



**INTERNATIONAL LEGAL ETHICS CONFERENCE V
BANFF, ALBERTA
JULY 12-14, 2012**

“Merging Worlds, Emerging Discourses”

Conference Program and Schedule

Session One

Friday July 13, 2012; 9:00AM-10:30AM

1A. Empirical Approaches to Legal Ethics

Measuring and Creating Professionalism I

Room: KC 201

Panel Chair: Malcolm Mercer

- **Erika Abner and Shelley Kirstead**, "Learning Professionalism in Practice: Initial Observations"
- **Kath Hall**, "Empirical Research on the Professional Regulation of Lawyer Dishonesty: Who, What, How?"
- **Lynn Mather**, "Ethical Conduct of Lawyers Across Different Fields of Law"
- **Richard Wu** "A Study of Lawyers' Image and Ethics in Hong Kong, 1980-2010"

1B. Culture, Ethics and Society

Cause Lawyering

Room: KC 205

Panel Chair: Sheila Wildeman

- **Susan Carle**, "Socio-economic Rights Lawyering in the United States: Reflections from a Case Study Examining the Origins of Models of Civil Rights Lawyering in Support of National Organization Building for Racial Justice (1880-1910)"
- **Scott Cumming**, "Reframing the Role of Law (and Lawyers) in the Field of Social Action"
- **Simon Rice**, "Legal ethics of lawyering for change"

1C. Regulation

Judges, Tribunals and Ethical Standards

Room: KC 301

Panel Chair: Justice Adèle Kent

- **Dmitry Bam**, "An examination of the rules, standards, and traditions that limit the public's access to information about its judges"
- **Richard Paschal**, "The U.S. Supreme Court and the Appearance of Impropriety Standard"
- **Lorne Sossin**, "Adjudicative Ethics and Administrative Justice"

Session One Cont'd

1D. Regulation

Loyalty and Confidences

Room: KC 305

Panel Chair: Jim Varro

- **Kathleen Clark**, “Financial Rewards for Whistleblowing Lawyers?”
- **Brent Cotter**, “The Nature of Confidences: The Social, Psychological and Professional Dimensions of Confidence Keeping”
- **Carol Needham**, “Due Diligence: How Deeply Should a Lawyer be Required to Investigate a Client?”
- **Margaret Tarkington**, “Freedom of Attorney-Client Association”

1E. Regulation

Global Comparisons I

Room: KC 203

Panel Chair: Darrel Pink

- **Olanike Odawale and Michael Ogwezy**, “Legal Ethics in the Developing World: Nigeria”
- **Alan Paterson**, “Good Intentions are Not Enough: Lessons from a Chastened Regulator”
- **Judith Maute**, “Comparative Legal Ethics: Sharia Law, its use in the United States and the Middle East, impact on lawyer regulation”
- **Laurel Terry**, “The Necessity of, and Logistics Involved In Building a Global Umbrella Organization for Lawyer Regulators”

1F. Education

Innovations in Teaching Legal Ethics

Room: KC 206

Panel Chair: Jocelyn Downie

- **Jan Jacobowitz and Scott Rogers**, “Mindful Legal Ethics”
- **Kimberley Kirkland**, “A Proposal for Teaching a Course on Integrity”
- **Lisa Lerman**, “Small Group Discussion in Professional Responsibility Classes: A Protocol for inclusion of marginalized students”

Session Two

Friday July 13, 2012; 10:45AM-12:15PM

2A. Empirical Approaches to Legal Ethics

Measuring and Creating Professionalism II

Room: KC 201

Panel Chair: Brent Cotter

- **Richard Moorhead**, "How can you measure professional ethics?"
- **Carole Silver**, "Unpacking the Apprenticeship of Professional Identity and Purpose: Insights from the Law School Survey of Student Engagement"
- **Seow-Hon Tan**, "Law Internships and the Moral and Professional Transformation of Law Students"
- **Anna Lund**, "The Use of Shame in Policing Professional Ethics in the Legal Profession"

2B. Culture, Ethics and Society

Lawyering and Social Change: Democracy and the Disadvantaged

Room: KC 206

Panel Chair: Ellen Zweibel

- **Justin Hasnford**, "Ethics and Access: Democracy from the U.S. to the U.K."
- **Amari Omaka**, "Ethical Challenges in the Prison Clinic Programme in Nigeria"
- **Tigran Eldred**, "Prescriptions for Ethical Blindness: Improving Advocacy for Indigent Defendants in Criminal Cases"

