



THE  
JUBILEE CENTRE  
FOR CHARACTER & VIRTUES

UNIVERSITY OF  
BIRMINGHAM

# VIRTUOUS CHARACTER

FOR THE PRACTICE OF LAW

RESEARCH REPORT

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The University of Birmingham is a top ranking British University. Founded in 1900, it was England's first civic University and has been ranked University of the Year 2013-14 by the Times and the Sunday Times.



The original Department of Education was founded in 1894 and became the School of Education in 1947. Ranked in the top 50 Schools of Education in the world today, it has a long-standing reputation as a centre of excellence for teaching and research in a wide range of areas of educational practice and policy, with fields of expertise including disability, inclusion and special needs, education and social justice, and professional education.

## Jubilee Centre for Character and Virtues

The Jubilee Centre for Character and Virtues is a unique and leading Centre for the examination of how character and virtues impact on individuals and society. The Centre was founded in 2012 by Professor James Arthur. Based at the University of Birmingham, it has a dedicated team of 30 academics from a range of disciplines: philosophy, psychology, education, theology and sociology.

With its focus on excellence, the Centre has a robust and rigorous research and evidence-based approach that is objective and non-political. It offers world class research on the importance of developing good character and virtues and the benefits they bring to individuals and society. In undertaking its own innovative research, the Centre also seeks to partner with leading academics from other universities around the world and to develop strong strategic partnerships.

A key conviction underlying the existence of the Centre is that the virtues that make up good character can be learnt and taught. We believe these have largely been neglected in schools and in the professions. It is also a key conviction that the more people exhibit good character and virtues, the healthier our society. As such, the Centre undertakes development projects seeking to promote the practical applications of its research evidence.

This report was launched by Lord Neuberger, President of the UK Supreme Court, on 25th November 2014 at the Supreme Court in London.



# Virtuous Character for the Practice of Law

## Research Report

### CONTENTS

<b>Foreword</b>	<b>4</b>
<b>Executive Summary</b>	<b>5</b>
<b>Purpose of the Report</b>	<b>7</b>
<b>Background</b>	<b>8</b>
Contemporary Change	8
Problem Statement and Conceptual Clarifications	9
Overall Evaluative Goals	10
<b>Methodology</b>	<b>12</b>
Design	12
Participants	12
Ethical Considerations	13
<b>Findings and Discussion</b>	<b>14</b>
Virtues and the Individual Lawyer	14
Lawyers in the Workplace	17
Ethical Dilemmas and Reasoning	20
Ethics, Virtues and Education and Training	22
Overall Findings	23
<b>Recommendations</b>	<b>24</b>
<b>References</b>	<b>25</b>
<b>Appendices</b>	<b>27</b>
Appendix 1: Members of the Expert Panel	27
Appendix 2: Self-Reported Personal and 'Ideal' Lawyer Character Strengths	28
Appendix 3: Ethical Dilemmas from the e-Survey	30
<b>Research Team</b>	<b>37</b>
<b>Acknowledgements</b>	<b>38</b>

‘AT HIS BEST, MAN IS THE  
NOBLEST OF ALL ANIMALS;  
SEPARATED FROM LAW AND  
JUSTICE HE IS THE WORST.’

Aristotle

# Foreword

## Professor Adrian Evans

This report offers welcome empirical support for virtue ethics as a promising contributor to character-driven legal education and morally-strengthened lawyers' conduct. It is timely not just because of disquiet around lawyers' ethics, but also because the need for a developed sense of character in all professions, is becoming urgent.

In the face of recent financial history, a general UK legislative 'light touch' approach to legal and business behaviours appears superbly naïve – or merely recognises the capture of government by some business interests. But while government capture and lack of will is not responsible for all failures in business and professional life, there remains an educational and regulatory space in which the individual character of our professionals can still play a role in strengthening social and political institutions.

To date, the pre-emptive focus of virtue ethics has not been allowed sufficient opportunity to impact on unprofessional or unethical behaviours in any sector, except perhaps medicine. There can be no question that research of this nature helps to fill a critical need for confidence in the future of professional culture. In several sectors, but perhaps especially business and law, greed and corruption – whether 'soft', cultural and traditionally acceptable, or hard-nosed, organised and overtly criminal – are still supported by uncritical corporate cultures and ineffective codes of conduct. And importantly, none of this has a mere sectoral impact, because lawyers' work affects every other sector. Is it too strong to claim that no immoral activity can be carried out and then covered up, without a lawyer involved somewhere? Is it too hard to imagine that many public and private efforts to improve global health and poverty, reduce human rights abuses, and address the linked phenomena of climate change and population pressure, are undermined as a result?

While this report does not assert that massive moral failure is yet evident among all lawyers, it does caution against complacency. Inside commercial legal practice, contemporary evidence of the GFC experience and limited or ineffective post-offence prosecutions by regulators are prominent indicators of an ethical

vacuum within the integrated business–law sector. Law and lawyers have often facilitated many of these structural problems, for example, through securities lawyers' improper packaging of mortgage debt to hide its volatile nature, and by protecting likely wrongdoing through overzealous client advocacy. Very often, *law per se* has failed to ensure effective governance and indeed, the Rule of Law; it is an internally sparring sector with its own politely contested, duty-based ethics and insufficient impact on the key antidotes to corruption: boosted integrity and a love of transparency.

Many current strategies to improve behaviour are essentially consequentialist, in the sense that their success or failure is typically judged in terms of outcomes, though they may include some elements of Kantian concern for fairness and virtue ethics' promotion of character strength through, for example, the concept of trust. And while there is some evidence that conventional ethical theory – consequentialism and Kantian ethics – can help to improve capacity to recognise and categorise a problem according to one of these two approaches, the adequacy of these theories to ethically charged situations is a continuous challenge in the absence of virtue – or character-building efforts.

Conventionally, appropriate leadership, role-based ethics education and a concerted effort to reform social norms have been proposed as the remedy for inadequate or corrupt behaviours. These measures have been suggested for delivery through an ongoing partnership between civil society institutions, professional leaders and policy makers in an integrated governance approach. While these conjunctions are essential, they are unlikely to make enough of a difference to individuals' behaviours unless the effects of character can be addressed and even measured.

When professionals' and business behaviours are seen to be deficient, the instinctive first response of regulators is to propose additional ethics training by professional and occupational groups, and to impose theoretically harsher disciplinary consequences, with or without financial or custodial consequences. But so often, any increased training is itself minimal, defined only in hours of attendance, and is based on act-centred prescriptions rather than

an integrated model of professional ideals with examples of virtuous leadership. This is as true inside the law as anywhere. If regular mandatory pre-emptive training is recommended and commenced, the educational goals and processes are generally pedestrian, rule-focused and treated with weariness and some disdain by undergraduate students and practical legal trainees alike.

Although there is growing evidence of the capacity of values-enhancing methodologies such as clinical legal education and much promise in techniques such as comparative ethical analysis, ethics education in law is often pedestrian, outsourced to private trainers who are concerned to maximise profit. Rarely is there any relevant assessment of participants' learning outcomes, and certainly not of strengthened character attributes.

This research from the Jubilee Centre begins to put virtue on the practice map for UK lawyers and does so with authority. Limitations of the survey design, identified in the report, are tangible and acknowledged, but they point to the need for further research rather than call for caution. Despite and perhaps because of these limits, some key results pointing to a possible lack of virtue in relation to billing and lawyers' trust accounts are particularly disturbing. They broadly parallel prior findings elsewhere and serve to make the empirical case for further work and advocacy by the Centre. And optimism is justified. In the finding that the virtues of judgement, perseverance, perspective and fairness are rated highly by all who were surveyed, there is hope that efforts directed at strengthening these attributes, especially among law students and new lawyers, will add powerfully to moral resilience in the profession and the law.

Descriptions of lawyers' moral vulnerabilities canvassed in this report are not recited for mere scene-setting, but for decision and response. There is a compelling case to incorporate virtue ethics into legal ethics education and training and over time, to assess the impact in terms of each lawyer's individual moral compass.

**Professor Adrian Evans**  
Monash University

# Executive Summary

There is growing evidence in Britain to suggest that virtues such as honesty, self-control, fairness and respect, which contribute to good moral character, may be part of the solution to many of the challenges facing society today. Until recently, the language of virtue and the importance of virtue-based behaviour have been neglected in Britain.

The Jubilee Centre for Character and Virtues aims to help remedy this situation. As a world-leader in rigorous academic research into applied virtue ethics, the Centre operates on the basis that good moral character is possible and practicable, and that businesses can operate better when behaving virtuously.

The Jubilee Centre's new report, *Virtuous Character for the Practice of Law*, sets about trying to examine the place of character and values in the legal profession in Britain. The report draws its findings from a UK-focused survey of 966 lawyers<sup>1</sup> and aspiring lawyers at varying stages of their careers. It is one of the largest pieces of research carried out in Britain focusing on issues of character and virtue within a specific industry sector.

The report explores:

- The motivations of those entering the legal profession;
- The moral virtues that are prized within the legal profession;
- How changes in the profession add to existing pressures on sustaining ethical practice in the workplace;
- The extent to which lawyers are equipped to handle ethical dilemmas within the workplace;
- Ethics education provided in law schools.

Key findings:

- The character strengths of judgement, perseverance, perspective and fairness were deemed most important in an 'ideal' lawyer by respondents across all career stages. Judgement and honesty were selected by 84% of solicitors and 93% of barristers. Fairness and perseverance appeared in the top six choices for respondents selecting both ideal qualities and personal qualities.
- Morality is viewed by the majority of respondents as being at the core of being a good lawyer. However, some respondents expressed concerns about moral standards in the profession as a whole, e.g. in relation to tax law.
- Ethics education receives little attention in the curricula for undergraduate law students. At the vocational stage, ethics focuses narrowly on the application of professional codes of conduct.
- The vast majority of lawyers at all career stages indicated that they would perform dutifully in their responses to the ethical dilemmas. However, 16% of experienced solicitors indicated that they would take guidance from senior colleagues on 'rounding up' billing hours, even when it might be regarded as fraudulent.
- The findings indicate some constraints and anxieties about the maintenance of a virtuous character in the practice of law. Commercial factors were most frequently cited by those in practice as pressures, but the positive influence of good role models was considered effective in helping to deal with them.
- The data collected indicate that virtue ethics, in combination with other ethical perspectives, provides a useful theoretical lens through which to explore the ethics of legal practice.

The report makes four main recommendations:

- More time is needed for ethics education in undergraduate courses and in vocational training.
- Ethics education for the legal profession needs to embrace a variety of ethical theories, including virtue ethics, if students are to make sense of the moral nuances of being a good lawyer.
- The contribution of lawyers who are models of ethical character, reasoning and action need highlighting in the post-qualification training and CPD of lawyers, as much as those bringing commercial success.
- Greater attention must be given in legal practice to the influence of informal learning on workplace culture. Senior staff, role models and supervisors should work together to provide more opportunities for reflecting on ethics in their workplace.

<sup>1</sup> For the purposes of this report, the term 'lawyers' is used to refer to both solicitors and barristers in the UK.



# 1 Purpose of the Report

Being a lawyer is challenging and the challenge is career-long. The nature of professional practice, and its knowledge, skills and understanding, requires not only initial mastery but, as professional expectations alter, a commitment to lifelong learning. Demanding though these commitments are, their integration into successful practice requires more. It requires creativity and tenacity, so that change is appropriately adapted to particular circumstances. No profession can thus solely rely on a conception of fixed duties. The specific duties of lawyers to the justice system and their clients will sometimes also require bravery, honesty and judgement, especially when decisions are needed which a client may not welcome. There will also be unpredictable and difficult circumstances which, whilst drawing upon a lawyer's knowledge, skills and understanding, will also require qualities which are of the person, not the role: qualities such as humour, a sense of fairness, a capacity for empathy, patience and forgiveness, and inner resourcefulness. In short, being a lawyer calls on the qualities or virtues of individual character. This report examines those qualities and their place in legal practice.

It does so by drawing upon a virtue ethics perspective, thereby complementing the more rule-based approach that remains influential in legal ethics. Raising awareness of the contribution virtue ethics can make to the quality of legal practice adds to the debate on how best to develop and maintain ethical literacy in the profession. Moreover, grounding our enquiry in an empirical study provides a profile of the extent and scope of character and virtue in professional practice that complements the theoretical aspects of virtue ethics, an approach largely neglected in other studies within this field.

The key questions addressed in this report include:

- What virtues and values are held by lawyers and aspiring lawyers?
- How do personal and professional virtues and values shape practice?
- How does the workplace influence ethical practice?
- How do lawyers reason when resolving ethical dilemmas?
- What are the implications for ethics education in the profession?
- How might current changes in the regulatory environment influence ethical practice?

In answering these questions, we report how 1st year law undergraduates, those completing vocational training (LPC/BPTC students),<sup>1</sup> and experienced solicitors and barristers assess their personal virtues, the virtues they associate with an 'ideal' lawyer and their motivation for entering the profession. We examine the influence of organisational values and expectations on professional practice with findings from these two parts of the study highlighting how lawyers have obligations to their clients, the court, and the firms or chambers to which they belong.

These obligations sometimes create ethical tensions and challenges and, through a set of dilemmas, we examine the choices our respondents make and the reasons they select in making those choices. Apparent in these dilemmas is that ethical judgements are not always resolved by reference to codes of conduct, and our analysis examines how virtues, codes of conduct, and the consequences of actions contribute collectively to decision-making. Difficult as it is to understand character empirically, the evidence and findings from

these dilemmas add to the overall profile of professional practice and, in the context of contemporary change, contribute to our examination of, and comments on, the place of virtues in initial and continuing legal education and training.

This report is timely. The continuing implementation of the Legal Services Act 2007 means it is a time of considerable change in the legal profession in England and Wales. Legislative and other changes that include widening routes of entry into the profession, reforms in the education and training of lawyers, new legal entities, greater competition, and cuts to the Legal Aid budget add to demands on the character of individual lawyers and present new challenges to sustaining ethical practice. Beginning with these changes provides a context for the report and, followed by an outline of the design of the study, we explain how virtue ethics contributes to analysing how lawyers respond to ethical challenges, and its potential contribution to their education and training.

<sup>1</sup> Legal Practice Course (LPC) students become solicitors and Bar Professional Training Course (BPTC) students become barristers.

