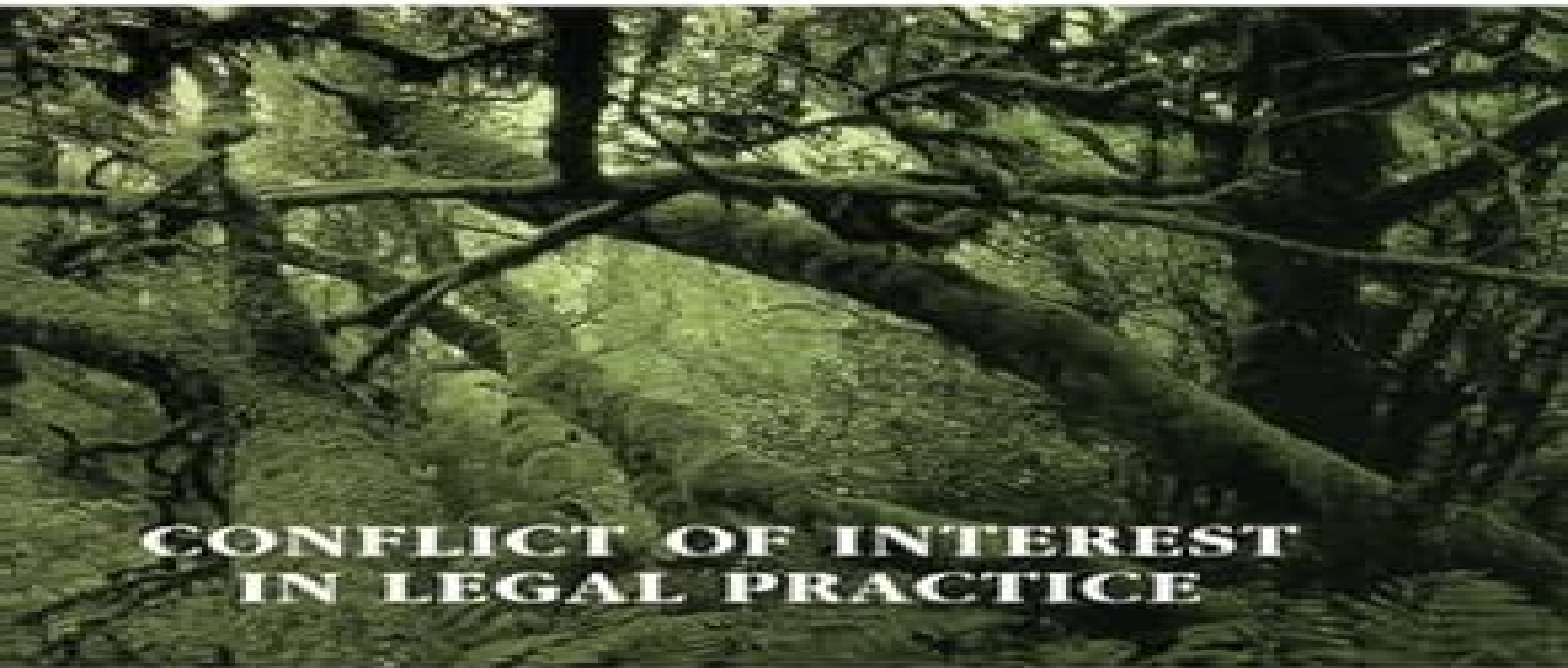


TANGLED LOYALTIES



CONFLICT OF INTEREST
IN LEGAL PRACTICE

Susan P. Shapiro

MICHIGAN

Tangled Loyalties Conflict Of Interest In Legal Practice

Peter Cane, Herbert Kritzer



Tangled Loyalties Conflict Of Interest In Legal Practice:

Tangled Loyalties Susan P. Shapiro, 2002 An empirical study of how conflicts of interest arise in the private practice of law and how law firms respond

Research Handbook on Modern Legal Realism Shauhin Talesh, Elizabeth Mertz, Heinz Klug, 2021-03-26 This insightful Research Handbook provides a definitive overview of the New Legal Realism NLR movement reaching beyond historical and national boundaries to form new conversations Drawing on deep roots within the law and society tradition it demonstrates the powerful virtues of new legal realist research and its attention to the challenges of translation between social science and law It explores an impressive range of contemporary issues including immigration policing globalization legal education and access to justice concluding with and examination of how different social science disciplines intersect with NLR