2C. Philosophy

New Inquiries and New Directions

Room: KC 301

Panel Chair: Allan Hutchinson

- **Les Arthur**, "Why adversarialism impedes access to civil justice; the justification, scope and limitations of a Co-operative ethic in enhancing access to justice"
- **Greg Cooper**, "Legal Entitlements: At Wholesale or Retail?"
- **Robert Rosen**, "The Hubris of "Counsel to the Situation": Louis Brandeis and Plaster Casts"

Session Two Cont'd

2D. Regulation

Challenging and Defending Lawyers' Professional Independence

Room: KC 305

Panel Chair: Jonnette Watson-Hamilton

- **Michele DeStefano Beardslee and Bruce Green**, "Lawyers' Professional Independence: Is it undervalued or overrated?"
- **Tom Harrison**, "Independence in the Justice System as a Canadian Democratic Value"
- **Suzanne Lemire**, "Together but Separate: In-House Counsel and Independence"
- **Gordon Turriff**, "Rationalising Self-Governance and Court Supervision of Lawyers in British Columbia"

2E. Regulation

Global Comparisons II

Room: KC 203

Panel Chair: Jeff Thom

- **Donna Buckingham**, "The Legal Complaints Review Office: Doctoring the Lawyers"
- **John Law**, "Lawyers in Canada: A National Profession for a National Practice Or 'A Provincially Regulated, Divided Legal Profession Cannot Stand'"
- **Judy McMorrow**, "Lawyer Discipline in China"
- **Michael Ogwezy**, "The Legal Practitioners Act: A Code for Regulating the Conduct of Legal Practitioners in Nigeria"

2F. Education

Professional Formation and Relational Self-Interest and Beyond Into Moral Leadership

Room: KC 205

Panel Chair: Kim Brooks

- **Neil Hamilton**, "Analysis of empirical data on effective pedagogies"
- **Russell Pearce**, "Relational Self-Interest and the Lawyer's Role"
- **Deborah Rhode**, "Learning outcomes for moral leadership"

Session Three

Friday July 13, 2012; 1:30PM-3:15PM

3A. Empirical Approaches to Legal Ethics

Gender Equality in the Legal Profession

Room: KC 201

Panel Chair: Jonnette Watson-Hamilton

- **Hannah Brenner**, "Supreme Court Media Study"
- **Amy Salyzyn**, "The Civility Movement and Gender"
- **Hilary Sommerlad**, "Let History Judge? Gender, Race, Class and Performative Identity: A Study of Women Judges"
- **Margaret Thornton**, "Gendered Texts: Media Representations of Corporate Lawyers"

3B. Culture, Ethics and Society

Mental Health and the Regulation of the Legal Profession

Room: KC 206

Panel Chair: Justice Terrance Platana

- **Jocelyn Downie**, "Section 6.01(3)(d) of the Federation of Law Societies' Model Code of Professional Conduct"
- **Victoria Rees**, "Nova Scotia Fitness to Practice Program"
- **Sheila Wildeman**, "Mental health history enquiries on application for admission to the Bar across Canada"

3C. Philosophy

Alternate Takes

Room: KC 301

Panel Chair: Rakesh Anand

- **Charles Silver**, "Philosophers and Fiduciaries"
- **Emanuel Tucsá**, "Lawyering against Legality: A Consideration of the OLC 'Torture Memos' Through the Lens of the Legal Theory of Lon Fuller"
- **Larry Hellman**, "'I Solemnly Pledge to *Violate* the Rules of Professional Conduct': The Role of the Attorney's Oath of Admission in Professional Regulation"
- **Justine Kingsbury**, "Function-claims about law: what (if anything) makes them true"

Session Three Cont'd

3E. Regulation

Law Without Walls

Room: KC 203

Panel Chair: Michele DeStefano and Michael Bossone

- **Michael Bossone**
- **Ray Campbell**
- **Elizabeth Chambliss**
- **Michele DeStefano**
- **John Flood**
- **Tahlia Gordon**
- **Bruce Green**
- **Renee Newman Knake**
- **Steve Mark**
- **Deborah Rhode**
- **Rob Rosen**
- **Rita Shackel**
- **Laurel Terry**

3F. Regulation

Global Comparisons III

Room: KC 305

Panel Chair: John Law

- **Andy Boon**, “Disciplinary Procedures and the Legal Profession in England and Wales”
- **Dubravka Aksamovic**, “The Many Faces of Europeanization: Europeanization of the Legal Profession”
- **Fernando Dias Simões**, “Mandatory disclosure of lack of malpractice insurance by lawyers: a Trans-Atlantic comparison”
- **Jim Mason**, “A Code for Mediation Advocates: How Might the Adversarial Imperative be Effectively Tempered in Mediation?”

