

FORMATION OF VALUES IN ACTIVITIES OF THE FUTURE LAWYERS AND LAW ENFORCEMENT OFFICERS: HOW TO LEARN ETHICS WHILE STUDYING

Žaneta Navickienė

Public Security Academy, Mykolas Romeris University, Lithuania

Vaidotas Žilys

Faculty of Business and Technologies, Utena University of Applied Sciences, Lithuania

Gintautas Danišauskas

Law School of Mykolas Romeris University, Lithuania

Abstract. *This article presents the relevance of values and steps for the formation of ethical principles for the future legal profession. The aim is focused on analysis of formation process of values for a lawyer and police by analyzing law and police study programs. The assessment scale of the public confidence in different law enforcement institutions (courts, the prosecutor's office, police, lawyers) shows that the society is watchful, indifferent and active evaluating the quality of law enforcement institutions as well as behavior of the officials. It means conceptual and consistent formation of values would ensure the efficiency of practical ethical model. Nine law and police study programs of higher schools in Lithuanian and four codes of professional ethics of law enforcement institutions were examined during the research. Also four lecturers were interviewed. The results of the research showed that in Lithuania the provisions of ethics are not taught in all higher schools preparing future lawyers and police officers. The provisions of professional ethics in different areas of lawyer's and police activities are clearly defined in codes of professional ethics as well as in recommendations applying these ethical provisions. However the pragmatic application of ethical provisions would be strengthened studying particular disciplines.*

Keywords: *codes of professional ethics; professional ethics; law studies; law enforcement studies.*

Introduction

Relevance and novelty of the research. While looking at this topic, first of all we would like to encourage a discussion – what is the place of professional ethics in the context of professionalism, can ethics be interesting in general and how to make it interesting in the studies to have a clear and tangible praxological (adaptive) character in further professional activity? In the classical expression of

professionalism personal characteristics are identified as an integral part of competence. However, in the direction of the innovative approach, these qualities are evident as a targeted, independent and reasonable component of professionalism (Evans, 2015). It allows us to purposeful emphasize the importance of behavioral principles and personal characteristics and to analyze them in the general expression of professionalism. Therefore, apart from the two components of professionalism - qualifications and competencies - an integral part of professionalism is personal and business qualities, compliance with professional ethics. In the opinion of E. Gudavičius, “professionalism is not just knowledge and skills. It is the level of work and behavioral norms of this level” (Gudavičius, 2015). By monitoring the activity to assess the performance of individual institutions and representatives of different professions, it is clear that professionalism is increasingly becoming an indicator of public satisfaction with the performance of a particular profession, such as lawyers (judges, prosecutors, lawyers) and ethical behavior. Therefore, it is not surprising that in the field of human resource management, the category of professionalism is important not only in practical activities but also in the learning process, deliberately preparing to become a professional (Neve et al., 2017).

While analyzing the concept of ethics authors emphasize the different nature of ethics. Aristotle says that object of ethics is a virtue (Žemaitis, 2005), and justice is named as one of the four classical virtues given by both the Stoics and the philosophers – Plato, Aristotle and other philosophers. Values are closely related to the concept of virtues. Authors treat it as a distinct expression. The historian of philosophy R. Plečkaitis examines them as an ontical basis of tolerance and defines a person as "self-worth" (Plečkaitis, 1998). According to V. Targamadžė, “values has to be associated with virtues, because it gives a moral backbone to state politics and a person's life and can become a state-to-people relationship by strengthening statehood and citizenship, which helps to avoid self-loss in a often dynamic and chaotic environment” (Targamadžė, 2017). It means that virtues are identify as a reference values, a guarantee of ethical behavior in order to achieve a right, fair and impartial practice. Recently, the actualization of responsibility ethics in specific areas of activity has been observed. It is seen that the application of ethical provisions in specific areas obliges individuals to behave responsibly in relation to the environment and others and to justify certain rules of conduct (Halder, 2002). The value integrity dilemma raised in axiology allows us to state that the implementation of professional ethics is inherent in the general image of the profession, allows the public to assess the trust of the representatives of a particular profession (not only in terms of performance but also in the respect of professional ethics: actions, behavior, qualities available). The purpose of this article is to reveal: firstly, whether the preparation of lawyers in the study process is a discipline of professional ethics, and secondly, when studying separate

teaching disciplines, the peculiarities of application of the provisions of professional ethics are analyzed in different topics.

The object of this research is the value provisions in the activities of a future lawyer, and **the aim** of this research is to analyze and evaluate values of a future lawyer or law enforcement officer in the context of law or police studies and the content of individual study disciplines.

