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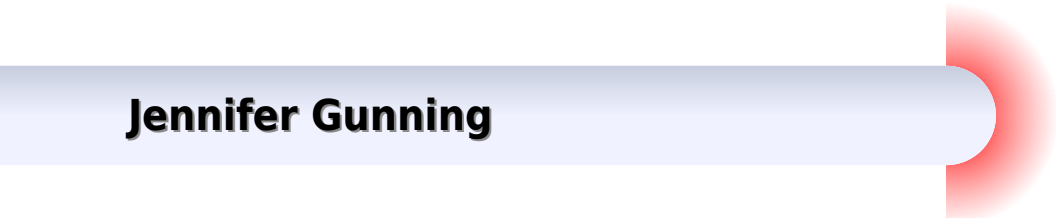
PROFESSIONAL LEGAL ETHICS

Critical Interrogations

DONALD NICOLSON AND
JULIAN WEBB

Professional Legal Ethics Critical Interrogations

Jennifer Gunning



Professional Legal Ethics Critical Interrogations:

Professional Legal Ethics Donald Nicolson, Julian Webb, 2000-02-03 Ethics and regulation have become catchwords of the late 1990s yet relatively little has been written about the ethical discourse and regulation of the legal professions in England and Wales This book represents the first attempt to subject the ethical discourse of the English legal professions to in depth analysis and sustained critique Drawing on insights from moral philosophy social theory the sociology of the legal profession public law theories of regulation and the extensive American literature on lawyers ethics it argues that in seeking to provide definitive answers to particular problems of professional conduct professional legal ethics has failed to deliver an approach which requires lawyers actively to engage with the ethical issues raised by legal practice Through an analysis of the core issues facing lawyers the authors locate this failure in the profession s reliance on a liberal and adversarial role morality that conceptualises the ethical values of human dignity autonomy and equality in a formalistic and narrowly legalistic manner This encourages lawyers to overlook the real invasions of these values so often wrought by upholding clients legal rights and to ignore the competing claims of affected third parties the wider community and the environment In seeking to move beyond critique the authors develop throughout the book a contextual approach to individual ethical decision making and outline a range of institutional regulatory and educational reforms which they suggest could form the basis for a more ethical brand of professionalism **Professional Legal Ethics Critical Interrogations** is a wide ranging and thought provoking analysis written for lawyers ethicists and policy makers interested in this neglected area of professional ethics and regulation

Inside Lawyers' Ethics Christine Parker, Adrian Evans, 2013-11-01 *Inside Lawyers Ethics* is a lively and practical values based analysis of the moral dilemmas that lawyers face It gives lawyers the confidence to understand and actively improve their ethical priorities and behaviour when confronted with major ethical challenges It identifies the applicable law and conduct rules and analyses them in the context of four different types of ethical lawyering zealous advocacy responsible lawyering moral activism and the ethics of care This new edition is fully updated with a new chapter on confidentiality and new case studies and review questions This edition also contains a self assessment instrument designed to allow readers to recognise the type of lawyering that most appeals to them *Inside Lawyers Ethics* promotes self awareness and offers a positive and enriching approach to problem solving rather than one based on the don t get caught principle It is essential reading for students of law and newly qualified legal practitioners

A Student Guide to Clinical Legal Education and Pro Bono Kevin Kerrigan, Victoria Murray, 2011-03-21 Clinical legal education the participation by law students in the giving of legal advice and representation to actual clients is playing an increasingly important role within UK law schools Pro bono the provision of free legal advice or representation for those who may otherwise have no access to justice is a vital part of the legal profession s commitment to the rule of law This book is written by members of staff at Northumbria University s ground breaking legal clinic the Student Law Office The authors all of whom are qualified solicitors have applied their long

experience of clinical legal education into providing an authoritative and practical guide to all aspects of the subject from valuable advice on establishing a law clinic and the professional and ethical issues involved to practical skills such as interviewing drafting and advocacy Accompanying online resources for this title can be found at bloomsburyonlineresources.com a student guide to clinical legal education and pro bono These resources are designed to support teaching and learning when using this textbook and are available at no extra cost