3G. Education

Legal Ethics and Communities: Local and Global

Room: KC 205

Panel Chair:

- **Amanda Kennedy**, “Rethinking law curriculum: educational strategies to prepare graduates for legal practice in rural and regional areas”
- **Mary Pat Treuthart**, “The Ethical Obligation to Provide Community Legal Education”
- **Cheryl Wattley**, “What, if any Ethical Obligations Apply to U.S. Law School Programs When Assessing Human Rights States under Review by United Nations Human Rights Counsel?”

Session Four

Friday July 13, 2012; 3:30PM-5:00PM

4A. Culture, Ethics and Society

Legal Ethics and Gender Equality

Room: KC 201

Panel Chair: Jennifer Koshan

- **Elaine Craig**, “An Internal Balance of Due Process and Equality And Its Impact on the Duty of Resolute Representation”
- **David Tanovich**, “Admission and the Ethical Limits of Defense Lawyering in Sexual Assault Cases”

4B. Education

Continuing the Conversation on Unlocking the Law – A Tribute to Larry Ribstein

Room: KC 205

Panel Chair: Renee Knake

- **John Flood**
- **Daniel Katz**
- **Bruce Kobayashi**

4C. Regulation

Judicial Ethics in Canada: Challenges and Opportunities - Roundtable

Room: KC 301

Panel Chair: Adam Dodek

- **Justice Stephen Goudge**
- **Justice Adèle Kent**
- **Justice Terrance Platana**
- **Justice Karen Sharlow**
- **Justice Judith Snider**

Session Four Cont'd

4D. Regulation

ABA Ethics 20/20: Round Table Discussion

Room: KC 305

Panel Chair: Ross McLeod

- **Paul Paton**
- **Andrew Perlman**
- **Ellyn Rosen**
- **Brad Wendel**

4E. Regulation

Regulation Reform: Reflections from Australia I

Room: KC 203

Panel Chair: Art Garwin

- **Francesca Bartlett and Linda Haller**, "Seeking a National Character: Suitability and the Character Testing Admissions of Australian Lawyers under a Proposed National Law"
- **Tony Foley** "Professionalism: Professional Ethics v Commercialism, the experience of young lawyers."
- **Steve Mark, Tahlia Gordon and Andrew Grech**, "The Commoditization of Legal Services: Public Ownership of Law Firms 10 Years Later"

Session Five

Saturday July 14, 2012; 9:00AM-10:30AM

5A. Empirical Approaches to Legal Ethics

Empirical Approaches to Demographics, Diversity and Regulation

Room: KC 201

Panel Chair: Tamra Thomson

- **Ronit Dinovitzer** “Theme and Variation: Different Approaches to the Role of the Corporate Lawyer”
- **Lisa Webley and Hilary Sommerlad**, “Structure, agency and the career strategies of women and “Black, Minority and Ethnic” (BME) individuals in the legal profession in England”
- **Richard Wu and Kay-Wah Chan**, “Comparing the Ethical Regulation of the Legal Profession in China and Japan”
- **Limor Zer-Gutman**, “The Face of the Legal Profession in Israel and the Way Lawyers Approach Ethical Dilemmas”

5B. Culture, Ethics and Society

Access to Justice and Pro Bono

Room: KC 205

Panel Chair and Commentator: Susan Billington

- **Trevor Farrow**, “Access to Legal Services and the Cost of Justice”
- **Micah Rankin**, “The Pro Bono Ethic in Canadian Professional Codes of Conduct: Reflections on a Debate that We Should Be Having, But Are Not”
- **Helena Whalen-Bridge** “The Role of Culture – Mandatory Student Pro Bono in the U.S. and Singapore”

5C. Philosophy

Professional Introspections: Internal and External Models and Comparisons

Room: KC 203

Panel Chair: Alice Woolley

- **Deborah Hussey Freeland**, “What is a Lawyer? The Reconstruction of the Lawyer as an Officer of the Court”
- **Allan Hutchinson**, “Soldiering On - A Fresh Perspective on Professional Responsibility”
- **Dana Remus**, “Expanding our Conception of the Legal Profession”
- **Robert Atkinson**, “Medicine, the Western Christian Clergy and Law as Model Professions”
- **Robert Vischer**, “Love and Justice: Martin Luther King Jr.’s Lessons for Lawyers”

Session Five Cont'd

5D. Philosophy

*Ethical Obligations and the Organization, Round Table 1:
Individual, Corporation – Is There A Difference in the Fundamental Ethical Obligations
Depending Upon the Nature of the Client?*