The methodology of this research. The following research methods were used in the study: methods of comparison, analysis of documents and legal content and interviews. During the study, 9 law and law enforcement study programs and 4 codes of ethics were analyzed. The study included descriptions of the subjects of undergraduate study programs for lawyers or law enforcement officers in Lithuania, as well as the provisions of professional ethics codes for individual legal fields - judges, prosecutors, police, lawyers. The interview was taken from four lecturers of forensics, criminal proceedings and lecturers of disciplines of Lithuanian law enforcement institutions. The purpose of the interview is to identify the importance of professional ethics in the content of other disciplines related to law enforcement activities and investigation of criminal offenses: to determine whether teachers, when teaching the above mentioned disciplines, actualize the ethical attitudes and apply them in practice in specific situations analyzed in the subject taught.

Guidelines for the Formation of Value Provision in Studying Ethics

When analyzing the beginning of the formation of lawyers' value provisions, it is appropriate to identify the starting point that shows the beginning of professional ethics training. This is, of course, the skills and knowledge of professional ethics that are formed while studying and are needed to further activities as a lawyer. The Constitutional Court of the Republic of Lithuania, when defining the qualification requirements of judges, noted that university education is necessary, not only with the abundance of knowledge, but also with the wide range of fundamental knowledge necessary for making responsible decisions. On the other hand, we can also agree with the position expressed by scientists that professional studies of ethics are important for a future lawyer, although this is not the only way to develop personal values (Kiršienė & Szymanski, 2012). Scientists' research shows that the perception of the ethical dimension should be assessed more broadly and should include several links: the inclusion of ethical disciplines in curricula, the dissemination of literary ethics, and the development of a clear national ethics strategy (Paliduskaitė & Didžiulienė, 2002). In the author's opinion, apart from the before mentioned links, the practical application of professional ethics is important as well and it could be the dissemination,

helping the lawyer or police officer himself to become familiar with the existing ethical practice and to formally model his ethical behavior.

Nine law study programs were analyzed during the study¹. Analysis of their content has shown that prospective lawyers (law enforcement officers) learn the basics of professional ethics during their studies, but this subject is not studied in all legal study programs (see Table 1). It should be noted that professional ethics is studied both as a separate discipline of studies and in the context of other disciplines. The most widespread expression of professional ethics is dealt with in four study programs (see Table 1). The Law Integrated Study Program at the Faculty of Law of Vilnius University focuses on the basic legal professions and ethical requirements for them. Mykolas Romeris University (hereinafter – MRU) Public Security Academy's Bachelor's Degree Program in Law and Police deals analyzes questions such as professional ethics as part of ethics science, ethics theories, professional ethics challenges and functions, and ethical problems of civil servants. The Law and Finance Bachelor's Degree Program at the Law Faculty of Vytautas Magnus University examines issues such as the regulation of legal ethics, the rules of ethics of individual categories of lawyers - judges, attorneys, prosecutors, notaries, bailiffs. In other law study programs some issues of values are analyzed in the content of philosophy or other discipline. Some study programs, such as the Law (Law School of MRU), Law and Customs (Law School of MRU) or Law and Penitentiary (Law School of MRU) study, has a discipline called “Lawyer's Career” and in this discipline they spend only 2 academic hours for a topic “Legal Ethics, Operational Risk and Management Methods”.

Table 1 Expressions of professional ethics in the context of various undergraduate study programs

| The name of the study program | Study cycle | An independent discipline or discipline that includes professional ethics | Semester | Credits |
|--------------------------------------|--------------------|--|-----------------|----------------|
| Law (MRU) | Bachelor | Ethics in another discipline: “Lawyers Career“ | 1 | 6 |
| Law and Customs Activities (MRU) | Bachelor | Ethics in another discipline: “Lawyers Career“ | 1 | 6 |
| Law and Penitentiary Activity (MRU) | Bachelor | Ethics in another discipline: “Lawyers Career“ | 1 | 6 |

¹During the study these study programs of 2018-2019 were analyzed: Bachelor of Law, Law and Customs Activities, Law and Penitentiary Studies in Mykolas Romeris University Law School. Also Bachelor's Degree Program in Law and Management at the Law School of Mykolas Romeris University (accession of 2016). Also Bachelor's Degree Program in Law and Police Activities at the Public Security Academy of Mykolas Romeris University. Also Bachelor's Degree Program in Law and Pre-trial Process at the Public Security Academy of Mykolas Romeris University. Also Vilnius University Law Faculty Law Integrated Study Program. Also Bachelor's Degree Program in Law and Finance at Vytautas Magnus University, Faculty of Law. Also Utena University of Applied Science (Utena College) Law Study Program.

