

## Should Lawyers Listen To Philosophers About Legal Ethics

A critique and defense of modern legal theory

Practical, savvy, and wide-ranging, this resource shows men and women how to avoid the pitfalls that turn a straightforward divorce into a nightmare. Drawing on her own personal experience, the author also brings together the best advice from a wide range of experts that include divorce attorneys, mental-health professionals, and financial gurus. This guide coaches separating couples how to build a shortlist of the best divorce attorneys in their area, how to conduct an interview to find the right one, and what the full range of legal options are for each case. Further tips explain how to manage the paperwork, ways to lower legal costs, and practical advice for getting back to "normal" once the divorce is finalized. This reassuring manual also explains the stages of divorce grief and how to separate the emotional divorce from the legal divorce.

Even lawyers who obey the law often seem to act unethically--interfering with the discovery of truth, subverting justice, and inflicting harm on innocent people. Standard arguments within legal ethics attempt to show why it is permissible to do something as a lawyer that it would be wrong to do as an ordinary person. But in the view of most critics these arguments fail to turn wrongs into rights. Even many lawyers think legal ethics is flawed because it does not accurately describe the considerable moral value of their work. In *Lawyers and Fidelity to Law*, Bradley Wendel introduces a new conception of legal ethics that addresses the concerns of lawyers and their critics alike. Wendel proposes an ethics grounded on the political value of law as a collective achievement that settles intractable conflicts, allowing people who disagree profoundly to live together in a peaceful, stable society. Lawyers must be loyal and competent client representatives, Wendel argues, but these obligations must always be exercised within the law that constitutes their own roles and confers rights and duties upon their clients. Lawyers act unethically when they treat the law as an inconvenient obstacle to be worked around and when they twist and distort it to help their clients do what they are not legally entitled to do. *Lawyers and Fidelity to Law* challenges lawyers and their critics to reconsider the nature and value of ethical representation.

Kaufman and Wilkins mark the 20th anniversary of *Problems in Professional Responsibility for a Changing Profession* with a new 5th edition. Their new edition covers judicial, legislative, and executive developments in the traditional fields of conflicting interests and confidentiality, specialty fields of corporate and government representation as well as representation of those with impaired capacity. It also deals with the problems created by the increasing nationalization and internationalization of law practice, including the basic problem of trying to determine whose professional responsibility law governs the activity of lawyers when they engage in activity beyond their home jurisdictions. Various efforts to reform the profession here and abroad to meet the legal needs of clients and would-be clients are also presented. The authors have added substantial new material dealing with the demographics and institutions of law practice and their effect on professional identity.

This collection, written by legal scholars from around the world, offers insights into a variety of topics from children's rights to criminal law, jurisprudence, medical ethics and more. Its breadth reflects the fact that these are all elements of what can broadly be called 'law and society', that enterprise that is interested in law's place or influence in different aspects of real lives and understands law to be simultaneously symbol, philosophy and action. It also testaments to the broad range of vision of Professor Michael Freeman, in whose honour the volume was conceived. The contributions are divided into categories which reflect his distinguished career and publications, over 85 books and countless articles, including pioneering work on children's rights, domestic violence, religious law, jurisprudence, law and culture, family law and medicine, ethics and the law, as well as his enduring commitment to interdisciplinarity.

Despite the enormous impact of various accounting scandals on the accounting profession, the general malaise amongst the profession more broadly, and the significant legislative and institutional reforms that have taken place as a result, there are still surprisingly few textbooks on accounting ethics. This concise introductory text takes a broad view of ethics and accounting, taking into account contemporary social trends, such as globalization and terrorism. Rather than delineating codes of professional conduct, this text pushes the reader towards an understanding of the nature of ethical dilemmas and the factors that influence the ways in which accountants frame ethical questions. The book is divided into two parts. The first part focuses on developing thinking about the different kinds of ethical questions that could be posed in relation to accounting. The second part focuses more explicitly on accounting practice, exploring the ethical function of accounting in relation to the market economy, ethics in relation to the accounting profession, and the ethics of the international accounting harmonization project. *Accounting and Business Ethics* is a compact introduction aimed at both students and practitioners who want to understand more about the ethics of accounting.

