



Understanding Lawyers' Ethics

Monroe H. Freedman, Abbe Smith

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This *Understanding* treatise presents a systematic position on lawyers' ethics. The authors argue that lawyers' ethics is rooted in the Bill of Rights and in the autonomy and the dignity of the individual. This traditionalist, client-centered view of the lawyer's role in an adversary system corresponds to the ethical standards that are held by a large proportion of the practicing bar.

From this perspective, the authors of **Understanding Lawyers' Ethics** analyze the fundamental issues of lawyers' ethics, and particularly the ABA's Model Rules and Model Code. Even if students do not share the authors' viewpoint, they can benefit from this presentation because it challenges them to appreciate the underlying reasons for the position presented. This treatise is designed to facilitate a real understanding of legal rules as distinguished from a superficial familiarity with them by challenging the reader to test their understanding of the legal rules against the reader's own moral standards and reasoned judgment.

The Fourth Edition includes:

- A new section on Law vs. Justice, in addition to the section on Moral Values and Ethical Choices
- The debate between Mike Tigar and Freedman on morality in lawyering.
- A new chapter on Lawyers' Ethics in a Time of Crisis
- A chapter on Judicial Ethics, with analysis of *Caperton v. Massey Coal Co.* and *White v. Republican Party of Minnesota*, as well as critical commentary on the failure of several Supreme Court justices to recuse themselves when required by the Constitution and by statute to do so
- A concise but comprehensive chapter on Prosecutors' Ethics
- A demonstration that the corporate-fraud "report up" and "report out" provisions have been deliberately drafted to defeat their purported purpose
- Harmonization of *Primus* and *Ohralik*, showing that even in-person solicitation of clients is entitled to a level of First Amendment protection
- An on-line debate among Steve Gillers, three practicing lawyers, and Freedman about professionalism, and whether a lawyer should take advantage of an adversary's mistake
- A candid chapter on Counseling Clients, Coaching Witnesses, and Cross-Examining to Discredit the Truth

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