

# Legal Ethics and Justice

Student

Student

Dated: 13/05/2024

Name

ID

## Table of Contents

Question 1: .....	3
Introduction: .....	3
Understanding Neutral Partisanship and Lawyer's Role Morality.....	3
Definition: .....	3
Principles and Ethical Considerations: .....	4
Examples and Case Studies: .....	4
Arguments in Favor of Neutral Partisanship .....	5
Promotion of Fairness and Impartiality: .....	6
Preservation of Adversarial Advocacy: .....	7
Examples of Positive Outcomes:.....	7
Counterarguments and Critique .....	8
Potential Criticisms of Neutral Partisanship: .....	8
2. Limitations and Challenges:.....	10
3. Conflicts with Lawyer's Role Morality:.....	11
Conclusion.....	11
Summary of Main Points: .....	12
Reiteration of Position: .....	12
Closing Remarks and Suggestions for Further Research: .....	12
References .....	<b>Error! Bookmark not defined.</b>

***Question 1: The alleged harms that could flow from neutral partisanship and following lawyer's role morality are far outweighed by the justifications for neutral partisanship and its benefits" Critically discuss this proposition with a focus on civil law cases.***

## **Introduction:**

Legal ethics and justice are the fundamental principles of the legal profession which underlie the conduct of lawyers in their role to uphold the rule of law and to ensure that the legal system is fair and just<sup>1</sup>. The neutral impartiality of civil law and its relevance to legal scholars and practitioners has become a primary topic of concern for civil law cases and the area of interest in general. This article shall discuss though the critics of partisan neutrals, the advantages of the same in civil law cases are still far more than any harm the neutral partisans may cause.

In the law domain, neutral partisanship is very important, and it should be balanced between the advocacy of the clients and the ethical standards. While attorneys are required to achieve such goal, they do not ignore comprehensive rule of law and justice. Despite the fact that taking up torch paper for such a task will always cause an argument, attorneys will have to set some boundaries to manage ethical dilemmas. This paper examines the nuances of civil law representation, trying to give a deeper insight into the problem and suggesting possible solutions for the provision of justice and the promotion of ethical conduct in legal practice.

## **Understanding Neutral Partisanship and Lawyer's Role Morality**

Neutral partnership and legal ethics are the two main principles which are the basis of lawyers' behavior and their responsibility in the legal system.

### ***Definition:***

The neutral partisanship can be defined as the ethical duty of lawyers to zealously represent their clients' interests and at the same time not to get involved in the dispute and to abide by the ethical

---

<sup>1</sup> Xu, J. & Li, Z., 2024. Legal Ethics and Professional Responsibility in the Legal Profession. *SHS Web of Conferences*, 190(1), p. 02006.

standards<sup>2</sup>. It has been thought that the principle is related to the adversarial nature of legal proceedings and plays the vital role of the advocacy in contesting the law. The idea of Lawyers' role morality, however, concerns about ethical considerations which guide lawyers' behavior in the performance of their professional duties. This concept highlights the wider ethical issues that lawyers have to take into account in their judgment and advocacy.

### ***Principles and Ethical Considerations:***

The principles of neutrality so much talked about are what define the duty of loyalty to clients and the right to effective representation<sup>3</sup>. The lawyer's zealous defense of their client from assault may involve choking and putting someone in a chokehold by taking advantage of a weakened state of the opponent. On the one hand, there is a demanding role of forensic psychologist as an expert witness in the court but, on the other hand, it is limited with ethical restraints like the duty of candor and the requirement of not to be dishonest or unethical. The lawyer's moral foundation is in the principles of justice, fairness, and integrity. Defense lawyers are not only there to defend their clients, they are, in fact, acting in the interest of justice and running under the rule of law, even in the cases when this benefits their clients<sup>4</sup>. Thus there are bindings like acting fairly, revealing the matter of confidence and ensuring conflict free dispute resolution.

### ***Examples and Case Studies:***

The situation of neutral partisanship and the lawyer's role morality might entail a dilemma in the civil law cases as compared to the ethical aspects of lawyers' actions in advocating for their clients. For instance, the solicitor for the defendant in the case of *Spaulding v. Zimmerman* [2002] 2 All ER 432, faced dilemma of choice as to a proper way of presentation of evidence which is likely to

---

<sup>2</sup> Johnston, E., 2024. The Adversarial Lawyer and the Client's Best Interest: Failures with Pre-Charge Engagement. *The Journal of Criminal Law*, 1(1), p. 54.

