

Introduction to Ethics in Law

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Study guide – key concepts, principles, and practical applications

1. Why Ethics Matters in the Legal Profession

Aspect	Explanation
Public Trust	Society relies on lawyers and judges to uphold justice; ethical conduct sustains confidence in the legal system.
Rule of Law	Ethical behavior ensures that laws are applied fairly and consistently, preventing abuse of power.
Professional Integrity	Lawyers' credibility with clients, courts, and colleagues hinges on adherence to moral standards.
Preventing Harm	Ethical rules protect vulnerable parties (e.g., clients, witnesses) from exploitation or injustice.

2. Core Ethical Principles in Law

Principle	Description	Typical Legal Illustration
Confidentiality	Duty to keep client information private unless authorized or legally required to disclose.	Attorney-client privilege in criminal defense.
Competence	Must provide knowledgeable, skillful representation.	Continuing legal education (CLE) requirements.
Conflict of Interest	Avoid situations where personal interests compromise professional judgment.	Not representing opposing parties in the same case.
Candor to the Tribunal	Obligation to be truthful and not mislead the court.	Disclosing adverse evidence even if it hurts the client's case.
Fairness & Justice	Commitment to equitable treatment of all parties.	Pro bono work for indigent clients.
Integrity	Acting honestly, avoiding fraud, deceit, or corruption.	Refusing to submit false evidence.

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3. Sources of Legal Ethics Rules

1. **Statutes & Regulations** – e.g., the *Model Rules of Professional Conduct* (American Bar Association) or equivalent national codes.
 2. **Court Decisions** – judicial opinions interpreting ethical duties.
 3. **Professional Codes** – bar association guidelines, disciplinary board rules.
 4. **Institutional Policies** – law firm or corporate compliance manuals.
 5. **International Standards** – e.g., International Bar Association (IBA) Ethics Charter.
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4. The Lawyer?Client Relationship & Ethical Duties

Duty	When It Applies	Key Limitations
Confidentiality	From the moment a client seeks advice.	May be breached to prevent a crime, imminent harm, or when ordered by a court.
Loyalty	Throughout representation.	Cannot represent a new client whose interests are adverse to a former client without consent.
Communication	Ongoing; keep the client reasonably informed.	Must not disclose privileged information in communications.
Fee Arrangements	At the start of representation.	Fees must be reasonable; no excessive or unconscionable charges.

5. Common Ethical Dilemmas & Decision?Making Framework

1. **Identify the Issue** – Clarify the factual and legal context.
2. **Consult the Relevant Rules** – Look up statutes, model rules, and case law.
3. **Analyze Stakeholders** – Client, court, third parties, public interest.
4. **Consider Consequences** – Short? and long?term effects of each possible action.
5. **Seek Guidance** – Counsel with senior attorneys, ethics committees, or bar advisory opinions.
6. **Make a Decision & Document** – Choose the most ethical option and record the reasoning.

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Example: A lawyer learns that a client plans to lie on the stand. The lawyer must advise the client to tell the truth, may withdraw if the client persists, and may be required to disclose the intent