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|--|---------------------|---|---|---|
| Law and Management (MRU) (accession of 2016) | Bachelor | Ethics in another discipline: “Philosophy“ | 3 | 3 |
| Law and Police Activity (MRU) | Bachelor | A separate discipline: “Professional Ethics“ and also in another discipline: “Philosophy and Science Methodology“ | 1 | 3 |
| Law and pre-trial process (MRU) | Bachelor | Ethics in another discipline: “Philosophy“ | 2 | 6 |
| Law (VU) | Solid | Ethics in another discipline: “Lawyers Career“ | 1 | 3 |
| Law and Finance (VDU) | Bachelor | Ethics in separate discipline: “Lawyers Career“ | 5 | 4 |
| Law (Utena University of Applied Science /Utena College) | Profession Bachelor | Ethics in another discipline: “Introduction to Philosophy“ | 3 | 3 |

So we can see that in the training of future lawyers, two directions dominate in the context of professional ethics. In some law study programs there are basically no educational tools (or they are very weak) that help to prepare for practical realization of values in the future work of judge, lawyer, prosecutor, notary, pre-trial investigation officer (investigator), etc. The other already mentioned legal study programs have formed a fundamental piece of professional ethics knowledge, presenting the principles of both professional ethics for lawyers and for other individual categories thus facilitating the preparation of the future lawyer for practical implementation of the values in the future. So in the preparation of a future lawyer (including a judge) it is important to form conceptual educational theoretical and practical basics of professional ethics, so that the judge who started working would not rely solely on empirical own perception and life experience about the fundamental values. The practice of foreign countries shows that the discipline of professional ethics can be integral, covering both the theoretical foundations of professional ethics and the practical aspects of the future lawyer's values in shaping his critical thinking about the practical application of values (Moliterno, 1996). So in principle, the integrity of professional ethics is recognized and necessary in legal studies. The analysis of the study programs made it possible to highlight the dilemma: when to start learning ethics of individual law fields? Is it important to learn only after starting work? And is it appropriate to study the provisions of specific codes of professional ethics in the course of law studies and thus to prepare in advance for the activities of a lawyer or law enforcement officer based on values?

So How to Learn Professional Ethics While Studying?

The study carried out in the course of the analysis of the norms of behavioral codes of ethics in law and law enforcement confirmed that the application of the most important ethical provisions (respect for human rights and freedoms, impartiality, justice, courtesy, etc.) is inherent in the provision of legal services, as it constitutes a valuable asset for the profession (The Code of Judicial Conduct of the Republic of Lithuania, 2006; The Code of Prosecutors Conduct of the Republic of Lithuania, 2012; The Code of Police Ethics approved by the General Police Commissioner of Lithuania, 2018; The Code of Lawyers Conduct of the Republic of Lithuania, 2016). We can agree with the position of scientists dealing with the issues of professional ethics that the study of professional ethics in the training of future lawyers is relevant, therefore it is necessary to include the discipline of professional ethics in the law study programs (Whitecross, 2016). As already mentioned, in our opinion, in studies that prepares lawyers or law enforcement officers, there are three possible chains of professional ethics development: 1. Discipline of professional ethics in all study programs of law, where the general ethics of lawyers would be examined. 2. Studying general cognitive sciences: philosophy, legal profession, lawyer career, etc. 3. When studying separate teaching disciplines and analyzing professional ethics regulations in different fields of law, for example criminal proceedings or forensic science. It would be expedient to study in mentioned way because it would ensure the full significance of professional ethics in the work of a lawyer. In our opinion, only the study of general legal professional ethics does not ensure the creation of a valuable base for future lawyer's activities. This could be the first stage of professional ethics studies, during which ethics could be studied, general ethical traits of lawyers, the importance of professional ethics in the activities of a lawyer, the lawyer's individual activities - judges, prosecutors, lawyers, notaries, bailiffs, etc. When studying individual teaching disciplines, such as criminal proceedings, forensics, civil law, psychology, etc., it would be appropriate to pay attention to the application of legal provisions and analysis of practical situations while discussing the issues of specific ethical behavior, such as the ethics of pre-trial action in criminal law and forensics, ethics of lawyer communication with the client, ethics of advocate activity, etc.

In order to ascertain whether studying separate teaching disciplines, peculiarities of application of professional ethics regulations in separate fields of law are analyzed, we have chosen several teaching disciplines: forensic science, criminal proceedings, Lithuanian law enforcement institutions - those teaching disciplines that have links with investigation of criminal offenses. Three basic links between hypothetical teaching discipline and professional ethics were identified during the interview process:

1. Relevance of professional ethics in the context of teaching discipline (reality).
2. Application of specific professional ethics provisions in specific parts of the discipline, topics (situations) (specificity).
3. The importance of professional ethics in teaching discipline (importance).

