



The City Law School
CITY UNIVERSITY LONDON

Teaching Legal Ethics UK Workshop

Saturday 22nd March 2014

The City Law School, 2 – 10, Princeton Street, London, WC1R 4BH

Workshop on Responding to the LETR

Programme:

- 9.30 Coffee and networking. Welcome and introductions. Nigel Duncan
- 10.00 The Depths of Dialogue: Ethics, Interests and the Behavioural Economics of
'Collaborative' Lawyering Phil Drake and Stuart Toddington
- 11.15 Coffee break
- 11.30 Teaching ethics experientially: using student diaries to foster and assess moral
development Donald Nicolson
- 12.45 Sandwich Lunch
- 13.45 Moral Philosophy and Moral Reasoning - A Suitable Basis for Legal Ethics Teaching
at the Academic Stage Eleanor Curran
- 15.00 Tea break
- 15.15 Responding to the Ethics and Values Recommendations of the Legal Education and
Training Review: What, Why and How?

Contributions from proposed panellists at the ILEC6 Conference:

Keren Bright, Open University
Nigel Duncan, City Law School
Graham Ferris, Nottingham Law School
Ann Thanaraj, University of Cumbria, Carlisle
Lisa Webley, Westminster University

16.15 Introducing the NIFTEP / TLE-UK Workshop: 8 – 10 July 2014

17.00 Close

We hope to arrange an early evening meal for workshop delegates who can stay on.

Workshop details:

Phil Drake and Stuart Toddington

In response to **LETR** and the **reduction of legal aid** funding, we face a changing landscape which will radically reshape the way law is practised and how we think about legal education. In particular, we will have to adapt and refashion our ideas about the lawyer-client relationship towards a more **collaborative, mediated or 'dialogical' process**. Clients will be greater involved in the problem-solving process, and the role of the lawyer will be to guide the client to determine their own options and to make their own decisions.

In urging educators and the profession to take seriously the concept of *dialogical* lawyering, and building on our previous research into the aspiration to **ethical autonomy**, we seek to bring light to normative and psychological obstacles the clients may face in **decision making**, together with strategies from the area of **behavioural economics**.

Donald Nicolson

For some time now, ethical and professional educators have drawn on philosophy, psychology and educational theory to argue that one of, if not the most, effective means of teaching legal ethics is through immersion in and reflection on, ethical dilemmas arising out of real-life legal experiences in preferably live-client law clinics, but failing that simulations or role plays. Unfortunately, empirical evidence supporting this theoretical position has thus far been elusive. This workshop will provide evidence of the alleged "clinic effect" drawn from the narratives of student that demonstrate longitudinally their progress towards identifying and resolving ethical issues and their development of professional values. The journal evidence comes from the University of Strathclyde where students who volunteer in its Law Clinic can opt to take a class which focuses on the learning of professional and ethical values and judgment through guided self reflection in which students identify and reflect in writing on the moral, ethical and professional issues they have faced during their clinical experiences. Those attending the workshop will be given journal examples to read in order to gauge for themselves the value of ethical development through reflection on experience and theoretical teaching.

Eleanor Curran

I will argue that an introduction to moral philosophy and moral reasoning provides an appropriate starting point for teaching legal ethics on the LLB. Introducing students to the classical ways in which morality has been understood and debated enables them to acquire a language and a way of reasoning that can then inform discussions of the issues and debates within legal ethics.

There has been and continues to be a strong resistance amongst (UK) legal academics to teaching legal ethics at the academic stage which often comes from a fear that they will be asked to teach the ethics 'codes' of the profession and/or inculcate particular values. Both of these are perceived as being inappropriate within the context of a university education. Putting the emphasis on moral reasoning enables legal ethics to be taught in a way that allows for academic debate about the necessity (or not) for legal ethics (i.e. discussion of foundations) and about how legal ethics should be taught/regulated/conceived etc. This approach, I argue, has the advantage of allaying fears amongst legal academics about the merits of teaching legal ethics and at the same time provides an excellent way of introducing students to the subject of legal ethics.