Conflict of Interest in Global, Public and Corporate Governance Anne Peters, Lukas Handschin, 2012-11-29 Conflict of interest occurs at all levels of governance ranging from local to global both in the public and the corporate and financial spheres There is increasing awareness that conflicts of interest may distort decision making processes and generate inappropriate outcomes thereby undermining the functioning of public institutions and markets However the current worldwide trend towards regulation which seeks to forestall prevent and manage conflicts of interest has its price Drawbacks may include the stifling of decision making processes the loss of expertise among decision makers and a vicious circle of distrust This interdisciplinary and international book addresses specific situations of conflict of interest in different spheres of governance particularly in global public and corporate governance

Private Lawyers and the Public Interest Robert Granfield, Lynn Mather, 2009-11-04 Private Lawyers and the Public Interest The Evolving Role of Pro Bono in the Legal Profession explores timely questions about the role of pro bono in the legal profession the relationship between pro bono ideals and pro bono in practice and the opportunities and limitations of pro bono in expanding access to justice The contributing writers explore theoretical empirical and practical questions regarding the role of pro bono and public service in the legal profession and in law schools The research presented not only highlights the increase in pro bono efforts across the legal profession but critically examines the limitations of pro bono work as well as the potential problems such work may pose to the ideal of achieving greater access to justice

Case Studies in Criminal Justice Ethics Michael Braswell, Larry Miller, Joycelyn Pollock, 2011-08-30 Building on the success of the popular first edition the authors provide hypothetical criminal justice scenarios for analysis having found in their experience as teachers that the process adds depth and dimension to the study of justice and ethics This expanded second edition offers ten new cases addressing the intricate process of moral and ethical decision making Focusing on both personal and social context the authors explore true to life situations and encourage readers to think about the possible consequences that could result from the choices they make The case studies provide realistic portrayals of current dilemmas in policing courts corrections and juvenile justice Political and noble cause corruption perjury and judicial prosecutorial misconduct ethnic and gender prejudice and many other social and

criminal justice themes are featured Following each scenario are thought provoking questions to facilitate personal reflection and class discussion Each section contains a bibliography of topical books and articles for readers interested in a more in depth treatment of the issues *Lawyers in 21st-Century Societies* Richard L Abel,Ole Hammerslev,Hilary

Sommerlad,Ulrike Schultz,2020-04-02 The world s legal professions have undergone dramatic changes in the 30 years since publication of the landmark three volume *Lawyers in Society* which launched comparative sociological studies of lawyers This is the first of two volumes in which scholars from a wide range of disciplines countries and cultures document and analyse those changes The present volume presents reports on 46 countries with broad coverage of North America Western Europe Latin America Asia Australia North Africa and the Middle East sub Saharan Africa and former communist countries These national reports address the impact of globalisation and neoliberalism on national legal professions the relationship of lawyers and their professional associations to the state and tensions between state and citizenship changes in lawyer demography rapidly growing numbers and the profession s efforts to retain control the entry of women and obstacles to full gender equality ethnic diversity legal education the proliferation of institutions and pedagogic innovation the regulation of lawyers structures of production especially the growth of large firms and the impact of technology and paraprofessionals the distribution of lawyers across roles and access to justice state funded legal aid and pro bono services The juxtaposition of the reports reveals the dramatic transformations of professional rationales labour markets and working practices and the multiple contingencies of the role of lawyers in societies experiencing increasing juridification within a new geopolitical order Trust and Distrust Mark Knights,2021-12-02 Trust and Distrust offers the first overview of Britain s history of

corruption in office in the pre modern era 1600 1850 and as such will appeal not only to historians but also to political and social scientists Mark Knights paints a picture of the interaction of the domestic and imperial stories of corruption in office showing how these stories were intertwined and related Linking corruption in office to the domestic and imperial state has not been attempted before and Knights does this by drawing on extensive interdisciplinary sources relating to the East India Company as well as other colonial officials in the Atlantic World and elsewhere in Britain s emerging empire Both corruption and office were concepts that were in evolution during the period 1600 1850 and underwent very significant but protracted change which this study charts and seeks to explain The book makes innovative use of the concept of trust which helped to shape office in ways that underlined principles of selflessness disinterestedness integrity and accountability in officials