## 2 Background

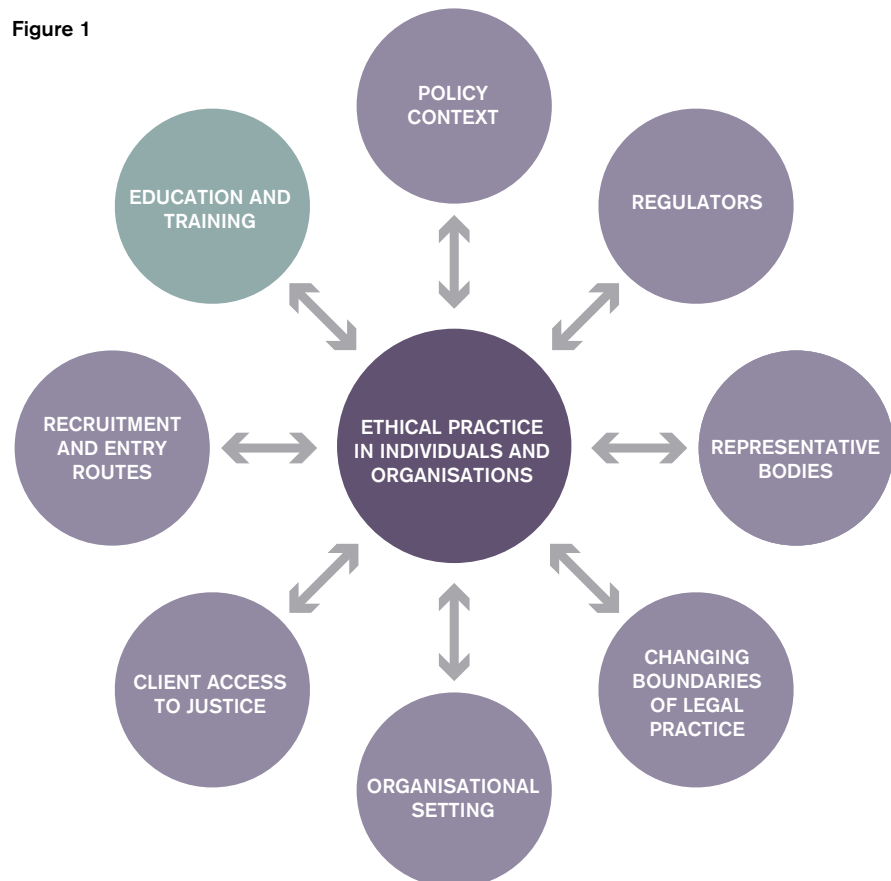
Lawyers are accorded a large measure of autonomy in matters within their area of expertise, and by using their trained judgement they are expected to serve the interests of their clients. Moreover, as officers of the court, they are required to 'uphold the rule of law and the proper administration of justice', 'act with integrity' and 'behave in a way that maintains the trust the public places in [them] and in the provision of legal services' (SRA Handbook, 2014; Bar Standard Board Handbook, 2014). Lawyer autonomy relies on society trusting that the advice lawyers give, and the actions they take, reflect both their duties to the client and the rule of law, above their own self-interest. While codes of conduct suggest limits as to what *ought* to be done as opposed to what *can* be done, it is the actions and choices of individual lawyers that set the boundaries of their practice and, therefore, individual character and virtues matter. That practice and its demands on individuals is complex (Carr, 2000). It is shaped by the particular institutional and socio-economic frameworks, which are represented diagrammatically in the design of Figure 1.

The ethical practice of individuals, a key focus of this report, is placed at the centre of Figure 1, along with the organisations within which they practice. In addition, education and training are highlighted in the diagram as they also play an important role in this report. Changes in other parts of the legal services sector shown in Figure 1 are considered briefly in the next section to illustrate how professional practice and the changes occurring in the sector all have implications for professional ethics, raising new questions and challenges for virtuous practice.

### 2.1. CONTEMPORARY CHANGE

The Legal Services Act 2007 (the 'Act') re-configures the policy context for legal services in England and Wales. Following the recommendations of the Clementi Report (Clementi, 2004) to liberalise the market for

Figure 1



legal services, the purpose of the Act is 'to put the consumer first' (Department of Constitutional Affairs, 2005). Competition is a consistent theme, as it is in changes to funding legal aid work (Ministry of Justice, 2013).

The Act created the Legal Services Board (LSB), a 'super-regulator' responsible for the operating context for eight occupation/profession-specific regulators: the Solicitors' Regulation Authority (SRA), the Bar Standards Board (BSB) and six others (Legal Services Board, 2014a) who are responsible for meeting the eight objectives defined in the Act (Legal Services Board, 2014b). Competition is regarded by the LSB as pivotal for achieving the other objectives because 'we think the rule

of law is more secure for a competitive market, where it's transparent'. (*Interview with officers and representatives of the LSB*). Comments from experienced lawyers, however, have shown concern that a reform agenda overly reliant on competition could do long-term harm to the quality of legal services and the societal benefits that many of the objectives are designed to serve (Kenny, McGowan and Mayson, 2014).

*[The regulators] are starting off trying to think what makes a good business, before they ask, what makes a good person and I think they need to start by asking what makes a good person and then come to what makes a good business person. (Solicitor 18)*



New regulatory bodies mean the Law Society and the Bar Council effectively become solely representative bodies, and their decisions in defining their new roles may tell us something about the emphasis they intend to give to professional virtues. In an analogy with the medical profession, will their model be the British Medical Association and its primary concerns about terms and conditions of service or the medical Royal Colleges and their greater emphasis on professional development?

Competition is intended to re-design legal practice on grounds of efficiency. This can be positive but it can also have unforeseen and unintended consequences. Greater fragmentation of work can prevent a holistic view of an issue, reducing the 'opportunity to develop a contextual approach to ethical thinking' (Francis, 2005:180). Moreover, the increase in the employment of unqualified lawyers engaged in legal and quasi-legal work increases the numbers of those not professionally bound by, or who even understand, a lawyer's obligations to the court.

The Act allows the creation of new organisational settings, Alternative Business Structures (ABS), able to provide a broader range of services, employing a diversity of professionals (Jordans Group, 2014). With no requirement for lawyers to head these, there is concern whether the ethics of other occupations and professions will dominate those of the law.

Reflecting its market orientation, the LSB statement on regulatory objectives refers to *consumers* rather than *clients*. Lawyers can be influenced by the status of their clients, which can range from the needs of a homeless illegal immigrant with a young child to corporate lawyers negotiating 'aggressively' or 'fiercely' on behalf of their clients. If one case calls for kindness and generosity of spirit, the other may call for bravery, courage and honesty. For large corporate clients, 'the growing power of sophisticated and knowledgeable clients, who are repeat players in legal services, removes the 'social distance' between lawyer and client' (Francis, 2005:183).

The Act and the LSB are encouraging new routes into the profession. Existing routes to qualifying as a barrister or solicitor are expensive and the social profile of recruitment is an ethical issue, as is the influence of gender in the

workplace (Sommerlad, 2007, 2008). With new routes to qualification being largely work-based, the workplace is increasingly becoming the site where most legal ethics will be learned and experienced, and where the virtues of good legal practice will be acquired.

All these changes inform this study's focus on the character and virtues of individuals, their workplaces, and the contribution to these from initial and continuing education and training.

## 2.2 PROBLEM STATEMENT AND CONCEPTUAL CLARIFICATION

### 2.2.1 Legal Ethics and the Renaissance of Virtue

Theoretical approaches to legal ethics all provide putative means of determining the 'right thing to do' in any given circumstance, and involve assessments of 'goodness' or 'justice' and the need to weigh competing interests, such as those to the client as against those required for maintaining the integrity of the justice system.

The dominant normative theories in legal ethics are deontological theories (e.g. Kantian ethics) and consequentialist theories (e.g. Benthamite utilitarianism). Deontological theories emphasise the place of fundamental principles or rules which act as means of guiding behaviour and which form the basis of assessing whether an action is 'right'. Their application can be seen in the use of codes of conduct as the basis of compliance systems where the rightness of an action is demonstrated by adherence to the rules. A weakness of this approach is the impossibility of creating codes of conduct which are sufficiently detailed to cover every eventuality. Similarly, if their form is too general, they provide too little guidance. Moreover, such codes may indicate to practitioners that compliance with formal rules is all that is required of them morally. At a more general level, it is philosophically difficult to enunciate with any certainty the intellectual basis for the adoption of principle-based regulations. In consequentialist theories, the rightness of an action is determined by its outcome, which, in terms of Bentham's utilitarianism, is concerned with assessing 'the greatest good for the greatest number'. Among its limitations are the practical difficulties of how utility is measured and the risk that it supports 'a tyranny of the majority' (Mill, 1859:ch.1), perhaps leading to undue victimisation of individuals. Notwithstanding their weaknesses, these ideas

are influential in legal practice where rules and duties have traditionally occupied a dominant place in guiding professional conduct. More recently, a professional conduct regime known as 'Outcome Focused Regulation' emphasises the need for demonstrating the good outcome of an action as means of satisfying the regulators that an action was acceptable practice. This consequentialist approach supplements a rule-based approach, reducing a narrow focus on mere compliance and preferring an assessment of an action's ultimate consequences. This regulated environment provides clients with legal services whilst simultaneously safeguarding a duty to the court. As these duties sometimes conflict, the code is clear that the duty to the court (i.e. maintaining the integrity of the legal system) is paramount, even though that may, in some circumstances, have the consequence of overriding a more just alternative.

*Where two or more Principles come into conflict, the Principle which takes precedence is the one which best serves the public interest in the particular circumstances, especially the public interest in the proper administration of justice. (SRA Handbook, 2014:2.2)*

As lawyers are necessarily skilled in considering the consequences and risks attached to a course of action, deontology and consequentialism will inevitably be part of a lawyer's ethical reasoning. Nevertheless, both these normative moral theories neglect the moral character of practitioners, both as far as the intrinsic worth of good character for the well-rounded life of the practitioners themselves is concerned, and its more extrinsic impact on their dealings with clients and wider society.

In responding to ethical dilemmas, hypothetical or real, virtue ethics provides a third approach to their resolution. It is currently gaining greater prominence in legal ethics. In its classical Aristotelian form it asserts that 'goodness', 'character' and 'virtue' are central in determining the rightness of an action and that an action is right if it is what an agent with a virtuous character would do in the given circumstances. Character consists of the range, variety and intensity of virtues possessed by individuals. They are the character strengths needed to live a life of human flourishing. A virtuous person draws upon their virtues when making decisions and, by applying *phronesis* or

'practical wisdom', acts in ways that ultimately may produce a good human life. *Phronesis* is the process of wise discernment between competing courses of action. In this way, the goodness of the virtuous character ideally produces an act which is 'right'. As with deontological and consequentialist theories, there are criticisms of a virtue ethics approach as it is often perceived as being insufficiently clear in helping determine precisely what is the 'right' action. There is doubt that it is possible to know accurately what a truly virtuous person would do in particular circumstances or, indeed, to obtain sufficient clarity over the virtues of a truly overall virtuous character.

While none of these three normative theories may alone be sufficient in guiding ethical choices in the legal profession, we argue that the relative neglect of virtue ethics weakens the profession's capacity in responding to its moral role. While professional codes can draw clear lines and set enforceable standards, and skilled analysis can appraise the consequences of different courses of action, there is also a need for lawyers to develop and maintain the virtues or qualities of character as part of their practice. Conventional procedures do not always sufficiently articulate what ought to be done and, in those instances, qualities of character can be crucial.

*Awareness of alternative ethical methods... promotes a whole-of-situation perspective which is both morally liberating and also morally responsible. The strength of virtue ethics is that it does not have to sweep away all other approaches to ethics or require lawyers to become slaves to any particular ethical method in their decision making. (Evans, 2011:71)*

The recognition that each of these ethical perspectives has a place in moral reasoning is reflected in the design of the ethical dilemmas included in the present study, while recognising that these are not always discrete approaches (Evans, 2011; Nussbaum, 1999). As few empirical studies in this form exist, especially in the UK, we aim at ameliorating a lacuna in the literature.

### 2.2.2 Virtue Ethics and Instrument Design

Recognition that personal character is a factor influencing the moral performance of individuals has contributed to the comparatively

recent renaissance of interest in Aristotelean virtue ethics (MacIntyre, 1985), with a particular resonance in the study of professional ethics. These include studies on medicine (Pellegrino and Thomasma, 1993), medicine and law (Oakley and Cocking, 2001), education (Carr and Steutel, 2005), law (Farrelly and Solum, 2007; Francis, 2005) and professional ethics in general (Walker and Ivanhoe, 2007). In asking what makes a good professional, these studies give attention to attributes of the person performing professional work rather than features of that work, making studies of professionalism particularly suited to a virtue approach. This notion of character, however, is not only of increasing interest to the theoretical or applied ethics of the professions. More recently, the social scientific study of the professions has also witnessed the rise of 'phronetic social science' where the virtue concept of *phronesis* is employed to explain how knowledge is passed on in organisations or how lack of *phronesis* can lead to failures in organisations or programmes (Flyvberg, 2001; Flyvberg, Landman and Schram, 2012; Moore, 2012). Awareness of the influence of organisations and context on practice is apparent in the contributions of virtue philosophers (MacIntyre, 1985; Annas, 2011; Beadle and Moore, 2006) and, together with our focus on the virtue perspectives of individuals, is incorporated in the design of this study. We do this by drawing upon an existing instrument on virtues and character strengths to examine individual, personal and professional virtues (Peterson and Seligman, 2004) and an existing instrument used on workplace characteristics (Eurofound, 2012).

The design also considers how professional ethics should be taught (Hamilton and Monson, 2012; Boon and Webb, 2008). While some stress its value (Hamilton and Monson, 2012; Floyd, 2009; Hamilton and Monson, 2011; Monson and Hamilton, 2011), others are doubtful of its benefits and effectiveness (Kouchaki, 2013; Cochran, 1996), and how it should be assessed is a matter requiring considerable further examination (Moorhead et al., 2012; Evans, 2011). The responses to ethical dilemmas and the reasoning behind them are key parts of this study and, while recognising that responses are not necessarily a reliable guide to behaviour, our analysis considers their viability in an approach to ethics in education and training.

### 2.3 OVERALL EVALUATIVE GOALS

What are the characteristics of the 'ideal' lawyer? What are the boundaries of lawyers' ethical conduct? Where and how do they learn to work within frameworks which set limits to what *ought* to be done as against what *can* be done? What contribution can virtue ethics make to the ethical practice of the law? These questions embody the overall evaluative aims of this study and define its intended outcomes.

