Simulation courses are an ideal place to portray and play out concepts of professionalism, and to experience how personal and professional integrity interact. Starting with the first class of my intensive negotiations course, interwoven throughout and culminating in our final activity, I focus on how professional reputations are built and spread. The themes that recur are:

- your reputation matters;
- you start building your professional reputation while you're still in law school;
- professional communities are small and people within your practice community will know your reputation; and
- you need to understand the messages others take away from your behavior in professional interactions.

I'm pretty certain the themes get through to at least some students. They comment that the "reputation" messages hit home and have an effect on their ethical development.

On the first day, we play a variant of a "prisoner's dilemma" (Win as Much as You Can), following an approach described in Gerald Williams' 1983 instructor's manual. When debriefing, we specifically talk about how people felt about being "betrayed" by others seeking to maximize their own gain, and whether they'll trust those people again soon. We talk about what it takes to rebuild trust and some ways to do that. And, in that first class, I introduce the reputation index that is a weekly feature of the course.

The reputation index, as it exists within our four-hour, 14-week class with weekly negotiations, provides a sheltered environment where students can experience how their conduct is perceived by others, regardless of reputation that might have been. The concept of the dichotomy between intent and effect is a new one to many students (in those words at least), but resonates fairly quickly. Students seem to learn a lot from the reputation index—evidence before I've taught them much of anything about negotiating.

I use a variation of business professor and negotiation guru Roy Lewicki's reputation index, in which students comment weekly (my modification) and then cumulatively (Lewicki's method) at the end of the semester about their interactions with the others in the class with whom they negotiate. After every negotiation is completed and we have debriefed it in class, students are asked three questions, in writing, about each of those with whom they interacted in the negotiation, partners and counterparts alike: (1) did the others in the negotiation follow the Model Rules, (2) did they contribute to the learning, and (3) was it a good or bad professional experience?

Each answer is given a numerical value (+1 for positive, +1 for ethical, +1 for "contributed to my learning," 0 for neutral, and -1 for the negative) and is added to an individual's running total. Twice during the semester, in the middle and at the end, I give individuals their own numbers and all comments that have been written about them (if scoring someone else negatively, you must give a reason), and also report the class maximum, minimum, and average scores. For reasons I don't fully understand and am exploring with social psychologists who do research in this area, students typically score each other more harshly cumulatively than immediately during the week in which they actually had a bad experience. (This is exactly contrary to the research that says you have the strongest memory of a bad experience when it first happens, and then it attenuates over time.) The most common negative comments have to do with perceived misrepresentations and hardball interactions where participants feel abused or misused by the tactics used by another. These comments are generally received with initial mystification by students who only see themselves as being zealous advocates—or, interestingly, on more than one occasion, students who see themselves as pushovers for competitive advocates and thus need to be "tough."

In addition to providing the cumulative numerical tally at the end of the semester, I use Lewicki's form asking you to select no more than seven people who have "bad" reputations, "good" reputations, and who contributed directly to your learning. Again, any negative scoring requires a comment. This form is also filled out in class, and the results tallied and returned during the final class of the semester.

Somewhere in the first third or so of the semester, we also do a quick exercise in which students are asked to imagine overhearing others discussing them in the restroom at their retirement dinner—when the others do not know they are being overheard. I ask students what they want others to say about them in that circumstance and ask them to write it down (privately—not to turn in). I use this to suggest that we build up to the summary comments others make about us, and should have in mind the desired comments as the "superordinate goal" of our careers. I do not ask students to say out loud what they have written down, but some students always volunteer: "fair," wise."

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and “made a difference,” are some typical comments. Of course, there’s always the student like the one who said his goal was to be known as a “ruthless winner” at the end of his career. At the end of class, he learned that not one person in the class would voluntarily negotiate with him again, and that no one would trust anything he said: maybe he left re-thinking his tactics for getting there. (Maybe not too!)

The question of “what kind of lawyer do you want all your moments to add up to?” then leads naturally to the concept of choosing how one presents in various professional circumstances. Here is where I introduce the idea of “what kind of lawyer do you need to be in this interaction?” Is the goal to build relationship? To intimidate the other party? Make that person angry? Make a deal? How does this choice relate to your reputation and your strategy for your negotiation/interaction?

My overall message is that the goal is to layer a set of professional skills on top of one’s “authentic” self (I’m not sure what that is, but my students use the term a lot). I point out that no one pays you to act out your fight with your life partner or your sister in your professional interactions, so you need to have a professional persona that is layered over your own personal reactions and emotions. This plays out in a lot of different ways: you may need a different persona for different situations, but they all layer over who you are, so who you are is always the foundation—and you’d better know what that is and where your boundaries are before you get into a difficult situation. This means, start at the very beginning and establish what your employers and clients can expect from you in terms of what you will and won’t do with your professional skills.

I work on the concept that if you intend to build a relationship or make a deal in any given interaction (or even if your goal is to intimidate the other party) then each and every moment of your interaction should support that goal. (We use the theater analogy of beat-scene-act-play, where each beat (a single movement in a scene) should support each scene, which supports...you get the idea.) But all of it loops back around again to who you are and what you stand for. In negotiations that present ethical dilemmas (which are numerous), I point out that anticipation is better than reaction. When students tell me they crossed the line because being a zealous advocate required them to do so, we talk about how one compromises their ability to represent other clients in the future. I point out that there is a profession—older than lawyering—in which the professional does whatever the client pays for, but its not called lawyering, it’s called something else.

Students take the reputation index seriously, both by filling it out, and by considering the feedback they receive about their own conduct. I hope they take the lessons with them into their careers and that these experiences help them to be better lawyers—and maybe better people too.

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