The Oxford Handbook of Empirical Legal Research Peter Cane,Herbert Kritzer,2012-05-17 The empirical study of law legal systems and legal institutions is widely viewed as one of the most exciting and important intellectual developments in the modern history of legal research Motivated by a conviction that legal phenomena can and should be understood not only in normative terms but also as social practices of political economic and ethical significance empirical legal researchers have used quantitative and qualitative methods to illuminate many aspects of law s meaning operation and impact In the 43

chapters of The Oxford Handbook of Empirical Legal Research leading scholars provide accessible and original discussions of the history aims and methods of empirical research about law as well as its achievements and potential The Handbook has three parts The first deals with the development and institutional context of empirical legal research The second and largest part consists of critical accounts of empirical research on many aspects of the legal world on criminal law civil law public law regulatory law and international law on lawyers judicial institutions legal procedures and evidence and on legal pluralism and the public understanding of law The third part introduces readers to the methods of empirical research and its place in the law school curriculum The New Legal Realism: Volume 1 Elizabeth Mertz, Stewart Macaulay, Thomas W.

Mitchell, 2016-05-03 This is the first of two volumes announcing the emergence of the new legal realism as a field of study At a time when the legal academy is turning to social science for new approaches these volumes chart a new course for interdisciplinary research by synthesizing law on the ground empirical research and theory Volume 1 lays the groundwork for this novel and comprehensive approach with an innovative mix of theoretical historical pedagogical and empirical perspectives Their empirical work covers such wide ranging topics as the financial crisis intellectual property battles the legal disenfranchisement of African American landowners and gender and racial prejudice on law school faculties The methodological blueprint offered here will be essential for anyone interested in the future of law and society The Lawyer's Conscience Michael S. Ariens, 2022-11-14 In 1776 Thomas Paine declared the end of royal rule in the United States Instead law is king for the people rule themselves Paine's declaration is the dominant American understanding of how political power is exercised In making law king American lawyers became integral to the exercise of political power so integral to law that legal ethics philosopher David Luban concluded lawyers are the law American lawyers have defended the exercise of this power from the Revolution to the present by arguing their work is channeled by the profession's standards of ethical behavior Those standards demand that lawyers serve the public interest and the interests of their paying clients before themselves The duties owed both to the public and to clients meant lawyers were in the marketplace selling their services but not of the marketplace This is the story of power and the limits of ethical constraints to ensure such power is properly wielded The Lawyer's Conscience is the first book examining the history of American lawyer ethics ranging from the mid eighteenth century to the professionalism crisis facing lawyers today *The Blackwell Companion to Law and Society* Austin Sarat, 2008-04-15 The Blackwell Companion to Law and Society is an authoritative study of the relationship between law and social interaction Thirty two original essays by an international group of expert scholars examine a wide range of critical questions Authors represent various theoretical methodological and political commitments creating the first truly global overview of the field Examines the relationship between law and social interactions in thirty three original essay by international experts in the field Reflects the world wide significance of North American law and society scholarship Addresses classical areas and new themes in law and society research including the gap between law on the books and law in