Room: KC 301

Panel Chair: Stephen Pepper

- **Tim Dare**
- **Katherine Kruse**
- **Stephen Pepper**
- **Brad Wendel**

5E. Regulation

The Challenges of Virtual Law Practice and Social Media

Room: KC 305

Panel Chair and Commentator: Len Polsky

- **John Browning**, “When all that Twitters is not told: Ethical Considerations in the U.S. Lawyers' Use of Social Media”
- **Stephanie Kimbro**, “Ethical Issues in Delivering Legal Services Online in a Virtual Law Firm”
- **Darrel Pink and Victoria Rees**, “New Practice Models: the Virtual Law Firm”

5F. Education

Legal Ethics Education: Comparative Perspectives

Room: KC 206

Panel Chair: Leah Wortham

“Pioneering in Teaching Ethics”

- **Juan Pablo Beca**
- **Nigel Duncan**
- **Martin Kopa**
- **Elvira Mendez Pinedo**
- **Leah Wortham**

“Teaching Access to Justice in European Law: A Case Study in Iceland”

- **Elvira Mendez Pinedo**

Session Six

Saturday July 14, 2012; 10:45AM-12:15PM

6A. Culture Ethics and Society

Legal Ethics in East Asia: practice and challenges

Room: KC 201

Panel Chair: Yasutomo Morigiwa

- **Harold Epineuse**, “Introducing Judicial Ethics through International Cooperation Programs”
- **Remington Huang and Sally H. Yen**, “The Ethics of Lawyers in Taiwan: practice and challenges”
- **Colin Jones**, “Comparison of Legal Ethics Between the United States and Japan”
- **Yasutomo Morigiwa**, “Legal Ethics in East Asia: practice and challenges”
- **Dorjgotov Tsend-Ayush** “Corruption and Legal Ethics in Mongolia”
- **Munkhsaikhan Odonkhuu**, “Constitutionalism and the Judiciary in Mongolia: achievement and challenges”
- **Bayasgalan Nyamdavaa**

6B. Education

Should an Undergraduate Degree in Law Become the Basic United States Law Degree – Round Table

Room: KC 203

Panel Chair: Ian Holloway

- **Asher Alkoby**
- **Swetta Ballakrishnen**
- **Elie Mystal**
- **Russell Pearce**

6C. Philosophy and Education

Innovations in Legal Ethics Pedagogy I

Room: KC 205

Panel Chair: Tammy Moore

- **Rakesh Anand**, “The Cultural Practice of Law and the Cultural Practice of Economics: Implications for the Legal Profession and for Legal Education”
- **Faisel Bhabha**, “The Global Clinic: Teaching Ethics Experientially”
- **Clark Cunningham and Nigel Duncan**, “Open-Access resource designed for teaching legal ethics and professionalism”
- **Anneka Ferguson, Vivian Holmes and Gary Tamsitt**, “Achieving Ethical Professional Behaviour through Simulation”

Session Six Cont'd

6D. Regulation

Ethical Obligations and the Organization: Round Table 2

Room: KC 301

Panel Chair: Paul Paton

- **Kath Hall**, "Peering down the chasm: Gaps in the professional regulation of large law firm lawyers in Australia"
- **Joan Loughrey**, "Accountability and the Regulation of the Large Law Firm Lawyer"
- **Lisa Rohrer and Elizabeth Chambliss**, "Fragmentation and Integration in the Modern Law Firm"
- **Ted Schneyer**, "Thoughts on the Recent Divergence Between the UK and the US in Regulating Law Practice Entities and Entity Ownership"

6E. Philosophy

End of Adversarialism?

Room: KC 305

Panel Chair: Trevor Farrow

- **Tim Dare**, "Rescuing Roles from the Social Sciences: The Rise and Fall of Role Theory"
- **Selene Mize**, "What Can Social Psychology Research Tell Us About the Fairness of Adversarial Structures?"
- **Brad Wendel**, "Adversarialism and Rule of Law in Comparative Perspective"
- **Alice Woolley**, "The Problem of Disagreement in Legal Ethics Theory"

Session Seven

Saturday July 14, 2012; 1:30PM-3:15PM

7A. Empirical Approaches to Legal Ethics

Empirical Research on the Legal Profession: Where we have been and where we are going (or should be going) – Round Table

Room: KC 203

Panel Chair: Susan Fortney

- **Elizabeth Chambliss**
- **John Flood**
- **Susan Fortney**
- **Leslie Levin**
- **Rob Rosen**

7B. Culture, Ethics and Society

Context Matters: The Challenges and Constraints of Different Legal Roles

Room: KC 201

Panel Chair: Gavin Hume

- **Gabrielle Appleby**, “Government Lawyers, Law Officers and the Public Interest: still relevant today?”
- **Milan Markovic**, “Does Client Sophistication Matter? A Conflicted Representation from the Financial Crisis.”
- **Melissa Mortazavi**, “Lawyers not Widgets: Why Private Sector Attorneys Must Unionize to Save the Legal Profession”
- **Lucinda Vandervort**, “Framing the debate about prosecutorial discretion: legality, fraternity, human rights, and the “public interest”?”

