

## Slippery Slopes and Boiling Frogs: Is the Ethical Lawyer a Myth?

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### Abstract

The well-being of a profession depends a lot on the favourable perception that it enjoys from all stakeholders, namely the public. As an 'association' which is self-regulating, it sets the respective ethical standards and ensures compliance through disciplinary measures. However, the conduct of members of the legal profession over the years have called into question the very basis of this 'honourable profession' due to the unethical behaviour of some members of this profession. Although errant lawyers constitute a small percentage of the total number of lawyers in Malaysia, they nonetheless can bring the profession into disrepute with a corresponding decline in respect for the legal profession. The aim of this paper is to examine the ethical conduct of members of the legal profession and to propose measures which can be adopted to arrest ethical lapses in the future.

**Keywords:** law, legal profession, ethics, lawyers, disciplinary.

### 1. Introduction

During the 14th convocation ceremony for the Certificate of Legal Practice (CLP) examination at the Putra World Trade Centre, His Royal Highness Sultan Dr. Nazrin Muizzuddin Shah urged those entering the legal profession to 'practice according to the highest code of ethics'.<sup>169</sup> His Royal Highness is not the first to exhort and remind members of the legal profession of their professional responsibility. Judges too have constantly reminded lawyers of their ethical obligations as can be seen from the following newspaper headlines: 'Judge gives lawyer dressing-

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<sup>169</sup> n/a, 'Nazrin: Courts not for political antics' *The Star* (Kuala Lumpur, 6 February 2009) <<http://www.thestar.com.my/news/nation/2009/02/06/nazrin-courts-not-for-political-antics/#K0yDHsKlsfeuiTFC.99>> accessed 6 May 2017.

down over attire';<sup>170</sup> 'Heed the code of ethics, judge tells lawyers'<sup>171</sup> and 'Stop the Rot: Judge V.T. Singham slams poor calibre of lawyers'.<sup>172</sup>

These reminders are borne out of concern for the perceived deterioration of professional standards among members of the legal fraternity. In the past, these pronouncements were borne out of direct observations by members of the Bench and the legal community. But today, due to social media and easy accessibility of information, members of the public themselves can observe delinquency on the part of some members of the legal profession. For example, a short clip on a video sharing website shows a lawyer yelling, pushing and kicking a client kung-fu style, after persistent demands by the client about clarification pertaining to a sale and purchase agreement, infamously earning him the moniker of 'Hooligan Lawyer' on social media.<sup>173</sup>

Instances such as these are some examples of the decline of the lawyer's standard of professional conduct. Although errant lawyers constitute a small percentage of the 20,556 legal practitioners in Malaysia as at 2022,<sup>174</sup> they nonetheless can be a blot on the profession as a whole.<sup>175</sup> Countless initiatives such as an ethics course for chambering students have been proposed and implemented to arrest these ethical lapses although with mixed results. Such ethical lapses, if they can be called that, continue to plague the legal profession as can be seen from the disciplinary orders meted out against delinquent members of the profession yearly as can be seen in the table below based on the available data.<sup>176</sup>

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<sup>170</sup> n/a, 'Judge gives lawyer dressing-down over attire' (*Malaysian Bar*, 10 September 2008) <[http://www.malaysianbar.org.my/bar\\_news/berita\\_badan\\_peguam/judge\\_gives\\_lawyer\\_dressing\\_down\\_over\\_a\\_ttire.html](http://www.malaysianbar.org.my/bar_news/berita_badan_peguam/judge_gives_lawyer_dressing_down_over_a_ttire.html)> accessed 19 November 2016.

<sup>171</sup> n/a, 'Heed the code of ethics, judge tells lawyers' *The Star* (Kuantan, 9 March 2009) <<http://www.thestar.com.my/news/community/2009/03/09/heed-the-code-of-ethics-judge-tells-lawyers/>> accessed 19 November 2016.

<sup>172</sup> Brenda Lim, 'Stop the Rot: Judge V.T. Singham slams poor calibre of lawyers' (*Malaysian Bar*, 28 June 2007) <[http://www.malaysianbar.org.my/bar\\_news/berita\\_badan\\_peguam/stop\\_the\\_rot\\_judge\\_v.t.\\_singham\\_slams\\_po\\_or\\_calibre\\_of\\_lawyers.html](http://www.malaysianbar.org.my/bar_news/berita_badan_peguam/stop_the_rot_judge_v.t._singham_slams_po_or_calibre_of_lawyers.html)> accessed 19 November 2016.

<sup>173</sup> Syahidi Tajuddin, 'Tan Hui Chuan: The Hooligan Lawyer Assaulting Client!' (24 June 2012) <[https://www.youtube.com/watch?v=D3jj\\_QkQmO8](https://www.youtube.com/watch?v=D3jj_QkQmO8)> accessed 23 July 2017.

<sup>174</sup> n/a, 'General Statistics' (*Malaysian Bar*, 11 February 2022) <<https://www.malaysianbar.org.my/article/about-us/malaysian-bar-and-bar-council/about-us/figures/general-statistics>> accessed 20 March 2022.

<sup>175</sup> Ambiga Sreenevasan, 'The role of lawyers in the administration of justice' (*Malaysian Bar*, 5 November 2008) <[http://www.malaysianbar.org.my/members\\_opinions\\_and\\_comments/the\\_role\\_of\\_lawyers\\_in\\_the\\_administrati\\_on\\_of\\_justice.html](http://www.malaysianbar.org.my/members_opinions_and_comments/the_role_of_lawyers_in_the_administrati_on_of_justice.html)> accessed 25 July 2017.

<sup>176</sup> n/a, 'Disciplinary Orders (May 2017)' (*Malaysian Bar*, 30 June 2017) <[http://www.malaysianbar.org.my/disciplinary\\_orders/disciplinary\\_orders\\_may\\_2017.html](http://www.malaysianbar.org.my/disciplinary_orders/disciplinary_orders_may_2017.html)> accessed 23 July 2017.

Month (2022)	Struck Off	Suspended	Fined	Reprimanded
January	1	1	2	-
February	-	-	2	1
March	2	-	2	-

Source: Bar Council Malaysia.<sup>177</sup>

This can be contrasted with the earlier month of December 2021 where 7 lawyers were struck off with 1 lawyer fined.<sup>178</sup> It thus begs the question - is the ethical lawyer a myth or are bad apples part of the mix, even in relation to a profession such as the Malaysian legal profession?

This article will first define ethics and the meaning of 'profession' in the legal context. Secondly, it will discuss the importance of ethics in the legal profession. Thirdly, it will examine the conduct of lawyers especially in court and the reaction of the Bench. Finally, it will advocate a greater role for law schools which can serve to complement the efforts of the Bar Council. It will conclude by reiterating the importance of ethics in ensuring a high standard of professional conduct in the context of the legal profession. Reference will be made to the professional rules of ethics in Malaysia where needed.

## 2. Ethics and the Legal Profession

Generations of lawyers have prided themselves as being 'members of a learned profession.'<sup>179</sup> The legal profession is regarded as 'one of the historic and learned professions along with the clergy and medicine which have been traditionally regarded as professions throughout the centuries.'<sup>180</sup> It has been defined as 'a calling requiring specialised knowledge and often long and intensive academic preparation.'<sup>181</sup> Their specialised knowledge has placed them at the forefront of key historical events. Of the fifty-two signers of the American Declaration of Independence, twenty-five were attorneys (lawyers), notable among them were Thomas Jefferson, Benjamin Franklin, and John Adams.<sup>182</sup> The first Prime Minister of Malaysia, Tunku Abdul Rahman Putra Al-

<sup>177</sup> n/a, 'Disciplinary Orders' (*Malaysian Bar*, n.d. 2022) <<https://www.malaysianbar.org.my/members>> accessed 26 July 2022.

<sup>178</sup> n/a, 'Disciplinary Orders (December 2021)' (*Malaysian Bar*, 25 January 2022) <<https://www.malaysianbar.org.my/article/members/practice-management/disciplinary-matters/disciplinary-orders/disciplinary-orders-december-2021->> accessed 26 July 2022.

<sup>179</sup> Edward D Re, 'The Profession of the Law' (2000) 15 *Journal of Civil Rights and Economic Development* 109.

<sup>180</sup> *Ibid* 110.

<sup>181</sup> n/a, 'Definition of profession' (*Merriam-Webster*, n.d.) <<https://www.merriam-webster.com/dictionary/profession>> accessed 21 March 2022.

<sup>182</sup> Carl T Bogus, 'The Death of an Honorable Profession' (1996) 71(4) *Indiana Law Journal* 911.

Haj Tunku, who spearheaded Malaysia's fight for independence, was himself a lawyer, having been called to the English Bar at the Inner Temple in 1947.<sup>183</sup>

## 2.1 Definition of a Profession

A profession is regarded as distinct from a trade whose primary aim is 'personal gain'.<sup>184</sup> Dean Roscoe Pound, former dean of Harvard Law School and a leading scholar in twentieth-century legal thought, defined a profession as " ... a group ... pursuing a learned art as a common calling in the spirit of public service - no less a public service because it may incidentally be a means of livelihood. Pursuit of the learned art in the spirit of a public service is the primary purpose."<sup>185</sup> According to him, there were three essential ideas within a profession which were 'organisation, learning, and a spirit of public service.'<sup>186</sup> Roscoe Pound regarded the gaining of a livelihood as incidental to the three core ideas.<sup>187</sup> He stressed that 'the primary or central purpose of a profession' is that it is 'practised in a spirit of public service.'<sup>188</sup> And he regarded one defining characteristic as that it was a 'learned profession.' The 'pursuit of a learned art', was what distinguished the profession 'from a calling or vocation or occupation.'<sup>189</sup>

## 2.2 Definition of Ethics in the context of the Legal Profession

The legal profession, as in all professions, is closely associated with high ethical standards. The word 'ethics' is derived from the Greek word *ethos* (character), and from the Latin word *mores* (customs).<sup>190</sup> In its general term, ethics is a moral philosophy which sets out standards of behaviour for the individual and society.<sup>191</sup>

However, ethics has a different construction in the legal context. Here ethics refers primarily to canons of behaviour also referred to as rules of professional conduct. These canons often assume a legal framework. They provide guidance for the conduct of the members of the legal profession especially in grey areas of legal practice and stipulate sanctions for those who are in breach such

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<sup>183</sup> James Foong Cheng Yuen, 'Late bloomer with great timing' (*Aliran*, 30 August 2008) <<https://m.aliran.com/2008-5/late-bloomer-with-great-timing/>> accessed 21 March 2022.

