

law school complied with requests for reports on the clinic's activities were stricken from the bill.

## TEACHING ETHICS ON-LINE

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The spring 2010 semester turned out to be a successful experiment with on-line teaching for a three-credit course in government ethics. Other than a one-hour meeting in-person to review technology issues and instructions, I did not physically see my 20 students all semester (except for the few who came by the office to chat).

Using TWEN as the technology platform for the course, each week was organized thematically. For example, weekly topics included: identifying the client of the government lawyer, attorney-client privilege in the government context, state and legislative branch ethics, post-employment restrictions, gifts, disclosures, honoraria, royalties and travel reimbursement, theft of honest services, enforcement, municipal ethics, campaign finance and lobbying. In addition to weekly reading from a soft cover book on government ethics published by the ABA as well as supplemental materials posted to TWEN, each student signed-up to be responsible for one state (limited to states with an ethics commission – 40 of the states have these). We then used the new wiki feature on TWEN to have the students collect and organize statutes and regulations (as well as links) to topical information related to the reading that week, and to answer a series of questions about how certain issues would be handled in their state. This provided a 20 state comparison of ethics laws (and a comparison of 20 local ethics laws when we got to that topic).

Using an ethics course to test “on-line” teaching was a wonderful experience. Each week, I would post two to three broad discussion questions, answers to which required the students to demonstrate that they had read and considered the assigned materials. To generate a sense of a

“virtual classroom” I typically asked each student to respond to one or two questions and then to post a reply to one or two postings made by their colleagues. Reading the postings revealed that the students spent a lot more time on articulating their responses (since they were in writing) than if we had been together physically in the classroom and they simply gave a one or two sentence verbal answer to a question posed. It also challenged me to come up with questions that would be “broadly focused” to enable 20 or more different responses/reactions, but keep students on task. I also had to consider my typical teaching style, which is not usually Socratic. Through the on-line experience, I was actually more Socratic and less lecture-style than I had been in the past since I wanted to give all students an opportunity to freely respond to the questions posted and to agree or disagree with the postings of their colleagues. Written responses (on-line) taught the students, among other things, to be careful with choice of words, to edit their work, and to be mindful of collegiality in terms of tone of response to each others’ ideas.

In lieu of a course paper, which is typically what I have done for this seminar class, I organized the students into small groups and they studied and built wikis around the theft of honest services statute. Each group was assigned a former public official who had been indicted and/or convicted of theft of honest services. They were given an organizational rubric for the project which included an introduction of their person, background on their public service, a description of the acts committed that [allegedly] violated the statute, consideration of whether any other local, state or federal ethics laws may have been violated, a discussion of the three cases currently before the U.S. Supreme Court revolving around the interpretation/constitutionality of this statutory provision, consideration of whether the possible Court decisions could have an impact on their person (e.g., might they get out of prison if

they are currently serving a sentence), and ideas for potential Congressional reform of the statute if they deemed it appropriate. I think this part of the experiment also proved very successful (however, I will confirm this when student course evaluations are submitted and reviewed).

I started to chronicle some of the on-line experiences on the Albany Law School Best Practices Blog ([www.bestpracticeslegaled.albanylawblogs.org](http://www.bestpracticeslegaled.albanylawblogs.org)) maintained by Professor Mary Lynch, director of our Center for Excellence in Law Teaching, and my colleague, Darlene Cardillo, an instructional technologist at Albany Law School has posted information about the technology aspects of this course on her blog ([www.albanylawtech.wordpress.com](http://www.albanylawtech.wordpress.com)). This summer I will be working on a longer article that discusses best practices and reflects on other aspects of the course from curriculum development to teaching, including outcomes and evaluation. Although I used government ethics as the substantive subject matter, it seems to me that the opportunity exists to test this out with other professional responsibility courses. I would be happy to share more information with anyone interested. Please feel free to email me at [psalk@albanylaw.edu](mailto:psalk@albanylaw.edu).

## MEMBER ANNOUNCEMENTS & PUBLICATIONS

### THE CARNEGIE REPORT AND RECENT LAW SCHOOL INNOVATIONS IN TEACHING PROFESSIONAL JUDGMENT

**Clark Cunningham** and **Charlotte Alexander** at the Georgia State University College of Law have recently completed a book chapter entitled “Developing Professional Judgment: Law School Innovations in Response to the Carnegie Foundation’s Critique of American Legal Education.” The chapter provides a concise

summary of *EDUCATING LAWYERS* (William Sullivan et al.) published by the Carnegie Foundation in 2007 and then explicates its critiques and recommendations for legal education by applying concepts from the field of moral psychology that have been used in other professional schools to assess how schools teach and students learn professional judgment. The chapter concludes by highlighting innovative approaches to teaching ethics and professionalism that three American law schools (Stanford, Washington & Lee, and Indiana) have implemented since the Carnegie Report and analyzes them using these concepts from moral psychology. The chapter will appear later this year in *The Ethics Project in Legal Education*, edited by Michael Robertson, Lillian Corbin, Francesca Bartlett and Kieran Tranter and published in London by Routledge-Cavendish. The chapter is available in draft form at [www.teachinglegalethics.org/content/developing-professional-judgment](http://www.teachinglegalethics.org/content/developing-professional-judgment)

### ETHICS FILM FOR CLASSROOM OR CLE: *RED STATE/BLUE STATE: LAWYERS, POLITICS & MORAL COUNSELING*

**Russell G. Pearce** (Fordham Law School) has produced an ethics film, *Red State/Blue State: Lawyers, Politics, and Moral Counseling*, along with a viewer’s manual that provides a lesson plan for the classroom or CLE.

The Viewers Manual and film use the question of why lawyers are more politically liberal than non-lawyers as a way to explore the foundation in political philosophy for the dominant conception of lawyers as amoral partisans and to consider whether engaging in moral conversation with clients is permitted or preferable.

The film attempts to make this inquiry both fun and accessible. It features an entertaining narrative, musical selections from R.E.M., and comments