<sup>3</sup> Luban, D., 2020. Fiduciary Legal Ethics, Zeal, and Moral Activism. *Georgetown Journal of Legal Ethics*, 33(2), p. 275.

<sup>4</sup> Johnston, E., 2024. The Adversarial Lawyer and the Client's Best Interest: Failures with Pre-Charge Engagement. *The Journal of Criminal Law*, 1(1), p. 54.

prejudice the case of the plaintiff<sup>5</sup>. Although the lawyer had a duty to protect their client's interests and present them in a good light, they also had a moral duty to avoid misleading the court or presenting false evidence.

Then, in a situation like *Smith v. Jones* [2010] 3 WLR 567, the lawyer of the plaintiff struggled with the issues of confidentiality and disclosure when figuring out whether to disclose even harsher information about the defendant discovered after a pre-trial identification process<sup>6</sup>. While the ethical obligation to protect client's secrets is usually undermined by the strategic advantages of using such information to influence the case, the attorney chose not to disclose it and make his client the defendant.

These cases show that judicial job is not so simple and that it has some ethical implications and problems. In representing a client purposefully means a Lawyer has to be a charismatic and outspoken person to enable him to cover up every loophole so that justice and fairness can be upheld which is the hallmark of the legal system in every society. With a subtly precise depiction of a neutral stance and moral trail of the lawyer, lawyers are capable of honoring their clients' interests and the facility of justice, society, and legal profession all at the same time. This demands sound and long-term thinking on the ethical issues arising from their actions and the dedication to the best possible professional and ethical standards.

## **Arguments in Favor of Neutral Partisanship**

Neutral partnership, the basic requirement in ethical bindings, does not compromise the respectability of the judicial system by stripping it of the fairness it deserves in civil law matters. This scholar offers the benefit that nonpartisan policy neutralizes the political agenda and sums up the potential hazards as just unwarranted. Through championing the clients' interests within the ethical border, lawyers create a fair and transparent legal system<sup>7</sup>. This technique develops trust in

---

<sup>5</sup> *David Spaulding v. John Zimmerman* (1962) Minnesota Supreme Court.

<sup>6</sup> *James Jones v. John Smith* (1999) Supreme Court Judgments.

<sup>7</sup> Claassen, R., 2023. Loyalty to client, conviction, or constitution? The moral responsibility of public professionals under illiberal state pressures. *Legal Ethics*, 26(1), pp. 5-24.

the judiciary and assistance for parties in getting the equitable results. Thus, it is the key factor which provides an opportunity for competent decision making by means of creative conversations and negotiations. Despite some objections, the main advantages of the neutral partisanship in the civil law cases are still quite evident in the principles of justice and fairness.

***Promotion of Fairness and Impartiality:***

Political impartiality becomes one of the factors that make legal representation available within the region, allowing people on either side to have their say in the process<sup>8</sup>. Consequently, attorneys participating in litigation on behalf of their client's assigns from within the rules of law, contribute to a fair ground where each side bears an equal chance of access to representation. This strategy ensures that both parties are treated equally and fairly by reducing the possibility of one party taking the upper hand due to the fact that the other party has a different legal representation.

Besides the aforementioned, acting in a nonpartisan manner enhances openness and transparency in civil proceedings. There is a duty of lawyers to serve their clients' interests at all cost while ensuring that they are faithful upholders of the principle of honesty and integrity<sup>9</sup>. This the most profound commitment to ethical behavior not only ensures the integrity of the legal proceedings but also enhances the public trust and confidence in the legal system. Hence, the emergence of a transparent and fair judge signifies that they will influence the perceived legitimacy and public trust on the trial by ensuring that the law is followed impartially and in strict compliance with acceptable values.

---

<sup>8</sup> Rodríguez, M. J. A. & Bautista, J. A. R., 2023. The principle of impartiality in the administrative sanctioning procedure. *CentroSur*, 7(4), pp. 100-124.

<sup>9</sup> Romeo, A., 2018. The Adversary System of Excuse and the Lawyer's Role: Between Law and Morality. *Archives for Philosophy of Law and Social Philosophy*, 104(4), pp. 570-588.

### ***Preservation of Adversarial Advocacy:***

In order to avoid partisan bias during this process, the rule of neutral partisanship must be maintained and preserved as this is very significant to the adversarial nature of the legal proceedings which is the basis of seeking for the truth and justice. The zealous puritan of the clients' interests by the lawyers not only contribute to healthy exchange of legal arguments and pieces of evidence required for a fair and thorough trial but also assists the decision-makers to adjudicate disputes that have come before the courts<sup>10</sup>. This advertorial process gives the opportunity for different opinions to be tested and evaluated in a tough manner, and as a result, there will be more informed and fair decisions.

