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978-1-107-64173-0 - Inside Lawyers' Ethics: Second Edition  
Christine Parker and Adrian Evans  
Frontmatter  
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# INSIDE LAWYERS' ETHICS

## Second Edition

*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 from real-life legal practice in Australia based on the authors' own research. All chapters have been updated and reflect the changes to conduct rules contained in the *Australian Solicitors' Conduct Rules (ASCR)*. This edition also contains a self-assessment instrument designed to allow readers to recognise the type of lawyering that most appeals to them. Knowledge of a preferred type will make it easier, when necessary, for new lawyers to take courageous stances in ethically challenging environments.

Online resources, including chapter outlines, case studies and weblinks, are available at [www.cambridge.edu.au/academic/lawyersethics](http://www.cambridge.edu.au/academic/lawyersethics).

*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.

**Christine Parker** is Professor in the Faculty of Law at Monash University.

**Adrian Evans** is Professor in the Faculty of Law at Monash University.

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*To Zachary Restall and Maria Boban*

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# PREFACE TO THE SECOND EDITION

It is both pleasing and encouraging to be publishing a second edition of this book in response to the feedback (and faith) of the publishers, teachers and students who have explored our first edition. This new edition includes a new chapter on confidentiality, substantially revised chapters, and new case studies, all based on our own research and our own 'four approaches' process for legal ethical decision-making which we introduced in the first edition.

At the time of writing, the national legal profession project is stalled in a political quagmire and may or may not lead to further great changes in the regulatory and ethical environment for lawyering in Australia. We await the resolution (or whimpering end) to this experiment with interest and some trepidation.

Meantime we remain convinced that the best hope for ethical behaviour among legal professionals is for law students to learn early about the appropriate and essential connection between their humanity and their engagement in passionate and reasoned lawyering. Ethics is the bridge between the two, not just another technical legal skill to be learned at law school. Continual ethical engagement on both a personal and professional level by individual lawyers, law firms and the profession as a whole is crucial to the wellbeing of law students and lawyers, the organisations in which they study and work, our justice systems, and democratic and public policy decision-making more generally. We hope this new edition again contributes in some small way to equipping and provoking your moral engagement with the Rule of Law.

Christine Parker and Adrian Evans  
Melbourne, May 2013

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Some of the material in Chapter 3 is based on work previously published in Christine Parker, 'Competing Images of the Legal Profession: Competing Regulatory Strategies' (1997) 25(4) *International Journal of the Sociology of Law* 385–409 and in Christine Parker, *Just Lawyers: Regulation and Access to Justice* (Oxford University Press, Oxford, 1997).

The self-assessment tool discussed in Chapter 11 and published in the Appendix to this book has been previously published and is fully discussed in Adrian Evans and Helen Forgasz, 'Framing Lawyers' Choices: Factor Analysis of a Psychological Scale to Self-Assess Lawyers' Ethical Preferences' (2013) 16(1) *Legal Ethics* (forthcoming).

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