In *Roman Catholic Political Philosophy* author James V. Schall tries to demonstrate that Roman Catholicism and political philosophy—revelation and reason—are not contradictory. It is his contention that political philosophy, the primary focus of the book, asks certain questions about human purpose and destiny that it cannot, by itself, answer. Revelation is the natural complement to these important questions about God, human being, and the world. Schall manages to avoid polemicism or triumphalism as he shows that revelation and political thought contribute to a fuller understanding of each other.

A smart philosophical look at the cult hit television show, *Arrested Development* earned six Emmy awards, a Golden Globe award, critical acclaim, and a loyal cult following—and then it was canceled. Fortunately, this book steps into the void left by the show's premature demise by exploring the fascinating philosophical issues at the heart of the quirky Bluths and their comic exploits. Whether it's reflecting on Gob's self-deception or digging into Tobias's double entendres, you'll watch your favorite scenes and episodes of the show in a whole new way. Takes an entertaining look at the philosophical ideas and tensions in the show's plots and themes Gives you new insights about the Bluth family and other characters: Is George Michael's crush on his cousin unnatural? Is it immoral for Lindsay to lie about stealing clothes to hide the fact that she has a job? Are the pictures really of bunkers or balls? Lets you sound super-smart as you rattle off the names of great philosophers like Sartre and Aristotle to explain key characters and episodes of the show Packed with thought-provoking insights, *Arrested Development and Philosophy* is essential reading for anyone who wants to know more about their late, lamented TV show. And it'll keep you entertained until the long-awaited *Arrested Development* movie finally comes out. (Whenever that is.)

Edmund Burke: Modernity, Politics, and Aesthetics examines the philosophy of Burke in view of its contribution to our understanding of modernity. Stephen K. White argues that Burke shows us how modernity engenders an implicit forgetfulness of human finitude. White illustrates this theme by showing how Burke's political thought, his judgment of the modern system of morality and policy, and its taste for a false sublime are structured by his aesthetics.

The revised and updated edition of Goodin and Pettit's highly-acclaimed contemporary political philosophy anthology, bringing together the field's most important readings in a single volume Unparalleled in the breadth and scope of its coverage, this newly-revised third edition traces the evolution of political philosophy as a contemporary practice, and raises important questions about the impact of current political events. Fully updated to include 49 contemporary and classic selections from the most distinguished scholars in political philosophy Offers expanded coverage of international affairs and political oppression Includes essays which represent a diversity of political and ideological positions, and features interdisciplinary voices in politics, law, and economics Edited by two of the field's most highly-respected scholars The ideal collection of primary readings to accompany the Companion to Contemporary Political Philosophy, Second Edition (Wiley Blackwell, 2012) for coursework in political philosophy

Problems from Philosophy is an introduction text organized around the great philosophical problems?the existence of God, the nature of the mind, human freedom, the limits of knowledge, and the truth about ethics. The fourth edition features revisions on discussions of free will, artificial intelligence, idealism, and Kantian ethics.

Methodological and metaphilosophical disputes in the contemporary philosophy of law are very vivid. Basic issues remain controversial. The purpose of the book is to confront approaches of Anglo-Saxon and continental philosophy of law to the following topics: the purpose of legal philosophy, the role of disagreement in legal philosophy, methodology of legal philosophy (conceptual analysis) and normativity of law. We see those areas of legal metaphilosophy as drawing recently more and more attention in the literature. The authors of particular chapters are internationally recognised scholars rooted in various traditions: Anglo-Saxon (Gerald Postema, Dennis Patterson, Kenneth Ehrenberg, Veronica Rodriguez-Blanco); Southern-European (Riccardo Guastini, Manuel Atienza); Nordic (Torben Spaak); German (Ralf Poscher); and Central-European (Jan Wolenski, Tomasz Gizbert-Studnicki, Adam Dyrda). They represent different approaches and different backgrounds. The purpose of the volume is to contribute to the cross-cultural discussions of fundamental issues of philosophy of law.

This volume explores the philosophical concept of 'exploitation' in the law relating to the formation of contracts. It discusses the criteria for a claim of 'legal contractual exploitation'. These criteria reveal a conception of exploitation that is sensitive to the conceptual, institutional, and administrative distinctions associated with the classic liberal conception of the contract. The consequences of this conception of exploitation upon the contract lawdoctrines of unconscionable dealing, duress, and undue influence are examined in depth.