<sup>184</sup> Roscoe Pound, 'What is a Profession - the Rise of the Legal Profession in Antiquity' (1944) 19 *Notre Dame L Rev.* 203.

<sup>185</sup> *Ibid*, 204.

<sup>186</sup> *Ibid*, 204.

<sup>187</sup> *Ibid*, 204.

<sup>188</sup> *Ibid*, 204.

<sup>189</sup> *Ibid*, 204.

<sup>190</sup> Cornell Law School, 'Ethics' (*Cornell Law School Legal Information Institute*, n.d.) <<https://www.law.cornell.edu/wex/ethics>> accessed 11 August 2017.

<sup>191</sup> BBC, 'Ethics: A general introduction' (*BBC*, n.d.) <[http://www.bbc.co.uk/ethics/introduction/intro\\_1.shtml](http://www.bbc.co.uk/ethics/introduction/intro_1.shtml)> accessed 11 August 2017.

as suspension from practice, fine or being barred. These canons are known as ‘professional ethics’ or *Rules of Professional Conduct*. The fundamental aim of these *Rules of Professional Conduct* is to maintain the dignity and integrity of the legal profession by setting standards of professional conduct. In Malaysia, the Legal Profession Act 1976 confers powers on the Bar Council to make rules<sup>192</sup> for regulating the professional practice, etiquette, conduct and discipline of advocates and solicitors.<sup>193</sup> Amongst the rules pursuant to the Act are the Legal Profession (Practice & Etiquette) Rules 1978.

A breach of these rules by an advocate and solicitor constitutes ‘misconduct’<sup>194</sup> and he or she may be liable to be struck off the Roll or suspended from practice for any period not exceeding five years, or ordered to pay a fine or be reprimanded or censured, as the case may be.<sup>195</sup>

### 3. Slippery Slopes and Boiling Frogs - Lawyers and Ethics

Over the years, lawyers have found themselves hogging the news for all manner of wrongdoings, regardless of seniority. There are many such instances but a *YouTube* video titled ‘Lawyer threatening judge in Malaysia’,<sup>196</sup> neatly substantiates the concerns of many Bench. The video shows a terse verbal exchange between a lawyer and a judge in an open court hearing:

*Lawyer: I know I shouldn't be saying this but can we stop here.*

*Judge: No, we finish with the cross.*

*Lawyer: This is going to take quite sometime*

*Judge: Never mind*

*Lawyer: I don't care My Lady. (slams pen on table). Stopping here (not audible) My Lady. You do this to me. I cannot stand it.*

*Judge: If you can't manage the case don't blame the court. There are other courts that sit. (Lawyer talking over the Judge)*

*Lawyer: I have been here the whole day My Lady.*

*Judge: You are not the only one. Others are here the whole day also.*

*Lawyer: ... (not audible)*

*Judge: I am surprised that a senior counsel like you is behaving like this. (Lawyer talking over the Judge)*

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<sup>192</sup> Accountant's Report Rules 1990; Legal Profession (Publicity) Rules 2001; Solicitors' Accounts (Deposit Interest) Rules 1990; Solicitors' Account Rules 1990 and Advocates and Solicitors (Issue of Sijil Annual) Rules 1978.

<sup>193</sup> Legal Profession Act 1976, section 76.

<sup>194</sup> Legal Profession Act 1976, section 94(3).

<sup>195</sup> Legal Profession Act 1976, section 94(2).

<sup>196</sup> June 6917, ‘Malaysian lawyer threatening Judge’ (21 March 2010) <<https://www.youtube.com/watch?v=MBF0Me8VEDo>> accessed 23 July 2017.

*Lawyer: I am not able to take this kind of treatment*

*Judge: What treatment. We are just having a hearing*

*Lawyer: .... (not audible) I don't know what to say. I am without lunch, without anything half an hour break.*

*Judge: We had a break. Everybody had half a break.*

*(Lawyer talking over the Judge. Not audible)*

*Judge: That's not my problem. That's not my problem.*

*Lawyer: Ok ok My lady. I think we will stop here. Whatever you say, you can say. I am going to take this up.*

*Judge: Oh please do. You don't threaten me.*

*Lawyer: I am not threatening. I have got some right. Please respect that. From the word go Lady, I don't know what I did. I seem to be on the wrong side. (not audible)*

*Judge: ...because you are asking... (not audible)*

*Judge: Can you please sit down. Can you please sit down?*

There are other instances and other forms of wrongdoing. For example, in 2011, a senior lawyer, S. Kanawagi, 66, who had been in legal practice for 25 years, was sentenced to six years' jail and fined RM 80,000 for 'using two forged power of attorney documents and giving a false statement in court proceedings.'<sup>197</sup> In spite of knowing that the power of attorney document was forged, he nonetheless went on to use it at the High Court in Bangunan Sultan Abdul Samad.<sup>198</sup> And when brought to trial, the accused filed numerous applications to delay his trial.<sup>199</sup> "This case was tried before the same judge for 11 years. The accused has made many applications, tormenting others in this case ...". The DPP S. Devanandan pointed out to the court in applying for a deterrent sentence.<sup>200</sup>

In 2003, the Advocates and Solicitors' Disciplinary Board found that two brothers, N. Pathmanabhan and N. Surendran had acted as advocates and solicitors in a land deal in 1998 even though they had not been admitted to the Bar at the time of the transaction.<sup>201</sup> They were

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<sup>197</sup> n/a, 'Senior lawyer jailed and fined over forged papers' *The Star* (Kuala Lumpur, 1 June 2011) <<https://www.thestar.com.my/news/nation/2011/06/01/senior-lawyer-jailed-and-fined-over-forged-papers>> accessed 21 March 2022.

<sup>198</sup> *Ibid.*

<sup>199</sup> *Ibid.*

<sup>200</sup> *Ibid.*

<sup>201</sup> n/a, 'Accused and brother no longer allowed to practise law' *Borneo Post* (Kuala Lumpur, 19 October 2010) <<https://www.theborneopost.com/2010/10/19/accused-and-brother-no-longer-allowed-to-practise-law/>> accessed 21 March 2022.

only admitted to the Bar in December 1999.<sup>202</sup> The Disciplinary Board moved to strike their names off the Roll of Advocates and Solicitors.<sup>203</sup> But more was to come.

N. Pathmanaban was again in the news albeit for a more serious matter when he and his employees were sentenced to death by the Shah Alam High Court on 25 May, 2013, after they were found guilty for the murders of cosmetics millionaire Datuk Sosilawati Lawiya, 47 and her three aides Bank officer Noorhisham Mohamad, 38; lawyer Ahmad Kamil Abdul Karim, 32; and Sosilawati's driver Kamaruddin Shamsuddin, 44.<sup>204</sup> Sosilawati and her aides had been reported missing after going to the accused's farm for a land deal.<sup>205</sup> High Court Judge Datuk Akhtar Tahir, in his judgement, took to task N. Pathmanabhan's role as a lawyer in the land transaction. He pointed out that in the property transaction, Pathmanabhan acted on behalf of Sosilawati as the seller and also the buyer, Datuk Abdul Rahman Pali, a prominent politician.<sup>206</sup> "The accused's actions were not only unethical but had also compromised his impartiality. He appeared for both Sosilawati and Rahman Palil in the same deal and by doing so, he was caught between the devil and the deep blue sea," the judge observed.<sup>207</sup> This, he said, had the effect of placing the lawyer in a difficult situation and he (Pathmanabhan) took the 'easy route of eliminating ... Sosilawati, as he was unable to honour a cheque issued to her.'<sup>208</sup> The case highlights the predicaments lawyers may find themselves when they choose to ignore the rules of professional ethics. These rules are meant to clarify and to provide guidance to lawyers who find themselves in a situation which is likely to lead to conflicts of interest.

In most cases, the breach of the ethics rules may result in financial loss for the client which to some extent could be compensated by the Bar Council. But in some instances, the breach of the professional rules of ethics may result in the potential loss of an innocent life as can be seen in the case of *Yahya Hussein Mohsen Abdulrab v PP*.<sup>209</sup> In 2014, Yahya Hussein Mohsen Mohamed, a Yemeni, was found guilty of trafficking in drugs pursuant to the Dangerous Drugs Act 1952, section 39B(1)(a), when the Customs Officers at the Tawau Airport found a quantity of drugs in a bag he was carrying. He was sentenced to death by hanging, the only sentence under the

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<sup>202</sup> Ibid.

<sup>203</sup> Ibid.

<sup>204</sup> Shanti Gunaratnam, 'Sosilawati murder: Ex-lawyer, two farmhands lose final bid to dismiss conviction, death sentence' *New Straits Times* (Putrajaya, 16 March 2017) <<https://www.nst.com.my/news/2017/03/221320/sosilawati-murder-ex-lawyer-two-farmhands-lose-final-bid-dismiss-conviction>> accessed 21 March 2022.