7C. Education

Innovations in Legal Ethics Pedagogy II

Room: KC 205

Panel Chair: Amy Salyzyn

- **Annalise Acorn and Jason Buttuls**, “The Not Now Habit: Procrastination, Legal Ethics and Legal Education”
- **Juan Beca**, “Teaching Legal Ethics to Law Students”
- **John Steele**, “If They Won’t Come to Us, Go to Them: Teaching Professional Responsibility by the ‘Reverse Pervasive’ Method?”
- **Marie-Claude Rigaud**, “Teaching Professional Ethics in Canadian Law Faculties”

Session Seven Cont'd

7D. Regulation

The Lawyer-Judge Bias: Round Table

Room: KC 301

Panel Chair: Benjamin Barton

- **Benjamin Barton**
- **Renee Knake**
- **Alex Long**
- **Dana Remus**

7E. Regulation

Accessing Justice: Regulatory Challenges

Room: KC 305

Panel Chair: Stephen Pitel

- **Lynn Baker and Charles Silver**, “Fee Caps”
- **Susan Billington**, “Legal Service Delivery in Alberta: Lawyer and Non-Lawyer Legal Services Delivery”
- **Jasminka Kalajdzic**, “Third Party Litigation Funding: The Ethics of Betting on Other People's litigation”
- **Bobette Wolski**, “A Critique of Proposals for New Rules of Conduct for Legal Representatives in Mediation – Arguments for Maintaining the Status Quo”

7F. Regulation

Tax Ethics: The Writing is on the Wall but it can be Interpreted in Many Ways – Round Table

Room: KC 206

Panel Chair: Justice Karen Sharlow

- **Kim Brooks**
- **Neil Brooks**
- **Geoffrey Loomer**
- **Chris Sprysak**

Session Eight

Saturday July 14, 2012; 3:30PM-5:00PM

8A. Empirical Approaches to Legal Ethics

Empirical Approaches to Access to Justice

Room: KC 301

Panel Chair: Justice Stephen Goudge

- **Nora Freeman-Engstrom**, "Attorney Advertising and the Contingency Fee Cost Paradox"
- **Elvira Mendez Pinedo**, "Access to Justice in European Law: The Road Ahead"
- **Sean Rehaag**, "The Impact of Counsel at Canada's Federal Courts"
- **Noel Semple**, "Regulation of the Legal Profession(s) and Access to Justice: A New Legal Realist Approach"

8B. Culture, Ethics and Society

Judicial Ethics and Judicial Independence

Room: KC 201

Panel Chair: Garner Groome

- **Sarah Cravens**, "Mere-Judging or Hyper-Judging: The Ethics of the Judicial Role in Mass Litigation"
- **Mary Eberts**, "Counsel's Dilemma"
- **Justin Hansford**, "Julian Mack and the Garvey Trial: a study in the ideology, theory, and practice of judicial refusal"
- **Abdul Kamawi**, "Afghanistan law and use of informal dispute resolution"
- **Helena Lamed**, "Ethics, Politics, Antics: The Failure of Judicial Safeguards. A Canadian Perspective on the Trials of Baltasar Garzon."

8C. Education

Legal Ethics and Regulation Education around the Globe: Round Table

Room: KC 203

Panel Chair: Michele DeStefano

- **Ray Campbell**
- **Michele DeStefano**
- **Richard Devlin**
- **Colin Jones**
- **Rita Shackel**
- **Helena Whalen-Bridge**
- **Limor Zer-Gutman**

Session Eight Cont'd

8D. Regulation

The Global Implications of the New Professional Regulatory Structure in England and Wales: Round Table

Room: KC 305

Panel Chair: Anthony Davis

- **Anthony Davis**
- **John Flood**
- **John Steele**
- **Gary Tamsitt**

8E. Regulation

Regulation Reform: Reflections from Australia II

Room: KC 205

Panel Chair: Annalise Acorn

- **Michael McGarvie**, "A Pragmatic Approach to Legal Regulation"
- **Reid Mortensen**, "An Ethical Moment: Australia's National Legal Profession Project"
- **Peter MacFarlane**, "The Changing Landscape of Legal Practice in Australia"