Publisher description

Once a highly cosmopolitan profession, law was largely domesticated by the demands of the Westphalian state. But as the walls between sovereign states are lowered, law is globalizing in a way that is likely to change law, lawyering and legal education as much over the next 30 years – when the students entering law schools today reach the peak of their profession – as it has over the last 300. This book provides a sustained investigation of the theoretical and practical aspects of legal practice and education, synthesizing and developing nearly thirty years of Professor Sampford's critical thought, analysis and academic leadership. The book features two major areas of investigation. First, it explains the significance of the 'critical', 'theoretical' and 'ethical' dimensions of legal education and legal practice in making more effective practitioners – placing ethics and values at the heart of the profession. Second, it explores the old/new challenges and opportunities for ethical lawyers. Challenges include those for lawyers working in large organisations dealing with issues from international tax minimisation to advising governments bent on war. Opportunities range from the capacity to give client's ethical advice to playing a key role in the emergence of an international rule of law as they had to the 'domestic' rule of law. The book should stimulate great interest and occasional passion for legal practitioners, students, teachers and researchers of law, lawyering, legal practice and legal institutions. Its inter-disciplinary approaches should be of interest to those with interests in education theory, international relations, political science and government, professional ethics, sociology, public policy and governance studies.

Medieval Sovereignty examines the idea of sovereignty in the Middle Ages and asks if it can be considered a fundamental element of medieval constitutional order. Francesco Maiolo analyzes the writings of Marsilius of Padua (1275/80–1342/43) and Bartolous of Saxoferrato (1314–57) and assesses their relative contributions as early proponents of popular sovereignty. Both are credited with having provided the legal justification for medieval popular government. Maiolo's cogent reconsideration of this primacy is an important addition to current medieval studies.

Ethics and Organization provides a rich and valuable overview of an increasingly important issue for management and organizations in contemporary society. Debates about equal opportunities, environmental responsibility, consumer redress and corporate governance have given ethics a prominent place in the study of organizations in their social and natural environments. Within the organization, new management styles that seek to energize employees by manipulating their beliefs have highlighted the moral-ethical principles at issue in contemporary management. At the same time debates around postmodernism and relativism have moved ethics to a new centrality in contemporary social theory. Ethics and Organization addresses the questions that these and other developments raise for the study of management and organizations, from a multidisciplinary perspective. The book will be of value to advanced level students and academics engaged in analyzing the moral, political and ethical dimensions of organization theory and organizational practice.

What are philosophers trying to achieve? How can they succeed? Does philosophy make progress? Is it in competition with science, or doing something completely different, or neither? Timothy Williamson tackles some of the key questions surrounding philosophy in new and provocative ways, showing how philosophy begins in common sense curiosity, and develops through our capacity to dispute rationally with each other. Discussing philosophy's ability to clarify our thoughts, he explains why such clarification depends on the development of philosophical theories, and how those theories can be tested by imaginative thought experiments, and compared against each other by standards similar to those used in the natural and social sciences. He also shows how logical rigour can be understood as a way of enhancing the explanatory power of philosophical theories. Drawing on the history of philosophy to provide a track record of philosophical thinking's successes and failures, Williams overturns widely held dogmas about the distinctive nature of philosophy in comparison to the sciences, demystifies its methods, and considers the future of the discipline. From thought experiments, to deduction, to theories, this Very Short Introduction will cause you to totally rethink what philosophy is. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging

