

## 4<sup>th</sup> Asia Pro Bono Conference and Legal Ethics Forum Session Presentation Plan

**Name of Session:** E3 Regional examples of teaching legal ethics related regulation and ensuring compliance in: Law schools lawyering schools continuing legal education programmes.

**Session Description/Aim:**

This session will focus on the need for legal ethics to be taught in law schools and at all levels of professional legal development using practical examples of how compliance is encouraged, enforced and monitored in the region.

**Total Session Minutes: (60 min)**

**Facilitator:**

1. Bruce Lasky, (BABSEA CLE)

**Co-Presenters:**

Nattakan Chomphuthong, (BABSEA CLE)

Vivien Holmes, (Australian National University)

Bruce Lasky, (BABSEA CLE)

**Session Plan:**

Activity Step	Activity Description	Time (Min)	Presenters	Materials Needed
1.	<b>LAW SCHOOL ETHICS</b>  Why is it important we teach ethics at law school – group discussion	5 mins	Nattakan Chomphuthong	
2	Examples of law school ethics curricula linking with access to justice	5 mins	Nattakan Chomphuthong	Powerpoint/ internet; hard copy examples of curricula for participants to look at after session
3	Activity – example of class room activity to engage students- ‘Factors impacting on lawyers’	10 mins	Nattakan Chomphuthong	

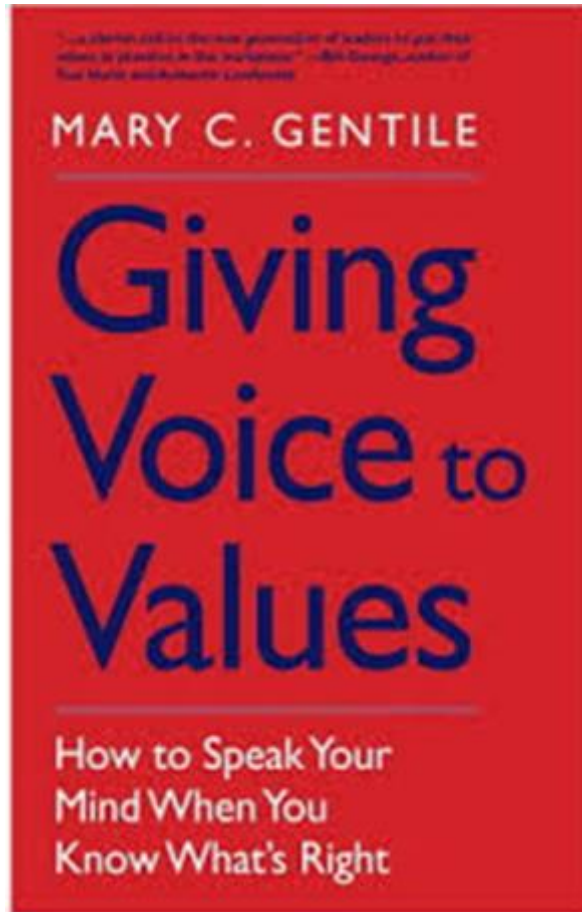
4.	<b>POST GRAD, PRE- ADMISSION ETHICS</b>  Why is it important to also teach ethics at this level? Curricula that can help students develop skills to put their ethics into action.	5 mins	Vivien Holmes	Powerpoint
5	Example - Small group exercise then discussion. How might you act on your ethics in this situation?	15 mins	Vivien Holmes	Powerpoint
6	<b>CLE/ CPD ETHICS</b>  Why licensed lawyers need to keep learning AND how some of this learning MUST also include legal ethics thematically related subjects	?	Bruce Lasky	
7.	Demonstration of online CPD/CLE program – Law Line	10 min	Bruce Lasky	Internet connection
<b>Total Time:</b>		<b>60 mins</b>		

## Pre Admission Training:

# Developing Students' Capacity to Cope with Ethical Dilemmas in Legal Practice

Vivien Holmes





*Not about deciding what is  
the right thing to do..  
but about how to get it  
done...  
effectively, and  
constructively.*

# Scenario

You are a junior lawyer.

Your senior lawyer is away and has asked you to look after an important matter that is listed for hearing in court....