By examining views on the characteristics or virtues of the 'ideal' lawyer, the study seeks to create a framework that can be used in programmes of education and training to explore these virtues and their importance for legal practice. How participants respond to the ethical challenges that they are presented with can aid understanding of the choices lawyers and those in training make. Perhaps more importantly, the reasons for selecting a course of action in a dilemma can give insight to the place of virtues, rules and consequences in their decisions. These too can contribute to an assessment of the relative contribution that these ethical theories can make to legal education and training. Through the workplace survey and the interviews, the present study provides evidence of the pressures of legal practice and their implications for education and training. Drawing on this evidence, we can consider how initial legal education in ethics can provide suitable preparation for practice and also how informal learning through workplace practice can contribute to a robust sense of ethical purpose. Through these several aspects of the study, our goal is an exploration of how virtue ethics, in combination with appropriate deontological and consequentialist theories, can meet the challenges of contemporary legal practice.

'THE PRINCIPLES OF JUSTICE DO NOT CHANGE WITH THE CALENDAR.'

D. H. Lawrence



## 3 Methodology

We limit this section to a statement on overall design and information and comments on participants. Other aspects of method, including instruments and their rationale, modes of quantitative and qualitative analysis, study limitations and further ethical considerations are available at [www.jubileecentre.ac.uk/professions](http://www.jubileecentre.ac.uk/professions)

### 3.1 DESIGN

A cross-sectional design enabled enquiry at three career stages: 1st year Law undergraduates, students about to finish their vocational legal training courses (LPC/BPTC students), and experienced professionals, composed of solicitors and barristers usually with at least five years' experience of practice. Findings for solicitors and barristers are normally reported separately but we use 'lawyer(s)' when referring to both groups.

Table 1 shows the data collected by e-survey and interviews. The e-survey had two sections where respondents, early in the survey document, selected six personal character strengths from a list of 24 and, later, from the same list of 24, selected six character strengths they associated with the 'ideal' lawyer. Once a section was completed, it was not possible to return and alter entries. A further section for

experienced solicitors was a set of 15 statements on the workplace and all were asked for personal demographics.

The e-survey also included six ethical dilemmas and the second part of Table 1 shows different modes of analysing responses to those dilemmas. Four of the dilemmas draw on scenarios first used in a study of Australian law students (Evans and Palermo, 2003). The dilemmas, which are shown in full in Appendix 3, were prepared with advice and guidance from an expert panel of legal ethicists (see Appendix 1).

The e-survey was complemented by interviews with survey respondents who had indicated a willingness to be approached for interview. In addition, educators and regulators were interviewed.

### 3.2 PARTICIPANTS

Data from undergraduates and LPC/BPTC students were gathered at seven sites: the Universities of Birmingham, Brighton, Hull, York, Glasgow, City University and the University of Law. Typically students were contacted by email with a link to the survey although, at York University and Glasgow University, the survey was completed as a cohort in computer suites.

Solicitors were contacted via the 'Law Society Professional Update', a weekly email to over 100,000 solicitors in England and Wales. The news item contained a short outline of the research and a hyperlink to the on-line survey. Barristers were emailed at the work email addresses available on the Bar Directory online. Approximately 4,100 addresses for a mix of London and regionally based barristers were selected. All were sent a personalised email in letter form; as 6.5% bounced back, the total delivered was about 3,800.

Table 2 shows the distribution and response rate for the four groups. The majority of respondents were female, white British and described their religion as Christianity or none. (This data is also available on the website). While the number of responses for a study of this type is acceptable, low response rates in all groups except for undergraduates means the profile is unlikely to be representative. With the exception of undergraduates, it may be reasonable to conclude that our respondents share an interest in the area of enquiry, a factor that is relevant to how we view the analysis. As argued later, this is particularly pertinent in our analysis of responses to the ethical dilemmas. Interviewees were contacted by email or telephone if they had indicated a willingness to be further involved with the research.



As with responses to the e-survey, we do not claim that they are representative.

Officials from the Legal Services Board (LSB), the Solicitors Regulation Authority (SRA), the Law Society (LS), the Bar Council (BC), and the Bar Standards Board (BSB) were interviewed, as were at least three academics or educators from each participating law school. All regulators and educators were interviewed in person.

### 3.3 ETHICAL CONSIDERATIONS

The study received ethical approval from the University of Birmingham Ethics Committee. We regarded adherence to the ethical considerations as essential given the fact the research was being carried out with practising solicitors and barristers. The research participants were fully informed of the scope and methods of the research, and had the right to withdraw at any time. Quotations in the report from the semi-structured interviews with individual students and practitioners are cited using an anonymous reference e.g. *Solicitor 04*.

**Table 1: Data Collection and Means of Analysing Dilemmas**

Domains of data collection	Ethical dilemmas with methods of analysis
Character strengths <ul style="list-style-type: none"> <li>Self-reported assessment of an individual's six best character strengths</li> <li>Respondent views of the six best character strengths of the 'ideal' lawyer</li> </ul>	Choice of actions <ul style="list-style-type: none"> <li>Analysis based on rules, consequences or virtues</li> <li>Analysis based on the ranking and combinations of reasons</li> <li>Analysis based on self-protective and amoral reasoning</li> </ul>
Organisational context <ul style="list-style-type: none"> <li>Factors in the working or training environment</li> </ul>	
Personal narratives <ul style="list-style-type: none"> <li>Interview data; and</li> <li>'Why I want to be a lawyer', etc.</li> </ul>	
Personal characteristics <ul style="list-style-type: none"> <li>Age, gender, ethnicity, religious affiliation, etc.</li> </ul>	

**Table 2: e-Survey and Interviews**

Career Stage	Distribution	Completed Responses (n)	Response rate (%)	Interviews (n)
1st yr. undergraduates	849	345	40.6	28
LPC/BPTC students	2169	271	12.5	20
Solicitors	E-mail newsletter to 100,000	177	-	26
Barristers	3,800	150	3.9	20
Educators and regulators				23



# 4 Findings and Discussion

## 4.1 VIRTUES AND THE INDIVIDUAL LAWYER

This section reports on the findings of the e-survey and semi-structured interviews in relation to the relationship between virtues and individual lawyers. Two areas are analysed: motivations for entering the legal profession and respondents' views on character strengths and virtues.

### 4.1.1 The Motivation to Enter the Legal Profession

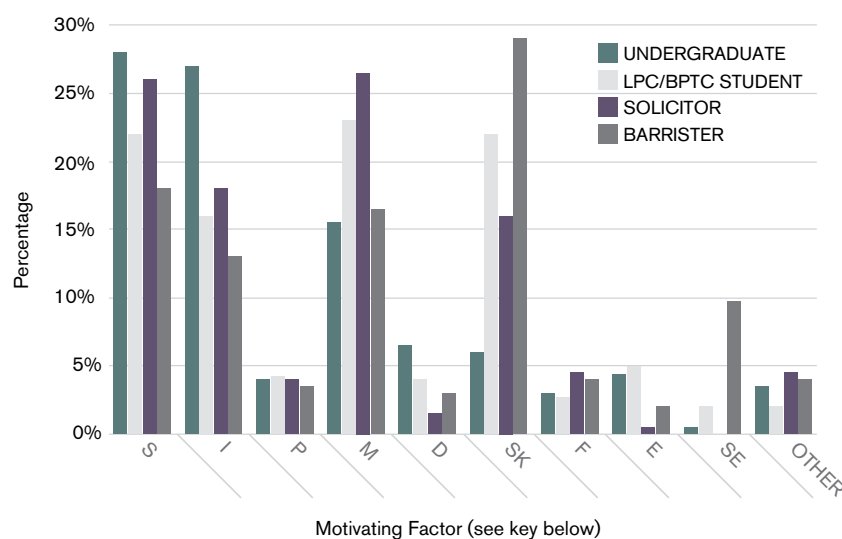
An open question in the e-survey asked respondents to reflect on their motivation for entering the legal profession. Across the sample a wide range of reasons were given and thematic analysis coded these into ten categories. The percentage of responses falling within each category is displayed in Chart 1.

Of the ten categories, four received higher occurrences than the remaining six across all four of our respondent groups, and these are:

- *Service* – helping people, society, the administration of justice and the rule of law
- *Interest* – interesting or enjoyable work or subject
- *Material benefits* – including career, status, and money
- *Skills* – including debating and arguing, public speaking, analysis, and problem solving

While these were the four most stated motivations across our four respondent groups, there are some interesting differences in the level of response provided by each group. Undergraduates report service and interest as key motivational factors to a higher extent than material benefits and skills. The distribution of responses across the four categories reported by LPC/BPTC students was more even, with material benefits, skills and service slightly more prominent than interest. Solicitors most frequently cite service and material benefits to a higher extent than interest and skills. The motivations of barristers evidence that while skills, service, material benefits, and interest were important, so too – in contrast to the other respondent groups – was self-employment and independence.

Chart 1: Motivation to Enter the Legal Profession



For Undergraduates n=538, Graduates n=142, Experienced Solicitors n=194 and Experienced Barristers n=316.

#### KEY:

- S – Helping people, society, the administration of justice and the rule of law
- I – Interesting or enjoyable work or subject
- P – Personality and character strengths suitable for law
- M – Material benefits, including career, status, and money
- D – Diversity or variety of work or subject
- SK – Skills including debating and arguing, public speaking, analysis, and problem solving
- F – Family tradition, influence or advice
- E – Work experience
- SE – Possibility for self-employment and/or independence
- OTHER – Includes personal values, the influence of TV programs, and the possibility of teamwork

#### 4.1.1.1 Service

Comments on the importance and meanings of service demonstrated the importance of *justice* and *fairness*. One undergraduate (*Undergraduate 11*) elaborated on this sentiment in her interview, describing how the civil unrest in London during the summer of 2013 stimulated an interest in crime, human rights and youth justice. She had written a report on the subject for her school and this became a key motivating factor in choosing

to enrol in a law degree. Others expressed concern for fairness and justice in terms of possessing a social conscience, a typical comment being 'I have a strong sense of justice and a desire to make a difference and help people'. These motives are often accompanied by a desire to contribute to the wider society, a concern for the 'underdog' and the wish to be the type of lawyer with whom people could easily communicate (*Undergraduate 14*).

**4.1.1.2 Interest**

The challenges inherent in being a lawyer and the extent to which these would provide an intellectually stimulating environment were also mentioned. Being a legal professional was viewed as an opportunity for an interesting and varied career, with respondents indicating that it would satisfy their intellectual curiosity and provide opportunities for creative work. Typical comments from the open box question in the e-survey include a solicitor who 'saw it as an interesting and valued career' and a barrister explaining that 'it appeared to be an interesting and challenging way to earn a good living and one which was less regimented than others.'

**4.1.1.3 Material Benefits**

Many respondents recognised the potential material and status benefits of being a lawyer and stated that these had motivated them to enter the legal profession. One respondent was candid about this aspect, stating, 'I won't lie, I like the prestige' (*Undergraduate 06*). Other undergraduate comments from the open box question linked career choice with material benefits, 'I chose law primarily because it is a stable profession that earns a good wage and has high rates of employment, which I value greatly in a society with such high rates of unemployment and increasing levels of relative poverty'. Another student chose law because it could provide 'interesting, varied work, a career with a good reputation and good salary prospects'. Status was linked to service as illustrated in this comment that being a legal professional is 'a good and respectable thing to do and a thing which, you know, people will respect you for' (*Solicitor 04*).

**4.1.1.4 Skills**

Respondents cited the ability to develop and use a range of skills as motivating factors in entering the legal profession. Though much less important for undergraduate respondents compared to other factors, it was the most important factor for the barristers. In the semi-structured interview, some respondents referred to the influence of their family in aligning the skills and attributes of the individual with those required for the profession (*LPC/BPTC Student 01*).

**4.1.2 Character Strengths and Virtues**

The e-survey and semi-structured interviews asked respondents to consider the character strengths and virtues required in the legal profession. This involved respondents thinking

about both their own personal qualities and those required to be an 'ideal' lawyer. From a list of 24 items, respondents were asked to identify six items which best represented their own personal strengths and, later in the survey, six items from the same list that represented the 'ideal' lawyer.

**4.1.2.1 Personal virtues**

Table 3 shows fairness, honesty, humour and perseverance as the most common personal virtues self-reported in all four respondent groups. Kindness and curiosity completed the six most commonly selected personal virtues for undergraduate students, while LPC/BPTC respondents identified curiosity and teamwork within their six. Of note was the finding that judgement was identified by both solicitors (whose six items also included kindness) and barristers (whose six items also included love of learning).

**4.1.2.2 Virtues of the 'Ideal' Lawyer**

Table 4 shows the six virtues of the 'ideal' lawyer most commonly selected by respondents. These findings show a greater concentration of choices than for personal virtues. As with the personal virtues, fairness and perseverance were among the most identified six virtues across the four groups with judgement and perspective also in the most identified six virtues for all four groups. That undergraduates and LPC/BPTC students identified judgement as a leading virtue of the 'ideal' lawyer but that it was not in the top six personal virtues, while solicitors and barristers both identified it in their top six personal virtues and in the virtues of the 'ideal' lawyer, suggests that judgement is recognised as a central virtue for lawyers but one developed in practice rather than possessed at an early stage of their careers as legal professionals.

For all groups, the top six items now account for a greater percentage of all choices and represent 64% and 67% of all choices by

**Table 3: 'Top six' Personal Virtues**

	1st Year Undergraduate	%	LPC/BPTC students	%	Experienced solicitors	%	Experienced barristers	%
Personal Virtues	Fairness	8	Fairness	9	Fairness	12	Honesty	12
	Honesty	8	Humour	9	Honesty	12	Judgement	12
	Perseverance	6	Honesty	8	Humour	7	Fairness	11
	Kindness	6	Perseverance	8	Judgement	7	Humour	9
	Curiosity	6	Curiosity	6	Perseverance	7	Perseverance	8
	Humour	6	Teamwork	6	Kindness	6	Love of Learning	5
As % of all choices		40		46		51		57

**Table 4: 'Top six' Virtues of the 'Ideal' Lawyer**

	1st Year Undergraduate	%	LPC/BPTC students	%	Solicitors	%	Barristers	%
The 'Ideal' Lawyer	Judgement	13	Judgement	12	Judgement	14	Judgement	16
	Perseverance	11	Honesty	11	Honesty	14	Honesty	15
	Perspective	10	Perseverance	10	Perseverance	10	Perseverance	12
	Fairness	9	Teamwork	10	Perspective	10	Fairness	9
	Social Intelligence	8	Fairness	8	Fairness	10	Bravery	8
	Leadership	7	Perspective	8	Teamwork	6	Perspective	7
As % of all choices		58		59		64		67

experienced lawyers. There is also greater agreement about the top six virtues of the 'ideal' lawyer than was the case when identifying their personal values. This is particularly apparent with the choice of judgement and honesty by experienced lawyers as they were selected as top six virtues by 84% of solicitors and 93% of barristers. Bravery appears in the top six character strengths for an 'ideal' lawyer from the perspective of barristers, while teamwork is valued by solicitors; this difference may reflect the nature of their respective roles. Appendix 2 shows the distribution of all choices.