topics highly readable. Previously published in hardback as *Doing Philosophy*

The *Future of Financial Regulation* is an edited collection of papers presented at a major conference at the University of Glasgow in spring 2009, co-sponsored by the Economic and Social Research Council World Economy and Finance Programme and the the Australian Research Council Governance Research Network. It draws together a variety of different perspectives on the international financial crisis which began in August 2007 and later turned into a more widespread economic crisis following the collapse of Lehman Brothers in the autumn of 2008. Spring 2009 was in many respects the nadir since valuations in financial markets had reached their low point and crisis management rather than regulatory reform was the main focus of attention. The conference and book were deliberately framed as an attempt to re-focus attention from the former to the latter. The first part of the book focuses on the context of the crisis, discussing the general characteristics of financial crises and the specific influences that were at work this time round. The second part focuses more specifically on regulatory techniques and practices implicated in the crisis, noting in particular an over-reliance on the capacity of regulators and financial institutions to manage risk and on the capacity of markets to self-correct. The third part focuses on the role of governance and ethics in the crisis and in particular the need for a common ethical framework to underpin governance practices and to provide greater clarity in the design of accountability mechanisms. The final part focuses on the trajectory of regulatory reform, noting the considerable potential for change as a result of the role of the state in the rescue and recuperation of the financial system and stressing the need for fundamental re-appraisal of business and regulatory models.

In 1933 the crime writer Erle Stanley Gardner, himself a practicing lawyer, unleashed the character Perry Mason in the novel *The Case of the Velvet Claws*. Perry Mason entered into public consciousness as a new conception of the role of the defense lawyer, so that millions of Americans came to expect every criminal trial to have its “Perry Mason moment.” In the 1950s the Perry Mason TV show had a phenomenal success, and Mason came to be identified with Raymond Burr. Now Perry Mason has again been restored to life in the HBO series starring Matthew Rhys and John Lithgow. Meanwhile, the eighty-two original Erle Stanley Gardner novels continue to sell thousands of copies each week. Perry Mason gave America a new conception of the trial lawyer, as someone who was always loyal to his client and always prepared to use dirty tricks such as misdirection and withholding of evidence to protect the innocent and secure the ends of Justice. The Mason of the novels is less scrupulous than the Raymond Burr Mason, and would sometimes be in danger of going to jail if the trial didn’t turn out right—which it always did, largely because of Mason’s cleverness. The Perry Mason icon raises many philosophical issues explored by seventeen different philosophers in this book, including: ? Can we defend Paul Drake’s claim (*The Case of the Blonde Bonanza*) that Mason is “a paragon of righteous virtue” despite his predilection for skating on thin legal ice? ? Can complex murder cases be solved by facts alone—or do we also need empathy? ? The most convincing way to give a TV episode a surprise ending is by the guilty person suddenly confessing. But in reality, is a confession necessarily so convincing? ? Does Perry Mason represent the Messiah? ? How does the Raymond Burr Perry Mason compare with the more recent TV character Saul Goodman (*Breaking Bad* and *Better Call Saul*)? ? Is it morally okay to mislead the police if this helps your client and your client is innocent? ? How does Perry Mason help us understand the distinction between natural law and positive law? ? Do the Perry Mason stories comply with Aristotle’s recipe for a good work of fiction? ? Does life imitate art, when Perry Mason is cited in real-life courtroom arguments? ? How much trickery can be justified by loyalty to one’s client? ? Can evidence in murder trials be evaluated by probability theory? ? Perry Mason is officially a lawyer and unofficially a detective. But isn’t he really a historian and a psychoanalyst? ? Della Street is a competent legal secretary, but is she something more? ? Mason often says that “Eye-witness testimony is the worst kind of evidence” and occasionally that “Circumstantial evidence is the best evidence we have.” Can these claims be defended?

In suggesting that general ethics be modeled on legal ethics, this book is a call for more creativity in our moral experience. Luizzi argues that lawyers regularly re-think their roles and the rules related to these roles. Their rejection of a prohibition on advertising, for example, was part of their re-thinking of the traditional view of the lawyer’s noble calling, one for whom advertising was inappropriate. What this says for general ethics is that we are to become active participants in defining our roles. Our daily experiences can help us in constructing fresh and better conceptions to guide us. *A Case for Legal Ethics* rejects fixed conceptions of human nature and extends our constructive efforts beyond specific roles to human nature itself and to our environments. Luizzi appeals to role modeling, both to keep our constructed conceptions within moral bounds, and to develop the literature on moral education. We must be willing for others to imitate us as we live according to the conceptions we construct.

