PDF)

Fourth Day – Thursday, August 24 (First Session)

Debrief of Client Counseling Exercise

Jerome M. Organ, *What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being* (Note: Read excerpted PDF)

Fourth Day – Thursday, August 25 (Second Session)

Lawrence Krieger with Theresa Krieger, *Create Success without Stress in the Law*

(This is a booklet that we will distribute to each of you on the first day of class.)

Note: Read pages 1-26)

Neil Hamilton, *The Ethical Systems Influencing a Member of the Legal Profession* (Note: Read just the chart on page 19)

Jerry Organ, *From Those to Whom Much Has Been Given, Much is Expected: Vocation, Catholic Social Teaching and the Culture of a Catholic Law School* (Note: Read excerpted PDF)

Robert K. Vischer, *How Should a Law School's Religious Affiliation Matter in a Difficult Market?* (Note: Read pages 307-309)

David Grenardo, *The Phantom Menace to Professional Identity Formation and Law Success: Imposter Syndrome*

Fifth Day -- First Week of Class Lunch Presentation -- Well-Being and Board of Law Examiners

Jerome M. Organ, David B. Jaffe, and Katherine M. Bender, Ph.D., *The 2021 Survey of Law Student Well-Being: More Progress Needed in Fostering Help-Seeking among Law Students*

Joel A Nichols, *Reflections on the Board of Law Examiners and the Process of Getting Admitted to the Bar*

Sixth Day -- September 11 (Section A) or September 12 (Section B) -- Well Being

Russell Foster: Why do we sleep? – TED Talk (**Note:** a link to the video is on the Resource List)

Wendy Suzuki: The brain-changing benefits of exercise – TED Talk (**Note:** a link to the video is on the Resource List)

Why Time with Friends is So Good for Your Health – Time (**Note:** a link to the video and article is on the Resource List)

Seventh Day -- September 18 (Section A) or September 19 (Section B) -- Cultural Competence

Chimimanda Ngozie Adichie – The Danger of a Single Story – TED Talk (**Note:** a link to the video is on the Resource List)

Phil Vischer – Racial Injustice has Benefitted Me: A Confession

Jerome Organ – Summary of The Five Habits of Cross-Cultural Lawyering (Sue Bryant and Jean Koh Peters)

Personal Cultural Map Exercise