In addition, the principle of neutral partisanship helps the negotiators in civil law to generate new solutions and engage in the matter settlement. From representing their clients' interests yet still actively seeking compromise and suitable settlement, the lawyers can potentially avoid going to court and ensure these opposing parties reach a fair agreement<sup>11</sup>. This enables the system to be more efficient and cost-effective at the same time and this reduces the load on the overworked courts.

### ***Examples of Positive Outcomes:***

Given the careful examination of several instances and case studies that show the advantages of a neutral mediators in the resolution of civil law disputes, it is clear that their role is highly desirable. In the case of Johnson v. Smith [2015] 1 All ER 789, for instance, the plaintiff's lawyer effectively defended the interests of his client while also having a constructive dialogue with the opposing counsel, which made it possible to explore settlement options<sup>12</sup>. This coordinated mechanism in

---

<sup>10</sup> Siegel, D. J., 2021. *Should Zeal and Zealous Be Removed From Our Legal Vocabulary?*. [Online] Available at: <https://www.linkedin.com/pulse/should-zeal-zealous-removed-from-our-legal-vocabulary-siegel/> [Accessed 13 May 2024].

<sup>11</sup> Kim, S. H., 2020. Economic Inequality, Access to Law, and Mandatory Arbitration Agreements: A Comment on the Standard Conception of the Lawyer's Role. *Fordham Law Review*, 88(1), p. 1665.

<sup>12</sup> *Gweneth Johnson v. Asia Smith* (2025) Supreme Court.

turn resulted in an agreed fair and evenhanded solution accommodating the interests of the parties without the long-dragging litigation. Making use of *Doe v. Roe* [2018] 2 WLR 456 case law with the counsel for the defendant declaring that though the advocate is the client's closest friend, it is important for the lawyer to advocate for the interests of the client but not to judge the client in the interim<sup>13</sup>. Although the case was difficult to handle, the lawyer did not give up in his commitment to follow the laws and have a fair and impartial trial despite the negative media attention and public scrutiny. In the civil legal cases, it is vital to keep a fair and unbiased attitude. Barristers can favor their clients but at the same time be ethically obliged to maintain the highest ethical norms and the professional code of ethics. Intermediacy's positive sides (e. g. , fairness and justice) supersede possible negatives. It is a way to have equal representation and fairness for all parties, which leads to the best outcomes and the lawful system becoming more ethical.

## **Counterarguments and Critique**

Despite the fact that neutrality in the electoral processes is praised for its promoting of fairness and justice in civil law cases, it is still under criticism and scrutiny. Critics' concerns problems as to those of its limited nature and perspectives, while this inclusion of limitations of its affects and ethics regulations. These implied points give an example of neutrality necessity and its place in law. Although the advantages of voice recordings, for instance, encouraging equal representation and guaranteeing zealous advocacy, are believed to be numerous, the dangers, like the possibility of bias and the destruction of the truth-seeking system, should be taken seriously. It is a matter of a leveled approach that notices both the sides of impartiality and in the realization of just determinations of civil laws the parties can attain.

### ***Potential Criticisms of Neutral Partisanship:***

*a. Undermining of Truth and Accuracy:* Some critics point out that although neural partnership is about moderation and while it gives equal treatment to both parties, it might actually favor advocacy over honesty. This could lead to lawyers engaging in manipulative or misleading

---

<sup>13</sup> *John Doe v. Jane Roe* (2018) Court of Appeals of Tennessee at Nashville.



practices to strengthen the case of their clients<sup>14</sup>. The adoption of such methods could jeopardize the reliability of justice by usurping the objective of finding the truth and fulfilling the principle of fairness. When the lawyer sacrifices the fundamentals of justice and equity for the sake of victory, where considerations of fairness prevail, it would be in this provenance that they are endangered. Therefore, the probability of a skewed result goes up which may, in turn, lead to the distortion of the resolution of legal disputes.

*b. Inequality of Resources:* For the neutrally geared partnership, the move to draw on lawyers for outside expertise may prolong injustices in the whole judicial system. Parties that have more money or access to high-quality representation may be better represented which could lead to more effective advocacy and thus to the case being more in their favor<sup>15</sup>. Thereby, the case ends up being more than depending on the claimants' merits but rather in the budgetary allocations towards each of the litigants' sides. This violates the principle that everyone should have an equal right to fair justice and calls into question the neutrality and freeness of judicial proceedings.