<sup>205</sup> Rita Jong, 'Banting Murders: N. Pathmanabhan, three farm hands gets death' (*Malaysian Bar*, 24 May 2013) <<https://www.malaysianbar.org.my/article/news/legal-and-general-news/legal-news/banting-murders-n-pathmanabhan-three-farm-hands-gets-death>> accessed 21 March 2022.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> [2020] 6 MLRA 325.

statute.<sup>210</sup> However, he appealed to the Court of Appeal claiming that he did not receive a fair trial as required by Article 5(1) of the Federal Constitution due to the incompetence of his lawyer. He had denied knowledge of the drugs in the bag and alleged that a person by the name of ‘Mickey’ had handled the bag but this line of defence was not pursued by his lawyer during trial. The Federal Court agreed with the Court of Appeal that the conduct of the counsel during trial had ‘deprived the appellant of a fair trial resulting in a miscarriage of justice.’<sup>211</sup> It found that counsel’s conduct in not raising certain issues vital for the defence such as the role of Mickey was ‘flagrantly incompetent as a whole’ as it denied the accused a credible defence in raising a reasonable doubt in the prosecution case.<sup>212</sup> Rahmat Hazlan, assisting senior lawyer Muhammad Shafee Abdullah at the appeal stage, told the court that Yahya’s counsel at first instance was suffering from a serious illness which he did not divulge to his client.<sup>213</sup> While one can sympathise with the plight of the lawyer as he was unwell, the counsel’s conduct was nonetheless a serious breach of ethics, especially so in a capital punishment offence. Had the defence not mounted a strong appeal, the appellant could have found himself facing the gallows. The case provides an important reminder of the existence of the rules of ethics. Firstly, the Legal Profession (Practice and Etiquette) Rules 1978, Rule 2-6 provides clear guidance to counsel on the acceptance of the brief. Rule 2 provides that ‘an advocate and solicitor shall give advice on or accept any brief in the Courts in which he professes to practise at the proper professional fee dependent on the length and difficulty of the case’ but ‘special circumstances may justify his refusal, at his discretion, to accept a particular brief.’ On the facts of the above case, defence counsel at first instance should have declined acceptance of the brief. Clearly, his illness would provide ‘special circumstances’ within the rules. Secondly, the Legal Profession (Practice and Etiquette) Rules 1978 under Rule 9 provides that ‘an advocate and solicitor shall undertake defence fairly and honourably and to present every defence that the law permits.’ On the facts of the case, this rule was also overlooked as counsel failed to raise pertinent matters of the defence which had been communicated to him by the accused person.

The quality and competence of lawyers have on occasion also attracted criticism from the Bench. High Court Judge Justice V.T. Singham observed that “there are still many who do not pay attention to the conditions set in the code of conduct<sup>214</sup> while some do not know about it at

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<sup>210</sup> Ibid.

<sup>211</sup> V. Anbalagan, ‘Yemeni escapes gallows after court rules he had an ‘incompetent lawyer’ (FMT, 13 July 2021) <<https://www.freemalaysiatoday.com/category/nation/2021/07/13/yemeni-escapes-gallows-after-court-rules-he-had-an-incompetent-lawyer/>> accessed 21 March 2022.

<sup>212</sup> *Yahya Hussein Mohsen Abdulrab* (n 209).

<sup>213</sup> Ibid.

<sup>214</sup> Legal Profession (Practice and Etiquette) Rules 1978.

all."<sup>215</sup> He highlighted concerns over lawyers who failed to address the court noting that "It is a rare occasion that I hear 'May it please Your Lordship'."<sup>216</sup> V.T. Singham's observation is not without merit. For example, a judge had complained that a young lawyer had addressed her as "Kak", short for *kakak* or elder sister, instead of the proper Yang Arif.<sup>217</sup> V.T. Singham also chided lawyers for not even bothering to address the court to introduce themselves or their opposing counsel before proceeding with a case.<sup>218</sup> He regretted that many lawyers did not use suitable legal jargons during court proceedings such as using 'him or her' or 'you' instead of 'learned friend' to the opponent.<sup>219</sup>

Such instances also occurred in the appellate courts. A young lawyer appeared before a panel of judges in the Court of Appeal without the required apparel. Court of Appeal judge Datuk Gopal Sri Ram offered the lawyer a hint by saying 'I can't hear you'. This is the judges' code for 'you are not properly attired'. Despite the hint, the lawyer continued addressing the court at which point His Lordship told her that she was not suitably attired. When enquired, the lawyer replied that she did not know about the requirement as she had not been told about it. The court later instructed another lawyer to take over the matter.<sup>220</sup>

It is not only in Malaysia that we have members of the legal profession acting in breach of the professional rules of ethics. In some common law jurisdictions, the conduct of some members of the legal profession have bordered on the bizarre. For example, an American lawyer was suspended for 15 months for accepting nude dances from a stripper as partial payment for the legal fees she owed him.<sup>221</sup> He was also charged with committing battery for inappropriately touching her during the dances.<sup>222</sup> In 2020, Michael Avenatti, who was put in the US national spotlight when he represented adult-film actress Stormy Daniels in her lawsuits against former President Donald J., was convicted for trying to extort more than US\$20 million from the athletic

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<sup>215</sup> n/a, 'Heed the code of ethics, judge tells lawyers' *The Star* (Kuantan, 9 March 2009) <<http://www.thestar.com.my/news/community/2009/03/09/heed-the-code-of-ethics-judge-tells-lawyers/>> accessed 19 November 2016.

<sup>216</sup> Brenda (n 172).

<sup>217</sup> Carolyn Hong, 'Ethics course for budding lawyers' *New Sunday Times* (Kuala Lumpur, 2 July 2000) 31.

<sup>218</sup> Brenda (n 172).

<sup>219</sup> *Yahya Hussein Mohsen Abdulrab* (n 209).

<sup>220</sup> n/a, 'Judge gives lawyer dressing-down over attire' (*Malaysian Bar*, 10 September 2008) <[http://www.malaysianbar.org.my/bar\\_news/berita\\_badan\\_peguam/judge\\_gives\\_lawyer\\_dressing\\_down\\_over\\_attire.html](http://www.malaysianbar.org.my/bar_news/berita_badan_peguam/judge_gives_lawyer_dressing_down_over_attire.html)> accessed 19 November 2016.

<sup>221</sup> Debra Cassens Weiss, 'Lawyer's Nude-Dancing Fee Deal Gets Him Suspended' (*ABA Journal*, 19 September 2008) <[http://www.abajournal.com/news/article/lawyers\\_nude\\_dancing\\_fee\\_deal\\_gets\\_him\\_suspended/](http://www.abajournal.com/news/article/lawyers_nude_dancing_fee_deal_gets_him_suspended/)> accessed 23 July 2017.

<sup>222</sup> *Ibid.*

giant Nike.<sup>223</sup> And in yet another case from the United States, a California lawyer was taken off a case when he sent an ‘expletive-laden email to opposing counsel’ telling him among other things to go ‘eat a bowl of dicks.’<sup>224</sup> He merely brushed the conduct aside and attributed it to a ‘negotiating tactic’ when asked to explain his behaviour by the State Bar of California.<sup>225</sup>

And in the Watergate scandal, more than 20 of the most powerful lawyers in the United States, including 2 attorneys general, two White House counsel and an assistant attorney general were found guilty of a number of criminal offences such as ‘obstruction of justice, lying to federal agents and Congress, and conspiring to violate the constitutional rights of citizens.’<sup>226</sup> Besides lowering the public’s opinion of lawyers, it also ‘transformed legal ethics into [a] primary concern of the profession’<sup>227</sup> and prompted the American Bar Association (hereafter referred to as ABA) to require all accredited law schools to provide instruction in professional responsibility pertaining to the duties, values, and responsibilities of the legal profession.<sup>228</sup>

It is of little surprise then, that the legal profession has often been viewed less favourably compared with many other professions. Data on the public perception of the legal profession is scant in Malaysia. But in the United States, an annual poll conducted by Gallup found that most Americans rated the honesty and ethics of nurses as the highest among a list of professions at 84%.<sup>229</sup> This was followed closely by the medical profession.<sup>230</sup> Only 22% thought that the members of the legal profession had high honesty and ethics, the lowest among the professions.<sup>231</sup> But to be fair, there are jurisdictions where the lawyer enjoys good favourability, such as in Germany. Here, legal practice is heavily regulated with ‘lawyers officially described as an “organ of jurisdiction” (“Organ der Rechtspflege”)’ and not as ‘private entrepreneurs

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<sup>223</sup> Kevin Draper, ‘Michael Avenatti Sentenced to Two and a Half Years in Nike Extortion Case’ (*The New York Times*, 8 July 2021) <<https://www.nytimes.com/2021/07/08/sports/michael-avenatti-prison-nike.html>> accessed 21 March 2022.

<sup>224</sup> Gerald Sauer, ‘INSIGHT: Attorneys Should Relearn Rules of Civility’ (*Bloomberg Law*, 23 March 2020) <<https://news.bloomberglaw.com/us-law-week/insight-attorneys-should-relearn-rules-of-civility>> accessed 21 March 2022.

<sup>225</sup> *Ibid.*

<sup>226</sup> Mark Curriden, ‘The Lawyers of Watergate: How a ‘3rd-Rate Burglary’ Provoked New Standards for Lawyer Ethics’ (*ABA Journal*, 1 June 2010) <[http://www.abajournal.com/magazine/article/the\\_lawyers\\_of\\_watergate\\_how\\_a\\_3rd-rate\\_burglary\\_provoked\\_new\\_standards/](http://www.abajournal.com/magazine/article/the_lawyers_of_watergate_how_a_3rd-rate_burglary_provoked_new_standards/)> accessed 10 August 2017.

<sup>227</sup> Tom Goldstein, ‘Watergate Stirs New Look at Lawyers’ Self-Policing’ (*The New York Times*, 29 May 1974) <<http://www.nytimes.com/1974/05/29/archives/watergate-stirs-new-look-at-lawyers-selfpolicing-watergate-is.html>> accessed 10 August 2017.