action the complexity of institutional processes the significance of new media and the intersections of law and identity Engages the exciting work now being done in England Europe Australia and New Zealand South Africa Israel as well as Third World scholarship Lawyers in Practice Leslie C. Levin, Lynn Mather, 2012-04-16 How do lawyers resolve ethical dilemmas in the everyday context of their practice What are the issues that commonly arise and how do lawyers determine the best ways to resolve them Until recently efforts to answer these questions have focused primarily on rules and legal doctrine rather than the real life situations lawyers face in legal practice The first book to present empirical research on ethical decision making in a variety of practice contexts including corporate litigation securities immigration and divorce law *Lawyers in Practice* fills a substantial gap in the existing literature Following an introduction emphasizing the increasing importance of understanding context in the legal profession contributions focus on ethical dilemmas ranging from relatively narrow ethical issues to broader problems of professionalism including the prosecutor's obligation to disclose evidence the management of conflicts of interest and loyalty to clients and the court Each chapter details the resolution of a dilemma from the practitioner's point of view that is in turn set within a particular community of practice Timely and practical this book should be required reading for law students as well as students and scholars of law and society *Lives of Lawyers Revisited* Michael J. Kelly, 2009-12-22 The past two decades have seen profound changes in the legal profession *Lives of Lawyers Revisited* extends Michael Kelly's work in the original *Lives of Lawyers* offering unique insights into the nature of these changes examined through stories of five extraordinarily varied law practices By placing the spotlight on organizations as phenomena that generate their own logic and tensions *Lives of Lawyers Revisited* speaks to the experience of many lawyers and anticipates important issues on the professional horizon Michael Kelly has done it again His *Lives of Lawyers Revisited* is a very easy read about some very difficult notions like litigation blindness and law as a business It presents some fascinating perspectives on our profession J Michael McWilliams Past President American Bar Association The best single book about the American realities and possibilities of the American legal profession combining an empathic and insightful account of law practice with a penetrating analysis of the wider context of professional work Marc Galanter University of Wisconsin Michael Kelly believes that professional values and conduct are not realized in codes but in the experiences of practice and that practice draws its routines and ideals from organizations Through his studies of lawyers in various firms closely observed and sympathetically described Kelly reveals how differently organizations adapt to the intense pressures of today's practice environment His method of linking individual life experiences to organizational strategies and the external constraints of competition and client demands infuses realism and richness into the concept of professionalism and makes this one of the most interesting and original books on professions and professionalism to appear in years Robert W Gordon Yale Law School In his two volumes of *Lives of Lawyers* Michael Kelly explores legal ethics in an unusual and unusually rewarding way Rather than focusing on rules or arguments Kelly looks at the kind of lives lawyers lead Ethics Socrates

thought is about how to live one's life and Kelly takes the Socratic question to heart. He explores the institutions lawyers work in and the choices they make. He writes with intelligence, great insight, and above all with heart. This is a superb book.

David Luban, Georgetown University
Michael J. Kelly is President and Chairman of the Board of the National Senior Citizens Law Center, an advocacy group for older Americans of limited means.

Loyalty Sanford Levinson, Paul Woodruff, Joel Parker, 2013-05-10

Few topics are more ubiquitous in everyday life and at the same time more controversial in practice than that of one's moral obligation to loyalty. Featuring essays by scholars working in a variety of subjects from law to psychology, *Loyalty* presents diverse perspectives on dilemmas posed by potential conflicts between loyalties to specific institutions or professional roles and more universalistic conceptions of moral duty. The volume begins with a philosophical exploration of theories of loyalty, both Eastern and Western, then moves to examine several problematic situations in which loyalty is often a factor: partisan politics, the armed forces, and lawyer-client relationships. A fair and balanced analysis from a wide range of disciplinary and normative viewpoints, *Loyalty* infuses new life into an oft-tread avenue of scholarly inquiry.

Contributors: Ryan K. Balot, Paul O. Carrese, Yasmin Dawood, Bernard Gert, Kathleen M. Higgins, Sanford Levinson, Daniel Markovits, Lynn Mather, Russell Muirhead, Nancy Sherman, Paul Woodruff.

Sanford Levinson is the W. St. John Garwood and W. St. John Garwood Jr. Centennial Chair in Law and Professor of Government at the University of Texas at Austin and author or co-author of many books, including *Framed: America's 51 Constitutions and the Crisis of Governance* and *Our Undemocratic Constitution: Where the Constitution Goes Wrong and How We, the People, Can Correct It*. Paul Woodruff is former dean of the School of Undergraduate Studies and currently Darrell K. Royal Professor in Ethics and American Society at the University of Texas at Austin. His latest book is *The Ajax Dilemma: Justice, Fairness, and Rewards*. Joel Parker is Lecturer in the Department of Political Science and Geography at the University of Texas at San Antonio.

Why the Haves Come Out Ahead Marc Galanter, 2014-09-15

This is the fortieth anniversary edition of a classic of law and society, updated with extensive new commentary. Drawing a distinction between experienced repeat players and inexperienced one-shotters in the U.S. judicial system, Marc Galanter establishes a recognized and applied model of how the structure of the legal system and an actor's frequency of interaction with it can predict outcomes. Notwithstanding democratic institutions of governance and the majestic equality of the courts, the enactment and implementation of genuinely redistributive measures is a hard uphill struggle. In one of the most cited essays in the legal literature, Galanter incisively demolishes the myth that courts are the prime equalizing force in American society. He provides a penetrating analysis of the limitations and possibilities of courts as the source and engine of large-scale social change. Galanter's influential article is now available in a convenient, affordable, and assignable book in print and ebooks, with a new introduction by the author that explains the origins and aftermath of the original work. In addition, it features his 2006 article applying the original thesis to real-world dilemmas in legal structure and consequence today. The collection also adds a new Foreword by Shaughin Talesh of the University of California, Irvine, and a