What stands out from the comparison of the self-reported personal virtues and the ideal virtues is the greater correlation, across the career stages, in the virtues ascribed to the 'ideal' lawyer than in the self-reported virtues.

#### 4.1.2.3 Virtues in Practice

Data from the interviews complements the above quantitative data. Across all respondent groups, honesty and fairness feature prominently in the interviews and are referred to as being essential and at the core of the lawyer's role. This is illustrated by one of the solicitors we spoke with: 'I think there is a very strong sense of what we stand for as professionals and the sense of fair play, honesty and integrity' (Solicitor 26).

*The key thing must be being honest. No one wants to see lawyers helping bad people getting away from punishment. Secondly, integrity, because lawyers know more about legal things than the client and they can control when decisions are made. (LPC/BPTC Student 05)*

An ability to relate to clients was also regarded as fundamental. This included being able to assess their character, having empathy to understand the client's position, and being able to put the interests of clients first. One undergraduate had insight into the tensions generated between having the qualities required to succeed in the profession and how this might conflict with the importance of integrity in fulfilling the role: 'I can envisage myself maybe not making the wisest decisions simply because, you know, I've worked so hard and I don't want to be faced with a situation and go, 'Well, just for the sake of my morals so that I can feel really good about myself, I'm going to make this decision that might cost me any job or my pupillage or my career' (Undergraduate 06).

The observations of experienced lawyers reflected a holistic view of the legal role, as well as its morality. The perspective which came through in the interviews recognises that codes of conduct alone are not adequate because, as one interviewee astutely remarked, 'if you need the code to tell you to act properly and in the client's interests then, frankly, you're in the wrong job' (Solicitor 04).

*Someone who understands the law, finds the solutions, who communicates in a user friendly way, who thinks up creative things, who understands the client's real concerns rather than just the law... morality is going to run through like a flavour in an ice-cream. (Solicitor 04)*

There were moments in the interviews where respondents raised critical views. Specific mention was made of lawyers giving advice in

relation to tax laws in a context 'where ethics has gone out of the window because you're manipulating a system and a system of rules' (Solicitor 24). This interview and others showed concern about challenges and changes in the legal sector, which have implications for ethical practice. In addition, some respondents in the experienced lawyer groups cited the importance of reconciling the relationship between personal virtues and those expected of the profession. Values at the place of work were highlighted by one respondent, who argued that law schools need to give greater attention to thinking about 'how your own values chime with those of the institution' in which you work: 'I don't think it was a particularly informed choice, I was aware that practising law as a career would involve argument... but I do sort of look back and I'm astonished at the lack of information and naivety with which I went into it all. But I think as well that [law schools] need to think how students are made aware of the fact that doing a job does involve thinking about how your own values chime with those of the institution within which you're working and that they may not always be the same and that can be uncomfortable' (Solicitor 11).

#### 4.1.2.4 Summary

The findings from this part of the survey provide reasons to have confidence that members of the profession can manage the challenges they face. That there is some level of consensus on the principal virtues associated with the 'ideal' lawyer is valuable for a coherent professional culture. Nonetheless, and as we see in the next section, changes in the profession add to existing pressures on virtuous practice in the workplace.





## 4.2 LAWYERS IN THE WORKPLACE

The following analysis of the workplace draws on a 15-item set of questions in the e-survey to solicitors and interviews with solicitors and barristers about workplace conditions potentially impacting upon good practice. A factor analysis of responses identified four factors, which we name as Autonomy, Constraints, Emotional Involvement and Collegiality. Factor scores were calculated by summing raw scores corresponding to all items loading on the factors respectively, and average scores were calculated to retain the scale metric, which allows for easier interpretation later (DiStefano, Zhu and Mîndrilă, 2009). The quantitative analysis is supplemented by data from interviews.

While the 15 statements do not all directly mention virtues, their presence is arguably implicit. Thus, to be 'motivated to work to the best of my ability' requires perseverance and self-regulation, and it is difficult to imagine how lawyers could influence decisions or effectively apply their ideas without drawing upon virtues including creativity, judgement, prudence or social intelligence. The presence of virtue is also explicitly and implicitly apparent in the interview comments about the workplace.

### 4.2.1 Autonomy

Autonomy is a well-recognised characteristic of professional work and its presence is attested in the five items in Table 5. Aggregated responses to the five statements show how solicitors rated their work environment on a 5-point scale from 'never' (1) to 'always' (5). Very few respondents (2.8%) of respondents indicated a low level of autonomy; a significant minority (33.3%) indicated a mid-range response and the majority (63.8%) reported their level of working autonomy to be high.

#### 4.2.1.1 Autonomy and Organisation

In interviews, experienced lawyers give insight into the significance of virtues and character strengths in relation to autonomy in the

workplace. Where lawyers commented on tensions between individuals and the work organisation, judgement was cited as a prominent character strength that enabled the individual to balance their autonomy with their role. Bravery was also cited when managing and protecting one's autonomy, albeit with support to do so sometimes provided by the code of conduct (*Solicitor 09*).

Tension between justice, fairness and finance arose in several comments and moral judgements are seen as key in resolving these tensions: 'You do have to be much more commercial and competitive minded about it... it's not only to make certain that we do a good job from our own professional values, it's to also make certain that we keep our clients and keep our firm running' (*Solicitor 14*). Anxiety was also expressed that current changes in the legal sector risk undermining the centrality of professional values.

#### 4.2.1.2 Autonomy and Duties to the Court

Respondents spoke about situations in which their duties to the court and the law supersede those to their clients. A barrister explained the following situation: 'if there was an obscure bit of case law that I'd found that changed the whole aspect of the case, I would have to raise that with my opponent. Your client might be unhappy with you for doing so, but ultimately, you've just got to make clear to them that you have various obligations, that's the law the fact that the law is against you is unfortunate, but there you are...' (*Barrister 08*). How difficult duty to the court is for clients to understand is illustrated by another example where the barrister exhibits fairness, judgement, perspective and self-regulation in relation to an unopposed application during shipping matter:

*There was a relevant authority that was directly contrary to his client's case and, of course, he had to draw it to the attention of the tribunal, to the absolute dismay and horror of the client, who couldn't understand, [laughs], why they lost, when there was nobody opposing them. (Barrister 10)*

One of the barristers quoted here recognised the risk that instructing solicitors might not send work to them again, and that this was a necessary risk involved in complying with their duty to the court. A further observation was of a rather different risk from non-declaration – that of being caught out and the associated risk to professional reputation 'if you're seen to be sharp in one case that will follow you around for the rest of your life' (*Barrister 08*).

#### 4.2.1.3 Autonomy and the Client

Clients can influence lawyers. While respondents were doubtful that this had become more forceful or unreasonable, they recognised that dealing with difficult clients still required a range of virtuous behaviour including judgement, perspective and social intelligence. Client pressure can lead to a lawyer losing a client because of a professional conduct issue. Reflecting on such a situation a solicitor stressed the paramount importance of integrity and that:

*The profitability of your firm and your loyalty to your firm can only be secondary to professional conduct and ethical issues. (Solicitor 09)*

Financial pressures of a different sort were illustrated in relation to cuts in legal aid funding where the absence of client power makes the need for good judgement and a sense of fairness from the lawyer more acute. In one case, the client had to stop instructing the barrister because of lack of funds, leaving the barrister feeling 'almost responsible for the fact that I'm having to charge them money to represent them and that they can't afford to keep instructing me' leading to efforts 'to help clients to find alternative sources of support' (*Barrister 16*).

Illustrating the pressure on younger members of the Bar to secure work, a more experienced advocate suggests that defence solicitors and the Crown Prosecution Service may also wield inappropriate influence.

*If you take a view that a plea to a lesser offence should be accepted and the Crown Prosecution Service say no, it puts you in a very difficult position and I think, at the end of the day, barristers should in that situation say, well, I'm sorry, it's my judgement... I've listened to your views, but in fact, my judgement is that we should do that, but it's difficult to do that because it may well jeopardise any further instructions from that particular department. (Barrister 02)*

**Table 5: Autonomy in the Workplace**

Factor 1: Autonomy	Low autonomy 1.5–2.4	Mid-range 2.5–3.9	High autonomy 4–5
(n=135) %	2.8	33.3	63.8
I am able to influence decisions that are important for my work			
I am able to apply my own ideas in my work			
I have the feeling of doing useful work			
I am motivated to work to the best of my ability			
I have the resources to do my work to a standard I believe is right			

#### 4.2.2 Constraints

As the statements in Table 6 are indicative of pressures or limitations on professional practice, we have labelled the factor as 'Constraints'. The results show that just over one-third of respondents (37.8%) report low levels of constraints, nearly two-thirds (60%) a middle level of constraint and only a very small percentage (2.2%) report high levels of constraint.

##### 4.2.2.1 Constraints and Organisation

Constraints most frequently mentioned in interviews related to financial and business pressures, and the anxiety that these are impacting on ethics. One solicitor suggested that 'the commercial side and economic side have, perhaps, driven people to compromise their ethics' (Solicitor 19). Some felt that this concern was particularly significant for younger colleagues, for whom the pressures could be 'at the expense of clarity about the professional side of life' (Solicitor 07).

Virtue is not absent from accounts of the business constraints, as ensuring the success of a business is prudent if individuals are to make a living. As one solicitor observed, 'You can be the world's best criminal lawyer... but at the end of the day, if you're not earning sufficient fees for your firm, then those are the influences that affect you...' (Solicitor 06; Solicitor 14).

Experience is required to manage organisational constraints. One respondent put this in terms of wishing that earlier on in their career they had been firmer in insisting a client stop pursuing a hopeless but expensive case (Solicitor 11). The same respondent explained how, later, working on a divorce case, she came under pressure from another lawyer not to be frank on a form being 'filed at the court in relation to our... mutual client's financial assets. And I refused to do anything other than put the correct information down' (Solicitor 11).

##### 4.2.2.2 Constraints and Duty to the Court

The duty to the court can require lawyers to advise clients that certain options in law may not be available in particular circumstances. This requires honesty and integrity on the part of the lawyer balanced with a sense of prudence to ensure the client is retained. As an example, a solicitor told of a time when a client seeking advice on advertising law stated '*we like to go close to the line*'. This created a pressure which was managed by a prudent approach from the solicitor who advised that the law was clear. In this case, the solicitor felt his action 'absolutely aligns with morality because there are lots of laws against not telling lies in adverts' (Solicitor 04).

In the following example, *bravery, fairness* and *self-regulation* were needed to deal with stress. The need to balance personal feelings is also raised in this highly personal example where a lawyer had to accept their duty to represent a client:

*When I was a very junior solicitor and my firm used to do some – but not a lot – of crime, and a man who was black was accused of a sexual crime and I didn't want to deal with it. I'd been attacked myself and I didn't want to be defending somebody... even though I know he was innocent until proven guilty and all that but I just didn't want to do it. But anyway I was told in no uncertain terms that he had a right to be defended and I was to defend him. And then ironically he refused to have me as his solicitor because I was female which I thought was quite amusing. But anyway so I got out of it that way (Solicitor 21).*

##### 4.2.2.3 Constraints and the Client

Clients create constraints and their management draws upon combinations of virtues, such as judgement, social intelligence and self-regulation. This is illustrated where a client wanted a case pursued while the lawyer believed the likelihood of success was not high, but where a reasonable compromise was available (Solicitor 10).

Prudence would be needed where a lawyer may be asked to advise a client on an area with which the lawyer may not agree, as in giving advice to a tobacco company. One interviewee sought to avoid these pressures by selecting areas of practice where the potential to encounter these types of dilemma could be reduced (Solicitor 23).

For barristers, the relationship with solicitors has similarities with those of clients (solicitors are commonly referred to as 'professional clients'). Social intelligence is becoming more important as relationships are increasingly sophisticated and occasionally vulnerable to abuse or manipulation. One barrister observed that 'a lot of this job is... to do with the soft skills, which is kind of cultivating and making sure you're friends with solicitors...' (Barrister 03), a view given greater emphasis in the comment: 'Interpersonal skills, without a shadow of a doubt. If solicitors like you, if clients like you, they ask for you and they use you again, it's a very simple formula' (Barrister 19).

##### 4.2.3 Emotional Involvement

'Emotional involvement' may be interpreted variously: as being absorbed or committed to the profession, enjoying the work, caring about

your performance, or being concerned about the outcome of a case because of its implications for a client. These multiple meanings may explain the absence of a strong and consistent statistical association with a single group of other statements and why it appears as an independent factor.

Table 7 shows that solicitors reported quite high levels of emotional involvement with their work. While just under one-fifth report low involvement, over a third responded with 'sometimes' and almost half reported high involvement.

Emotional involvement is implicit in feelings expressed earlier in the report about the importance of *fairness* and *justice*. It emerges with a solicitor who, as a trainee, observed her supervisor behaving inappropriately, 'tracing a signature from another document' but did not, at that time, have the courage or confidence to act (Solicitor 15). It also arises in concerns about *fairness* in describing the impact of cuts in legal aid funding as 'horrendous' (Barrister 16).

##### 4.2.4 Collegiality

Norms of professionalism emphasise collaboration and collegiality as against hierarchy. Collegiality can mean that junior members can expect to be informally supported and mentored by senior colleagues. The correlations in Table 8 might therefore be expected. For example, that 'help and support' are correlated with being 'treated fairly' and with feeling 'at home' in the workplace. While the correlation with being able to '*act in the best interests of my clients*' is less expected, there is a reasonable association with statements on a collegial environment.