<sup>228</sup> Jeffrey A Maine, ‘Importance of ethics and morality in today’s world’ (2000) *Stetson Law Review* 1075, 1080.

<sup>229</sup> RJ Reinhart, ‘Nurses Continue to Rate Highest in Honesty, Ethics’ *Gallup* (Washington DC, 6 January 2022) <<https://news.gallup.com/poll/274673/nurses-continue-rate-highest-honesty-ethics.aspx>> accessed 22 March 2022.

<sup>230</sup> *Ibid.*

<sup>231</sup> *Ibid.*

operating in a competitive market.<sup>232</sup> This divergence may have something to do with the legal system - in common law jurisdictions with an adversarial system, the lawyer tends to be less favoured but not so in jurisdictions with civil law which have an inquisitorial system.

#### **4. Importance of Ethics to the Legal Profession**

All professions prescribe codes of ethical conduct for its members. The legal professions' wide ranging professional codes of conduct lay down rules from handling client money to the lawyers conduct in a courtroom. These codes or rules of ethical behaviour serve four primary purposes in the context of the legal profession.

Firstly, such professional codes of ethical conduct promote the rule of law which is the very basis of a modern legal system. Lawyers are regarded as 'quintessential representatives, or ambassadors, of the rule of law so far as the general public are concerned.'<sup>233</sup> If lawyers do not follow and abide by these ethical principles, then the law will fall into disrepute.<sup>234</sup> Others will see little reason to follow legal rules when the very 'ambassadors' themselves do not follow these rules.

Secondly, due to the very nature of their profession, lawyers are placed in situations which can possibly lead to conflicts of interest. This is because a legal practitioner has a responsibility to the court, to fellow practitioners and to the client. These professional codes of conduct serve to promote ethical decision-making by providing guidance in such instances.

Thirdly, these ethical codes act as a minimum standard of appropriate behaviour in a professional context. Members who do not conform are subject to professional disciplinary action. In this way, it provides a common understanding of acceptable practice among its members.

Fourthly, by abiding in such Codes of conduct, members of the legal profession 'maintain the honour and dignity of the legal profession.'<sup>235</sup> This in turn inspires confidence in their services.

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<sup>232</sup> Michael Asimov and 7 others, 'Perceptions of Lawyers - A Transnational Study of Student Views on the Image of Law and Lawyers' (2005) 12 International Journal of the Legal Profession 407.

<sup>233</sup> Lord Neuberger, 'Ethics and advocacy in the twenty-first century' (Speech delivered at the Lord Slynn Memorial Lecture, 15 June 2016) <<https://www.supremecourt.uk/docs/speech-160615.pdf>>accessed 27 July 2017.

<sup>234</sup> Peter MacFarlane, 'The Importance of Ethics and the Application of Ethical Principles to the Legal Profession' (2002) 6 Journal of South Pacific Law.

<sup>235</sup> FM Ibrahim Kalifulla, 'Legal Profession: Challenges and Prospects & The Art of Advocacy' (Speech delivered at the Inaugural Function of Redefining Legal Practice for Advocates – Generation Next (1-10 Years) Continuing Legal Education to young lawyers at the district level, organized by the Tamil Nadu Judicial Academy, 15 December 2013) <<http://www.tnsja.tn.nic.in/Article/Legal%20Profession%20Challenges-FMIKJ.pdf>>accessed 11 August 2017.

Society will view the lawyer with respect and is more willing to trust the lawyer with managing their affairs.

Sir Thomas Bingham stated that 'a profession's most valuable asset is its collective reputation and the confidence which inspires.'<sup>236</sup> The action of even one practitioner, such as being dishonest, 'reflects on the trustworthiness of all members of the profession'.<sup>237</sup>

It is therefore important for members of the legal profession to uphold themselves to the highest ethical standards of the profession. However, in practice, this is not always the case.

## 5. Reasons for Breach of Ethics

Members of the legal profession in Malaysia, as in other countries, have not escaped scrutiny over their conduct, especially in court. In 1994, a newspaper carried the headline "All's not well with the legal profession". It interviewed senior lawyers who often get to observe the conduct of young lawyers. Criminal lawyer, Jagjit Singh, had this to say: "The young ones don't know much about court decorum. I was stunned when a young lawyer in the Supreme Court<sup>238</sup> told the bench: 'Like that-ah? Ok lah, I'll go and ask my boss first.'"<sup>239</sup> A former Court of Appeal judge Syed Ahmad Helmy Ahmad cited cases of lawyers acting as money lenders to their clients.<sup>240</sup>

Judges have taken to reminding aspiring legal practitioners to 'study and adhere to all that was contained in the Legal Profession (Practice and Etiquette) Rules 1978,'<sup>241</sup> when admitting them to the Bar. Nonetheless the Bench continues to be exasperated with the integrity of lawyers appearing before it. This has prompted some judges to single and chastise the Bar Council for its perceived failure to maintain standards.

High Court judge Datuk V.T. Singham urged the Bar Council to look into the causes contributing to the deteriorating standards among the legal fraternity. His Lordship took offence at the lack of decorum of lawyers appearing before the court and warned that this will not reflect well on

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<sup>236</sup> *Bolton v The Law Society* [1993] EWCA Civ 32, [1994] 1 WLR 512, [1994] 2 All ER 486, [1994] COD 295.

<sup>237</sup> Reid Mortensen, Francesca Bartlett and Kieran Tranter (eds), *Alternative Perspectives on Lawyers and Legal Ethics: Reimagining the Profession* (Routledge 2010).

<sup>238</sup> On 24 June 1994, as part of reforms, The Supreme Court was renamed The Federal Court- Malaysia Justice System and National Police Handbook Volume 1 Strategic Information and Basic Regulations (International Business Publications, 2009) 66.

<sup>239</sup> Joceline Tan, 'All's not well with legal profession' *New Straits Times* (Kuala Lumpur, 27 April 1994) 12.

<sup>240</sup> V Anbalagan, 'Greed main cause why lawyers go astray' *FMT News* (Kuala Lumpur, 17 February 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/02/17/greed-main-cause-why-lawyers-go-astray/>> accessed 10 August 2017.

<sup>241</sup> Brenda (n 172).

the legal profession.<sup>242</sup> And in 2008, Court of Appeal judge Datuk Gopal Sri Ram “ ... took the Bar Council to task for ‘not doing anything’ to address falling standards and respect for the court.”<sup>243</sup> Judges in other jurisdictions also face similar issues and have adopted far more drastic measures. For example, in the United States, a federal judge in Texas ordered hundreds of U.S. Department of Justice lawyers to undergo ethics training for engaging in unethical conduct.<sup>244</sup> And in *R v Ekareib*,<sup>245</sup> the U.K. Court of Appeal took issue with the conduct of the defence barrister in a complex murder trial and referred him to the Bar Standards Board for disciplinary action.<sup>246</sup> Lord Thomas of Cwmgiedd chided Michael Wolkind QC for engaging in personal criticism of prosecutors during trial instead of raising it with the trial judge.<sup>247</sup> He was also alleged to have been involved in other work during the court trial.<sup>248</sup> The Court of Appeal expressed regret at the “... departure from proper standards of advocacy.”<sup>249</sup>

Across various jurisdictions, there has been much literature on this deterioration in legal standards. There are two main reasons for this. One is because of the way law is practised today. Lawyers have come to treat their vocation as an easy path to riches. Chief Justice Rehnquist attributed the falling standards to the way law is practised today:<sup>250</sup>

“The practice of law is today a business where once it was a profession ... Market capitalism has come to dominate the legal profession in a way that it did not a generation ago. Law firms, whether in 1956 or 1996 have always had to turn a profit if they were to stay in business. But today the profit motive seems to be writ large in a way that it was not in the past.”

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<sup>242</sup> Ibid.

<sup>243</sup> n/a, ‘Judge gives lawyer dressing-down over attire’ (*Malaysian Bar*, 10 September 2008) <[http://www.malaysianbar.org.my/bar\\_news/berita\\_badan\\_peguam/judge\\_gives\\_lawyer\\_dressing\\_down\\_over\\_attire.html](http://www.malaysianbar.org.my/bar_news/berita_badan_peguam/judge_gives_lawyer_dressing_down_over_attire.html)> accessed 19 November 2016.

<sup>244</sup> Joe Palazzolo and Jacob Gersham, ‘Furious Federal Judge Orders Justice Department Lawyers to Undergo Ethics Training’ (*The Wall Street Journal*, 19 May 2016) <<http://blogs.wsj.com/law/2016/05/19/furious-federal-judge-orders-justice-department-lawyers-to-undergo-ethics-training/>> accessed 20 November 2016.

<sup>245</sup> [2015] EWCA Crim 1936.

<sup>246</sup> Owen Bowcott, ‘Prominent barrister condemned over ‘ill-judged’ and ‘patronising’ behaviour’ (*The Guardian*, 16 December 2015) <<https://www.theguardian.com/law/2015/dec/16/prominent-barrister-michael-wolkind-qc-patronising-lord-chief-justice>> accessed 25 November 2016.

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

<sup>249</sup> [2015] EWCA Crim 1936.

<sup>250</sup> The Hon Justice Michael Kirby, ‘Legal Professional Ethics in Times of Change’ (Speech delivered at the St James Ethics Centre Forum on Ethical Issues, Sydney, 23 July 1996) <[https://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirbyj/kirbyj\\_stjames2.htm](https://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirbyj/kirbyj_stjames2.htm)> accessed 22 March 2022.

