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THE IMPORTANCE OF ETHICS IN THE LEGAL PROFESSION (SELECTED ISSUES)

Introduction

We entered the 21st century and modern life has gained momentum. The changes in technological, information and business and economic spheres are accompanied by significant changes on the social and cultural level. Alongside unification and globalization, the modern world is marked by ambiguity, chaos and fragmentation. These powerful forces acting in opposite directions create a new quality of modern life and a new era that philosophy, sociology, psychology, law and other social sciences describe as the late modernity or even post-modernity. According to T. Koopmans, the 21st century will be the century of legal comparativeness. This statement should recognize the growing importance of universities in educating legal and administrative staff in the content of law in other countries, common principles and standards. This fact forces a change in the style of education of lawyers and administrators, so far oriented towards the domestic, internal legal system [Koopmans 1996, 556].

A new element is the democratization of individualization process, and this is related to the fact that basic conditions in the society favour and strengthen individualization in relation to the labour market, the need for mobility and training as well as creativity in personal development. Modern man has a duty of self-fulfillment and has many signposts how best to achieve such a goal. Routine ways of behaviour and thinking are increasingly losing their importance, and the complex meanders of life are more often subject to reflection. It is precisely this reflection of modernity that is the attitude thanks to which a lawyer is primarily supposed to accumulate knowledge that can improve the quality of this experience and the efficiency of his work.

M. Buber, quoting the teachings of Hassidim, preached that human life consists of three components: thought, speech and action. He claimed that our goal is to unite them, to make them “one piece” [Buber 1958, 154-57] to care for unity between speaking, acting and being. He believed that the efforts to improve the world require caution in the use of speech. D. Hammarskjöld strongly emphasized that: “Respect for the word is the first requirement of a discipline capable of bringing up a person who is mature mentally, emotionally and morally. Respect for the word – to use it with the greatest respect and honesty, a deep love of truth – is a condition for the development of human society and mankind. Abuse of the word is to show contempt for man. It is mined bridges and poisoning sources. It is a backward step in development” [Hammarskjöld 1981, 7].

1.

The beginning of a new century is characterized by another shift towards the “communication” pole through an interest in the theory of mind as its basis. The importance of neurolinguistic research is also growing in relation to both linguistic and communicative competences. According to J. Jabłońska-Bonca, as she rightly points out, that: “A lawyer with poor communication skills, who does not cope well in contacts with others, has little chance of lasting professional success, building his charisma, credibility and authority, even if he knows the content of law very well. Although these skills are partly related to our personality traits and have been improved through years of experience, the chances of success increase if the basis is specific interdisciplinary knowledge” [J. Jabłońska-Bonca 2004, 22]. Being a lawyer is a huge responsibility, it is the awareness that one interferes in human life. Knowing the case, circumstances, facts, confidential information enters the personal sphere of a person. It is important to remember about proper communication with the client who comes to the lawyer and shares his story. Being a professional lawyer should go hand in hand with being a man of impeccable character, a high level of culture and above all respecting the ethical values of the legal profession.

What do we mean by responsibility? In the most general philosophical sense of the term, responsibility can only be attributed to people who are able to analyze their actions and can answer why they act in this way, what pro-

mpts them to do so and what their reasons are. In other words, responsibility is just as much as the possibility of consciously and intelligently managing own behaviour. The conscious and voluntary conduct is a necessary condition for being responsible for something.

