

Accidental Knowledge

Facilitation Guide

Overview

These case studies are narrative accounts designed to stimulate dialogue about the virtues that shape professional life. They differ importantly from the ethical case studies most faculty and students encounter in professional training. Rather than presenting a moral dilemma to be resolved, each case illustrates the presence—or absence—of a particular virtue as it operates in everyday practice. The goal is not to reach a verdict on what a character should have done, but to explore what a virtue looks like in action—and what may be at stake when it is absent.

Cases are organized by virtue and professional context, but many will resonate beyond their primary category. A case about curiosity in a business setting may illuminate curiosity in medicine or law. Instructors are encouraged to use cases flexibly and across disciplines.

General Facilitation Tips

- Focus on virtue, not verdict. Keep discussion centered on how the virtue appears (or is absent) in the case, not on whether the character made the right call. If the conversation drifts toward "what should they have done?", redirect gently.
- Start with observation. Open by asking what students noticed before asking what they think. Grounding early discussion in specific moments from the case prevents premature judgment.
- Use questions as starting points, not a script. Follow student energy. If a student raises a more generative question than the ones provided, pursue it.
- Push back on easy agreement. If the room converges too quickly, the case's complexity may not have been fully engaged. Invite students to complicate their own claims and consider opposing readings.
- Invite connection to professional life. The richest moments often come when students link the case to patterns they've observed or anticipated: "I've seen something like this when..."
- Let silence work. Resist the urge to fill every pause. Students often need a moment to arrive at their most substantive responses.
- Close with reflection. Reserve a few minutes to ask students what will stay with them — a question, an image, an unresolved tension. A sentence or two naming what they now understand about the virtue that they didn't before is a strong closing move.

Discussion Questions

1. Where is the line between fighting for your client and taking unfair advantage of the opposition?
2. If Michael uses this information, how does that shape his professional character? Does "the end justify the means" in law?
3. Is knowingly benefitting from someone else's mistakes compatible with acting with integrity?
4. Should integrity be evaluated by outcomes, intentions, or internal restraint?

Facilitation of this Case

Start with what Michael did not do. He did not search for confidential material. He did not open a document. He did not exploit a vulnerability in the opposing counsel's system. The information arrived through the ordinary operation of software he was required to use. Begin discussion there, before the question of what he should do next, and ask students whether the absence of any wrongful act in the acquisition of the information settles anything about what follows. The case is structured precisely so that Michael's hands are clean up to the moment of choice, and that cleanliness is what makes the choice interesting.

Take Allen's framing seriously without letting it close the question. Allen is a senior partner offering what sounds like considered professional wisdom: litigation is an information-gathering process, understanding the case better is not the same as abusing the process, judgment is required. These are not obviously wrong claims. Ask students what is true in Allen's framing and what it leaves out. The phrase "exercising judgment" is doing significant work in his response.

Explore the professional character question directly. The second discussion question asks how using this information shapes Michael's professional character, and this is worth treating as more than rhetorical. Ask students to think about what kind of lawyer Michael is in the process of becoming—not just whether this particular act is permissible, but what pattern of reasoning it establishes and what it will be easier or harder to do the next time a similar situation arises. Professional character is formed incrementally, and the case offers a precise moment to examine that process.

Resist resolving the mistake question too quickly. The third discussion question (whether knowingly benefitting from someone else's mistake is compatible with integrity) tends to generate quick answers that deserve to be complicated. Some students will say mistakes are fair game in an adversarial system. Others will say integrity requires returning the information or declining to use it. Push both sides: what does the adversarial nature of litigation actually license, and where does that license end? Is there a difference between benefitting from a mistake and actively exploiting it, and does that difference matter morally?