A great deal has been written on the relationship between politics and law. Legislation, as a source of law, is often highly political, and is the product of a process or the creation of officials often closely bound into party politics. Legislation is also one of the exclusive powers of the state. As such, legislation is plainly both practical and inevitably political; at the same time most understandings of the relationship between law and politics have been overwhelmingly theoretical. In this light, public law is often seen as part of the political order or as inescapably partisan. We know relatively little about the real impact of law on politicians through their legal advisers and civil servants. How do lawyers in government see their roles and what use do they make of law? How does politics actually affect the drafting of legislation or the making of policy? This volume will begin to answer these and other questions about the practical, day-to-day relationship between law and politics in a number of settings. It includes chapters by former departmental legal advisers, drafters of legislation, law reformers, judges and academics, who focus on what actually happens when law meets politics in government. Professional roles are often thought to bring role-specific permissions and obligation, which may allow or require role-occupants to do things they would not be permitted or required to do outside their roles, and which as individuals they would rather not do. This feature of professional roles appears to bring them into conflict both with ‘ordinary’ or non-role

morality, and with personal integrity which is often thought to demand some form of personal endorsement of one's conduct. How are we to reconcile the demands of roles with ordinary morality and with personal integrity? This collection draws together a set of papers which explore these questions as they bear upon a number of different professional roles, including those of the lawyer, the judge and the politician, and from a variety of perspectives, including contemporary analytic moral theory, jurisprudence, psychoanalytic theory, virtue ethics, and contextualism, and, more broadly, from philosophy and legal academia and practice.

Key Philosophers in Conversation is a fascinating collection of interviews presenting the ideas of some of the world's leading contemporary philosophers. Each interview features a discussion with a key philosopher looking at philosophical issues such as; the philosophy of mind, ethics, science, political philosophy and the history of philosophy. Those interviewed are; W.V.O Quine, Michael Dummett, Mary Warnock, Hilary Putnam, Alasdair MacIntyre, Daniel Dennett, Martha Nussbaum, Roger Scruton, Bernard Williams, Jean Hampton, Richard Dawkins, Derek Parfit, Peter Strawson, David Gauthier, Hugh Mellor, John Cottingham, Adam Morton, Stefan Korner, Richard Sorabji and Nancy Cartwright. This book offers an excellent insight to contemporary philosophy and is ideal for anyone seeking an introduction to what is happening in Philosophy today.

Mootz offers an antidote to the fragmentation of contemporary legal theory with a collection of essays arguing that legal practice is a hermeneutical and rhetorical event that can best be understood and theorized in those terms. This is not a modern insight that wipes away centuries of dogmatic confusion; rather, Mootz draws on insights as old as the Western tradition itself. However, the essays are not antiquarian or merely descriptive, because hermeneutical and rhetorical philosophy have undergone important changes over the millennia. To "return" to hermeneutics and rhetoric as touchstones for law is to embrace dynamic traditions that provide the resources for theorists who seek to foster persuasion and understanding as an antidote to the emerging global order and the trend toward bureaucratization in accordance with expert administration, violent suppression, or both.

This is an accessible introduction to the philosophy of social research which relates philosophical ideas to actual research practice. The book makes effective use of illustrations from the UK, US and Europe to examine specific problems and broader issues. The book is intended for undergraduate and postgraduate courses in social research methods within sociology, social policy, politics, social psychology, human geography; philosophy of social science and social theory courses; and as a personal reference for professional researchers.

The ABA Journal serves the legal profession. Qualified recipients are lawyers and judges, law students, law librarians and associate members of the American Bar Association.

The purpose of this book is to put the fun back into philosophy to recapture the heart-felt confusion and excitement that originally brings people to philosophy.

Marke, Julius J., Editor. A Catalogue of the Law Collection at New York University With Selected Annotations. New York: The Law Center of New York University, 1953. xxxi, 1372 pp. Reprinted 1999 by The Lawbook Exchange, Ltd. LCCN 99-19939. ISBN 1-886363-91-9. Cloth. \$195. \* Reprint of the massive, well-annotated catalogue compiled by the librarian of the School of Law at New York University. Classifies approximately 15,000 works excluding foreign law, by Sources of the Law, History of Law and its Institutions, Public and Private Law, Comparative Law, Jurisprudence and Philosophy of Law, Political and Economic Theory, Trials, Biography, Law and Literature, Periodicals and Serials and Reference Material. With a thorough subject and author index. This reference volume will be of continuous value to the legal scholar and bibliographer, due not only to the works included but to the authoritative annotations, often citing more than one source.

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