

Lessons in Legal Ethics: Ethical Dilemmas
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Legal cases can be used to allow students an opportunity to examine societal issues and existing values conflicts that confront not only the common layman, but professionals in the legal field as well. Often, societal conflicts in our legal system involve disputes between two rival "goods".

Values - creating an ethical dilemma for those involved in the decision-making process. Conflicts such as free press vs. fair trial; personal privacy vs. police duty; client confidentiality vs. public safety and truth vs. justice are just some of the ethical conflicts that confront the legal professional on a daily basis.

The following exercise is designed to give students a springboard for discussion of ethics, values and decisions that occur in law. Do attempt to allow students an opportunity to voice opinions, concerns and reservations in any open forum. In many of the situations, there are no right or wrong answers. However, the American Bar Association's "*rules of professional conduct*" have been cited as a guideline for proper behavior in situations that involve ethical conflicts.

Students will:

1. Understand the importance of ethical guidelines in professional decisions.
2. Be able to express personal opinions in group discussions of ethical issues.
3. Be able to evaluate legal situations and determine appropriate behavior based on ethical standards.

Materials needed: Copies of **Student Handout: ETHICAL DILEMMAS**
OVERHEAD: Rules of Professional Conduct

Time needed: One class period

Grade level: 9th - 12th grades

Procedure:

1. Ask students for a definition of ethics. "*The study of the standards of conduct and moral judgement*" is a working definition that can be used so that students are talking the same language. The class should feel comfortable with the working definition before proceeding.

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Procedure cont.

- 2.** Ask students how conflicts of ethics arise in the law? Accidents, theft, arguments, and physical disputes, etc., are all issues that the law attempts to correct but which are ethical in nature.
- 3.** Explain to the class that they will be working in pairs to decide how to handle situations facing a defense attorney. Distribute **Student Handout: ETHICAL DILEMMAS** and explain that they are to read each case, discuss the options with their partner and decide on the appropriate ethical decision to take. Each pair should write out the course of action and the reasoning for the decision.
- 4.** When pairs have completed their task, arrange the pairs into groups of four. Allow 10-15 minutes for each group to explain its decision and reasoning in the five situations. Encourage all of the students to share their opinions.
- 5.** When finished, put up **OVERHEAD: "Rules of Professional Conduct"**. Explain that in each situation there may not be a right or wrong answer, however, expected rules of conduct are generally followed and these are the rules that govern each instance.
Go over each of the situations comparing the decisions made by the groups and the guidelines given by the American Bar Association.
- 6.** For further study or enrichment: Students may write their own situations; clip news articles on ethical dilemmas; find examples of conflicts in magazines or television programs; and research the rules of conduct using the American Bar Association guide as a reference.

Student Handout: ETHICAL DILEMMAS

Ethics: The study of standards of conduct and moral judgement.

Directions: Read the following situations and decide how you would handle each ethical dilemma posed. Be prepared to explain your reasoning to one other person.

- 1.** You have been appointed public defender for a 26 year-old man accused of sexually assaulting and murdering a 15 year-old girl. The defendant admits to you that he committed the crime, but asks you to enter a plea of not guilty with the court. What do you do?
- 2.** Your client has been charged with driving under the influence of alcohol. He has registered a .20 in a breath test he volunteered to take upon arrest. During sobriety testing at the scene, your client stumbled and fell against the police car, injuring his head. Even though he admits to you that he fell and was not pushed; he tells you that he would like to take the stand to testify that the arresting officer used excessive force and that he was a victim of police brutality. What do you do?
- 3.** A client has hired you to provide legal advice while she is being questioned by police in connection with an alleged kidnapping. During private consultation, she tells you the whereabouts of her 6 year-old daughter, whom she has bound and gagged and hidden in an abandoned well. She tells you that she expects to be charged for the abduction and that you are not to tell anyone of the whereabouts of her daughter until the trial is completed. What do you do?
- 4.** Your client has been accused of first-degree assault in a brutal attack that has left the victim in a coma. The parents of the victim request that the hospital remove all means of artificial life-support to allow their son to die in dignity. Prosecution attorneys have prepared charges of murder in the event the victim dies. Your client wishes to petition against the parents request on the grounds that it would violate the right to life. What do you do?
- 5.** You represent a client who has been arrested on a drug possession charge. In private consultation, you inquire about any prior offenses that may be connected to this charge. Your client admits to two prior convictions on drug possession and goes on to tell you about an armed robbery of a home in which an elderly woman was shot and seriously wounded. He states that he escaped from the scene and that police have arrested another man who is currently being held for the crimes. Upon further investigation, you discover that the man being held for the robbery and shooting resembles your client. What do you do?

OVERHEAD: Rules of Professional Conduct

1. Rule 1.3 Diligence. A lawyer shall act with reasonable diligence and promptness in representing a client.

Rule 1.6 Confidentiality of information. A lawyer may not reveal information relating to representation of a client unless the client consents after consultation.

2. Rule 1.2 Scope of Representation. (a) A lawyer shall abide by a client's decisions concerning a plea to be entered, whether to waive jury trial and whether the client will testify.

Rule 1.2 (d) A lawyer shall not counsel a client to engage, or assist a client in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

3. Rule 1.6 (b) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:

1. To prevent the client from committing a criminal act that the lawyer believes likely to result in imminent death or substantial bodily harm.

4. Rule 1.2 Scope of Representation. (a) A lawyer shall abide by a client's decisions concerning the objectives of representation and shall consult with the client as to the means by which they are to be pursued.

Rule 1.2 (b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

5. Rule 1.6 (a) Confidentiality of Information. A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation.