



# COMILLAS

UNIVERSIDAD PONTIFICIA

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## SUBJECT DETAILS

Data on the subject	
Full Name	Legal Ethics and Legal Privilege in an International Context
Code	E000001237
Degree	Postgraduate in Master in International and European Business Law
Year	2023-24
Nature	Spring
ECTS Credits	1
Department	Law
Area	Law
Teaching staff	Ignacio Ramos Villar

Data on the teaching staff	
<b>Teacher</b>	
Name	Ignacio Ramos Villar
Department / Area	
e-mail	<a href="mailto:irvillar@comillas.edu">irvillar@comillas.edu</a>
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Tutoring Schedule	Upon request from students

## SPECIFIC DATA ON THE SUBJECT

Framework of the subject
<b>Pre-requisites</b>
<b>Contribution of the degree to the professional profile</b>

## Competences - Goals

Competences to be developed
Generic Competences
<p>GC 2: Ability to communicate orally and in writing</p> <p>GC 4: Problem-solving skills</p> <p>GC 5: Decision-making skills</p> <p>GC 6: Team work skills</p> <p>GC 9: Awareness of the importance of ethical commitment</p> <p>GC 12: Ability to apply theoretical knowledge into practice</p>
Specific Competences
<p>SC 13 Mastering the ethical and professional standards applicable in an international environment, especially in terms of confidentiality and professional secrecy</p>

## COURSE SYLLABUS AND CONTENT

Content
AREA 1. The ethics of lawyers
Theme 1. Introduction to Legal Ethics
<p>1.1 Ethics, Deontology, Law and Professional Responsibility</p> <p>1.2 The Regulation of Lawyers and Legal Assistants: Codes, Statutes, Guidelines, Professional Discipline of Lawyers.</p> <p>1.3 Moral traditions, ethical principles and moral values.</p> <p>1.4 Other Questions: corruption, job, vocation and lawyers.</p>
Theme 2. Lawyers and clients
<p>2.1 Lawyer-client relationship: beginning and ending the relationship. Duty to take some kinds of cases. Mandatory withdrawal.</p> <p>2.2 Legal Privilege</p> <p>2.3 Competence, diligence, and Unauthorized Practice</p> <p>2.4 The role of lawyers: advocates, counsellors, forensics. The adversary system.</p>
Theme 3. Lawyers and Society

3.1 Advertising and Solicitation

3.2 Attorney Fees and Fiduciary Duties. Legal Services for the Poor. Market Regulation.

3.3 Conflicts of Interest: Lawyer, clients and third parties

3.4 The need for a Lawyer. The Right to Practice Law. Law Firms. Legal Education.

## AREA 2. Fairness in litigation

### Theme 1. Fairness in Litigation

1.1 Fairness Toward Jurors and Witnesses

1.2 Fairness Toward the Adversary and the Court

### Theme 2. Judicial Conduct

2.1 Integrity, Independence, Administration.

2.2 Outside Activities. Judges and Politics

## TEACHING METHODOLOGY

### General methodology of the subject

#### Contact hours methodology: Activities

Lecture (4 hours)

Practical cases and debate (4,5 hour)

Student's presentations (1,5 hours)

#### Outside class methodology: Activities

Reading: article

## SUMMARY OF STUDENT WORK HOURS

NUMBER OF CONTACT HOURS				
Lecture	Practical class	Debate	In class presentation	Evaluation
4	2	1.5	1.5	1
NUMBER OF INDEPENDENT WORK HOURS				
Lecture	Practical class	Debate	In class presentation	Evaluation
15				

**GRADE EVALUATION AND CRITERIA**

<b>Evaluation Activities</b>	<b>Indicators</b>	<b>Evaluation weighting</b>
Debate	Clearness and moral reasoning	20%
Class presentation	Clearness and moral reasoning	20%
Evaluation: exam (final)	Short essay on a topic related to the ethic issues discussed in class. Understanding of the material; comprehensive analysis from an ethics perspective	50%
Attendance	Regular attendance to classes – control by signature of a daily sheet	10%

**BIBLIOGRAPHY AND RESOURCES****Basic Bibliography and Resources**

### **TEXT BOOKS**

- Charles W. Wolfram, *Modern Legal Ethics*, West Publishing Co., St Paul, Minn., 1986.
- Jonathan S. Lynton and Terri Mick Lyndan, *Legal Ethics and Professional Responsibility*, Lawyers Cooperative Publishing-Delmar Publishers Inc, Albany, NY, 1994
- Therese A. Cannon, *Ethics and Professional Responsibility for Legal Assistants*, Aspen Law & Business, New York, 1999.
- Javier de la Torre, *Ética y deontología jurídica*, Dykinson, Madrid, 2000
- Javier de la Torre, *Deontología de abogados, jueces y fiscales*, Comillas, Madrid, 2008

### **SUGGESTED ARTICLES**

- Richard Wasserstrom (1975), 'Lawyers as Professionals: Some Moral Issues', *Human Rights*, 5, pp. 1-24.
- Gerald J. Postema (1980), 'Moral Responsibility in Professional Ethics', *New York University Law Review*, 55, pp. 63-89.
- Stephen L. Pepper (1986), 'The Lawyer's Amoral Ethical Role: A Defense, A Problem, and Some Possibilities', *American Bar Foundation Research Journal*, 1986, pp. 613-635.
- Edward A. Dauer and Arthur Allen Left (1977), 'Correspondence: The Lawyer as Friend', *Yale Law Journal*, 86, pp. 1060-1089.
- Mark Osiel (1990), 'Lawyers as Monopolist, Aristocrats, and Entrepreneurs', *Harvard Law Review*, 103, pp. 2009-2066.

### **OTHER MATERIAL**

- Código Deontológico de los Abogados de la Comunidad Europea
- Código Deontológico de la Abogacía Española
- American Bar Association Model Code of Professional Responsibility

### **WEBSITES**

- International Bar Association - Professional ethics committee:  
[http://www.ibanet.org/PPID/Constituent/Professional\\_Ethics\\_Committee/Default.aspx](http://www.ibanet.org/PPID/Constituent/Professional_Ethics_Committee/Default.aspx)
- American Bar Association - Legal Ethics: <http://www.abajournal.com/topic/legal+ethics/>