Table 2 Relevance of the application of professional ethics provisions in teaching other disciplines: forensics, criminal proceedings and activities of law enforcement institutions

| Questions | 1st teacher (forensic/ criminalistics) | 2nd teacher (criminal proceedings) | 3rd teacher (forensic/ criminalistics) | 4th teacher (Lithuanian law enforcement institutions) |
|--|---|--|--|--|
| Are the ethical provisions relevant to the discipline you teach? And are you analyze questions related to ethics in your discipline? | Yes, it is particularly relevant in teaching forensic science. In accordance with the ethics of the specific topic taught, I always emphasize to students the the importance of ethics in the process of proof. | Yes, it is very relevant in teaching the criminal proceedings. They are also important in other teaching disciplines. Professional ethics are analyzed by presenting specific questions or topics. | Yes, these provisions are relevant. This is one of the constituent parts of teaching forensic science. This is important because it shows erudition, competence, level of education. | Yes, relevant to the discipline of Lithuanian law enforcement institutions, the provisions of professional ethics are examined. |
| If these provisions are relevant, in what specific parts and topics of the subject you teach these are relevant? | Particularly relevant while teaching techniques and tactics of forensic studies. That would be more from the practical side. Though ethical topics could become an integral part of general forensic theory. | The provisions of professional ethics are relevant when examining the powers of pre-trial investigation subjects, pre-trial investigation actions; as well as the peculiarities of the judicial process. | This is relevant in surveys, including in making a statement, and in other actions that are mostly communicated with citizens. This is especially true when communicating with the victim. | This is while investigating a specific law enforcement institution and its activities, functions: Judicial, police, prosecutorial, and other institutions. |
| How and why are professional ethics provisions | In my opinion, ethical provisions are important not only in the disciplines of | The provisions of professional ethics are important in the teaching of | This is very important because in the investigation of criminal offenses | This is important because a student should understand the pattern of acceptable ethical |

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|-------------------------------------|--|---|---|--|
| <p>relevant to your discipline?</p> | <p>Forensic, but also in other disciplines. It is important that future lawyers are formed and educated (in this case, usually pre-trial investigation officers), to receive not only legal knowledge, but also the foundation of ethical knowledge which would make them more professional and capable to form (influence) both personal and professional competences by raising them to a higher level of morality. This would contribute to a more transparent and fairer lawyer.</p> | <p>criminal proceedings, as they are an integral part of the activities of a future lawyer or official. Integrated study of professional legal subjects and ethics emphasizes professions in this field - judges, prosecutors, police officers, lawyers and others. In addition, it pre-forms the future model of ethical activity of a lawyer or police officer.</p> | <p>with individuals, knowledge of professional ethics establishes a better relationship with the communicator, as well as encourages more trust in the officials, law enforcement. This guarantees better interpersonal relationships and better results.</p> | <p>behavior in a particular law enforcement institution in preparation for future professional activity. It is very important to understand the standards of general and professional ethics of law enforcement institutions in the study process.</p> |
|-------------------------------------|--|---|---|--|

The results of the interviews showed that the ethics of professional ethics are important in the study process for the future lawyer or law enforcement officer. The significance of these provisions is evidenced by the fact that all teachers during the interview emphasized that the content of the subject taught also emphasizes the specific provisions of professional ethics, thus linking the relation between the subject taught and ethics. During the interviews the teachers confirmed that it is very important to assess the fact that representatives of this profession, such as judges, prosecutors, police officers, has more requirements: impeccable reputation, transparent, fair and courteous activity based on critical thinking and responsibility while making important decisions and protecting human rights and legitimate expectations. In addition, compliance of ethical provisions promotes mutual trust between law enforcement and citizens, creates effective communication and guarantees the effective investigation of criminal offenses.

Conclusions

In Lithuania there is no solid professional law formation model in the future lawyer (law enforcement officer) activities: in some study programs professional ethics is studied as an independent discipline, in some - as an integral part of the content of other study subjects. Therefore, the dilemma arises: does the different model of professional ethics in the process of the above mentioned studies preclude the application of fragmented knowledge and skills in the field of professional ethics at a later stage of professional activity? Therefore, it is advisable to incorporate a professional ethics discipline into the legal study programs of higher education institutions that are preparing lawyers (law enforcement officers), thus enabling a future lawyer to receive a basic knowledge of professional ethics.

The results of the interviews showed that the ethical provisions in various legal as well as police study programs are important for studying specific teaching disciplines such as forensic science, criminal proceedings or Lithuanian law enforcement institutions. When teachers are giving specific lectures, they are linking practical questions with the provisions of professional ethics. Such application of professional ethics in specific study disciplines should be encouraged: the practical importance of professional ethics in the course of studying the practical model of ethical activity of a future lawyer or law enforcement officer. It would ensure a conscientious and impeccable activity of a future lawyer or law enforcement officer while making important decisions and protecting human rights and legitimate expectations.

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