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Doris Del Tosto

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Symposium

Legal Ethics: Ideas In Conflict

EDITOR'S PREFACE

Lawyer's ethics have lately come under increasing scrutiny, both by a disillusioned public and by concerned members of the bench, bar and academic community. Dissatisfaction with the effectiveness of the eleven year old Code of Professional Responsibility prompted the American Bar Association to commission an inquiry into the Code. The ABA Commission appointed to study the Code decided that it was beyond revision and that it should be replaced by an entirely new Code. The proposed Model Rules of Professional Conduct resulted.

The Roscoe Pound-American Trial Lawyer's Foundation, responding to the same concerns, initiated its own examination of the Code of Professional Responsibility. This effort ended in the development of that group's proposed replacement of the ABA Code — The American Lawyer's Code of Conduct. The National Organization of Bar Counsel set to the task as well, and concluded that it was not necessary to scrap the current Code. They suggested amendment of the Code, rather than abandonment, as the appropriate approach.

In an effort to examine this controversial and crucially important topic, the Villanova Law Review dedicated its 1981 Symposium to a discussion of legal ethics. Robert McKay, a member of the American Bar Association's Kutak Commission, which drafted the ABA sponsored Model Rules, presented that group's ideas. Monroe Freedman, the Reporter for the Roscoe Pound-American Trial Lawyer's Foundation Commission on Professional Ethics

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championed the ATLA's cause. Allen B. Zerfoss, Chief Disciplinary Counsel for the Supreme Court of Pennsylvania and Chairman of the National Organization of Bar Counsel, presented the NOBC's report and views. Completing the panel was Alexander Unkovic, former Chairman of the Disciplinary Board of the Supreme Court of Pennsylvania, who discussed the practical considerations involved in administering any code of ethics. Members of the audience contributed the perspectives of the practitioner who must attempt to interpret and comply with ethical standards while maintaining a practice, and the layman who seeks to understand the implications of the Code for non-lawyers.

The invited guests presented a brief summary of the article each had developed for the Symposium, highlighting advantages and focusing on the differences between the various proposals. Following these formal presentations, Professor Mary Joe Frug moderated a debate between the speakers. An audience question and answer session followed. This Symposium Edition of the Villanova Law Review contains the full text of the articles submitted by the participants, as well as an edited transcript of the debate and question period.

Soon the legal community will decide on whether or not to abandon the profession's current governing body of ethics — the ABA Code of Professional Responsibility. Should the decision be made to discard the current code, the profession must then decide on which of the competing ethical codes will replace it. This Symposium presents the arguments in favor of retaining the current code, as well as highlighting the major differences between its proposed successors.

The articles in this Symposium Edition endeavor to provide a scholarly exposition of the major ethical issues confronting the legal profession. On behalf of the Law Review, I thank the participants in this year's Symposium as well as those who attended the oral presentation, and those whose advice, research and willing help made the program and this volume possible.

DORIS DEL TOSTO
Research/Projects Editor