

Editorial

Professor David Luban opens this issue of *Legal Ethics* by posing two questions. Is there a human right to be represented by a lawyer? Assuming that there is such a human right, what ethical responsibilities for lawyers would follow from recognising just that? For Luban, the first question is answered by the necessity of a legal system for the protection of primary, universal rights. And the representation of the citizen by lawyers is an integral part of a legal system. The human right to a lawyer is therefore a derivative right, but necessary to any genuine scheme of human rights protection. As Luban writes, ‘Lawyers can inform people about legal opportunities, ranging from the existence of a cause of action, to the existence of mechanisms to secure property rights, obtain government benefits, organise a union, start a business, or challenge unfair government action (to cite a few obvious examples). And, of course, in their functions as advocates lawyers can give voice to the voiceless.’ He then gives an ethics of legal practice that aims to honour the dignity and human rights of the citizen and, by no means incompatibly, the dignity of the lawyer as a trustee of the political community. These ethics include ‘an imperfect obligation to offer pro bono service’, a responsibility to support stronger human rights, and the effect that their choice of client may have on the human rights of others—a challenge to the human rights rationale that is often assumed to underlie the cab-rank rule.

David Middleton’s article on honesty in the legal profession seems to suggest the moral ambiguity that informs the dignity of the lawyer’s function. Noting the higher proportion of lawyers than medical practitioners who are removed from practice when disciplined for dishonesty, Middleton argues that this reflects a heightened emphasis on honest conduct in lawyers’ ethics. He relies on Luban (amongst others) for the observation that, when ‘in role’, lawyers may have to act in ways that are immoral when measured according to usual community standards, and that, if this is permissible, they must therefore have be held to account for dishonest conduct. Even if medical practitioners attract higher levels of trust from the general public than lawyers do, the trust that the public and legal institutions must invest in lawyers elevates the moral imperative of honesty in all aspects of legal practice.

The third article in this issue returns to a recurring topic in *Legal Ethics*—ethics education. Shamini Ragavan considers a mentoring scheme for law students that has been developed in the law school at Newcastle University in England. The scheme helps to build positive values in the mentees, as well as their esteem and confidence. While there are many studies that recognise the importance of mentoring for students and early career lawyers, Ragavan also considers the value of mentoring for the mentors themselves. The scheme at Newcastle aims to include an assessment of the ethical development of mentors, and the way that mentors are prepared for ethnic diversity and cross-cultural sensitivity. She concludes that the improved inculcation of values in the mentors should help to translate those values to the mentees in the scheme.

We thank the editorial team—Dr Suzanne LeMire and Professor Dana Remus—for their work on the Reports, Comments and Notes and the Book Reviews. This issue has an

extensive collection of contributions in these sections. The Reports, Comments and Notes include two kinds of contribution not previously seen in *Legal Ethics*: Lord Justice Laws' after-dinner speech for the International Legal Ethics Conference in London, and Professor Deborah Rhode's sermon at the Temple Church for the same conference.

We also thank Ms Anneke Logan, *Legal Ethics*' Administrative Officer, for managing the organisation of this issue. We are also grateful for the detailed and professional editing and presentation undertaken by the production managers at Hart Publishing. Mr Ken Bruce is welcomed as he assumes this role for the journal. However, we must give special thanks to Ms Barbara Darling, who over the years has been a professional, diligent and courteous Journals Manager, who has contributed so much to the success of this and other Hart Publishing journals, but who is now retiring from her position. We wish her well.

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