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
- 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
- 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?”
- 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
- 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”
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”
- Judy McMorrow, “Lawyer Discipline in China”

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”
- 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 Tucsa, “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”  
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
- 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 Adéle 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
- Tony Foley “Professionalism: Professional Ethics v Commercialism, the experience of young lawyers.”
- Steve Mark, Tahlia Gordon and Andrew Grech, “The Comoditization 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
➢ 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”

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”
➢ Faisal 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?”
  - 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 Butttuls, “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”

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”  
- 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”  

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”