Leading Works in Legal Ethics Julian Webb, 2023-08-11

This volume reviews and takes stock of legal ethics at a time when the legal profession globally is experiencing considerable change and challenges through a re evaluation of writings that are in some way foundational to the field Legal ethics understood here as the study of the ethics and professional regulation of lawyers has emerged as a novel and important field of study over the last 50 years It is also one that displays considerable diversity in its scholarship with distinctive philosophical and interdisciplinary approaches emerging over the years to underpin and supplement the doctrinal law on lawyering With contributions from leading and emerging scholars from the United States Australia Canada the Netherlands New Zealand and the United Kingdom this collection offers not just critical insights into the authors chosen texts but a thought provoking commentary on the current state of legal ethics scholarship and its future directions In addition to being an essential resource for scholars and students of legal ethics theory it will also be of interest to academics and researchers in legal theory the philosophy of law and applied ethics

Ethics of the Legal Profession Sir Fred Phillips, 2016-04-08 In countries outside the developed world although writers have written commentaries on specific legal codes very little attention has been given to legal writing which has focused specifically on the ethics of the legal profession This book makes a special contribution in that regard providing as it does a comparative study of prevailing efforts to enhance ethical standards in a profession potentially in crisis and under much public scrutiny Countries which have been examined include the UK the US Canada South Africa and countries in the Pacific South East Asia and the Caribbean Valuable guidance and learning are provided on such topical issues as wasted costs orders conflicts of interests legal and judicial codes confidentiality privilege and the ethics of the criminal process where the jury system comes in for critical evaluation This book will be a valuable text on the ethics and status of the profession It will be of considerable interest to law students practitioners and legal academics Bar Associations Attorneys General and Directors of Public Prosecutions as well as members of the judiciary

Lawyering Skills and the Legal Process Caroline Maughan, Julian Webb, 2005-09-29

Lawyering Skills and the Legal Process bridges the gap between academic and practical law for students undertaking skills based and clinical legal education courses at university It develops oral and written communication group working problem solving and conflict resolution skills in a range of legal contexts client interviewing drafting managing cases legal negotiation and advocacy The book is designed specifically to help students to practise and develop skills that will be essential in a range of occupations develop a deeper understanding of the English legal process and the lawyer s role in that process enhance

their understanding of the relationship between legal skills and ethics and understand how they learn and how they can make their learning more effective This book provides a stimulating accessible and challenging approach to understanding the problems and uncertainties of practising law that goes beyond the standard approaches to lawyers skills **Law, Lawyering and Legal Education** Charles Sampford, Hugh Breakey, 2016-10-04 Once a highly cosmopolitan profession law was largely domesticated by the demands of the Westphalian state But as the walls between sovereign states are lowered law is globalizing in a way that is likely to change law lawyering and legal education as much over the next 30 years when the students entering law schools today reach the peak of their profession as it has over the last 300 This book provides a sustained investigation of the theoretical and practical aspects of legal practice and education synthesizing and developing nearly thirty years of Professor Sampford's critical thought analysis and academic leadership The book features two major areas of investigation First it explains the significance of the critical theoretical and ethical dimensions of legal education and legal practice in making more effective practitioners placing ethics and values at the heart of the profession Second it explores the old new challenges and opportunities for ethical lawyers Challenges include those for lawyers working in large organisations dealing with issues from international tax minimisation to advising governments bent on war Opportunities range from the capacity to give client's ethical advice to playing a key role in the emergence of an international rule of law as they had to the domestic rule of law The book should stimulate great interest and occasional passion for legal practitioners students teachers and researchers of law lawyering legal practice and legal institutions Its inter disciplinary approaches should be of interest to those with interests in education theory international relations political science and government professional ethics sociology public policy and governance studies **A Theory of Mediators' Ethics** Omer Shapira, 2016-03-14 Omer Shapira proposes and justifies a theory of mediators ethics which guides mediators conduct and applies to mediators at large Legal Ethics for Lawyers Barbara Mescher, 2022-10-17 This book proposes a new model of professional ethics enabling lawyers to advise clients upon both the law and ethics This will better protect clients and society and enhance lawyers professional obligations The current model of legal ethics developed in the 19th century specified that the role of lawyers was only to interpret the law not also to give ethical advice This was acceptable to lawyers clients and society at that time However this is not the case now and legal ethics no longer reflects the needs of modern legal practice This book draws on moral philosophy to present a new model of legal ethics that explains the analytical process to include ethical advice It analyses the potential harm of the present model to the legal profession who have duties to the law and justice that may compete with demands by clients to serve them Further lawyers duty to clients to act in their best interests is sometimes not adequately fulfilled as legal ethics does not permit lawyers to give ethical advice even if it may be in clients best interests to do so The work includes a detailed case study of corporate law practice to show why a new legal ethics is required Other case examples are provided to demonstrate that lawyers practicing in all areas of law encounter ethical issues

