

2000

# Ethical Challenges to Legal Education and Conduct

James E. Moliterno

---

## Repository Citation

Moliterno, James E., "Ethical Challenges to Legal Education and Conduct" (2000). *Faculty Publications*. 909.  
<https://scholarship.law.wm.edu/facpubs/909>

Copyright c 2000 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.  
<https://scholarship.law.wm.edu/facpubs>

Economides, Kim, ed. *Ethical Challenges to Legal Education and Conduct*. Oxford: Hart Publishing, 1998. Pp. 366. \$90.00 (cloth).

In this intriguing collection of essays, Kim Economides presents materials that address two fundamental issues in the field of legal ethics and education, framed as challenges for the future: first, can the positivist tradition of separation of law from morality-laden analysis be overcome, allowing a more realistic accounting of the moral questions embedded in virtually all matters legal? Second, can legal education rise to the challenge of enhancing the teaching of ethics? The two questions have their separate realms and the essays addressing them are usefully divided from one another to facilitate focus. The relationship between the two questions is not obvious, since the first question is about the foundations of law and the second is about the behavior of lawyers and a pedagogy for teaching about it. The connection between the two questions is perhaps at the heart of William Simon's recent criticism of the positivist-formalist jurisprudence of the law governing lawyers (William Simon, *The Practice of Justice* [Cambridge, Mass.: Harvard University Press, 1998]). The essays in part 1 of the Economides book are especially helpful to an examination of Simon's criticism.

Much has happened in recent decades regarding the teaching of legal ethics or the law governing lawyers in the United States. The essays in part 2 give the reader a welcome international sense of what legal education has been doing in the way of teaching legal ethics. Because the teaching of legal ethics is so much affected by the culture of the legal profession itself and because that culture varies so much internationally, it is perhaps not surprising to find many different approaches to teaching legal ethics among the papers. Yet, interestingly, there

are common themes: a sense of the difficulties of teaching moral behavior, an interest in experiential learning pedagogies, and friction between the legal ethics teaching enterprise and the rest of legal education. This volume includes a great number of marvelous contributions to the literature. The international focus of the collection provides important insights.

J. E. M.