

On the Record 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

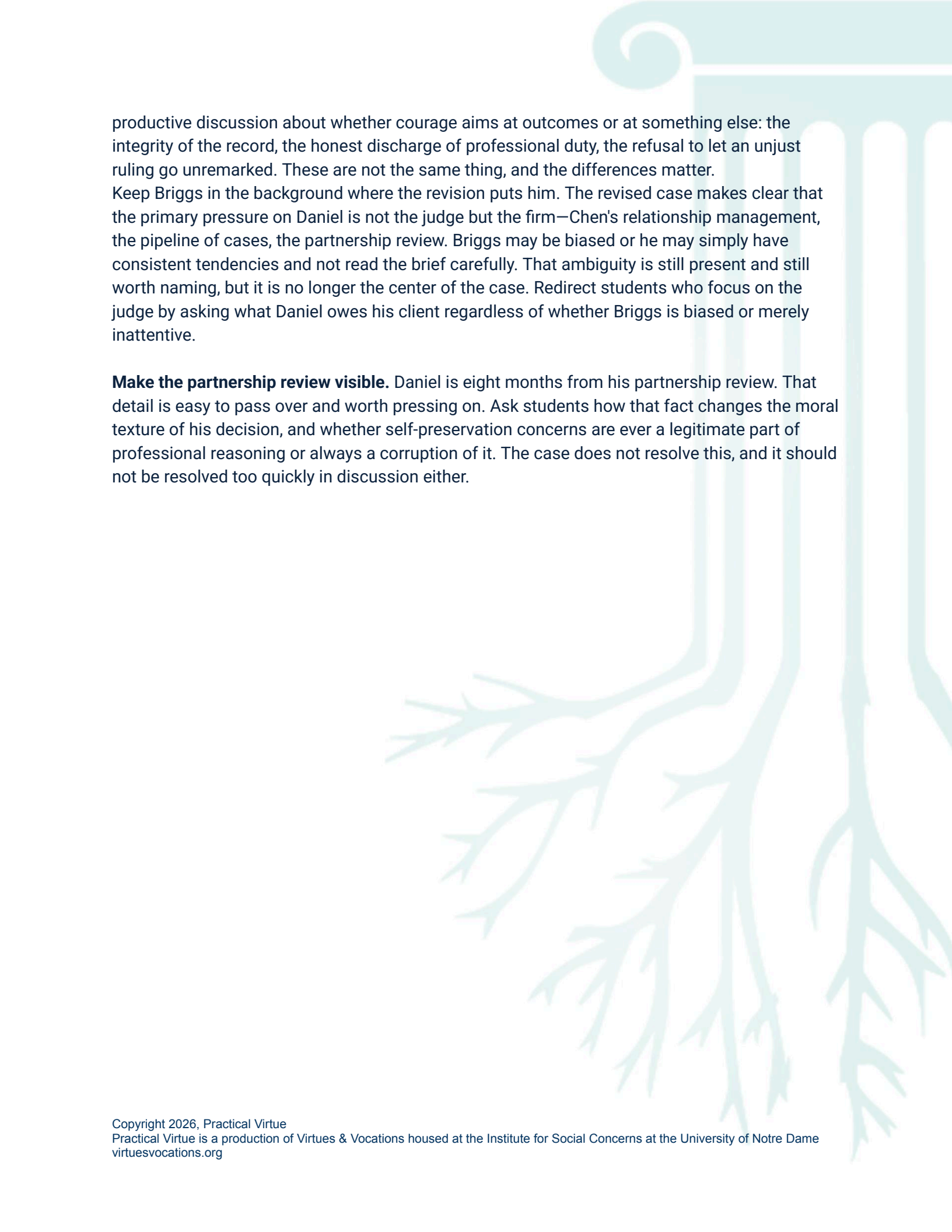
1. Daniel's hesitation is not primarily about the judge—it is about his firm, his partner, and his own career. Is concern for self-preservation ever a legitimate part of professional reasoning, or does it always compromise the courage the situation requires?
2. The partner who handed Daniel this file never prepped him on what to do if a hearing went wrong. What responsibility does that create, and does it change how we evaluate Daniel's situation?
3. A lawyer's job requires both advocacy and counsel, and both can demand courage in different ways. What kind of courage does this moment specifically require of Daniel, and is it different from the courage required in other parts of his work?
4. Daniel's decision affects not just his own career but his client's case. How does the obligation to the client change the moral weight of what he is deciding?
5. Is Daniel's concern about the firm's other cases before Briggs a legitimate professional consideration or a rationalization for self-preservation? How would he distinguish between the two from the inside?

Facilitation of this Case

Don't let the thirty seconds disappear. The case ends at the moment of decision, and that compression is intentional. Resist the urge to open discussion by asking what Daniel should do, as that question flattens the case into a verdict. Instead, start by asking students what they noticed. The thirty-second window is worth dwelling on: what does it mean that this kind of decision has to be made in real time, without the luxury of a memo or a conversation with a mentor? Courage in professional life rarely arrives with time to prepare.

Take Chen's fifteen years seriously, and his silence before the hearing. The detail that Daniel's supervising partner has never once objected on the record to Briggs is the most institutionally revealing moment in the case, and students may pass over it quickly. Press them on it. That pattern did not happen by accident — it was learned, rewarded, and transmitted. Ask students what it would have taken to interrupt that pattern at any point along the way, and what it costs a professional culture when nobody does. Then ask a harder question: Chen handed Daniel this file without telling him what to do if things went wrong. Ask students what responsibility that creates, and whether Daniel is being asked to show courage in a situation that better preparation might have avoided.

Sit with the question of what objecting actually accomplishes. An objection on the record may preserve the issue for appeal, but it does not change today's ruling. Students who favor action may struggle with this. If it does not fix anything immediately, what is it for? This opens a



productive discussion about whether courage aims at outcomes or at something else: the integrity of the record, the honest discharge of professional duty, the refusal to let an unjust ruling go unremarked. These are not the same thing, and the differences matter.

Keep Briggs in the background where the revision puts him. The revised case makes clear that the primary pressure on Daniel is not the judge but the firm—Chen's relationship management, the pipeline of cases, the partnership review. Briggs may be biased or he may simply have consistent tendencies and not read the brief carefully. That ambiguity is still present and still worth naming, but it is no longer the center of the case. Redirect students who focus on the judge by asking what Daniel owes his client regardless of whether Briggs is biased or merely inattentive.

Make the partnership review visible. Daniel is eight months from his partnership review. That detail is easy to pass over and worth pressing on. Ask students how that fact changes the moral texture of his decision, and whether self-preservation concerns are ever a legitimate part of professional reasoning or always a corruption of it. The case does not resolve this, and it should not be resolved too quickly in discussion either.