The same point had also been echoed in Malaysia. In a speech at the Bar Council Ethics Lecture Programme, the Chief Justice of Malaysia reminded future lawyers that the legal profession was 'not the right place for people whose sole ambition is to make as much money as fast as possible.'<sup>251</sup> Such persons, he said, often 'bring disgrace to the profession' and urged those with such ambition to 'go into business.'<sup>252</sup>

Anthony Kronman argues that this has a lot to do with 'the conditions of practice, especially in the large firm sector of the profession' which has 'eroded the development of practical wisdom and civic-mindedness that characterised the ideal of the "lawyer-statesman" of the past.'<sup>253</sup>

The other reason for ethical oversight is the adversarial nature of trial. The lawyer's single-minded goal of serving the client's interests and winning the case opens the door to tweak the rules of professional conduct to achieve the said goal.

## 6. But then, we have Good Apples too

It would not be fair to cherry-pick and highlight the delinquent conduct of a small minority of lawyers and use it to paint the whole of the legal profession with the same brush. Members of the legal profession have on more than one occasion risen to the high standards of the profession though these are rather an exception than a norm. In this regard two cases come to mind, the first is Karpal Singh's defence of Anwar Ibrahim in the first sodomy case and the second is human rights lawyer N. Surendran's persistence in seeking accountability for the death of A. Kugan in police custody.

On 14 January, 2000, Karpal Singh was arrested and charged under section 4(1)(b) of the Sedition Act, 1948 (Act 15) for uttering seditious remarks during the sodomy trial of his client, Anwar Ibrahim, former Minister of Finance and Deputy Prime Minister of Malaysia.<sup>254</sup> On 10 September 1999, during open court proceedings of Anwar's sodomy trial, and in full view of the public and the gathered media, he had informed the court that lab reports of Anwar's urine sample showed

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<sup>251</sup> Dato' Abdul Hamid bin Haji Mohamad, 'Advocacy and Decorum in Court, Professional Conduct of Counsel in and out of Court, Duties of Counsel' (Speech delivered at the Bar Council 2000 Ethics Lecture Programme, Kuala Lumpur, 30 May and 1 June 2000) <<https://tunabdulhamid.me/2000/05/advocacy-decorum-in-court-professional-conduct-of-counsel-in-and-out-of-court-duties-of-counsel/>> accessed 22 March 2022.

<sup>252</sup> Ibid.

<sup>253</sup> Roger C. Cramptom, 'On Giving Meaning to "Professionalism"' (Raising the Bar: A Bench-Bar Symposium on Professionalism, Middleton, 2018) <<https://www.ctbar.org/docs/default-source/education/materials/2018-2019-cle-materials/epc181102-benchbar-final-materials.pdf>> 22 June 2022.

<sup>254</sup> n/a, 'Karpal arrested for arsenic accusation' *Malaysiakini* (Petaling Jaya, 11 April 2001) <<https://www.malaysiakini.com/news/1729>> accessed 21 March 2022.

dangerously high levels of arsenic.<sup>255</sup> “It could well be that someone out there wants to get rid of him ... even to the extent of murder...I suspect people in high places are responsible for this situation,” he told the court, alluding to a government conspiracy to kill or injure Dato Seri Anwar.<sup>256</sup> The government was not too happy with what it saw as a smear on its reputation and charged Karpal with sedition. He faced up to three years in prison if found guilty of sedition. The case received widespread coverage in international media and was met with a chorus of disapproval by the international legal community. Lawyers Rights Watch Canada (LRWC), which describes itself as a ‘committee of Canadian lawyers who promote human rights and the rule of law by providing support internationally to human rights defenders in danger’, called the sedition charges against Karpal Singh by the Malaysian government as ‘the only known charge of sedition ever in the Commonwealth brought against a lawyer for remarks made in open court in the defence of a client.’<sup>257</sup> The brouhaha caused the government to make an about-turn. The sedition charge was withdrawn by Malaysia’s newly appointed Attorney General Datuk Gani Patail on 14 January 2002.<sup>258</sup> The case is a textbook application of the need to ‘fearlessly uphold the interest of a client, the interest of justice and dignity of the profession without regard to any unpleasant consequences either to himself or to any other person.’<sup>259</sup> It also brings to mind the famous quote by Lord Brougham when defending Queen Caroline of England against accusations of adultery by her husband King George IV, in a case regarded as the one of the most famous divorce trials in history.<sup>260</sup> Despite the objections of many urging him not to pursue with the defence, he nonetheless persisted by alluding to the duty of an advocate:

“[A]n advocate, in the discharge of his duty, knows but one person in all the world, and that person is his client. To save that client by all means and expedients, and at all hazards and costs to other persons, and, among them, to himself, is his first and only duty; and in performing this duty he must not regard the alarm, the torments, the destruction which he may bring upon others.”<sup>261</sup>

Lord Brougham’s statement has been widely cited and pointed out as an affirmation of a ‘lawyer’s duty of zealous representation of a client’<sup>262</sup> and ‘representing the “traditional view of the

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<sup>255</sup> Thomas Fuller, ‘Malaysian Ex-Minister Alleges Poisoning: Anwar Is Hospitalized After Test for Arsenic’ *New York Times* (Kuala Lumpur, 11 September 1999) <<https://www.nytimes.com/1999/09/11/news/malaysian-exminister-alleges-poisoning-anwar-is-hospitalized-after-test.html>> accessed 21 March 2022.

<sup>256</sup> n/a, ‘Karpal Singh’ (*Lawyers’ Rights Watch Canada*, 26 March 2012) <<https://www.lrwc.org/karpal-singh/>> accessed 21 March 2022.

<sup>257</sup> (n 86).

<sup>258</sup> (n 86).

<sup>259</sup> Legal Profession (Practice and Etiquette) Rules 1978 Rule 16.

<sup>260</sup> Gerald F Uelman, ‘Lord Brougham’s Bromide: Good Lawyers as Bad Citizens’ (1996) 30 *Loy L Rev* 119, 120.

<sup>261</sup> *Ibid.*

<sup>262</sup> Michael S Ariens, ‘Brougham’s Ghost’ (2015) 35 *N Ill U L Rev* 263.

lawyer's role",<sup>263</sup> and today can be found in various manifestations in the legal profession Canons of Ethics in most jurisdictions.

Kugan, then 22-years-old, died in police custody on 20 January 2009.<sup>264</sup> He had been detained by the police at the USJ Taipan police station for questioning in relation to a luxury car theft.<sup>265</sup> When the family came to claim the body of the deceased, they found 'extensive marks of beating and other severe physical trauma.'<sup>266</sup> An autopsy conducted by Serdang Hospital pathologist Dr. Abdul found '22 categories of external wounds' and attributed the death of the deceased to pulmonary edema. The family of the deceased then approached Dr. Prashant N Samberkar of Pusat Perubatan Universiti Malaya (PPUM) to conduct a second autopsy. The second autopsy found '45 categories of external injuries' on the body of the deceased with substantial internal injuries.<sup>267</sup> The cause of death of the deceased was 'acute renal failure due to rhabdomyolysis due to blunt trauma to skeletal muscles'.<sup>268</sup> Constable V. Navindran was found guilty of causing hurt to Kugan and sentenced to three years' jail.<sup>269</sup> Kugan's family filed a civil suit against then-Selangor police chief Tan Sri Khalid Abu Bakar and were awarded RM751,700 in damages and RM50,000 in costs.<sup>270</sup> When delivering judgement in the civil suit, High Court judge Justice V.T. Singham commended N. Surendran for persevering with the matter in getting a second postmortem which showed the true extent of the deceased's injuries.<sup>271</sup> "If not for him, this matter would have been swept under the carpet," he said.<sup>272</sup> The case was also notable for holding that then Selangor police chief Tan Sri Khalid Abu Bakar, had committed misfeasance in public office, a first in the country.<sup>273</sup>

## 7. The Way Forward

One important caveat needs to be added. While adherence to professional rules of responsibility will ensure compliance with ethical standards of the profession, this by itself is insufficient. The

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<sup>263</sup> Ibid.

<sup>264</sup> *N. Indra Nallathamby v Dato Seri Khalid Abu Bakar & Ors* [2013] 6 CLJ 272.

<sup>265</sup> Ibid.

<sup>266</sup> Ibid.

<sup>267</sup> *Indra* (n 264).

<sup>268</sup> Ibid.

<sup>269</sup> n/a, 'Ex-cop in Kugan custodial death jailed three years' *Malay Mail* (Kuala Lumpur, 23 May 2015) <<https://www.malaymail.com/news/malaysia/2015/05/23/ex-cop-in-kugan-custodial-death-jailed-three-years/902179>> accessed 21 March 2022.

<sup>270</sup> Ibid.

<sup>271</sup> n/a, 'IGP responsible for Kugan's death in police custody, court rules' (*Lawyers For Liberty*, 26 June 2013) <<https://www.lawyersforliberty.org/2013/06/26/igp-responsible-for-kugans-death-in-police-custody-court-rules/>> accessed 21 March 2022> accessed 21 March 2022.

<sup>272</sup> Ibid.

<sup>273</sup> *Indra* (n 264).

lawyers who drafted the complex financial instruments for subprime mortgages knew of the risks posed yet ‘treated it at face value.’<sup>274</sup> Further, their conduct was in accordance with their professional standards. What this proves is that while professional rules of conduct do play a role and they do keep lawyers within safe confines, if not mitigate the damage, something more is needed. But what exactly, is a question which legal scholars are still grappling with. However, for a start, some measures can be adopted.

