



# ILEC 3 2008

Third  
International  
Legal Ethics Conference  
13-16 July 2008  
Gold Coast  
Australia



## WELCOME

The Organising Committee for the Third International Legal Ethics Conference is pleased to invite your participation at the Gold Coast in 2008.

An exciting programme is being developed around the theme:

INTEGRITY IN LEGAL PRACTICE

## CALL FOR PAPERS

Proposals for presenting a paper are invited from scholars from all disciplines, legal professionals and students. Presenters are encouraged to locate their paper within one of the streams, although there are some opportunities for general papers.

Proposals should involve an abstract of no more than 300 words, which can be included in the printed conference materials.

The deadline for proposals is 29 February 2008.

For further enquires or to submit a proposal please contact:

[legaethics@griffith.edu.au](mailto:legaethics@griffith.edu.au)

## WEBSITE

Please bookmark the conference website and check it regularly for updates.

[www.griffith.edu.au/conference/legal-ethics-2008](http://www.griffith.edu.au/conference/legal-ethics-2008)



# STREAMS

## **Character and Virtue in the Professions**

The question of character is prominent in the practice and theory of professional ethics. Traditionally, a person's character has been central in evaluating whether she or he is suitable – or 'fit' – to be a lawyer or a member of another profession and, in disciplinary proceedings, the professional's character is generally assessed when deciding whether discipline is necessary and, if so, what form it should take. The rise of virtue ethics, and of Aristotelian philosophy generally, since the 1950s, have also found their way into the ethical theory of different professions. The emphasis in virtue ethics on a professional's 'station and its virtues' offers a significantly different perspective from prominent liberal, social democratic and critical views of professions, but is occasionally also useful to them.

## **Contemporary Legal Practice: Ethics and Regulation**

In Australia, for many aspects of lawyers' practice, the Model Laws on National Legal Practice and the Model Rules on Professional Conduct and Practice standardise the statutory regulation, ethics and conduct rules for most States and Territories but, because of this, also bring large and important changes for lawyers in many States. This stream will concentrate on the ethics and conduct rules for practising solicitors and barristers across Australia, with special emphasis on the changes required for legal practices by the Model Laws and Rules. It will also deal with related developments in the general law that are important for the conduct of contemporary legal practice by solicitors and barristers.

## **Empirical Research on Lawyering**

Legal ethics is a vital part of the provision of legal services and therefore it is important to understand how professional bodies, the professionals themselves and those whom they serve actually conduct themselves on a day to day basis. Empirical research provides all interested parties with a snapshot about the realities of experience. Empirical research is a powerful tool that has the potential to critically examine our practices and recommend reliable changes that will enhance the provision of legal services and the education of those entering the profession.



## **Ethical Decision Making in Everyday Legal Practice**

Every legal practitioner must regularly respond to ethical issues in everyday legal practice. Whether these are routine or atypical, the ethically engaged and reflective practitioner will have strategies and resources to deal with them. In this stream, papers are invited that address broadly the question about the meaning of ethical decision-making in the lawyer's world. How do ethically-engaged lawyers go about making good decisions? Do we actually know how they do so? If so, what can we learn from their practice? If we do not know, or do not know enough about the actuality of ethical lawyering, how might we begin to discuss in a practical and relevant way how it is that ethical lawyers might go about responding to the ethical challenges of their work?

## **Gender and the Legal Profession**

Since its recognition as a distinct field of scholarship some 25 years ago, feminist legal theory has had a profound academic impact illustrated in the huge proliferation of university courses and scholarship. However, many argue that jurisprudence and legal practice has to a large extent remained impervious to feminist jurisprudence and feminist ethics. Similarly, feminists point to many aspects of the profession where women and women's interests are unequally represented. Therefore, while there is no single feminist legal theory, what unites feminist writing on the law is that it is marked by a critical and oppositional stance. Similarly, there is general agreement that there must be a strong link between feminist ethics and theory and practice.