Only a small percentage of respondents (2.2%) report collegiality as low. A significant minority (40.7%) are in the mid-range, reporting some collegiality, and over half (57%) report high collegiality. While the traditional concept of legal partnerships – where individuals knew and trusted one another on a personal basis – has been replaced by firms (often very large and with highly competitive cultures) reasonable levels of collegiality remain. Nonetheless, it may be pertinent that comments on collegiality in the interviews were made as frequently by barristers as solicitors, despite their self-employed status.

Collegiality was sometimes expressed through reference to role models, drawing upon the virtue of *self-regulation* and emphasising that morality and behaviour is no less important than profit.

*I've been in a supportive firm... that has invested in good people and we've always*

*felt that we were able to go and talk, you know, for example... 'I've got an ethical problem' and we've got good people to talk that through with. (Solicitor 04)*

Set against this, another solicitor described changing work cultures and how law is now more competitive, and that 'people tend to be more ruthless' (Solicitor 15). Size can be a limiting factor because 'you can't in a group of over 2,000 people have the same sort of relationships, controls or understanding that you can have in a group of 20 or fewer' (Solicitor 07).

Collegiality also means leadership by more senior members of Chambers (Barrister 02) and kindness in a profession where opponents 'will treat you in a reasonable way and respect you and that allows you to learn and see how they do things better than you and I think that's what you learn actually, doing the job and then seeing how other people around you do the job' (Solicitor 09).

Accounts of role models reflected a mixture of kindness and teamwork with examples including, informal conversations and an open door policy 'that's all pretty valuable' (Barrister 03), access to the judgement of others and showing gratitude for this, having the opportunity to talk over a problem (Barrister 13).

It is also the comfort of learning that 'no matter how senior, everyone has tricky professional ethical issues come up on a fairly regular basis and everyone relies on colleagues as a sounding board' (Barrister 08).

While our survey shows 63.8% and 57% of solicitors reporting traditional professional characteristics of autonomy and collegiality as high, it leaves a substantial minority selecting a mid-range response to those factors. In a sector where small partnerships have gradually been replaced by more hierarchic organisations, this profile is not unexpected. Allied to these results, however, are the 60% of solicitors who show a mid-range response to the constraints factor, an item composed from statements relating to requiring 'that I hide my feelings', 'work involves tasks that are in conflict with my personal values', 'I experience stress' and 'at work it is difficult to do the right thing'. This empirical evidence of intra-personal conflict and tension in the workplace supports the views of other commentaries on pressures in the sector as well as our interview data, perhaps most notably on commercial pressures. Evidence of these tensions emphasise the importance of lawyers being able to respond ethically to these tensions, an aspect we examine through the ethical dilemmas in the study.

**Table 6: Constraints in the Workplace**

Factor 2: Constraints	Low constraint 1.5–2.4	Mid-range 2.5–3.9	High constraint 4–5
(n=135) %	37.8	60	2.2
My work requires that I hide my feelings			
My work involves tasks that are in conflict with my personal values			
I experience stress			
At work it is difficult to do the right thing			
I do not have time to do my work to a standard I believe is right			

**Table 7: Emotional Involvement in the Workplace**

Factor 3: Emotional Involvement	Low involvement 1–2	Mid-range 3	High involvement 4–5
(n=135) %	18.5	36.3	45.2
I am emotionally involved in my work			

**Table 8: Collegiality in the Workplace**

Factor 4: Collegiality	Low collegiality 1.5–2.4	Mid-range 2.5–3.9	High collegiality 4–5
(n=135) %	2.2	40.7	57
My colleagues help and support me			
I am not treated fairly			
I am able to act in the best interests of my clients			
I feel 'at home' in my workplace			

#### 4.3 ETHICAL DILEMMAS AND REASONING

*The scenarios, choices and reasons available to respondents are contained in Appendix 3. This section of the report discusses the key findings from results across the career stages. The dilemmas are grouped according to related issues. References to individual reasons are shown as three numbers in the form: dilemma/option/reason.*

What choices do lawyers make when presented with ethical dilemmas and what is their reasoning as they seek their resolution? In analysing the choices and reasoning represented in the dilemmas in this report, we centre our approach on the view that achieving and maintaining justice ought to be a fundamental part of a lawyer's decision-making process. If the law is seen as 'a good' necessary for human well-being or flourishing, then, faced with an ethical dilemma, a good lawyer ought to use what Aristotle calls 'practical wisdom' or *phronesis*, a capacity to deliberate sufficiently to achieve justice, the most just or excellent decision. We see this capacity as fundamental to the deliberative and motivational responsiveness of a 'good' or 'virtuous' lawyer. While maintaining the rule of law and the credibility of the justice system are key duties at the heart of the lawyer's role, a virtuous lawyer should be prepared to go further, striving for excellence and behaving such that they 'ought not to fulfil the requirements of that role in cases where fulfilling those requirements involve gross violations of justice' (Oakley and Cocking, 2001:121). Evidence (or lack of it) of the desire to achieve justice in this wider sense is our key criterion in reflecting upon the reasoning shown in our dilemmas<sup>2</sup>. Consequently, in each dilemma we focus on those findings that raise questions about this conception of justice. Each dilemma is followed by a choice of options and, for each option, a set of six reasons from which three had to be chosen. See Appendix 3 for full dilemmas.

##### 4.3.1 Kinship and Work/life Balance

###### **Dilemma 1: Misuse of Client Account**

Drafted before the introduction of the SRA's recent legal practice and financial compliance regimes, the choices in this dilemma are between the individual's obligation to report to the SRA, pass that obligation onto the firm or ignore the rule. One-third, (34.7%) of solicitors would report the matter to the SRA, 59.9% to the firm and 5.4% would deal with

the matter privately. Less familiar with the rules, slightly fewer LPC/BPTC students and fewer still undergraduates would report. Reasons for reporting include acknowledging rules had been broken and that it was a proportionate and reasonable response (1.1.1 [i.e. Dilemma 1, Action 1, Reason 1], 1.3.1 and 1.3.5). Least commonly selected reasons related to vengeance – 1.1.4, 'the wrong-doer should be punished' – or self-serving, 1.2.4, 'I wish to spare myself the shame', and 1.3.2, 'by reporting it I will increase my trustworthiness and reputation within the firm'.

That 5.4% of respondents opted to keep the matter private appears to show personal concerns being placed above the duty to maintain the rule of law, in circumstances where zero tolerance may reasonably be expected. Of the 60% who would report the matter to the firm, we do not know how many of those expect the firm to take the appropriate action and report the matter to the regulator.

###### **Dilemma 2: The Family Holiday**

Work-life dilemmas are common to many working professionals who strive to balance service to clients with family life. That 68% of barristers were prepared to miss the flight, compared with 29.3% of solicitors, may reflect their different status as being self-employed or employed, and barristers may also be dictated more by court timetables. Equally, students who responded included prospective solicitors and barristers which may account for their choices, and they also have less experience of these tensions. Competition for training contracts may also influence a willingness to go the 'extra mile'.

While this choice appears personal and immediately contextual, there is a wider question of whether the legal sector (as elsewhere) makes unjust demands and creates unfair expectations on its members. A sector that emphasises client service and its revenues and profits at the potential expense and breakdown of family relationships risks moving from a market economy to a 'market society' (Sandel, 2012:10). The challenge of practical wisdom here is not for the individual but for firms and the culture of the profession.

##### 4.3.2 Maintaining Financial Integrity

###### **Dilemma 3: Rounding-up hours**

This scenario emphasises the possible influence of organisational context with an instruction to round-up billing time to the nearest 100 hours, arguably a fraudulent charge on a client. The dilemma is resonant of the commercial pressures mentioned by some respondents in

the interviews. The percentage of respondents prepared to 'round-up' declines with career stages, possibly reflecting greater awareness of its significance, yet 16.3% of solicitors chose the rounding-up option. As barristers are not permitted to hold client money on account, they had to imagine they were employed and 4.7% were prepared to round-up as instructed. Among those 'rounding-up' the main reason across all career stages was, 'I have already raised my concerns with someone, but they seem to see the issue as trivial' and, secondly, 'I respect the authority of my supervising partner'. As with the 'Misuse of Client Account' scenario, these reasons potentially reflect a means of avoiding a necessary and appropriate degree of personal responsibility. With respect to the scenario and the role of more senior members of a firm, it also signals how organisational culture can influence the integrity of practice.

###### **Dilemma 4: Flight to New York**

Barristers alone were presented with this dilemma and 70.7% would not double charge for flight time as double charging was seen as unethical and unfair. As the option to double charge is not illegal in the UK, there are questions about whether the 29.3% who would double charge were acting unjustly or merely seeking some compensation for the inconvenience of flying. Practical wisdom may lead to both options appearing to be acceptable. This situation could be one where new rules are required clearly stating that double charging is not allowed, as in some US jurisdictions. Alternatively, it may be enough for the virtuous lawyer to decide the appropriate practice to fit the specific context.

##### 4.3.3 A Duty to the Court

###### **Dilemma 5: The Stolen Goods**

Initially taken by students and solicitors, barristers later explained that, according to the rules of evidence, questions directed to a witness must be restricted to matters of fact and opinions must not be sought at that stage in the trial. It sets the duty not to mislead the court against a desire to zealously represent the client in circumstances that may be seen as contributing to justice. In that context, the dilemma is an example where a rule of procedure serves the long-term interests of justice, preventing the lawyer asking a question that might reasonably be viewed as a virtuous and just action. It is a scenario where the rules protecting the integrity of the justice system brush against ordinary morality conceived according to personal conscience.

<sup>2</sup> Differences between solicitors and barristers mean that Dilemma 1 was not taken by barristers, as they are not permitted to hold client money.

Those prepared to ask the question decreased with career stage from 91.8% of undergraduates, 79.1% of LPC/BPTC students and 70.1% of solicitors. Despite the rules of evidence, 34% of barristers would ask the question, suggesting that outside this specific area of advocacy, the intuitive reaction is to ask the question.

Among those who would ask the question, the reasoning for undergraduates was spread across all six while 'it is for the prosecution to prove their case' (5.1.1) that featured highly for LPC/BPTC students and solicitors. Reasoning for barristers was spread but 'I am trying to make sure justice is done' (5.1.4) was least favoured. Of those who would not ask the question, the main two reasons were 'it is wrong to mislead the court' (5.2.4) and 'my duties to the client do not supersede my duty to be honest' (5.2.5).

**4.3.4 Duties to the Client**

**Dilemma 6: Divorce and Children Act Matter**

A genuine concern about child protection creates a dilemma where 'avoiding gross violations of justice' (Oakley and Cocking, 2001:121) requires the lawyer to break their duty of confidentiality to the client. Solicitors are

divided over the right course of action with 52.4% reporting the matter and 47.6% complying with the client's request. Barristers show a greater tendency not to report as do undergraduates and LPC/BPTC students. Complying with the confidentiality rule was the main reason for following the client's instructions and protecting the children was the main reason to report. Our results do not show whether those who chose to breach the rule did so because they thought lawyers had a legal duty to disclose which, unlike other professions, is not the case.

Earlier guidance that 'there may be exceptional circumstances involving children where you should consider revealing confidential information to an appropriate authority' has been superseded by a new regulatory system (SRA, 2007), and individuals must make their own judgement. The dilemma evident in this scenario was also apparent in interviews where exceptions to the rule of confidentiality were seen as appropriate, sometimes by saying 'something to the judge that's going to get the judge to think this needs to be looked into further' (*Barrister 13*) or where confidentiality is set aside for the protection of children (*Solicitor 06; Barrister 16*).

**Dilemma 7: The HIV-Positive Client**

Confidentiality is also central in this scenario but, unlike the dilemma concerning the Divorce and Children Act matter, rule-compliance was overwhelmingly the preferred option. Where the risk to health relates to legally competent adults with no vulnerable children involved, is it judged that, where there is no gross violation of justice, the credibility of the justice system must be protected? If that is so, are the 12% of solicitors and 5% of barristers who would breach confidentiality acting improperly or is it a legitimate difference of judgement? In this dilemma, the reasoning for each option for solicitors and barristers show high levels of agreement. Figure 2 shows the ranking of reasons by those who would do nothing, and Figure 3 those who would breach the rule. Presenting the reasoning in this way alludes to the kind of analysis that will be possible for all the dilemmas in the future.

**4.3.5 Ethical Dilemmas and Professional Formation**

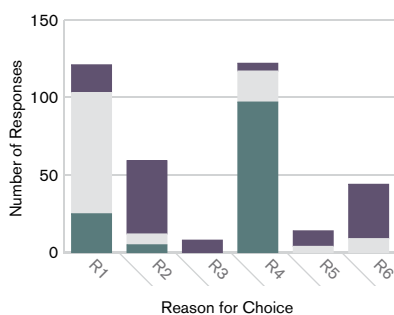
Expectations that most respondents would choose appropriately just options and make suitably just selections from the list of reasons provided has, with some caveats, proven to be the case. There are a number of possible reasons for this outcome.

There is no compelling evidence to suggest that the majority of lawyers do not behave appropriately and dutifully in their professional role, so that sensible responses to dilemmas are to be expected. We also have to recognise that those who responded to the survey were interested in the topic and this would skew the results. Third, a study about character and virtues does signal the focus of enquiry and, fourth, the reasons provided were balanced towards positive reasons.

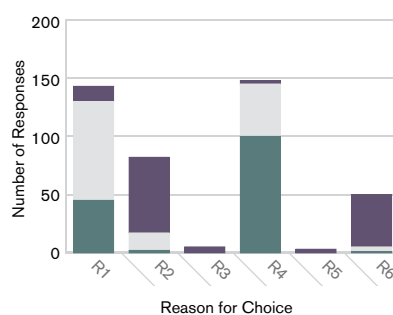
Despite these factors contributing to a positive outcome and, indeed, because of them, there are results that raise concerns. That 5% of experienced solicitors would have kept the matter private in the 'Misuse of Client Account' scenario shows that rules and compliance regimes are not enough on their own to ensure virtuous behaviour. The 'rounding-up' dilemma where 16% of experienced solicitors would accept guidance from a more senior colleague when it might be regarded as fraudulent raises ethical questions about organisational cultures.