<https://www.rabobank.com/en/about-rabobank/>

## Scenario

It is late on Tuesday. A assistant brings in a court document. She says that the barrister [lawyer who argues a case in court] phoned. The document has to be filed in court tomorrow morning. The barrister wants you to witness the client's signature on the document, because it hasn't been witnessed. You didn't see the client sign it.

*your signature*



## Practise saying 'no':

1. Assume you are not going to witness the signature.
2. Whose interests are involved?
3. What are the main arguments in favor of you 'witnessing it'?
4. What are your most persuasive responses to these arguments?
5. Who will you talk to? When and in what context?
6. Prepare your argument: what will you say?
7. Discuss your plan with a colleague and then test it out. The colleague's role is that of a joint problem solver.

## Student feedback:

*I feel a lot more confident that...I can actually ...maintain my values and still work within an organisation which could actually benefit from hearing a different point of view. And that doesn't compromise who I am, as long as I don't let go of my values, and I continue to remind them of what might be another way of looking at things.*





## Student feedback

*Three of us presented on the scenarios and two people spoke from their own experience. We got a lot of information out of that and some useful skills and tips and even ... forms of words that you might want to use in difficult situations...*



## Student feedback

*I now feel more confident about speaking up if I feel uncomfortable with what I'm being asked to do... now that we have practised what it's like to deal with ethical scenarios involving power imbalances and competing interests I feel much more confident ..'*



## Mentors' feedback:

- *I had a student email me and say "X happened at work today and I thought about GVV*
- *Ethical dilemmas happen on a daily basis in practice, it is lovely to have a tool to assist students to 'steel themselves' for these conversations; even getting students to really think about 'what you want?' in advance of having these conversations is important.*



# Resources

- <http://www.babson.edu/Academics/teaching-research/gvv/Pages/home.aspx>
- <http://ethicsunwrapped.utexas.edu/series/giving-voice-to-values/>



en.wikipedia.org

# LEGAL ETHICS

## SYLLABUS - SEMESTER 2014

Training Program: **Civil Law/ Banking and Finance Law/ Business Law/ International Trade Law**

Training Level: **Bachelor of Law**

Code: **LE01**

### 1. General information

- Course name (Vietnamese)	<b>Đạo đức nghề luật</b>
- Course name (English)	<b>Legal Ethics</b>
- Code of subject:	<b>LE01</b>
- Block of knowledge:	<b>Skill, personal qualification and professional responsibility</b>
- Credits:	<b>2</b>
- Number of theory module	<b>24/30</b>
- Number of practice module	<b>6/30</b>
- Prerequisite courses:	<b>Legal research and debating methodology</b>
- Parallel courses:	<b>N/A</b>

### 2. Course description

As the course name suggests, the course shall provide the knowledge of lawyer's conducts and legal ethics. The course is aimed at helping law students understand and appreciate the true spirit of the law in order to address social justice issues and support the compliance with the rule of law.

The course shall get law students equipped with professional responsibility, legal ethics, and pro bono of lawyers. The course provides a crucial framework for future lawyers to understand these responsibility. The course is conducted with the hope is to give law students the chance to think through and prepare for how they will approach the ethical quandaries that will – unavoidably – face them in their own career.

### 3. Course books, reference books, and softwares

#### ***Text book:***

[1] BABSEA CLE, Herbert Smith Freehill, DLA Piper, 2013, *Legal Ethics, Probono, Access to Justice and Professional Responsibility*.

#### **Reference books**

[1] Ph.D Nguyen Van Diep, LL.M Nguyen Huu Uoc, 2011, *Lawyer and Lawyer Profession*, Legal Academy Hanoi.

[2] Deborah K. Orlik, January 21, 2013, *Ethics for the Legal Professional* (8th Edition), Prentice Hall.

[3] Thomas D. Morgan, December 1, 1994, *Legal Ethics* (7 edition), Gilbert Law Summaries.