new Afterword by Robert Gordon of Stanford As Gordon points out The great contribution of the article was that it went well beyond local and contingent political explanations to locate obstacles to social reform and redistributive policies in the institutional structure of the legal system itself Gordon details ways in which Galanter's prophecies have come true and even worsened over four decades Talesh catalogs the article's place in legal lore seminal blockbuster canonical game changing extraordinary pivotal and noteworthy Talesh introduces how repeat players gain advantages in the legal system and how Galanter set out an important agenda for legal scholars sociologists political scientists and economists In short every law and legal studies student should be required to read the article because it contextualizes the procedural system as something more than a set of rules that should be memorized and mechanically applied A powerful new addition to the Classics of Law Society Series by Quid Pro Books Features active contents linked notes active URLs and linked Index

Risks, Reputations, and Rewards Herbert M. Kritzer, 2004 Risks Reputations and Rewards looks at a variety of interrelated questions about contingency fee legal practice What is the nature of the contingency fees that lawyers charge How do lawyers get and screen potential cases How do contingency fee lawyers interact with their clients and opponents What is involved in settling these cases What types of returns do contingency fee cases produce And what role does reputation play in contingency fee practice The author argues that to be successful contingency fee lawyers must generate a portfolio of cases similar to an investment portfolio with its associated risk This has a significant impact on how contingency fee lawyers obtain and select cases manage their work and deal with the pressures that arise in settling cases More important understanding the work of contingency fee lawyers in terms of an ongoing practice rather than in terms of individual cases mitigates some of the significant conflicts that may exist between lawyers and clients

The Sociology of Financial Markets Karin Knorr-Cetina, Alex Preda, 2006 Financial markets also have a structural impact on the governance of social and economic institutions Until now sociologists have examined issues of governance mostly with respect to the legal framework of financial transactions Contributions in this book highlight the ways in which financial markets shape the inner working and structure of corporations and their governance

Lawyers on Trial Richard L. Abel, 2011 People need lawyers for many things including tax and immigration advice drafting contracts preparing wills buying and selling houses forming and dissolving companies and representation and advice during divorce probate personal injury and criminal charges But many people do not trust lawyers With good reason they fear that lawyers will neglect or overcharge them betray them out of self interest or on behalf of others or obstruct the pursuit of justice out of overzealousness Although the legal profession drafts ethical rules law schools teach those rules the bar exam tests lawyers knowledge and disciplinary bodies enforce them we know that violations by lawyers are all too common Lawyers on Trial Understanding Ethical Misconduct by California Attorneys by Richard L Abel presents six dramatic accounts of California lawyers who betrayed their clients and the legal system Through the detailed records of the disciplinary proceedings it examines some of the most common complaints about

lawyers chasing ambulances charging excessive fees violating conflict of interest rules and displaying excessive zeal These complex and compelling dramas serve to make the ethical rules and the temptations they seek to curb come vividly alive for law students lawyers those thinking of becoming lawyers anyone who has been or might some day be a client and the general public The lessons to be drawn from these situations can help the legal profession and the public devise better strategies for ensuring that lawyers abide by the rules **The Oxford Handbook of Business Ethics** George G. Brenkert, Tom L.

Beauchamp, 2012-04-19 The Oxford Handbook of Business Ethics is a comprehensive treatment of the field of business ethics as seen from a philosophical approach The volume consists of 24 essays that survey the field of business ethics in a broad and accessible manner covering all major topics about the relationship between ethical theory and business ethics **Lawyers in the Dock** Richard L. Abel, 2011-05-12 Six detailed accounts of New York lawyers disciplined for neglect overcharging and excessive zeal Provided by publisher

Tangled Loyalties Conflict Of Interest In Legal Practice Book Review: Unveiling the Magic of Language

In a digital era where connections and knowledge reign supreme, the enchanting power of language has become more apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is actually remarkable. This extraordinary book, aptly titled "**Tangled Loyalties Conflict Of Interest In Legal Practice**," compiled by a very acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we will delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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