**Figure 2**

**DILEMMA 7 OPTION 1 - SOLICITORS**

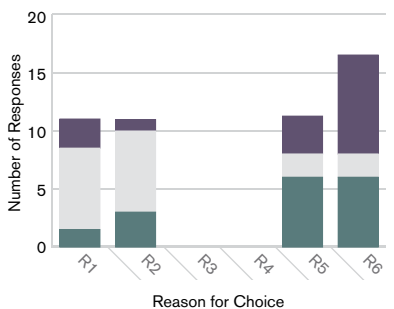


**DILEMMA 7 OPTION 1 - BARRISTERS**

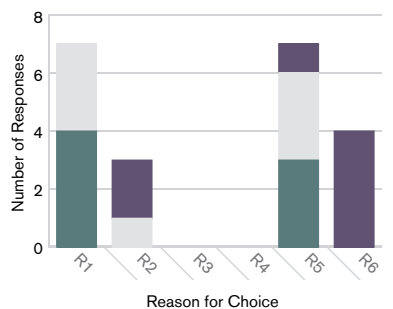


**Figure 3**

**DILEMMA 7 OPTION 2 - SOLICITORS**



**DILEMMA 7 OPTION 2 - BARRISTERS**



■ 1st reason chosen    ■ 2nd reason chosen    ■ 3rd reason chosen

#### 4.4 ETHICS, VIRTUES AND EDUCATION AND TRAINING

That 'teaching and maintenance of professional ethics and values' is 'central to the assurance of integrity in the administration of justice and quality across the entire legal services sector' is a key message of the recent *Training Review* (LETR, 2013) and is evident in our interview data. What this means in terms of education and training in ethics and virtues is considered here.

##### 4.4.1 Continuity and Change

Contemporary changes in the legal sector add weight to the long-standing view that understanding ethical expectations is an essential element of learning to be a lawyer. The implications of the 2007 Act, cuts in legal aid, the re-design of roles and the place of non-lawyers in the sector (Boon and Webb, 2010) create new contexts and demands where unfamiliar ethical challenges are likely (Duncan, 2010a, 2012; Flood, 2011). The size and power of international law firms who negotiate tailored training for their staff adds to their influence in shaping 'values, practices and ethics' and their global role re-defines their relationship with national regulators with 'new transnational models of professional culture, practice and organisation' (Faulconbridge and Muzio, 2009:1358), having implications for shaping ethical practice in different jurisdictions (Flood, 2010).

These issues co-exist with concerns evident in interviews about the limited attention given to professional ethics in education and training. This was described by one interviewee as a lack of preparedness (*Solicitor 02*), and echoed in concerns about commercial pressures, whether to 'record their time generously' (*Solicitor 16*; *Solicitor 21*).

Referring to recent changes, a barrister expressed concern with direct access in terms of ethical risk, valuing solicitors as providing distance from the client, so that 'I can take a more objective view of their case and see how it will be presented' (*Barrister 8*). The same interviewee suggested that colleagues involved in direct access might be making mistakes because of unfamiliarity with appropriate conduct. This view is similar to that of a solicitor who believed that inappropriate ethical practice often arose from failure to recognise the risk.

*I think, apart from those who are crooks, most people get into trouble with ethics by not having realised that they are facing an ethical decision, not analysing it, not detecting a problem. (Solicitor 03)*

These views add force to giving greater attention to ethics in initial and continuing education. It is not that there are many lawyers who are predisposed to poor ethical behaviour, but that they may not have enough opportunities to consider them. Indeed, one educator commented that 'there are very few examples of students who have taken a very poor ethical approach' (*Law Edr 06*). Whether educators or role models (lecturers, supervisors, line-managers or CPD trainers, etc.) are themselves well prepared, is captured in one frank observation by a lecturer:

*I'm struggling all the way through this with character strengths, personal qualities, which might say something about how little time I spend conceptualising them as I develop my teaching, which is, in itself, important to you, I think. (Law Edr 16)*

Agreement on the importance of ethics education leaves open the issue on its content.

##### 4.4.2 Codes, Context and Philosophy

Legal ethics teaching in many countries is 'often restricted to code compliance' (Duncan, 2010b) and, for some critics, means that lawyers have too little 'opportunity to develop a contextual approach to ethical thinking' (Francis, 2005). The pervasiveness of codes of conduct as the basis of ethics teaching is evident in our interviews. Their value included recognising that a lawyer's duty was to the court as well as the client (*Solicitor 15*), that its importance was emphasised by frequent reference during the vocational training course (*LPC/BPTC Student 7*; *LPC/BPTC Student 13*) and that it embodied the message of the inter-dependence of the person and the professional.

*When you're a lawyer, your conduct in your everyday life is important as well as your conduct in your job and the code of conduct covers your personal conduct in some ways as well. (LPC/BPTC Student 20)*

A weakness was that codes were sometimes introduced without sufficient opportunity 'for any kind of moral discussion' and consideration of 'why the profession has these rules'. (*LPC/BPTC Student 13*) Some comments seemed also to risk a too-narrow conception of conduct and professionalism when one educator spoke at some length about appearance and punctuality (*Law Edr 08*) and another asserted:

*What we are trying to do here is to educate the students to the level that says 'here are the rules, if you're making any business decision you must be aware of those rules, you must take account of those rules, because if you break those rules you will end up in trouble. (Law Edr 13)*

A more fundamental criticism was the view that one set of codes did not meet the diversity of the profession.

*You've got to behave differently towards different types of client and different types of person... and I don't think it's possible to capture that kind of thing in any sort of system of rules or code of conduct. (Solicitor 11)*

This comment leads into the importance of context and the place and function of law in the wider world. While recognising that some LPC/BPTC students were reluctant to do so, one of their tutors suggested they should be encouraged to expand their thinking into intellectual areas that might 'develop their own awareness of what's happening in the broader world' (*Law Edr 02*). Humanity in the law was illustrated by an example from LPC/BPTC tutors which highlighted different views on relationships.

*My colleagues on the family team in the past years have had difficulties in some classes because in one of the family fact patterns, the estranged father of the children has entered into a homosexual relationship and there have been students who have [said] blatantly that's wrong, he shouldn't be allowed to have the children. (Law Edr 09)*

Opportunities created here to examine issues of 'what's right, what's wrong, what's accepted, what isn't accepted' (*Law Edr 09*) is part of a wider debate which locates legal education in a higher education tradition 'that emphasises a commitment to civic engagement, to (applied) philosophical enquiry...' (Webb, 2009). It also recognises the argument that 'judges and practitioners ignore the wider context...at their peril' (Hale, 2013:14) and need to understand the 'law in action'. Values are needed to decide which harms the law should aim to deal with and good sense and 'socio-legal analysis is needed to identify the best way of dealing with whatever harms are prioritised' (Sanders, 2014).

Gaining practice-based experience through activities like *pro bono* volunteering for law clinics and mooting were largely welcomed by students and can be influential in their choice of practice area. One student commented, 'I did a lot of *pro bono* work at university, looking at the social side of law... although I found the work interesting, I found the work a bit too emotional for my sort of professional capacities, so that sort of influenced my choices sort of corporate/commercial law' (*LPC/BPTC student 09*). Another student highlighted the need for proper systems to support those involved in law clinics (*LPC/BPTC student 03*).

The proposition that different disciplines and sub-disciplines can contribute to appropriate education in legal ethics is consistent with a wider 'moral mission of educating "total jurists"' (Pue, 2006:18). These perspectives are critical of technocratic approaches to legal education that implicitly see rule-based and cognitive methods as sufficient for developing students' moral character (Nicholson, 2009). Moreover, greater attention to values are seen as 'powerful motivating and aspirational constructs' (Burrige and Webb, 2007; Webb, 2009) and that legal education can be reimagined by 'pairing our developing understanding of professional identity with an understanding of practical wisdom' and answering 'the question of why it is important that our students develop ethical professional identities' (Floyd, 2013:225). These and other calls for greater attention to legal ethics (Evans, 2014) appear in our interviews, a tutor proposing that 'all would-be lawyers should have some kind of ethical education which is formal [but]... I don't think many do' (*Law Edr 07*).

The limited time given to considering legal ethics in teaching and, where it occurs, the predominance of codes of conduct leads to the issue of how lawyers learn the ethics of practice.

#### 4.4.3 Formal and Informal Learning

Consistent with studies of other professions (Eraut, 2007; Jensen, 2007), the workplace is an important place of learning where the relative emphasis on commercial behaviour in what constitutes being a lawyer is worked out in practice (Bradney, 2011) and, at worse, as one US law tutor and former practitioner tells his students, 'you'll stop even noticing that lying and cheating have become part of your everyday practice' (Schwartz and Sharpe, 2010:215).

The workplace is where learning occurs by doing, watching and asking questions (*Undergraduate 19*) and 'nothing quite prepares you for law like actually working in a solicitor's office' (*Solicitor 6*). The importance of the firm is evident: 'You learn about your ethics [in the workplace], as long as you've got a good training institution, the firm that you're at is a good firm, they will teach you' (*Solicitor 9*) as will the character of colleagues (*Solicitor 15*). Formal and effective aspects of workplace learning mentioned were supervisors and mentors (*Solicitor 09; Solicitor, 11*) but it was suggested that they lack status within the workplace.

*I would make the supervisory role a higher status... to be the example... to have the time to sit down with your junior lawyer and say wait a minute, step back from this, what do you think you are doing here, what is the point of these instructions? (Solicitor 08)*

More formal opportunities for considering ethics, such as courses and seminars, were often criticised (*Barrister 17*) with scenarios and role-play viewed more positively (*Barrister 08; Solicitor 11*) and compared favourably with sessions based too unimaginatively on the code of conduct (*Solicitor 14*).

In pre-qualifying education, undergraduates and LPC/BPTC students, commenting on how their courses contributed to developing their understanding of legal ethics, were also likely to mention less formal and extra-curricular opportunities as valuable (*pro bono*, moots and scenarios) (*Solicitor 26*).

This does suggest the potential for using case studies and scenarios examining ethical dilemmas which are set in value-based discussions of their socio-legal context. Empirical studies of professional ethics in law have been conducted infrequently over the decades (Carlin, 1962; Fortnay, 2005; Kirkland, 2005; Zemans, 1981) and their emphasis on case studies of ethical misconduct are one, perhaps too narrow, source of material. There is also the influence of moral psychology on professional formation and ethical behaviour (Hamilton, 2008; Hamilton and Monson, 2011; Hamilton and Monson, 2012; Monson and Hamilton, 2011; Cunningham, 2008; Cunningham and Alexander, 2010; Mercer, Wilkinson and Strong, 1996).

There is no agreed method of how to understand the moral character of lawyers and limited work on assessment (Evans, 2011; Evans and Palermo, 2003; Moorhead, et al., 2012). This might be viewed as an opportunity to explore different methods from different perspectives on what should be included in such education. It is apparent, therefore, that such initiatives are needed.

#### 4.5 OVERALL FINDINGS

To conclude this section, we provide a list of what we consider to be the most significant findings of our project:

- In selecting six strengths expected in the 'ideal' lawyer, all four respondent groups chose judgement, perseverance, perspective and fairness. Judgement and honesty were selected by 84% of solicitors and 93% of barristers. Fairness and perseverance appeared in the top six choices for respondents selecting both ideal qualities and personal qualities.
- Morality was viewed by the majority of respondents as being at the core of being a good lawyer. However, some respondents expressed concerns about moral standards with specific mention of tax law as an area where the nature of professional advice

frequently required manipulation of the law and diverged from the expectations of ordinary morality.

- 60% of solicitors surveyed answered 'sometimes' to statements including 'my work requires that I hide my feelings', 'my work involves tasks that are in conflict with my personal values' and 'at work it is difficult to do the right thing'. Commercial factors were most frequently cited pressures but the positive influence of good role models was apparent. These findings indicate some constraints and anxieties about the maintenance of a virtuous character in the practice of law.
- The majority of lawyers appeared to react appropriately and dutifully in their professional roles. Despite this, there are responses to ethical dilemmas which raise concerns. A dilemma on misuse of client accounts showed 5% of experienced solicitors would not have reported the action. A dilemma on 'rounding-up' 'billing' hours showed 16% of experienced solicitors prepared to accept guidance from a more senior colleague, even though it might be regarded as fraudulent.
- Ethics education receives little attention in the curricula for undergraduate law students. At the vocational stage, ethics focuses narrowly on the application of professional codes of conduct.
- The data from the surveys and interviews confirm the research team's normative assumption that virtue ethics, with other ethical perspectives, provides a useful theoretical lens through which to explore the ethics of legal practice.

'KNOWLEDGE WITHOUT JUSTICE OUGHT TO BE CALLED CUNNING RATHER THAN WISDOM.'

Plato

# 6 Recommendations

As shown by the evidence from this study, the large majority of lawyers honour 'good law' (Tawney, 1921:108) and virtuous legal practice. Doing so, however, can sometimes challenge members of this majority, let alone those who fail to meet their moral and ethical responsibilities. These challenges and potential failures relate to individual preparedness, organisational influences and systemic change – and they call for a number of recommendations, which are specified below.

Individual preparedness in formal training largely relies on codes of conduct that inevitably fail to cover all eventualities. A broader perspective on legal ethics and what constitutes 'good law' can, therefore, contribute to re-thinking the content of undergraduate degrees.