#### 4. Course goals

Goal (Gx) [1]	Description of general goals [2]	Requirements of abilities [3]	Allocation of Course Learning Outcome (X.x.x) [4]
<b>G1</b>	<i>Understand the role of legal ethics, professional responsibility of lawyer in the legal practice; Know the source of personal ethics; Deal with cases applying the ethics principles</i>	3	G1.1 G2.1 G2.2 G2.3
<b>G2</b>	<i>Understand the nature of lawyer – client relationship; lawyer – Court relationship; and lawyer – other institutions relationship; Recognize and solve conflicts of interest; Understand the role of lawyers in promoting access to justice, Understand the duties of lawyers in doing pro bono, organize and do pro bono</i>	4	G1.2, G1.3 G2.1 G2.2 G2.3 G2.4

#### **Requirements of abilities:**

1 To have experienced or been exposed to  
2 To be able to participate in and contribute to  
3 To be able to understand and explain

4 To be skilled in the practice or implementation of  
5 To be able to lead or innovate in

#### 5. Course learning outcomes

<b>Course learning outcome (G.x.x) [1]</b>	<b>Description of specific course learning outcome [2]</b>
G.1.1	<i>Appreciate the true spirit of the law in order to address social justice issues and support the compliance with the rule of law, Acknowledge the source of ethics and real application in practice Enhance the legal practice with the ethics principles</i>
G.1.2	<i>Acknowledge the importance , and the nature of lawyer – client relationship Understand the responsibility of lawyer to the lawyer association Recognize and solve the conflicts of interest among different parties</i>
G.1.3	<i>Ability to recognize the barriers of the access to justice Distinguish the pro bono and other legal activities</i>
G.2.1	<i>Determine duties and working process of the group, duties of each members to carry out the case studies relating to all topics in the course</i>
G.2.2	<i>Power Point Usage and slide – making skill and presentation skill</i>
G.2.3	<i>Attendance, innovate the personal ideas in the assignments, active participation in class</i>
G.2.4	<i>Improve the drafting skill of service contract between lawyer and client Communicate and negotiate effectively, comply with the ethics principles</i>

## 6. Course Assessment

<b>Criteria[1]</b>	<b>Assessment (Ax.x) [2]</b>	<b>Outcome learning (Gx.x) [3]</b>	<b>Percentage (%) [4]</b>
A1. Process Evaluation	A1.1 Attendance	G2.3	10%
	A1.2 Group working	G1.1, G1.2, G1.3, G2.1, G2.2, G2.3	10%
A2. Mid-term evaluation	A2.1 Individual essay writing	G1.1, G1.2, G1.3, G1.1, G1.2, G1.3, G2.4	10%
	A2.2 Mid-term test	G1.1, G1.2, G1.3, G2.3	20%
A3. Final evaluation	A3.1 Final test	G1.1, G1.2, G1.3, G2.3, G2.4	50%

## 7. Course Content :

### Theory

<b>Content [1]</b>	<b>Course learning outcome (Gx.x)</b>	<b>Assessment Evidence (Ax.x)</b>
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	[2]	[3]
<b>Chapter 1: What Are Ethics and Why Are They Important For Lawyers?</b> 1.1 What are legal ethics? 1.2 What are the sources of the legal profession's ethics? 1.3 Key value of a lawyers' ethical framework 1.4 Factors that might impact a lawyers' activities 1.5 Why is it important to teach legal ethics? 1.6 Introduction of some Code of Legal ethics in some countries 1.7 Introduction of Vietnamese Legal Code	G1.1 G2.1 G2.2 G2.3	A1.1 A1.2 A2.2
<b>Chapter 2: Legal ethics and Principles of Lawyer's Conducts</b> 2.1 Lawyer and client relationship 2.2 Lawyers and the Court 2.3 Lawyers and the community, other lawyers and their Practices	G1.2 G2.1 G2.2 G2.3 G2.4	A1.1 A1.2 A2.1 A2.2 A3.1
<b>Chapter 3. Role of lawyers in promoting access to justice and Pro bono work</b> 3.1 What is access to justice and why is it important? 3.2 What are some barriers to access to justice and how might they be overcome? 3.3 What is Pro Bono and why should lawyers do Pro Bono work? 3.4 Why do Pro Bono? 3.5 How to do Pro Bono?	G1.3 G2.1 G2.2 G2.3	A1.1 A1.2 A2.1 A2.2 A3.1

