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# The Legal Profession: Education and Ethics in Practice

*Edited by*

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## Introduction

*David A. Frenkel*

This book offers a collection of essays which deal with the issues of education and ethics in practice of the legal profession. They are based on presentations at the International Conferences on Law, organised by the Athens Institute of Education and Research (ATINER) held in Athens, Greece. The book is divided into two parts: legal education and ethics in practice. The essays draw a variety of sources and schools of thought and may be considered as a continuation of a previous book published by ATINER in 2011 – *Legal Theory, Practice and Education*. It is hoped that the essays will not only provide new impetus for legal education but also draw attention to a number of not yet well-researched issues and stimulate discussion.

### Legal Education

The first part deals with the subject of legal education from the point of law school education. Legal education has changed over the years. The Socratic Method which was the main instructional modality in law school has been replaced by other methods, mainly because of incorporating new technology into teaching. Artificial “intelligence” has been added to the traditional meaning and understanding of human intelligence. New methods are used, curriculums are changed, skill training has become different from the traditional one used until 50 years ago, as well as new standards for law schools have been laid down. Colon-Navarro’s essay on *Technology and Assessment in the Legal Classroom: An Empirical Study*, points out that measuring the student’s acquisition of skill or the outcomes of learning endeavours that was being utilised in the social sciences was lacking. The author states that until recently “maximising student outcomes or making the educational process efficient became a real focus of educators, but not of legal educators”, and that “affecting students’ aptitudes is not always feasible, but targeting instructional efforts utilising their learning modality strengths is”. In his essay Colon-Navarro proposes a system of assessment which may give answer to the questions raised.

In the second essay, *Using Existing Frameworks to Develop Ways to Teach and Measure Law Students’ Cultural Competence*, the authors Andrea A Curcio, Nisha Dogra and Teresa Ward call legal educators to consider developing their students’ cultural competence. The reason is that nowadays lawyers practice in a multi-cultural society and many engage in a transnational practice and it is likely that lawyers will encounter people from cultures different than their own. The authors also provide an overview of conceptual

and theoretical cultural competence frameworks and discuss work done to identify and measure cultural competence learning outcomes.

The emergence and further development of consumer law instigated the need for consumer law and policy specialists with good knowledge and skills in law, economics, sociology and psychology. In response to this view with the financial backing of the European Commission DG Health & Consumer, an interdisciplinary course EMCA (European Master in Consumer Affairs) was set up to train a new generation of highly skilled individuals in European Consumer Affairs. Jurgita Malinauskaite, in her essay which is the third in this part, *Critical Reflections on the Interdisciplinary Course at Master's Level – EMCA (European Master in Consumer Affairs)* shows how the course, which was launched in September 2009 and delivered in collaboration by five universities, failed, and explains the possible reasons for that failure, critically examines the challenges faced by the consortium to work in solidarity. Malinauskaite provides an insight into the difficulties in setting up and delivering such interdisciplinary programme with work placements and states her proposals and observations.

The last contribution in this Part is James Gray's *The Good Life for Lawyers? Ethics, Legal Education and Values*. The author analyses the review of legal education and training as undertaken by the Solicitors Regulation Authority and the Bar Standards Board in England and Wales. In his essay, Gray examines the debate on teaching legal ethics and, in particular, the contribution which anarchist thinking might make to encouraging students to engage more meaningfully with social and legal values.

The need of teaching legal ethics takes us to the second Part of the book.

## **Ethics in Practice**

In their essay, *The trial of Oscar Wilde – lawyers and literature*, Sarah Mercer and Clare Sandford-Couch argue that Wilde was constrained by the courtroom setting and the constructions placed on his work and life by the strategies of the lawyers. Mercer and Sandford-Couch seek to refocus attention on the practice of lawyers in the courtroom and suggests that the strategies of the advocates, their structuring of speeches and management of their examinations, were as a matter of practice unethical, even if they were professional, and limited the ways in which Wilde could respond.

The last contribution is Anna Chronopoulou's "*Lipstick, High Heels and Sexy Deals*": *Portrayals of Female Corporate Lawyers in England*.

"The commodification of the legal profession has opened new ways of conceptualising the formation of legal professional identity", writes Chronopoulou. As a result, aesthetics has become one of the platforms upon which legal professional identity is formed and forged. Attention is paid to the impact of aestheticisation processes on issues of gender and sexuality in relation to the formation of legal professional identity. The author examines the ways in which new meanings of gender and sexuality are constructed within

the organisational context of contemporary legal practice, as an outcome of aesthetic strategies. “Nowhere has this new ‘ethics of aesthetics’ been more emphatic than the corporate sector of the legal profession”. The question remains – is it ethical?

I hope that the readers will find this collection of essays stimulating as well as interesting, and that the essays have succeeded in accentuating some of the challenges that the legal profession is facing regarding education and ethics.