- The high standard of intellectual ability required to practice law should also be applied more vigorously and extensively in analysing and reflecting upon ethical and virtuous practice in the law. Initial education and training needs to find ways to sustain and develop motivations relating to justice and fairness so that they become embodied in professional life.
- Undergraduate courses on ethics can be exciting and innovative opportunities for study. Consideration of ethical principles and the virtues of 'good law' can help embed a broad conception of what the law means. Our interviews suggest that pro bono voluntary law clinics, moots and other opportunities to gain practice-like experience constitute important means of encouraging reflection on virtue principles and should be actively incorporated into the formal design of undergraduate education in law.
- Many law undergraduates have had no opportunity to observe legal practice at first hand and some experienced lawyers commented negatively on how practice was unlike anything they had anticipated. Law Schools should do more to help students make an informed choice about the area of law they may wish to practise, so that their career path is better matched to their ethical preferences.
- Earlier and greater emphasis on the wider ethical context of legal practice can better prepare individuals for the pressures of the workplace. As a crucible for shaping ethical behaviour and sentiment, local communities of professional practice are often viewed as more influential than compliance systems. Initial training is brief compared with the career-long influence of the workplace and, if the culture is skewed towards commercial reward and over-zealous pursuit of a 'good result for the client' (Joy, 2013:405), 'good law' can become dubiously re-defined.
- Law firms, chambers and those responsible for systems, management and risk need to be aware of the influence of their organisation on ethical practice. Senior lawyers who share their 'tricky professional ethical issues' (*Barrister 08*) or senior partners who talk about behaviour being 'just as important as the profit element' (*Solicitor 12*) provide models of ethical character, whose contribution to the ethos of the organisation should be highlighted as much, if not more, as those making the biggest deals. Such role modelling and the ways it can improve business culture and ethos should be supported throughout firms with those responsible for training embedding goals of positive professional behaviour in training programmes.
- Supervisors of trainees or lead roles in informal workplace learning have less status than their role requires, and they should be exemplars of best practice. Working with senior role models, they provide an important route to creating opportunities for reflecting on ethics and practicing ethically. The status of such supervisors must be enhanced. The systemic change introduced by the 2007 Legal Services Act adds to competitive pressures in a profession where there is doubt that the market is actually failing (Lee, 2010). Replacing 'client' with 'consumer' re-frames the expert-client relationship dependent on integrity and trust as an exchange relationship in the market. While competition can certainly aid accountability and contribute to professional standards, we are not persuaded that it is 'the most effective way to deliver all the regulatory objectives' (*from an Interview with officers and representatives of the LSB*). We share Mark Carney's concern that markets and competition as an all-purpose solution means 'belief in the power of the market enters the realm of faith' (Carney, 2014:3).
- Unbalanced promotion of competition carries dangers for the legal sector and can risk its standards of ethical practice. Implementation of the components of the 2007 Act needs to be accompanied by debate about their ethical implications, so that change can be managed without damaging justice. Competition needs to be secured without price and exchange becoming the basis of values.
- A market society can lead to the commodification of legal services and be destructive of legal ethics. Worse than removing the personal and relational dimension to lawyer-client relations, however, is allowing price, competition and deal-making to be the principal tests of success. This can alter the character of a profession, a message so recently provided by the banking sector (Llewellyn, et al., 2014). The evidence of this study suggests there is no immediate risk of this occurring in the legal services sector. There is a need to ensure, however, that all its members and organisations have a firm commitment to, and a clear understanding of, virtuous practice and that education and training and organisational and professional cultures act together to sustain 'good law'.

'IT IS THE SPIRIT  
AND NOT THE FORM  
OF LAW THAT KEEPS  
JUSTICE ALIVE.'

Earl Warren



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# Appendices

## Appendix 1: Members of the Expert Panel

Members of the expert panel that devised and amended the e-survey ethical dilemmas:

### NIGEL DUNCAN

Professor of Legal Education at The City Law School, City University, London.

### JYOTI AHUJA

Postgraduate Teaching Assistant, University of Birmingham Law School and Chartered Psychologist.

### ANDY BOON

Professor of Law at The City Law School, City University, London.

### RICHARD MOORHEAD

Professor of Law and Professional Ethics at University College London and Director of the Centre for Ethics and Law.

### JULIAN LONBAY

Senior Lecturer, Law, University of Birmingham.

### SHEELAGH MCGUINNESS

University Fellow based in the Centre for Health Law, Science Policy at University of Birmingham Law School.

### PAUL MAHARG

Professor of Law at the Australian National University College of Law and previously Professor of Legal Education at Northumbria Law School.

‘IT IS IN JUSTICE THAT  
THE ORDERING OF  
SOCIETY IS CENTRED.’

Aristotle



## Appendix 2: Self-Reported Personal Character Strengths

The top 6 most selected virtues are highlighted in GREEN

Virtues that 2% or fewer people selected are highlighted in PURPLE

Virtue	Undergraduates	LPC/BPTC students	Solicitors	Barristers
Appreciation of beauty	0.03	0.03	0.02	0.02
Bravery	0.02	0.02	0.02	0.03
Creativity	0.04	0.03	0.03	0.03
Curiosity	0.06	0.06	0.05	0.03
Fairness	0.08	0.09	0.12	0.11
Forgiveness	0.04	0.02	0.01	0.01
Gratitude	0.03	0.02	0.01	0.01
Honesty	0.08	0.08	0.12	0.12
Hope	0.02	0.02	0.03	0.01
Humour	0.06	0.09	0.07	0.09
Judgement	0.05	0.05	0.07	0.12
Kindness	0.06	0.05	0.06	0.05
Leadership	0.06	0.04	0.04	0.04
Love	0.03	0.02	0.02	0.02
Love of Learning	0.05	0.05	0.06	0.05
Modesty	0.03	0.03	0.02	0.02
Perseverance	0.06	0.08	0.07	0.08
Perspective	0.04	0.04	0.05	0.05
Prudence	0.01	0.02	0.02	0.02
Self-regulation	0.03	0.02	0.02	0.03
Social intelligence	0.04	0.05	0.05	0.04
Spirituality	0.01	0.01	0.01	0.00
Teamwork	0.05	0.06	0.03	0.01
Zest	0.01	0.02	0.02	0.01

## Appendix 2: Self-Reported 'Ideal' Lawyer Character Strengths

The top 6 most selected virtues are highlighted in GREEN  
Virtues that 2% or fewer people selected are highlighted in PURPLE

Virtue	Undergraduates	LPC/BPTC students	Solicitors	Barristers
Appreciation of beauty	0.00	0.01	0.00	0.00
Bravery	0.04	0.02	0.02	0.08
Creativity	0.05	0.05	0.04	0.04
Curiosity	0.04	0.02	0.04	0.03
Fairness	0.09	0.08	0.10	0.09
Forgiveness	0.00	0.00	0.00	0.00
Gratitude	0.00	0.00	0.00	0.00
Honesty	0.06	0.11	0.14	0.15
Hope	0.01	0.00	0.00	0.00
Humour	0.01	0.02	0.03	0.04
Judgement	0.13	0.12	0.14	0.16
Kindness	0.01	0.01	0.01	0.01
Leadership	0.07	0.06	0.03	0.03
Love	0.00	0.00	0.00	0.00
Love of Learning	0.03	0.04	0.03	0.04
Modesty	0.01	0.01	0.00	0.00
Perseverance	0.11	0.10	0.10	0.12
Perspective	0.10	0.08	0.10	0.07
Prudence	0.02	0.04	0.04	0.02
Self-regulation	0.06	0.07	0.05	0.05
Social intelligence	0.08	0.06	0.05	0.03
Spirituality	0.00	0.00	0.00	0.00
Teamwork	0.06	0.10	0.06	0.02
Zest	0.01	0.01	0.01	0.00

'JUSTICE CONSISTS NOT IN BEING NEUTRAL  
BETWEEN RIGHT AND WRONG, BUT IN  
FINDING OUT THE RIGHT AND UPHOLDING  
IT, WHEREVER FOUND, AGAINST THE WRONG.'

**Theodore Roosevelt**

## Appendix 3: Ethical Dilemmas from the e-Survey

### DILEMMA 1: CLIENT ACCOUNT SCENARIO

You are a Partner in a firm of solicitors. Your nephew (the son of your elder sister) is an associate in the firm. You discover your nephew has a significant gambling problem and has taken money from the firm's client account to cover his debts. Fortunately you discover the problem in its early stages.

Your nephew is now undergoing counselling for his gambling addiction and your sister is hopeful for his recovery. The amount missing from the client account is modest and you are certain could be reimbursed without attracting any attention.

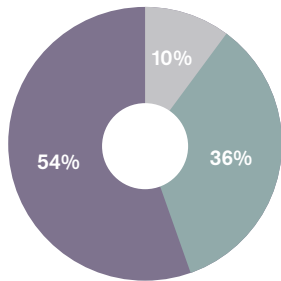
You have doubts about whether, if you report this matter to the firm, they will report it to the Solicitors' Regulation Authority (SRA).

#### OPTIONS:

- 1 Report the matter to the SRA
- 2 Keep the matter private and deal with it yourself
- 3 Report the matter to the firm and leave it to them

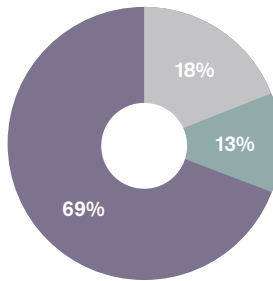
#### THESE CHARTS SHOW THE PERCENTAGE OF RESPONDENTS WHO CHOSE EACH OPTION:

1ST YEAR UNDERGRADUATES



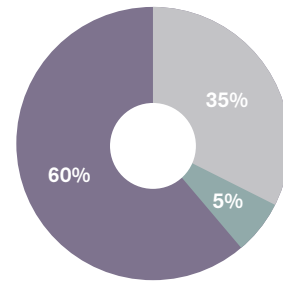
n = 342

LPC / BPTC STUDENTS



n = 283

SOLICITORS



n = 147

#### REASONS:

	OPTION 1	OPTION 2	OPTION 3
1	Your nephew broke the rules.	You wish to spare your nephew and your family the shame.	It is a proportionate and reasonable response.
2	You are afraid your nephew may do something similar in the future.	Your nephew is already taking steps to right the wrong.	By reporting it, you will increase your trustworthiness and reputation with the firm.
3	If you do not report it, you could land in trouble.	You have to be loyal to your family.	You have to be loyal to your firm.
4	The wrong-doer should be punished.	You wish to spare yourself the shame.	It is unfair to the client to sweep this under the carpet.
5	You have to be loyal to the client.	It is important to give your young nephew a second chance.	Your nephew has breached the rules regarding trust accounts.
6	You are not confident that your firm would report it to the SRA.	No harm was done.	You wish to teach your nephew a lesson so as to make him understand the seriousness of his offence.

## DILEMMA 2: FAMILY HOLIDAYS SCENARIO

You are a lawyer working on a complex case for an important return client. The long working hours involved are causing a lot of pressure at home with your partner and your young children. Your partner is beginning to ask what you are doing at work so late.

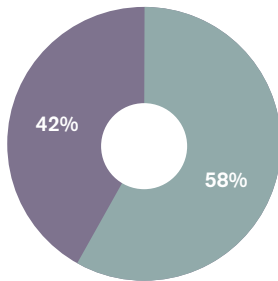
You are due to go on a long-arranged holiday with your family. However, the very day that you are due to fly, the case takes a turn that demands that you spend a great deal of time on legal work for this client. If you decide to perform this work, you will miss your flight, that which will further strain your familial relationships.

### OPTIONS:

- 1 Agree to perform the work and miss the flight.
- 2 Pass on the work to a colleague who is less familiar with the case.

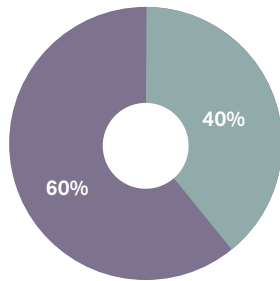
### THESE CHARTS SHOW THE PERCENTAGE OF RESPONDENTS WHO CHOSE EACH OPTION:

1ST YEAR UNDERGRADUATES



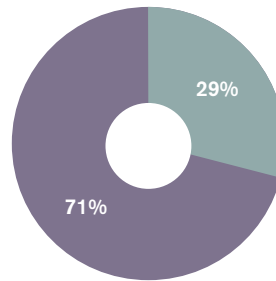
n = 342

LPC / BPTC STUDENTS



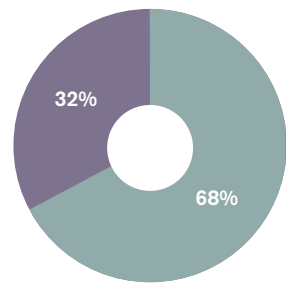
n = 272

SOLICITORS



n = 147

BARRISTERS



n = 150

### REASONS:

	OPTION 1	OPTION 2
1	That this pressing workload clashes with a long-arranged family holiday is unfortunate, but as a professional I need to give the client the best service regardless of personal circumstances.	I must be loyal to the family.
2	To give my best on this case will maximise the likelihood of retaining this important return client.	The harm to my family relationship outweighs the risk to my client's interests.
3	The case is complex, and to leave it to a colleague less familiar with it would be a great disservice to my client.	My family should not suffer because of my work.
4	The potential harm to the client's interests is likely to outweigh that coming from the stress to familial relationships.	A promise is a promise.
5	To pass the case to a colleague unfamiliar with it would be unfair to both the client and the colleague.	I need a holiday and may not perform the work to the best standard.
6	This is what is expected of a lawyer.	To miss the holiday would lead to unpleasantness with my family.

## Appendix 3: Ethical Dilemmas from the e-Survey (continued)

### DILEMMA 3: ROUNDING UP HOURS SCENARIO

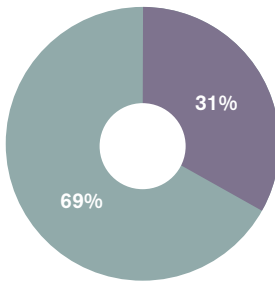
You work in a law firm and the partner supervising you gives you some files to get ready for 'costing'. She asks you to total the number of hours you have spent on each file. She asks you to 'round up' your hours to the next hundred in each file, saying that, on average, clients are happy because the main thing they demand is quality work. You know that these clients are more or less satisfied with the firm and are unlikely to query the bills. You are uncomfortable with rounding up the hours billed to the clients and, feeling that your supervisor is not about to debate the issue with you, share your concerns with another Partner. He gives you a clear indication that he does not want to be troubled with this matter, but says 'if you feel strongly about this, put your concerns in writing to me'.

#### OPTIONS:

- 1 Carry out the first partner's instruction to round up the hours.
- 2 Write a letter to the second partner detailing your concerns.