In Malaysia, the Bar Council had been cognizant of these falling standards for some time. In 1994, then President of the Bar Council, Zainur Zakaria, admitted that ‘there are problems’ and that there was a need to “ ... instil a greater sense of professionalism and ethics in the profession.”<sup>275</sup> It prompted the Bar Council to set up a legal education reform committee.<sup>276</sup> As a result, various measures were put in place. In 1990, the Bar Council introduced the ethics course with a strong focus on etiquette and decorum.<sup>277</sup> This currently combines a workshop with a compulsory written examination and is a prerequisite for every pupil aspiring to be admitted to the Malaysian Bar.<sup>278</sup> In 2011, a mandatory Continuing Professional Development (CPD) scheme was introduced for lawyers who were admitted to the Malaysian Bar from 1 July 2011, and pupils in chambers who have commenced their pupillage from 1 July 2016, aimed at continually improving their skills and knowledge of the law.<sup>279</sup> The disciplinary process was also further strengthened by setting up an independent Disciplinary Board to deal more firmly with errant lawyers.<sup>280</sup>

However, further initiatives are needed. In this regard, the law school can play an important role in inculcating ethical values in aspiring lawyers by placing greater emphasis on ethics education as undertaken in the United States by ABA after the Watergate scandal.<sup>281</sup> There have been calls for ‘... greater prominence for ethics in legal training both on university law courses and on

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<sup>274</sup> Alex Aldridge, 'How do you get lawyers to do what is 'right'?' (*The Guardian*, 5 April 2012) <<https://www.theguardian.com/law/2012/apr/05/lawyers-do-what-right-ethics>> accessed 22 March 2022.

<sup>275</sup> Joceline Tan, 'All's not well with legal profession' *New Straits Times* (Kuala Lumpur, 27 April 1994) 12.

<sup>276</sup> *Ibid.*

<sup>277</sup> Carolyn Hong, 'Ethics course for budding lawyers' *New Sunday Times* (Kuala Lumpur, 2 July 2000) 31.

<sup>278</sup> Julian R Francis, 'Bar Council Ethics & Professional Standards Course for Pupils 18 and 19 Nov 2009' (*Malaysian Bar*, 9 December 2009) <[http://www.malaysianbar.org.my/bar\\_news/berita\\_badan\\_peguam/bar\\_council\\_ethics\\_professional\\_standards\\_course\\_for\\_pupils\\_18\\_and\\_19\\_nov\\_2009.html](http://www.malaysianbar.org.my/bar_news/berita_badan_peguam/bar_council_ethics_professional_standards_course_for_pupils_18_and_19_nov_2009.html)> accessed 11 August 2017.

<sup>279</sup> Boo Su-Lyn, 'Bar Council moots fines for lawyers who don't complete training' *Malay Mail Online* (Kuala Lumpur, 15 March 2016) <<https://www.malaymail.com/news/malaysia/2016/03/15/bar-council-moots-fines-for-lawyers-who-dont-complete-training/1079713>> accessed 25 July 2017.

<sup>280</sup> Ambiga Sreenevasan, 'The role of lawyers in the administration of justice' (*Malaysian Bar*, 5 November 2008) <[http://www.malaysianbar.org.my/members\\_opinions\\_and\\_comments/the\\_role\\_of\\_lawyers\\_in\\_the\\_administrati\\_on\\_of\\_justice.html](http://www.malaysianbar.org.my/members_opinions_and_comments/the_role_of_lawyers_in_the_administrati_on_of_justice.html)> accessed 25 July 2017.

<sup>281</sup> Tom Goldstein, 'Watergate Stirs New Look at Lawyers' Self-Policing' (*The New York Times*, 29 May 1974) <<http://www.nytimes.com/1974/05/29/archives/watergate-stirs-new-look-at-lawyers-selfpolicing-watergate-is.html>> accessed 10 August 2017.

professional legal training courses.<sup>282</sup> The President of the U.K. Supreme Court, Lord Neuberger, further stated that:<sup>283</sup>

“[T]he earlier and more effectively we train and encourage potential professional lawyers and advocates to appreciate and understand the importance and nature of their ethical duties, the stronger a legal profession we will have, and the stronger the rule of law will be.”

In Malaysia, there has been a recognition of the need for instruction in matters pertaining to ethics. The *Report on Future Directions of Legal Education in Malaysia*<sup>284</sup> noted the delivery of courses such as Professional Practice in public universities, which among others, provided instruction in legal ethics. For example - Universiti Sains Islam Malaysia (USIM) provides instruction in Solicitors Accounts and Management of Law Firm; Universiti Teknologi MARA (UiTM) provides instruction in ethics of the legal profession and Universiti Kebangsaan Malaysia (UKM) provides Legal Ethics. As for private universities, HELP University offers components on Legal Skills which involve resolving ethical and legal dilemmas in case study.<sup>285</sup>

But merely learning rules of professional conduct is not enough. There is a need to move away from the traditional approach which consists of learning the *Rules of Professional Conduct* and then applying them to fictitious scenarios in examinations.<sup>286</sup> This has been regarded as ‘unsatisfactory for both teachers and students and as inadequate preparation for practice.’<sup>287</sup> Law schools need to devise innovative strategies to more effectively inculcate ethical values in law students. One strategy which has found favour is the use of ‘the pervasive method’.<sup>288</sup> This method aims to ensure that every student is exposed to ethical and professionalism issues in all substantive areas of law practice by.<sup>289</sup> For example, with regard to the law of evidence, in a discussion about the lawyer's duty of confidentiality, perhaps this can be related to the Codes of

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<sup>282</sup> Lord Neuberger, ‘Ethics and advocacy in the twenty-first century’ (Speech delivered at the Lord Slynn Memorial Lecture, 15 June 2016) <<https://www.supremecourt.uk/docs/speech-160615.pdf>> accessed 27 July 2017.

<sup>283</sup> Ibid.

<sup>284</sup> Faridah Jalil, *A Report on Future Directions of Legal Education in Malaysia* (2013) 21.

<sup>285</sup> Department of Law (*HELP University*, 2016) <<https://help.edu.my/programmes/departement-of-law/>> accessed 26 November 2016.

<sup>286</sup> William M Sullivan and others, *Educating Lawyers: Preparation for the Profession of Law* (2007) (Carnegie Report).

<sup>287</sup> Clark D Cunningham, ‘Learning Professional Responsibility for the Practice of Law: The Way Forward’ (2016) Georgia State University College of Law Legal Studies Research Paper No. 2016-31, 2 <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2881654](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2881654)> citing Bruce Green, ‘Less is More: Teaching Legal Ethics in Context’ (1998) 39 *Wm & Mary L Rev* 357.

<sup>288</sup> Deborah L Rhode, ‘Ethics by the Pervasive Method’ (1991) 42 *J Legal Educ* 31, 41.

<sup>289</sup> Jeffrey A Maine, ‘Importance of ethics and morality in today’s world’ (2000) *Stetson Law Review* 1075, 1084 citing ABA Section of Legal Education and Admissions to the Bar, *Report of the Professionalism Committee: Teaching and Learning Professionalism* (1996).

Professional responsibility. With regard to Tort law, in a discussion pertaining to negligence, this can be related to the lawyers duty to clients. Such an approach is ‘...intended to demonstrate to students that issues in legal ethics pervade all areas of the law and do not arise merely in discrete courses on legal ethics.’<sup>290</sup> This can also help develop a ‘since[sic] of "propriety"' in these future lawyers which will assist them in doing ‘the proper thing at the right.’<sup>291</sup> In addition to this, future lawyers must ‘work towards developing "virtue" within themselves’ so that they can ‘make ethical decisions when difficult issues and dilemmas arise.’<sup>292</sup> In a way, this is already exemplified in practice as chambering students are required to furnish a Certificate of Good Character in order to be admitted to the Bar.

But there are limits to the education and training law schools can provide. This is because the legal role is complex and challenging. In this regard the Bar ‘must continue to play a role in bridging the gap between law school and formal licensing of lawyers.’<sup>293</sup> By formal licensing, perhaps the Bar can play a more vigilant role to ensure that only those with good character are admitted to the Bar.

Finally, lawyers should also be reminded of the consequences awaiting them when they breach rules of professional conduct.<sup>294</sup> Such a lawyer ‘faces unofficial but nonetheless powerful interdictions’,<sup>295</sup> which include ‘negative publicity and other expressions of peer disapproval’ and ‘the cutting off of valuable practice opportunities.’<sup>296</sup> This can be seen in the remorse expressed by lawyers when faced with the reality of these consequences. During his sentencing, Michael Avenatti pleaded with the judge for a lighter sentence. ‘I betrayed my own values, my friends, my family and myself. I betrayed my profession. I became driven by the things that don’t matter in life,’ he told the judge.<sup>297</sup> He further added that ‘all the fame, notoriety and money in the world is meaningless’<sup>298</sup> and blamed himself for having destroyed his career, relationships and life.<sup>299</sup> And in Malaysia, lawyer Nik Abdul Rahman Nik Mat, who was convicted to four years in jail after the court found him guilty of committing criminal breach, told the court how he had lost everything. ‘I have lost everything, Your Honour. I lost my properties and reputation,’ he pleaded

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<sup>290</sup> Susan Burns, ‘Teaching Legal Ethics’ [1993] 4(1) Leg Ed Rev 141.

<sup>291</sup> David Malcolm Brown, ‘The Ethical Lawyer - Contradiction in Terms or Reality?’ (1990) 16(5) William Mitchell Law Review 1293.

<sup>292</sup> Ibid.

<sup>293</sup> Federation of Law Societies of Canada Task Force on the Common Law Degree, Common Law Degree Report (2009).

<sup>294</sup> Maynard E Pirsig, ‘Modern Legal Ethics, by Charles W. Wolfram’ (1987) 13(2) William Mitchell Law Review 439.

<sup>295</sup> Ibid.

<sup>296</sup> Ibid.

<sup>297</sup> Draper (n 223).

<sup>298</sup> Ibid.

<sup>299</sup> Ibid.

with the court during mitigation.<sup>300</sup> All these are reminders of how fallible and how illusory fame and money can be in the legal profession. One is reminded of the Malay proverb, '*sepandai-pandai tupai melompat, akhirnya jatuh ke tanah juga*' (meaning, no matter how smart a person thinks of himself, there will come a time when he will face reality).

