

THE PACE OF TESTIMONY

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 anticipate: “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. In what ways might Bob's choice to allow Gary to continue to speak be understood as an exercise of professional patience? What tactical or legal risks does Bob encounter by letting Gary speak freely and at length after securing the key admissions? How might allowing a witness to elaborate be viewed both as an act of professional patience and as a strategic risk?
2. How does a legal professional balance patience, thoroughness, and efficient stewardship of a client's financial resources? Where is the line between patience and inefficient practice?
3. Sandy suggests writing off or discounting the extra time spent in the deposition so the client is not charged for extended narrative. How do law firm billing mechanisms—such as billing in six-minute increments or absorbing unbilled time—shape how attorneys come to define what constitutes valuable legal work versus uncompensated overhead?
4. Law firms frequently use billing adjustments—such as writing-down time or showing line items at \$0/hour or unbilled—to manage client relationships while tracking internal associate realization rates. What do these subtle billing choices reveal about how commercial legal practice accommodates, measures, or penalizes relational work?

Facilitation of this Case

Explore the values behind Bob's and Sandy's reactions about billing. How do hierarchies in firms affect the development of values like patience? What else could Bob have said to communicate his values to Sandy?

Explore the pressure of the billable hour on virtues like patience. Prompt students to examine how time-based metrics influence professional behavior. Explore how the billable hour might create an inherent bias against patience or, conversely, how it might encourage focus, necessary discipline, and accountability.

Discuss whether and how patience shapes professional reputation. Challenge students to consider how an attorney's posture during a deposition impacts professional standing across multiple audiences. Conducting proceedings with patience and sensitivity can build long-term credibility and goodwill with witnesses, opposing counsel, and judges. At the same time, attorneys must maintain client trust regarding cost management, and clients may scrutinize fees. Discuss how litigators balance these distinct professional relationships.