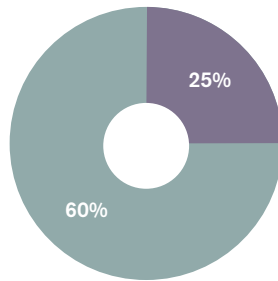
#### THESE CHARTS SHOW THE PERCENTAGE OF RESPONDENTS WHO CHOSE EACH OPTION:

1ST YEAR UNDERGRADUATES



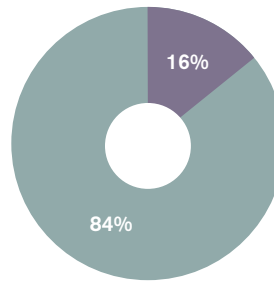
n = 342

LPC / BPTC STUDENTS



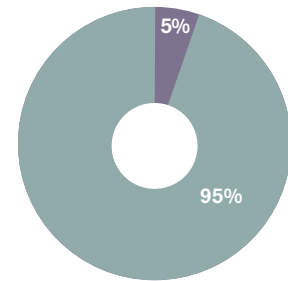
n = 280

SOLICITORS



n = 147

BARRISTERS



n = 150

#### REASONS:

	OPTION 1	OPTION 2
1	I have already raised my concerns with someone, but they seem to see the issue as trivial.	If we round up our hours and someone finds out, this will damage the reputation of our firm.
2	If I do not do this, it will harm my relationship with my supervising partner.	It is not fair to the client that we round up our hours.
3	I respect the authority of my supervising partner.	It is dishonest to round up our hours.
4	Antagonising my supervisor will damage my career.	If I round up the hours and someone finds out, this will damage my reputation with the firm.
5	I should round up the hours out of loyalty to my employer.	It will cost the client more if the firm rounds up the hours that it charges.
6	Doing this is common practice in my firm, as the Partner explained.	Rounding up our hours constitutes fraud.



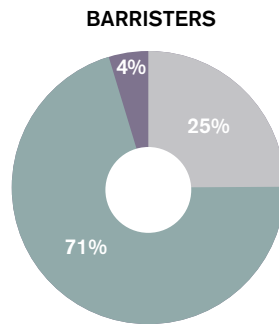
## DILEMMA 4: THE FLIGHT TO NEW YORK SCENARIO

You are a barrister based in London. Today, you are flying to New York for an important meeting with Client A, who you are representing on a commercial matter. Client A has agreed to pay for your return flight including your time spent travelling. You have already prepared for the meeting with Client A and you decide to use the flight time to work on a different matter for Client B.

### OPTIONS:

- 1 Charge Client A for all the travel time and Client B for time spent on Client B's work both on a time cost basis at the same rate.
- 2 Charge Client B for the time spent on Client B's work and the remainder of the travel time to Client A on a time cost basis.
- 3 Charge Client B for the time spent on Client B's work, the remainder of the time to Client A on a time cost basis plus an additional surcharge to Client A for the time spent flying while working for Client B.

THIS CHART SHOWS THE PERCENTAGE OF RESPONDENTS WHO CHOSE EACH OPTION:



n = 150

### REASONS:

	OPTION 1	OPTION 2	OPTION 3
1	It is the most efficient use of time.	As you are already charging the preparation time for the meeting to Client A, it is unfair also to charge Client A for the same time you are working for Client B.	As you are already charging the preparation time for the meeting to Client A, it is unfair also to charge Client A for the same time you are working for Client B but you should nevertheless receive something for the inconvenience of flying.
2	Working for Client B during the flight will free up more useful time later.	Although Client A has agreed to pay for your flight, he would not expect you to charge for time spent working on a matter for another client.	This allows you to recoup the money Client A has already offered to pay for all the travel time without also double charging for time spent working for Client B.
3	The payment from Client A is merely compensation for the inconvenience of taking the flight and doesn't prevent you using the time to do something else.	You consider that charging twice for the same time is unethical.	If scrutinised, this solution is defensible.
4	It is a good way to earn a double fee for the same time.	If Client A discovered you had double charged for your time, you may lose the client.	By not charging Client A on a time cost basis for the time spent on Client B's work, you are able to make the separate charge to Client A as compensation for taking the flight.
5	Client A would be happy for you to work for Client B during the flight.	Dividing the time like this is equitable for both clients.	This enables you to make as much money as possible while remaining ethical.
6	It is your time and you can use it how you like.	You regret not being able to charge Client A for all the travel time but this seems to be the fairest course of action.	Flying is a hassle and you deserve compensation for the inconvenience regardless of who you are working for.

## Appendix 3: Ethical Dilemmas from the e-Survey (continued)

### DILEMMA 5: THE STOLEN GOODS SCENARIO

You represent a client charged with receiving stolen goods. Your client was found by the police with a stolen TV set on the back seat of his car. Your client tells you that the reason that the TV was on the back seat of his car and not in the boot of the car was that his car boot is jammed shut and does not open. You have strong reasons for believing that your client did not know that the TV set was stolen and is therefore innocent of knowingly receiving stolen goods.

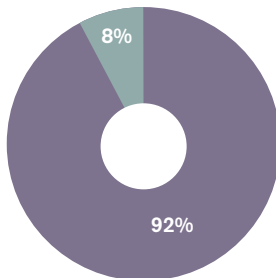
You are appearing before a judge who is severe in his sentencing and know that there is only one tactic in your questioning that may convince the court that your client is innocent. This is to ask the arresting police officer: 'Tell me officer, if this TV set was stolen, why would my client place it on the back seat of his car and not in the boot of the car?'

#### OPTIONS:

- 1 Ask the police officer that question.
- 2 Refrain from asking the police officer that question.

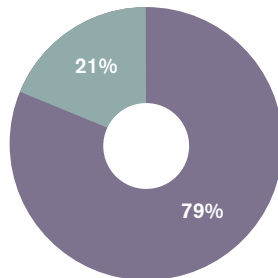
#### THESE CHARTS SHOW THE PERCENTAGE OF RESPONDENTS WHO CHOSE EACH OPTION:

1ST YEAR UNDERGRADUATES



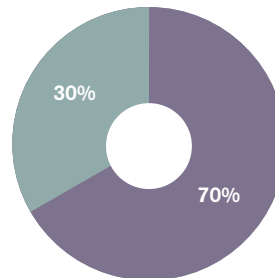
n = 342

LPC / BPTC STUDENTS



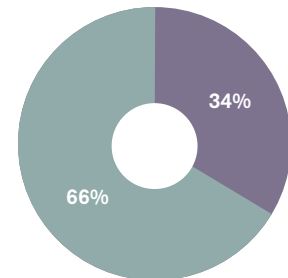
n = 278

SOLICITORS



n = 147

BARRISTERS



n = 150

#### REASONS:

	OPTION 1	OPTION 2
1	It is for the prosecution to prove their case.	The client might contradict me in his own evidence and the case would be lost.
2	I am doing my job.	I do not want to hide the truth; I want to be honest to the court.
3	It is part of an advocate's skill to ask questions like these.	It is unfair to the police officer to ask this question.
4	I am trying to make sure that justice will be done.	It is wrong to mislead the court.
5	I have to be loyal to my client and do what is in his best interest.	My duties to the clients do not supersede my duty to be honest.
6	I am only asking a question, not actively lying.	My reputation may be damaged if it is discovered that I knew the client's car boot was jammed shut.

## DILEMMA 6: DIVORCE AND CHILDREN ACT MATTER

You represent the mother of three small children in a divorce and Children Act matter. Your client has previously shown you some old photographs of bruises and marks on the children's bodies. One of the children now has blurred vision.

Your client now claims – unconvincingly, as far as you are concerned – that the injuries were inflicted by her new boyfriend and not by the children's father that she was seeking to divorce. Your client instructs you to stop all legal proceedings against the father and holds that she intends to move with the children back to the father.

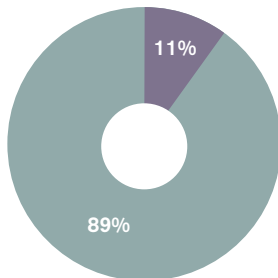
You have strong grounds to believe the children will be at risk if this happens. You have already counselled your client against moving back with the father but she instructs you firmly to withdraw proceedings.

### OPTIONS:

- 1 Withdraw the proceedings, as instructed.
- 2 Report the matter to the social services.

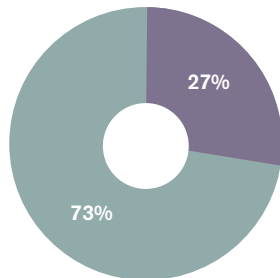
### THESE CHARTS SHOW THE PERCENTAGE OF RESPONDENTS WHO CHOSE EACH OPTION:

1ST YEAR UNDERGRADUATES



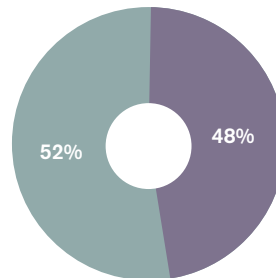
n = 342

LPC / BPTC STUDENTS



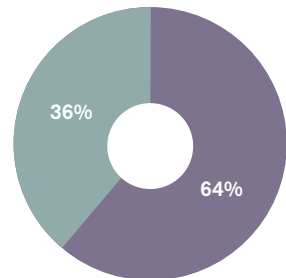
n = 275

SOLICITORS



n = 147

BARRISTERS



n = 150

### REASONS:

	OPTION 1	OPTION 2
1	I put my client first and would lose her trust if I did not do so.	I have to protect the children.
2	This is none of my business.	I should report this so that someone can properly investigate the case.
3	My client is best placed to decide what is best for her and the children.	I have to protect myself against possible criticism.
4	Getting involved in this will be unpleasant.	I could not live with my conscience if something happened to these children.
5	The rules state that I should protect my client's confidentiality.	The risk to the children is more important than client confidentiality.
6	I should protect my client.	Usually, family lawyers will discuss this with Social Services.

## Appendix 3: Ethical Dilemmas from the e-Survey (continued)

### DILEMMA 7: THE HIV-POSITIVE CLIENT SCENARIO

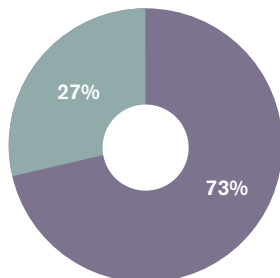
You are a family lawyer in a large firm and represent a client, Mrs B, in an acrimonious and high-value divorce case. Mrs B arrives at a meeting one day clearly distressed and discloses that she has found out that her husband, who she is seeking to divorce on the grounds of his infidelity, has HIV. She discloses that she is fearful that she may have contracted the disease herself, but that she is not sure. She 'cannot face' telling her new live-in partner, Mr C, of the risk as she is afraid he might abandon her. Mr C, also a client of yours, is not as wealthy as Mrs B. You urge Mrs B to seek further advice from her GP, but she refuses, explaining that she cannot afford this 'getting out', and that she will talk to her GP and her new partner about her fears when she 'is ready'.

#### OPTIONS:

- 1 Do nothing.
- 2 Disclose to Mr C that he is at risk of contracting HIV.

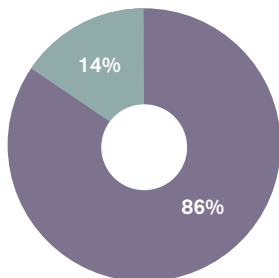
#### THESE CHARTS SHOW THE PERCENTAGE OF RESPONDENTS WHO CHOSE EACH OPTION:

1ST YEAR UNDERGRADUATES



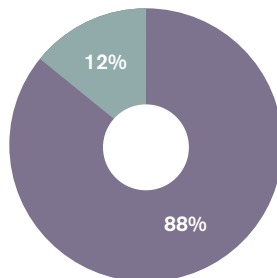
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LPC / BPTC STUDENTS



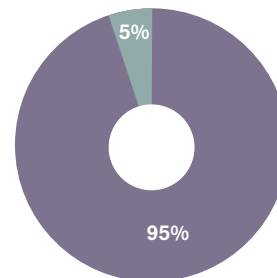
n = 269

SOLICITORS



n = 147

BARRISTERS



n = 150

#### REASONS:

	OPTION 1	OPTION 2
1	It would be unfair to Mrs B to betray her trust.	You wish to protect Mr C from infection.
2	Mrs B is clearly distressed and vulnerable and you want to spare her further pain.	You think it is only fair to Mr C to tell him.
3	If you involve yourself too much in this unpleasantness, it will create more work for you.	You are afraid it will damage your reputation if someone finds out you kept this to yourself.
4	It is a rule of good practice that you should protect your client's privacy.	It is the brave thing to do to tell Mr C.
5	You wish to demonstrate that you look after the firm's interests in keeping this high-value client.	Transmitting HIV is a crime.
6	This is in the long-term interests of everyone concerned.	This is in the long-term interests of everyone concerned.

# Project Team

## JAMES ARTHUR – PRINCIPAL INVESTIGATOR

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Professor James Arthur, Director of the Jubilee Centre for Character and Virtues, is the Head of the School of Education and Professor of Education. He has written extensively on the relationship between theory and practice in education, particularly the links between communitarianism, social virtues, citizenship, religion and education. A leading expert in the field of character and values, James is also Editor of the *British Journal of Educational Studies* and Director of CitizED, an organisation in higher education promoting citizenship.

## KRISTJÁN KRISTJÁNSSON

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Professor Kristján Kristjánsson is a Deputy Director in the Jubilee Centre for Character and Virtues and Professor of Character Education and Virtue Ethics. He is also an editorial board member of the *Journal of Moral Education*. Kristján leads and oversees all the research activities in the Centre and has written widely on moral education, with his main area of interest being research in character and virtues at the intersection between moral philosophy, moral psychology and moral education.

## HYWEL THOMAS – PRINCIPAL INVESTIGATOR

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Professor Hywel Thomas is Professor of the Economics of Education in the School of Education. His principal areas of research are the application of ideas from economics to education and research on the economics of professional learning in the health sector, as well as other professions. This has contributed to a diversity of projects, including work on the finance of schools and colleges, the career paths of graduates, the management of resources and the deployment of staff in educational institutions.

## MICHAEL HOLDSWORTH

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Michael Holdsworth is a Research Fellow in the Jubilee Centre for Character and Virtues. Michael is a qualified lawyer with experience of working in private practice, as well as academia. Before joining the Centre, Michael was a Senior Lecturer in the School of Law at Oxford Brookes University, where he led the LL.M in Legal Practice Programme and taught on the LPC. His principal areas of research are in legal ethics and law and religion.

## LUCA BADINI CONFALONIERI

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Dr Luca Badini Confalonieri was a Research Associate in the Jubilee Centre for Character and Virtues until August 2014. His primary field of study and research has been Theology. His doctoral research, published as a monograph, focused on overcoming issues concerning the democratisation of the Catholic Church. He has developed a keen interest on the role of value-judgements in human intentionality.

## TIAN QIU

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Dr Tian Qiu is a Research Fellow in the Jubilee Centre for Character and Virtues working across the Centre to bring her expertise in quantitative data analysis. Tian is an applied economist and her main research interests are in the areas of economics of education, labour economics, health economics, and economics of happiness.



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FOUNDATION

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