and they too will benefit from a new legal ethics The book will be essential reading for students academics lawyers and professional bodies *Ethics, Law and Society* Jennifer Gunning,2022-07-30 This key collection brings together a selection of papers commissioned and published by the Cardiff Centre for Ethics Law Society It incorporates contributions from a group of international experts along with a selection of short opinion pieces written in response to specific ethical issues The collection addresses issues arising in biomedical and medical ethics ranging from assisted reproductive technologies to the role of clinical ethics committees It examines broader societal issues with particular emphasis on sustainability and the environment and also focuses on issues of human rights in current global contexts The contributors collect responses to issues arising from high profile cases such as the legitimacy of war in Iraq to physician related suicide The volume will provide a valuable resource for practitioners and academics with an interest in ethics across a range of disciplines **Affect and Legal Education** Caroline Maughan,Paul Maharg,2016-03-23 The place of emotion in legal education is rarely discussed or analysed and we do not have to seek far for the reasons The difficulty of interdisciplinary research the technicisation of legal education itself the view that affect is irrational and antithetical to core western ideals of rationality all this has made the subject of emotion in legal education invisible Yet the educational literature on emotion proves how essential it is to student learning and to the professional lives of teachers This text the first full length book study of the subject seeks to make emotion a central topic of research for legal educators and restore the power of emotion in our teaching and learning Part 1 focuses on the contribution that neuroscience can make to legal learning a theme that is carried through other chapters in the book Part 2 explores the role of emotion in the working lives of academics and clinical staff while Part 3 analyses the ways in which emotion can be used in learning and teaching The book interdisciplinary and wide ranging in its reference breaks new ground in its analysis of the educational lifeworld of situations communities actors and interactions in legal education The Moral Imagination and the Legal Life Zenon Bankowski,Maksymilian Del Mar,2016-03-03 What role can resources that go beyond text play in the development of moral education in law schools and law firms How can these resources especially those from the visual and performing arts nourish the imagination needed to confront the ethical complexities of particular situations This book asks and answers these questions thereby introducing radically new resources for law schools and law firms committed to fighting against the moral complacency that can all too often creep into the life of the law The chapters in this volume build on the companion volume *The Arts and the Legal Academy* also published by Ashgate which focuses on the role of non textual resources in legal education generally Concentrating in particular on the moral dimension of legal education the contributors to this volume include a wide range of theorists and leading legal educators from the UK and the US In the Interests of Justice Deborah L. Rhode,2003-04 A past president of the Association of American Law Schools and senior counsel for the House Judiciary Committee during Clinton s impeachment proceedings Rhode brings an insider s knowledge to the labyrinthine complexities of how the law works or fails

to work for most Americans and often for lawyers themselves She sheds much light on problems with the adversary system the commercialization of practice bar disciplinary processes race and gender bias and legal education

Poor Defence Lawyering in Criminal Proceedings Ashlee Beazley,Michele Panzavolta,Andrew Sanders,2025-07-31 This collection discusses the concept of poor quality criminal defence representation and assistance so termed poor lawyering It does so from diverse perspectives including legal and criminological The work presents an overview of the issue of the quality of legal assistance in criminal proceedings so allowing a better understanding of the potential limits and problems The volume is divided into three parts which over 14 chapters offer analyses of poor lawyering across national and supranational legal systems including Belgium Germany Greece Italy England and Wales the United States and the European Court of Human Rights the specific challenges of poor lawyering such as regulation of counsel before the International Criminal Court through codes of conduct and in cross border proceedings within Europe the individual fault and external pressures of criminal defence lawyers the missed opportunity of pre charge engagement the importance of insights from legal and criminological psychology and the role of neurodivergent defendants in the adaptation of the defence lawyer s assistance The collection concludes with a transversal and comparative analysis of the effectiveness of defence and the independence of lawyers With contributions from academics and practitioners from a range of backgrounds the book will be a valuable resource for students academics researchers and policymakers working in the area of criminal justice