### **Practice**

Content [1]	Course outcome learning (Gx.x)	Assessment Evidence (Ax.x)
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	[2]	[3]
<b>Task 1:</b> Individual presentation of sources to establish personal ethics. Group discussion on the impacts of ethics on legal ethics and lawyer's conduct.	G1.1 G2.1 G2.2 G2.3	A1.1 A1.2 A2.2
<b>Task 2:</b> Group discussion on selecting clients and Draft service contract.	G1.2 G2.1 G2.2 G2.3 G2.4	A1.1 A1.2 A2.1 A2.2 A3.1
<b>Task 3:</b> Group presentations on the roles and contributions of law students on legal aid and pro bono in Vietnam.	G1.3 G2.1 G2.2 G2.3	A1.1 A1.2 A2.1 A2.2 A3.1

## 8. Course requirements and expectations

1. Students are required to finish the assignments and reading before class in accordance with the syllabus
2. The late submission of assignments and individual writing are regarded as no submission. The power point presentations are sent in the latest point of 12 pm of the previous day before class.
3. Inform in advance about the absence in the class. In addition, any students with absence from class in two times shall not qualify the condition to attend the final exam
4. Mobile phones are put in the silence status in the class. Using laptops and other electric equipment to get access to the Internet are banned without teachers' permission.
5. Students are required to comply with the university's regulations, practice the serious attitudes in studying and examination.

## 9. Faculty and Lecturer

- Faculty: **Faculty of Law, University of Economics and Law**

- Lecturer:

**LL.M Bach Thi Nha Nam**

Email: [nambtn@uel.edu.vn](mailto:nambtn@uel.edu.vn)



## **SCHOOL OF LAW**

Year 2014/15 Term 2

### **LAW 001      ETHICS AND SOCIAL RESPONSIBILITY**

Instructor:      S.Chandra Mohan  
Associate Professor of Law (Practice)

Tel:                6828 0891  
Email:            [chandramohan@smu.edu.sg](mailto:chandramohan@smu.edu.sg)  
Office:            School of Law, Level 4, Room 4041

### **COURSE DESCRIPTION**

Issues of ethics and social responsibility arise frequently in our professional and personal life. The failure to recognize and deal effectively with these issues can have serious implications for individuals, companies, governments and society. The violation of some fundamental ethical rule has been the cause of almost every major corporate scandal in the world. One major challenge is recognizing issues of ethics and social responsibility when they arise. Another challenge is understanding why and how individuals, companies and governments get themselves into ethical difficulties and how and why companies fail in being “socially responsible”. A third challenge is figuring out how to resolve ethical challenges and dilemmas as they arise: what is the right thing to do? You will examine, through cases, problems, seminar discussions and readings, issues of ethics and social responsibility that arise in real life contexts and decide what principles to apply to an ethical problem and what would you do in that situation. Lawyers have a special responsibility in ensuring ethical behavior and in establishing systems for preventing unethical behavior. Issues of concern to lawyers will be integrated into each class seminar discussion. The first part of the course will be a study of business ethics but with an emphasis on the nexus between law and ethics. The second part of the course will be devoted to a study of professional values and responsibility and legal ethics.

### **PRE-REQUISITE/ CO-REQUISITE/ MUTUALLY EXCLUSIVE COURSE(S)**

Nil

### **RECOMMENDED TEXT AND READINGS**

Gary Chan & George Shenoy (eds), *Ethics & Social Responsibility: Asian & Western Perspectives*, (McGraw Hill, 2<sup>nd</sup> ed., 2011)

Additional readings may be assigned from time to time. There will be a detailed Course Plan & Readings on LMS e-learn. Students may also wish to keep abreast of current developments in the Asia-Pacific region by reading leading business dailies/weeklies like the Asian Wall Street Journal, Far Eastern Economic Review, the Economist, the Business Times and the Law Gazette.

### **Principal Reference**

Jeffrey Pinsler, *Ethics and Professional Responsibility* (Academy Publishing, 2007)

### **OTHER REFERENCE BOOKS**

- (1) Thomas Donaldson & Patricia H Werhane  
*Ethical Issues in Business* (8d ed.), Pearson Prentice Hall, 2008
- (2) John R. Boatright  
*Ethics and the Conduct of Business* (7<sup>th</sup> ed.), Pearson Education, 2011
- (3) Jonathan Herring  
*Legal Ethics*, Oxford University Press, 2014

