

## A UNIQUE APPROACH TO FIRST-YEAR PROBLEMS: COMBINING SUBSTANTIVE CLAIMS WITH PROFESSIONAL RESPONSIBILITY ISSUES

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As a brand new Assistant Professor of Lawyering Skills, I was fortunate enough to have a dean who sent me to the 2018 LWI Biennial Conference. I was eager to absorb all the advice I could soak up! In the hotel lobby, waiting in line to check in, a friendly woman with a colorful backpack said she liked my T-shirt. I thanked her, and then we started chatting. Feeling like a freshman waiting for a dorm assignment, I told her I was a new professor at Howard University School of Law. She graciously welcomed me and introduced herself as Mary Beth Beazley. It was not until the second day of the conference that I realized I had met one of the legal-writing legends within the first five minutes of being at my hotel.

Attending the LWI conference, I had no idea what to expect. In my fifteen years of practice, I had gone to many conferences—all related to capital-defense work—but never a legal-writing conference. Would people be friendly? Would I fit in? Was I overdressed or, heaven forbid, underdressed? After the first evening, I found my anxiety about the unknown quickly subsiding. People are overwhelmingly friendly in this community, and I was welcomed graciously during the initial reception and the new-member dinner.

Over the three-day conference, I went to as many sessions as I possibly could attend, and I enjoyed each and every one of them. One session, however, presented a particularly interesting concept that I thought worth sharing for others to consider when creating writing assignments for first-year law students.<sup>1</sup> Professors Bonny Tavares and Leonore Carpenter of Temple University Beasley School of Law

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<sup>1</sup> Lee Carpenter & Bonny Tavares, Learning By Accident, Learning By Design: Solutions for Mindful Issue Selection in the LRW Classroom, LWI Biennial Conference, Milwaukee, Wisconsin (July 13, 2018).

suggest combining a substantive legal claim with a professional responsibility issue, using the substantive issue in the first half of the course and the professional responsibility issue in the second half.

Following this approach, the students' legal-writing experience would be enriched by them having the opportunity to not only learn substantive law but also delve into ethical issues. For example, for the substantive legal issue, a client seeks advice from a lawyer wanting to sue someone for a tort. In advising the client, the student would use tort law to learn rule synthesis and rule application and write a memorandum addressing whether the client has a viable claim against a potential defendant. Once that aspect of the case has been completed, the student would then discover that another attorney had provided inaccurate advice to the client, resulting in the expiration of the statute of limitations. The case would then shift to a potential legal malpractice claim. In the second half of the course, students would focus on the attorneys' ethical obligations to a client through a pending lawsuit.

During their presentation, Professors Tavares and Carpenter explained how this approach introduces students to the professional responsibilities of being a lawyer before they are required to take that particular course. But, perhaps more critically, legal ethics is valuable to all students who become lawyers, regardless of the type of law they practice. Unlike the content of the substantive claim—the subject matter of which the student may never use in practice—ethical issues are relevant to all lawyers.

The ideas presented during this session really resonated with me, and I hope to incorporate this concept into my assignments going forward.