## 8. Conclusion

One of the most fundamental purposes of ethical standards is to maintain the reputation of the profession, 'as one in which every member, of whatever standard, may be trusted to the end of the earth'.<sup>301</sup> This is because 'the legal profession has a unique position in the community' since only it, among the professions, protects 'the personal and property rights of citizens from whatever quarter they may be threatened and pre-eminently against the threat of encroachment by the state.'<sup>302</sup> According to the Law Society of Alberta, 'the protection of rights has been an historic function of the law and it is the responsibility of lawyers to carry out that function.'<sup>303</sup>

At the very heart of this function is the maintenance of the integrity of the profession. Norman Birkett QC, observes the uniqueness of the legal profession in the sense that:

[n]o profession calls for a higher standard of honour and uprightness and no profession perhaps offers greater temptation to forsake them, but whatever gifts an advocate may possess, be they never so dazzling, without the supreme qualification of an inner integrity he will fall short of the highest standard.<sup>304</sup>

The supreme qualification of an internal integrity can be achieved if lawyers remind themselves of the ideals of their profession. Roscoe Pound hailed the hallmark of a profession as one 'practised in a spirit of public service.'<sup>305</sup> One reason why nurses and medical personnel such as doctors are highly regarded is because theirs is a profession which still strongly subscribes to the ideals of public service.<sup>306</sup> Unfortunately, in the case of the legal profession, the ideals of public service have given way to financial gains at all costs a long time ago.

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<sup>300</sup> n/a, 'I regretted committing CBT, says lawyer' (*Malaysian Bar*, 11 February 2012) <<https://www.malaysianbar.org.my/article/news/legal-and-general-news/legal-news/i-regretted-committing-cbt-says-lawyer>> accessed 21 March 2022.

<sup>301</sup> *Bolton v The Law Society* [1994] 1 WLR 512, [1993] EWCA Civ 32, [1994] 2 All ER 486, [1994] COD 295 (Sir Thomas Bingham).

<sup>302</sup> Paul Jonathan Saguil, 'Ethical Lawyering Across Canada's Legal Traditions' (2010) 9 *Indigenous Law Journal* 167.

<sup>303</sup> *Ibid.*

<sup>304</sup> *The Middle Templar* (The Honourable Society of the Middle Temple, 2012) 5.

<sup>305</sup> Pound (n 183) 203.

<sup>306</sup> Reinhart (n 229).

Coming back to our question - Is the ethical lawyer a myth? Yes, and no. As in all professions, there are bound to be delinquent members, but as long as professional standards continue to be upheld and attempts are made to inculcate ethical values and remind all and sundry about the ideals of the legal profession, then the legal profession remains in good stead to fulfil its obligations to all stakeholders.

## Bibliography

- Accountant's Report Rules 1990; Legal Profession (Publicity) Rules 2001; Solicitors' Accounts (Deposit Interest) Rules 1990; Solicitors' Account Rules 1990 and Advocates and Solicitors (Issue of Sijil Annual) Rules 1978.
- Aldridge, A., 'How do you get lawyers to do what is 'right'?' (*The Guardian*, 5 April 2012) <<https://www.theguardian.com/law/2012/apr/05/lawyers-do-what-right-ethics>> accessed 22 March 2022.
- Anbalagan, V., 'Greed main cause why lawyers go astray' *FMT News* (Kuala Lumpur, 17 February 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/02/17/greed-main-cause-why-lawyers-go-astray/>> accessed 10 August 2017.
- Anbalagan, V., 'Yemeni escapes gallows after court rules he had an 'incompetent lawyer' (*FMT*, 13 July 2021) <<https://www.freemalaysiatoday.com/category/nation/2021/07/13/yemeni-escapes-gallows-after-court-rules-he-had-an-incompetent-lawyer/>> accessed 21 March 2022.
- Ariens, M.S., 'Brougham's Ghost' (2015) 35 N Ill U L Rev 263.
- Asimov, M. and 7 others, 'Perceptions of Lawyers - A Transnational Study of Student Views on the Image of Law and Lawyers' (2005) 12 International Journal of the Legal Profession 407.
- BBC, 'Ethics: A general introduction' (*BBC*, n.d.) <[http://www.bbc.co.uk/ethics/introduction/intro\\_1.shtml](http://www.bbc.co.uk/ethics/introduction/intro_1.shtml)> accessed 11 August 2017.
- Bogus, C.T., 'The Death of an Honorable Profession' (1996) 71(4) *Indiana Law Journal* 911.
- Bolton v The Law Society* [1993] EWCA Civ 32, [1994] 1 WLR 512, [1994] 2 All ER 486, [1994] COD 295.
- Boo, S.L., 'Bar Council moots fines for lawyers who don't complete training', *Malay Mail Online* (Kuala Lumpur, 15 March 2016) <<https://www.malaymail.com/news/malaysia/2016/03/15/bar-council-moots-fines-for-lawyers-who-dont-complete-training/1079713>> accessed 25 July 2017.
- Bowcott, O., 'Prominent barrister condemned over 'ill-judged' and 'patronising' behaviour' (*The Guardian*, 16 December 2015) <<https://www.theguardian.com/law/2015/dec/16/prominent-barrister-michael-wolkind-qc-patronising-lord-chief-justice>> accessed 25 November 2016.
- Brown, D.M., 'The Ethical Lawyer—Contradiction in Terms or Reality?' (1990) 16(5) *William Mitchell Law Review* 1293.
- Burns, S., 'Teaching Legal Ethics' [1993] 4(1) *Leg Ed Rev* 141.
- Cornell Law School, 'Ethics' (*Cornell Law School Legal Information Institute*, n.d.) <<https://www.law.cornell.edu/wex/ethics>> accessed 11 August 2017.
- Cramptom, R.C. 'On Giving Meaning to "Professionalism"' (Raising the Bar: A Bench-Bar Symposium on Professionalism, Middleton, 2018) <<https://www.ctbar.org/docs/default-source/education/materials/2018-2019-cle-materials/epc181102-benchbar-final-materials.pdf>> 22 June 2022.
- Cunningham, C.D., 'Learning Professional Responsibility for the Practice of Law: The Way Forward' (2016) Georgia State University College of Law Legal Studies Research Paper No. 2016-31, 2 <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2881654](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2881654)> citing

- Bruce Green, 'Less is More: Teaching Legal Ethics in Context' (1998) 39 *Wm & Mary L Rev* 357.
- Curriden, M., 'The Lawyers of Watergate: How a '3rd-Rate Burglary' Provoked New Standards for Lawyer Ethics' (*ABA Journal*, 1 June 2010) <[http://www.abajournal.com/magazine/article/the\\_lawyers\\_of\\_watergate\\_how\\_a\\_3rd-rate\\_burglary\\_provoked\\_new\\_standards/](http://www.abajournal.com/magazine/article/the_lawyers_of_watergate_how_a_3rd-rate_burglary_provoked_new_standards/)> accessed 10 August 2017.
- Dato' Abdul Hamid bin Haji Mohamad, 'Advocacy and Decorum in Court, Professional Conduct of Counsel in and out of Court, Duties of Counsel' (Speech delivered at the Bar Council 2000 Ethics Lecture Programme, Kuala Lumpur, 30 May and 1 June 2000) <<https://tunabdulhamid.me/2000/05/advocacy-decorum-in-court-professional-conduct-of-counsel-in-and-out-of-court-duties-of-counsel/>> accessed 22 March 2022.
- Department of Law (*HELP University*, 2016) <<https://help.edu.my/programmes/departement-of-law/>> accessed 26 November 2016.
- Draper, K., 'Michael Avenatti Sentenced to Two and a Half Years in Nike Extortion Case' (*The New York Times*, 8 July 2021) <<https://www.nytimes.com/2021/07/08/sports/michael-avenatti-prison-nike.html>> accessed 21 March 2022.
- Federation of Law Societies of Canada Task Force on the Common Law Degree, *Common Law Degree Report* (2009).
- Foong, J.C.Y., 'Late bloomer with great timing' (*Aliran*, 30 August 2008) <<https://m.aliran.com/2008-5/late-bloomer-with-great-timing/>> accessed 21 March 2022.
- Francis, J.R. 'Bar Council Ethics & Professional Standards Course for Pupils 18 and 19 Nov 2009' (*The Malaysian Bar*, 9 December 2009).
- Fuller, T., 'Malaysian Ex-Minister Alleges Poisoning: Anwar Is Hospitalized After Test for Arsenic' (*New York Times* (Kuala Lumpur, 11 September 1999) <<https://www.nytimes.com/1999/09/11/news/malaysian-exminister-alleges-poisoning-anwar-is-hospitalized-after-test.html>> accessed 21 March 2022.
- Goldstein, T., 'Watergate Stirs New Look at Lawyers' Self-Policing' (*The New York Times*, 29 May 1974) <<http://www.nytimes.com/1974/05/29/archives/watergate-stirs-new-look-at-lawyers-selfpolicing-watergate-is.html>> accessed 10 August 2017.
- Gunaratnam, S., 'Sosilawati murder: Ex-lawyer, two farmhands lose final bid to dismiss conviction, death sentence' (*New Straits Times* (Putrajaya, 16 March 2017) <<https://www.nst.com.my/news/2017/03/221320/sosilawati-murder-ex-lawyer-two-farmhands-lose-final-bid-dismiss-conviction>> accessed 21 March 2022.
- Hong, C., 'Ethics course for budding lawyers' *New Sunday Times* (Kuala Lumpur, 2 July 2000) 31.
- Jalil, F., *A Report on Future Directions of Legal Education in Malaysia* (2013).
- Jong, R., 'Banting Murders: N. Pathmanabhan, three farm hands gets death' (*Malaysian Bar*, 24 May 2013) <<https://www.malaysianbar.org.my/article/news/legal-and-general-news/legal-news/banting-murders-n-pathmanabhan-three-farm-hands-gets-death>> accessed 21 March 2022.
- June 6917, 'Malaysian lawyer threatening Judge' (21 March 2010) <<https://www.youtube.com/watch?v=MBF0Me8VEDo>> accessed 23 July 2017.
- Kalifulla, F.M.I., 'Legal Profession: Challenges and Prospects & The Art of Advocacy' (Speech delivered at the Inaugural Function of Redefining Legal Practice for Advocates -