The Calling of Law Fiona Westwood,Karen Barton,2016-04-01 As one of the learned professions requiring advanced learning and high principles law enjoys a special standing in society In return for its status and rank the legal profession is expected to exhibit the highest levels of honesty trust and morality the very values which underpin the legal system itself This in turn entrusts to legal education a particular problem of addressing not only the substantive elements of the body of law but a means through which the characteristics of the calling of law are imparted and instilled At a time when the very essence of the legal profession is under threat this book calls for a realignment of the legal curriculum and pedagogies so as to emphasise the development of culture over industry character over eloquence and calling over skill Chapters are grouped around the core content and key themes of Curiosity Calling Character and Conscientiousness Contract and Culture The volume includes contributions from leading experts drawn internationally and from other professional disciplines in order to present alternative approaches aimed at tackling common issues providing insight and provoking debate

The Ethics and Conduct of Lawyers in England and Wales Andrew Boon,2023-11-30 The fourth edition of this respected textbook examines the regulation and conduct of lawyers in England and Wales and addresses new developments in the field including those in international practice sexual misconduct and the environment Focusing on the practice of and interrelationship between solicitors and barristers the book provides background to current arrangements while exploring contemporary rules of conduct systems of regulation and controversies The four main parts cover client duties wider obligations key contexts and regulation Parts one to three provide

an academic introduction to the subject of lawyers ethics They are suitable as a core text for a semester course at undergraduate level providing grounding for vocational training such as the Solicitors Qualifying Examination Comparisons are made with conduct rules applying in other leading common law jurisdictions where relevant These parts also explore links between the subject of ethics and the development of lawyers practical skills Part four applies the general principles to three elements of regulation practice admission and discipline The approach throughout is socio legal While the essential law is described relevant social science research informs consideration of issues and debates

Teaching Migration and Asylum Law Richard Grimes,Věra Honuskova,Ulrich Stege,2021-12-30 This highly topical book demonstrates the theoretical and practical importance of the study of migration law It outlines approaches that may be taken in the design delivery and monitoring of this study in law schools and universities to ensure an optimum level of learning Drawing on examples of best practice from around the world this book uses a theoretical framework and examples from real clients to simulations to help promote the learning and teaching of the law affecting migrants It showcases contributions from over 30 academics and practitioners experienced in asylum and immigration law and helps to unpick how to teach the complex international laws and procedures relating to migration between different countries and regions The various sections of the book explore educational best practice what content can be covered models for teaching and learning strategies to deal with challenges and ways forward The book will appeal to scholars researchers and practitioners of migration and asylum law those teaching migration law electives and involved in curriculum design as well as students of international common and civil law

Decolonisation, Anti-Racism, and Legal Pedagogy Foluke I Adebisi,Suhraiya Jivraj,Ntina Tzouvala,2023-12-08 This book offers an international breadth of historical and theoretical insights into recent efforts to decolonise legal education across the world With a specific focus on post and decolonial thought and anti racist methods in pedagogy this edited collection provides an accessible illustration of pedagogical innovation in teaching and learning law Chapters cover civil and common law legal systems incorporate cases from non state Indigenous legal systems and critically examine key topics such as decolonisation and anti racism in criminology colonialism and the British Empire and court process and Indigenous justice The book demonstrates how teaching can be modified and adapted to address long standing injustice in the curriculum Offering a systematic collection of theoretical and practical examples of anti racist and decolonial legal pedagogy this volume will appeal to curriculum designers and law educators as well as to undergraduate and post graduate level law teachers and researchers

Legal Education at the Crossroads Avrom Sherr,Richard Moorhead,Hilary Sommerlad,2018-04-19 For several years legal professions across the world have to varying degrees been undergoing dramatic changes as a result of a range of forces such as globalization diversification and changes in regulation In many jurisdictions the extent of these transformations have led to a process of professional fragmentation and generated uncertainty at institutional organisational and individual levels about the nature and future of legal professionalism As a result legal education is in flux in many of

jurisdictions including the United States the UK and Australia with further effects in other Common Law and some Civil law countries The situation in the UK exemplifies the sense of uncertainty and crisis with a growing number of pathways into law an increasing surplus of law graduates to graduate entry positions and most recently proposals for reform of legal education and training by the Solicitors Regulation Authority SRA This collection addresses both current and historical approaches showing that some problems which appear to be modern are endemic that there are still some important prospects for change and that policy issues may be more important than the interests of lawyers and educators This makes this volume a source of interest to lawyers law students academic and policy makers as well as the discerning public This book was previously published as a special issue of the International Journal of the Legal Profession

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