## **Large Law Firms**

The practice of law has undergone sweeping changes in the past thirty years and notable among these has been the growth, in size and importance, of large law firms. These organisations have increasing significance in the market for legal services due to their high profile, the volume of services they provide, their effect on the regulatory agenda, and the power they have to shape the public perceptions of lawyers. This stream invites papers that explore the connections between legal ethics and large law firms. Does the structure and reality of the large law firm affect the way legal ethics are understood, prioritised, and put into practice? What is being done, or could be done, by large law firms, and regulators, to improve ethical outcomes?



## **Lawyering: Business or Profession?**

In recent decades a tension has been identified between developing business approaches to the provision of legal services and traditional attitudes to the profession of law. For example, both large firms and small argue that traditional approaches to issues such as conflicts are inappropriate in the modern business context. The courts in Australia are not in complete agreement about the principles applicable to consecutive client conflicts. The tension may be exacerbated in Australia by the introduction of incorporated law practices (ILPs) and multi-disciplinary practices (MDPs) which arguably challenge traditional conceptions of legal practice. It may be, however, that these developments can enhance professional practice.

## **Lawyers and Ethical Conduct in Fiction**

Popular representations of lawyers have significant impact on lawyer's self-perception and the community's perception of lawyers. The development of legal ethics over the past thirty years has gone together with a growing awareness of the impact of fictional accounts of lawyers and their conduct. Intertwined with the rise of legal ethics as a discipline, has been the development of law and literature as a field of research. This stream welcomes proposals which engage with the interconnections between legal ethics, fiction and legal analysis of fiction.

## **Legal Ethics and the Future**

Lawyering has always involved an engagement with the future. At an obvious level lawyers work to secure future outcomes for clients. However, the question of legal ethics and the future, at a general level, has yet to be pursued. Commentators, futurists and policy makers are currently engaged in an intense debate about where global society is heading in the twenty-first century. Projections of radical technological change, radical geo-political change, radical social change and radical environmental change abound within overarching narratives of possible future utopias or dystopias. This stream challenges legal ethicists to think about the place of lawyers, lawyer's morality and the institutions of law against this canvass of the future.





## **Legal Ethics in Legal Education**

By most accounts, teaching and learning of “legal ethics” has had a chequered history in legal education. In spite of a large and growing international literature in the area, questions remain about the aims, scope and methodology of “legal ethics education”. It is also not entirely clear under which circumstances students are most likely to achieve good “ethics” learning outcomes, or even how these might be measured. This stream provides an opportunity to revisit some of the enduring and challenging questions in the legal ethics project in legal education, and to take stock of any achievements in what many maintain remains an important but neglected area of learning for future lawyers.

## **Models of Professional Regulation**

In Australasia the legal professions still largely write their own rules and conduct their own discipline however this is now frequently done under the close supervision of state actors in a way which makes the label self regulation only tenuously appropriate and the emerging lexicon of co-regulation seems a better fit. This raises real questions about the nature and function of professional regulation, the legitimacy of the profession's own view of its role, and the validity of claims that the legal profession under its own guidance fails in its duty to serve its clients and the wider public interest.

## CONFERENCE ORGANISING COMMITTEE

Associate Professor Reid Mortensen  
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## CONFERENCE VENUE

The Third International Legal Ethics Conference will be held at the Sheraton Mirage - the only five star beachfront resort on the Gold Coast.

Set on 15 acres of lush tropical gardens and surrounded by one acre of Blue Lagoons, the Sheraton Mirage Gold Coast is an ideal conference venue. Choose from the clear Pacific Ocean and golden sandy beach on one side or the calm of the Gold Coast Broadwater on the other. Boutique designer shopping and exquisite international dining is all part of the Sheraton Mirage experience.



## THE GOLD COAST

Gold Coast City is widely acknowledged as Australia's premier tourist destination attracting over 10 million overnight and daytrip visitors each year.

The city boasts a wealth of natural attractions ranging from its internationally acclaimed beaches to World Heritage Listed subtropical rainforests. Gold Coast City is world famous for its beaches, nightlife, shopping, theme parks and tropical hinterland.

Located in Queensland just north of the New South Wales border, the city stretches along 57 kilometres of coastline and offers visitors a wonderful array of attractions to see and experience.

# CONFERENCE HOSTED BY



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