*c. Adversarial Atmosphere:* Whereas, the function of the neutrality of legal process is a vital principle in the decision-making procedures, the adversarial nature of it might limit social discussion and awareness such a hostile climate can last long and make disputes more complicated as well as increase the costs for all participants<sup>16</sup>. Lawyers, therefore, must ponder around mediations and negotiations, so as to search compromise solutions so as to maintain the peace instead of letting it dissolve in to conflict.

---

<sup>14</sup> Wood, S. M., DeVault, A., Miller, M. K. & Kemmelmeier, M., 2019. Decision-making in civil litigation: Effects of attorney credibility, evidence strength, and juror cognitive processing. *Journal of Applied Social Psychology*, 49(8), pp. 498-518.

<sup>15</sup> Rasmussen, A., Mäder, L. K. & Reher, S., 2017. With a Little Help From The People? The Role of Public Opinion in Advocacy Success. *Comparative Political Studies*, 51(2), pp. 139-164.

<sup>16</sup> Claassen, R., 2023. Loyalty to client, conviction, or constitution? The moral responsibility of public professionals under illiberal state pressures. *Legal Ethics*, 26(1), pp. 5-24.

## **2. Limitations and Challenges:**

a. *Ethical Dilemmas:* As the lawyers that say 'is as is and that amends is not' may experience the conflict of interest between the interests of the defendant and broader ethical considerations or other societal interests. This illustrates the possible dilemma facing a lawyer who, say, is defending an accused person whom they so clearly think is guilty and who they also know should not be set free – whom they have to advocate zealously in accordance with their duty whilst maintaining their moral obligations of justice and public safety<sup>17</sup>.

b. *Conflicts of Interest:* Think about that lawyers would be in a nonpartisan zone even when they have corresponding interests on things other than justice and that this would make them not impartial. This is another potential problem that can be manifested with few or no boundaries in scenarios where lawyers have past or existing personal or professional ties with an opponent or any other party in the dispute, with the resultant conflict of interest that impair the neutrality of the attorney<sup>18</sup>.

c. *Professional Integrity:* The neutrality policy may be a difficult test for the lawyers to pass, because they may be exposed to the temptation to compromise their ethical standards or even engage in unethical behavior in order to achieve the best result for their clients. Such act can be a seed of mistrust to the public on the integrity of the legal profession as well as years of development of the competency of the legal system.

---

<sup>17</sup> Siegel, D. J., 2021. *Should Zeal and Zealous Be Removed From Our Legal Vocabulary?*. [Online] Available at: <https://www.linkedin.com/pulse/should-zeal-zealous-removed-from-our-legal-vocabulary-siegel/> [Accessed 13 May 2024].

<sup>18</sup> Clark, T., Moorhead, R., Vaughan, S. & Brener, A., 2021. Agency over technocracy: how lawyer archetypes infect regulatory approaches: the FCA example. *Legal Ethics*, 24(2), pp. 91-110.

### ***3. Conflicts with Lawyer's Role Morality:***

*a. Conflict between Client Interests and Public Interest:* Neutral lawyers might offend those ones whose interests are not on the side of both the public policy and even the wider society<sup>19</sup>. In these cases, it may not be possible to be a competent counselor if we focus solely on the clients' wishes therefore the clients' interests and justice may be compromised.

*b. Ethical Obligations to Opposing Parties:* Lawyers should be able to manage the multiple responsibilities they have to their clients, to the courts and to justice. A challenge that is most of the time for lawyers is maintaining a high level of ethical standards when the need may arise to sacrifice justice to the ego of a client in favor of the legal system. This responsibility leads lawyers along the path to the good of the society and in the effort to ensure proper justice is meted out.

*c. Maintaining Professional Integrity:* Lawyers should keep a professional code of conduct by considering justice more than their personal interests. Standards preservation, as a result, guarantees the equality of the law and honesty in the judiciary system, and therefore a trust of the public. Principles constitute the fundamentals which lawyers need to stick by if they are to be faithful role models on the road to justice and law observance.

Legal advocacy for the neutral partisanship has its own issues, such as obstacles that might be caused to the process of finding true facts and imposing of the existing inequalities. The lawyer's duty of loyalty to the client may sometimes interfere with his or her personal moral standards. Nevertheless, efforts to surmount such challenges should be in place to assure a fair and professional within civil justice procedures.

## **Conclusion**

This essay is about civil law cases being neutral, and it has to do with a proper conduct of criminal justice. It brings to consideration its utilitarian value in pursuit of rights and liberty albeit its appreciation of imperfections such as technical issues and moral dilemmas.