- Generation Next (1-10 Years) Continuing Legal Education to young lawyers at the district level, organized by the Tamil Nadu Judicial Academy, 15 December 2013) <<http://www.tnsja.tn.nic.in/Article/Legal%20Profession%20Challenges-FMIKJ.pdf>> accessed 11 August 2017.
- Legal Profession Act 1976.
- Legal Profession (Practice and Etiquette) Rules 1978.
- Lim, B., 'Stop the Rot: Judge V.T. Singham slams poor calibre of lawyers' (*Malaysian Bar*, 28 June 2007) <[http://www.malaysianbar.org.my/bar\\_news/berita\\_badan\\_peguam/stop\\_the\\_rot\\_judge\\_v.t.\\_singham\\_slams\\_poor\\_calibre\\_of\\_lawyers.html](http://www.malaysianbar.org.my/bar_news/berita_badan_peguam/stop_the_rot_judge_v.t._singham_slams_poor_calibre_of_lawyers.html)> accessed 19 November 2016.
- Lord Neuberger, 'Ethics and advocacy in the twenty-first century' (Speech delivered at the Lord Slynn Memorial Lecture, 15 June 2016) <<https://www.supremecourt.uk/docs/speech-160615.pdf>> accessed 27 July 2017.
- MacFarlane, P., 'The Importance of Ethics and the Application of Ethical Principles to the Legal Profession' (2002) 6 *Journal of South Pacific Law*.
- Maine, J.A., 'Importance of ethics and morality in today's world' (2000) *Stetson Law Review* 1075, 1084 citing ABA Section of Legal Education and Admissions to the Bar, *Report of the Professionalism Committee: Teaching and Learning Professionalism* (1996).
- Mortensen, R., Bartlett F. and Tranter K. (eds), *Alternative Perspectives on Lawyers and Legal Ethics: Reimagining the Profession* (Routledge 2010).
- N. Indra Nallathamby v Dato Seri Khalid Abu Bakar & Ors* [2013] 6 CLJ 272.
- n/a, 'Accused and brother no longer allowed to practise law' *Borneo Post* (Kuala Lumpur, 19 October 2010) <<https://www.theborneopost.com/2010/10/19/accused-and-brother-no-longer-allowed-to-practise-law/>> accessed 21 March 2022.
- n/a, 'Definition of profession' (*Merriam-Webster*, n.d.) <<https://www.merriam-webster.com/dictionary/profession>> accessed 21 March 2022.
- n/a, 'Disciplinary Orders (May 2017)' (*Malaysian Bar*, 30 June 2017) <[http://www.malaysianbar.org.my/disciplinary\\_orders/disciplinary\\_orders\\_may\\_2017.html](http://www.malaysianbar.org.my/disciplinary_orders/disciplinary_orders_may_2017.html)> accessed 23 July 2017.
- n/a, 'Ex-cop in Kugan custodial death jailed three years' *Malay Mail* (Kuala Lumpur, 23 May 2015) <<https://www.malaymail.com/news/malaysia/2015/05/23/ex-cop-in-kugan-custodial-death-jailed-three-years/902179>> accessed 21 March 2022.
- n/a, 'General Statistics' (*Malaysian Bar*, 11 February 2022) <<https://www.malaysianbar.org.my/article/about-us/malaysian-bar-and-bar-council/about-us/figures/general-statistics>> accessed 20 March 2022.
- n/a, 'Heed the code of ethics, judge tells lawyers' *The Star* (Kuantan, 9 March 2009) <<http://www.thestar.com.my/news/community/2009/03/09/heed-the-code-of-ethics-judge-tells-lawyers/>> accessed 19 November 2016.
- n/a, 'I regretted committing CBT, says lawyer' (*Malaysian Bar*, 11 February 2012) <<https://www.malaysianbar.org.my/article/news/legal-and-general-news/legal-news/i-regretted-committing-cbt-says-lawyer>> accessed 21 March 2022.
- n/a, 'IGP responsible for Kugan's death in police custody, court rules' (*Lawyers For Liberty*, 26 June 2013) <<https://www.lawyersforliberty.org/2013/06/26/igp-responsible-for-kugans->

- death-in-police-custody-court-rules/> accessed 21 March 2022> accessed 21 March 2022.
- n/a, 'Judge gives lawyer dressing-down over attire' (*Malaysian Bar*, 10 September 2008) <[http://www.malaysianbar.org.my/bar\\_news/berita\\_badan\\_peguam/judge\\_gives\\_lawyer\\_dressing\\_down\\_over\\_attire.html](http://www.malaysianbar.org.my/bar_news/berita_badan_peguam/judge_gives_lawyer_dressing_down_over_attire.html)> accessed 19 November 2016.
- n/a, 'Karpal arrested for arsenic accusation' *Malaysiakini* (Petaling Jaya, 11 April 2001) <<https://www.malaysiakini.com/news/1729>> accessed 21 March 2022.
- n/a, 'Karpal Singh' (*Lawyers' Rights Watch Canada*, 26 March 2012) <<https://www.lrwc.org/karpal-singh/>> accessed 21 March 2022.
- n/a, 'Nazrin: Courts not for political antics' *The Star* (Kuala Lumpur, 6 February 2009) <<http://www.thestar.com.my/news/nation/2009/02/06/nazrin-courts-not-for-political-antics/#K0yDHsKlsfeuiTFC.99>> accessed 6 May 2017.
- n/a, 'Senior lawyer jailed and fined over forged papers' *The Star* (Kuala Lumpur, 1 June 2011) <<https://www.thestar.com.my/news/nation/2011/06/01/senior-lawyer-jailed-and-fined-over-forged-papers>> accessed 21 March 2022.
- Palazzolo, J. and Gersham, J., 'Furious Federal Judge Orders Justice Department Lawyers to Undergo Ethics Training' (*The Wall Street Journal*, 19 May 2016) <<http://blogs.wsj.com/law/2016/05/19/furious-federal-judge-orders-justice-department-lawyers-to-undergo-ethics-training/>> accessed 20 November 2016.
- Pirsig, M.E., 'Modern Legal Ethics, by Charles W. Wolfram' (1987) 13(2) *William Mitchell Law Review* 439.
- Pound, R., 'What is a Profession - the Rise of the Legal Profession in Antiquity' (1944) 19 *Notre Dame L Rev.* 203.
- R v Ekareib* [2015] EWCA Crim 1936.
- Re E.D., 'The Profession of the Law' (2000) 15 *Journal of Civil Rights and Economic Development* 109.
- Reinhart, R.J., 'Nurses Continue to Rate Highest in Honesty, Ethics' *Gallup* (Washington DC, 6 January 2022) <<https://news.gallup.com/poll/274673/nurses-continue-rate-highest-honesty-ethics.aspx>> accessed 22 March 2022.
- Rhode, D.L., 'Ethics by the Pervasive Method' (1991) 42 *J Legal Educ* 31.
- Saguil, P.J., 'Ethical Lawyering Across Canada's Legal Traditions' (2010) 9 *Indigenous Law Journal* 167.
- Sauer, G., 'INSIGHT: Attorneys Should Relearn Rules of Civility' (*Bloomberg Law*, 23 March 2020) <<https://news.bloomberglaw.com/us-law-week/insight-attorneys-should-relearn-rules-of-civility>> accessed 21 March 2022.
- Sreenevasan, A., 'The role of lawyers in the administration of justice' (*Malaysian Bar*, 5 November 2008) <[http://www.malaysianbar.org.my/members\\_opinions\\_and\\_comments/the\\_role\\_of\\_lawyers\\_in\\_the\\_administration\\_of\\_justice.html](http://www.malaysianbar.org.my/members_opinions_and_comments/the_role_of_lawyers_in_the_administration_of_justice.html)> accessed 25 July 2017.
- Sullivan, W.M. and others, *Educating Lawyers: Preparation for the Profession of Law* (2007) (Carnegie Report).
- Tajuddin, S., 'Tan Hui Chuan: The Hooligan Lawyer Assaulting Client!' (24 June 2012) <[https://www.youtube.com/watch?v=D3jj\\_QkQmO8](https://www.youtube.com/watch?v=D3jj_QkQmO8)> accessed 23 July 2017.
- Tan, J., 'All's not well with legal profession' *New Straits Times* (Kuala Lumpur, 27 April 1994) 12.

The Hon Justice Michael Kirby, 'Legal Professional Ethics in Times of Change' (Speech delivered at the St James Ethics Centre Forum on Ethical Issues, Sydney, 23 July 1996) <[https://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirbyj/kirbyj\\_stjames2.htm](https://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirbyj/kirbyj_stjames2.htm)> accessed 22 March 2022.

*The Middle Templar* (The Honourable Society of the Middle Temple, 2012) 5.

Uelmen, G.F., 'Lord Brougham's Bromide: Good Lawyers as Bad Citizens' (1996) 30 Loy L Rev 119.

Weiss, D.C., 'Lawyer's Nude-Dancing Fee Deal Gets Him Suspended' (*ABA Journal*, 19 September 2008)

<[http://www.abajournal.com/news/article/lawyers\\_nude\\_dancing\\_fee\\_deal\\_gets\\_him\\_suspended/](http://www.abajournal.com/news/article/lawyers_nude_dancing_fee_deal_gets_him_suspended/)> accessed 23 July 2017.

*Yahya Hussein Mohsen Abdulrab v PP* [2020] 6 MLRA 325.