

PROFESSIONAL RESPONSIBILITY AND ETHICS IN THE GLOBAL LEGAL MARKET

Самойлик П. А.

Научный руководитель: Прохорова Ольга Аркадьевна
Кандидат филологических наук, заведующая кафедрой иностранных языков
для гуманитарных направлений, доцент
Юридический институт
Сибирского федерального университета

With the intensive development of international law and the formation of high-quality legal systems of present-day countries we can not ignore the fact that the professional responsibility and ethics of lawyer begin to play an important role not only in the domestic market of juridical services, but also leading it to the international arena. However, it should be noted that the process of achieving excellence in the legal profession is quite difficult. At times, people often forget about the basic principles of the ethics, which are responsible for the formation of the lawyer, who can come off with flying colours from the very position, which he meets on his lifeline. In this essay I would like to draw your attention to the most problematic points, that we face when Ethics of science connect practice in the legal profession. I hope that my arguments on this topic will be able to do a good job to explain the meaning of certain concepts for modern legal practitioners, or people who are only just beginning to learn this profession.

To begin with, in order to become a professional lawyer we need to follow some rules, which are not legislated by any legal system in the world and their definitions come from the definition of law, the rule of law and the legal system of a society. The first of these principles is the rule of law. The essence of this principle is to realize its mission of serving as a lawyer law and the law, the rule of law. Legal practitioners should not equate the concept of law, still lawyers can not oppose them. It must be guided by consideration of the fact that the law in a state of law is a legal, equitable, subject to strict execution. Even if a law is, from his point of view, does not fully meet the ideas of the rule of law, the attorney must safeguard the observance of its provisions. This may be called the principle of coherence law, the priority of the law, which can not be refuted. Judging from that, attorneys are committed to fighting the legal anarchy, nihilism, to be "servants" of law, guardians of the law.

The next point I would like to mention is intelligence. It is a high level of performance in a legal practice, meaning the organic inability to dishonest acts. It manifests itself primarily in the methods and techniques used by a lawyer in their activities. To achieve any goal lawyer should choose the methods and techniques which will not go into a dispute with law and morals. However, it is impossible to legally formalize and to legislate all the nuances connected with the practice of law, for this point, in some situations the good name of a particular person or his relatives depends on decency of the investigator, judge, notary and all the other lawyers. What is more interesting, confidence and compassion, honesty and truthfulness are the basics, which are needed to be in all spheres of jurisprudence, no matter between the lawyers, or between a lawyer and his client.

Let me introduce one more essential clause. Among other things, to become a high professional in his field, a lawyer must be a man of principle, that involves loyalty, subjective belief in the rightness of ongoing business, sincerity to others and ourselves and recognition and respect for the rights of others that it lawfully belongs to them. This qualities determine the behavior of a lawyer in all cases when he is communicating with the client,

undertakes to perform for his significant actions, such as providing security to him or his family members, to create all the conditions for protection, finally, a promise to finish the job, even if it seems to have a lack of a possibility.

Now, before we move to the next idea, I would like to recall one music track, written by an American hip hop group from Los Angeles - Dilated Peoples. In the lyrics it is said "Remember to always be true, no matter what you do...". Obviously, honesty is a pledge of moral relations in the practice of law. It is also indisputable that every professional lawyer should get used to tell people the truth, not hiding from them the true state of affairs, if it does not harm the interests of the individual and the state. To make it clear, this rule is an universal requirement - truthfulness. However, certain types of legal work, due to their nature, have some restrictions. For instance: misinformation of an opponent, making a legend for some operational-search activities and other tools used by law enforcement agencies.

Once we have listed the main features of an ideal lawyer, the question arises of how to make them generally binding for all... and whether there is a need for this.

The question seems to be quite controversial. For that reason, to bring a solution lying in the plane of absolute positive response or a response that reveals only the negative points of this phenomenon - is impossible. On the one hand - the existence of a system of moral principles that underlie the activity of the lawyer will greatly facilitate the work of the latter, because it will serve as his philosophical and methodological guidance. On the other hand - to provide and legislate an exhaustive list of all the moral principles of a lawyer is not possible, because each person is individual and is a carrier of a larger or smaller number of them(moral principles) in different combinations.

Every minister of Themis and the " letter of the law " must be true to the people, law and their country. However, the professionalism of lawyers not only in combining all of the above qualities, but in remaining honest to their conscience.

Justice for all should be the same, says the hero "And Justice For All" (1979 courtroom drama) Arthur Kirkland. He is principled, energetic, highly skilled, and he is a honest attorney. However, even such a man as Arthur quite often in the literal sense of "fight for justice with justice." Legal system, which is surrounding Arthur , is riddled with corruption and various shortcomings, the hearings are like sports matches by arrangement, where bets are made , the money for the loss of one team are paid. Negligence and greed for money destroys the lives of ordinary, innocent people, and the greatest enemy of justice, and the creator of his own - Judge Fleming. However, the film's plot involves a very unexpected plot, where Fleming becomes a hostage of the rules that he has created.

In the story, principled Arthur Kirkland have to protect the person who sent an innocent man to prison. The question of how to proceed: to follow the views of professional and do his job, defending the honor of Fleming and protecting him, or to stop the bureaucratic arbitrariness, "imprison" the perpetrator, sacrificing his status of a lawyer. Arthur chooses the latter solution. I am sure, he broke some rules of his profession, which are stated in Legal ethics codex:

- actively protect the rights, freedoms and interests of the people entrusted to him;
- to practice law proceedings; does not act contrary to the legitimated interests of the principal;
- do not take a position on the case, which is opposite to the principal's;
- not to resort to acts defamatory, derogatory credibility of both the attorney and the court system.

However, it is worth noting that the lawyer Kirkland consciously made a choice in favor of justice, and you can guess what reasons prompted him to come up to this decision:

- lawyer acted according to conscience;
- guilty man punished for committing a crime;
- judicial system got rid of the "weak link" - the offender Fleming.

In conclusion it should be noted that any action of conscientious person can generate a lot of both positive and negative effects. It is important that the latter were in the minority, or even absent. Then, and only then, a man can be called a true professional.

In the eyes of client a lawyer - not just a man of the professional role, but with all his good qualities. Humane treatment of people, in turn, stressed that a high qualification (diploma and subsequent certification) is not sufficient to place a professional employee of the legal work. Important is his caring attitude to each person with whom he encounters in the course of performance of official duties.

In relation to the particular legal person we can judge the moral culture of the lawyer. Thus we can create a special psychological atmosphere of trust and ensure the success of a legal case. In general, if a law can rule over the human world, we may recall the most interesting writer in the world - Antoine de Saint-Exupery.

"You become responsible, forever, for what you have tamed".