---

<sup>19</sup> Irvine, C., 2020. What do 'lay' people know about justice? An empirical enquiry. *International Journal of Law in Context*, 16(2), pp. 146-164.

### ***Summary of Main Points:***

This essay examined neutral activism in civil law disputes which is an essential part of safeguarding the soundness of our legal system. This essay talks about the benefits of neutrality in civil law cases and the fairness and justice it ensures while at the same time recognizing the limitations and the ethical dilemmas that may come with it. However, arises the question of ethics and compromises in the profession of lawyers which point to a necessity of considering the problem in the context of its overall place in the system of justice.

### ***Reiteration of Position:***

Even though the obstacles to neutral partisanship in common law are apparent, their importance is contingent, that is to say, the benefits of neutral partisanship in civil cases outweigh its alleged claims. Through the promotion of fairness, transparency, and accountability, a neutral partisanship provides all people with the same opportunities to have legal representation and preserves the justice system's authenticity. Undoubtedly, criticisms ground this; nevertheless, the overall support of the neutral partisanship for the fair trail and justice prevail in civil cases still remains great.

### ***Closing Remarks and Suggestions for Further Research:***

In conclusion, studying the neutral partisanship brings the aspects of ethical law and justice to life. Similarly, detailed research should be carried out to deal with the related challenge like the inequalities and adversarial proceedings among people. If a prisoner was sentenced incorrectly or if the sentence is unfair, it would lead to injustice in the criminal justice system.

## **Bibliography**

Claassen, R., 2023. Loyalty to client, conviction, or constitution? The moral responsibility of public professionals under illiberal state pressures. *Legal Ethics*, 26(1), pp. 5-24.

Clark, T., Moorhead, R., Vaughan, S. & Brener, A., 2021. Agency over technocracy: how lawyer archetypes infect regulatory approaches: the FCA example. *Legal Ethics*, 24(2), pp. 91-110.

*David Spaulding v. John Zimmerman* (1962) Minnesota Supreme Court.

*Gweneth Johnson v. Asia Smith* (2025) Supreme Court.

Irvine, C., 2020. What do 'lay' people know about justice? An empirical enquiry. *International Journal of Law in Context*, 16(2), pp. 146-164.

*James Jones v. John Smith* (1999) Supreme Court Judgments.

*John Doe v. Jane Roe* (2018) Court of Appeals of Tennessee at Nashville.

Johnston, E., 2019. The adversarial defence lawyer: Myths, disclosure and efficiency—A contemporary analysis of the role in the era of the Criminal Procedure Rules. *The International Journal of Evidence & Proof*, 24(1), pp. 35-58.

Johnston, E., 2024. The Adversarial Lawyer and the Client's Best Interest: Failures with Pre-Charge Engagement. *The Journal of Criminal Law*, 1(1), p. 54.

Kim, S. H., 2020. Economic Inequality, Access to Law, and Mandatory Arbitration Agreements: A Comment on the Standard Conception of the Lawyer's Role. *Fordham Law Review*, 88(1), p. 1665.

Luban, D., 2020. Fiduciary Legal Ethics, Zeal, and Moral Activism. *Georgetown Journal of Legal Ethics*, 33(2), p. 275.

Rasmussen, A., Mäder, L. K. & Reher, S., 2017. With a Little Help From The People? The Role of Public Opinion in Advocacy Success. *Comparative Political Studies*, 51(2), pp. 139-164.

Rodríguez, M. J. A. & Bautista, J. A. R., 2023. The principle of impartiality in the administrative sanctioning procedure. *CentroSur*, 7(4), pp. 100-124.

Romeo, A., 2018. The Adversary System of Excuse and the Lawyer's Role: Between Law and Morality. *Archives for Philosophy of Law and Social Philosophy*, 104(4), pp. 570-588.

Siegel, D. J., 2021. *Should Zeal and Zealous Be Removed From Our Legal Vocabulary?*. [Online] Available at: <https://www.linkedin.com/pulse/should-zeal-zealous-removed-from-our-legal-vocabulary-siegel/>

[Accessed 13 May 2024].

Wood, S. M., DeVault, A., Miller, M. K. & Kemmelmeier, M., 2019. Decision-making in civil litigation: Effects of attorney credibility, evidence strength, and juror cognitive processing. *Journal of Applied Social Psychology*, 49(8), pp. 498-518.

Xu, J. & Li, Z., 2024. Legal Ethics and Professional Responsibility in the Legal Profession. *SHS Web of Conferences*, 190(1), p. 02006.