### **ASSESSMENT METHOD**

Individual Written Assignment: 25%

*A 2500 word research paper (due in week 11) on a topic to be chosen by the student. It should further contribute to knowledge and stimulate re-thinking in any area of law and ethics, with preferably a focus on some issue at the intersection of law and ethics. Details of the written assignment will be available on SMU eLearn before term begins.*

Class Participation: 15%  
Class Presentations: 20%  
Final Written Examination (Two-hour, Open Book): 40%

### **COURSE METHODS**

SMU's seminar-style teaching will be employed during the course. This will be supplemented with occasional over-view or introductory lectures. Students will also have opportunities to learn from student presentations, case studies, small group discussions, documentaries and project work. Ethical issues which lawyers ought to be aware of will be integrated with more general business ethical issues throughout the course. We will consider

ethics in relation to a lawyer's role as advisor to a corporation, various clients, as a criminal defence or prosecution lawyer.

## STUDENT PRESENTATIONS

Students are reminded that class presentations are an important part of the SMU learning process and can be an enjoyable experience. These presentations help to build students' confidence and public-speaking skills. In addition, presentations help develop the ability to critically examine issues, select and organize relevant research materials and prepare, present and defend your assumptions and conclusions. They further test students' ability to work together as a group. Weekly presentations on an assigned current topic will begin in week 3 with students doing a final presentation of their written assignment in week 13.

## ATTENDANCE

Your attention is drawn to the SMU requirements in this regard which appear on the student portal of SMU Undergraduate Regulations & Procedures:

### *Class Attendance*

*You are expected to attend all classes. In all courses, the instructor will determine the acceptable level of attendance. If, in the opinion of the instructor, you have been absent excessively, you may be given a grade of "F". If you receive a grade of "F" for absences during the term, you will be excluded immediately from the course. You should also bear in mind that class participation is an important aspect of the University's assessment system.*

## ACADEMIC INTEGRITY

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences. All work (whether oral or written) submitted for purposes of assessment must be the student's own work. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence. When in doubt, students should consult the instructor of the course. Details on the SMU Code of Academic Integrity may be accessed at <http://www.smuscd.org/resources.html>

## CLASS SCHEDULE

Week No.	Topic	Readings
1	<b>Ethics in Business and in the Professions and Corporate Social Responsibility: An Overview</b> An Introduction to Ethics and ethical issues	Please see detailed Weekly Lesson Plan

	<p>Ethical issues at the workplace Legal Ethics Why study Ethics and CSR? Can Ethics be taught?</p>	<p>with topics, suggested questions for consideration and required Readings on LMS e-learn.</p>
2	<p><b>Ethics of Marketing and Advertising</b> Ethical issues in marketing/advertising Legal intervention in upholding ethical standards Marketing legal services ethically</p>	
3	<p><b>Corruption in Business I</b> Corruption in business; ethical dilemmas of doing business in some countries; the challenges for the ethical lawyer</p>	
4	<p><b>Corruption in Business II</b> Staying within the law Case Study : Singapore</p>	
5	<p><b>Ethics &amp; CSR Issues in International Business</b> Human Rights, Conflicts of Interest, Sweatshops, Child labour</p>	
6	<p><b>Moral Standards: The Ethics Toolbox – I</b> The Ethical theories: Kant, Bentham &amp; Mills, Aristotle and Rawls. The Asian ethicists.</p>	
7	<p><b>The Ethics Toolbox – II &amp; Ethical Decision Making</b> Application of ethical theories. How ethical are we? Do codes of conduct help ensure ethical standards?</p>	
8	<p><b><i>MID-TERM BREAK</i></b></p>	
9	<p><b>Corporate Social Responsibility</b></p>	
10	<p><b>Ethics and the Professions</b> Who is a professional? The rationale for a higher ethical standard for professionals The professional's ethical dilemmas</p>	
11	<p><b>Legal Ethics I</b> Role of the lawyer in society Law as a business/profession The lawyers' commitment to ethics</p>	

12	<b>Legal Ethics II</b> Ethical challenges for the legal profession, eg conflict of interest, confidentiality, overcharging, contingency fees The conduct rules for lawyers Professional misconduct and its consequences	
13	<b>Final Student Presentations</b>	
14	<b>Revision Week (No class)</b>	
15	<b>Final Examination</b>	

*Note:*

(1) The Course Outline is subject to change.