Therefore, what conditions must be fulfilled by a person in order to be attributed a high sense of responsibility. According to Z. Szawarski: first of all, man has a sense of responsibility if is aware of own moral autonomy and his situation in the world. The awareness of own moral autonomy consists primarily in realizing that we are a rational beings who are fully responsible for all our actions. If I am a responsible person, I know that it is up to me alone to decide how I will eventually act. Even if I act on someone else's orders, it is always the case that I accept this action, consciously or unconsciously. Acting on a given command does not release from the legal or moral responsibility. Secondly: a person has a sense of responsibility when is aware of all consequences of actions. If we are free, and this is a necessary condition for responsibility, we can always do so or otherwise. Thirdly, a person feels responsible when not only is aware of the fact that he is responsible for the decisions made; when not only is aware of the consequences of his intended actions or commitments, but also when is ready to actively pursue his own responsibilities. Fourthly, a person has a sense of justice when is prepared to "be judged" for his actions, when – in other words – he has the courage to "report to others clearly and openly" (or before your conscience) of your conduct. In the context of a sense of responsibility, new problems also arise which are difficult to resolve unequivocally: is it possible to live in such a way as not to deviate from any principle recognized before one another? And: is it possible to approach life in such a way as to be ready to give up any principle and value that one recognizes.

I. Kant can serve as an example of the author who associated the whole field of morality with demands that are unconditionally binding. He did not provide for a deviation from any of the moral standards. In Polish ethical literature, L. Petrażycki represented the position of principlism, proclaiming that "[...] the very essence of ethical regulations lies in their unconditionality [...]" and that "[...] the abolition of the categorical and unconditionality of the rules of social catechism, changing them into conditional practical rules, which may or may not be applied, depending on the purpose and circumstan-

ces, inevitably leads to the collapse of social morality [...]” [Petrażycki 2002].

2.

One way of using the word “dignity” is to refer to a particular social or political context, when the word “dignity” is usually associated with a particular social role or profession. In principle, each profession has its own professional ethics. “Professional ethics is a set of rules and standards defining how a profession should behave morally. A logically structured set of such standards is called a «deontological code» of a given profession. Codes are created by concretizing and specifying the standards of general ethics, functioning in a given society, adapting them to the specifics of a given profession through: 1) changing the hierarchy of particular norms; 2) modification or concretization of their content; 3) formulation of new rules, which are missing in general ethics, and which are particularly important for a given profession; 4) subjecting to specific rules, preferences in conflict situations; 5) indicating the powers of representatives of a given profession, which are derived from their functions” [Jedynak 1999].

Creation of professional ethics refers primarily to the distinguished professions, the representatives of which deal with socially valued values on a daily basis, such as health and life (medical ethics), freedom (ethics of an attorney, judge, prosecutor, policeman, prisoner officer), personality shaping (teaching ethics). Nowadays, there are also emerging ethics of those professional groups which have gained wider social importance (e.g., the ethics of a scientist, administrative officer), or in which the issue of a person’s moral qualifications is at least as important as the issue of professional qualifications. In discussions on the issues of professional ethics, members are required – due to their profession – to have high professional competence, and not moral virtues or kindness, etc. These are rather isolated voices, as it is commonly emphasized that both the professional community concerned and the community outside it expect “something more” than only expertise and efficiency from the representatives of certain professional groups, due to their professional role. This is directly reflected in the professional oaths taken or in the specific criteria to be met by the candidate for profession. There are a number of overtly moral criteria, including the personality traits of candidate. In addition, a high level of professional knowledge can promote the

realization of certain moral values, and respect for these values can lead to the development of professional knowledge and the best possible use of this knowledge not only for the benefit of own community but often even for the benefit of humanity as a whole (“the responsibility of scientists”).

T. Czyżewski defines this problem as follows: “In a modern professional group, two types of rules of conduct are developed – as the profession represented by the group develops – one technical, the other could be called moral, because they create ethics or professional deontology and regulate the coexistence rules of the members of a professional group among themselves and in relations between them, as representatives of the profession, and outsiders” [Czyżewski 1967, 111-21]. This professional ethics is directly related to what is sometimes called the honor or dignity of profession: it humiliates that dignity, whoever breaks the rules of professional ethics. Craftsmen, merchants, lawyers, doctors, civil servants have this ethics – teachers and scientists also have it. In many cases it is guarded by corporate courts, called disciplinary or honorary courts. The rules of such deontology are acquired along with the learning of profession, but there are also attempts to codify them and such a code has e.g. medical ethics.

Currently, the importance of professional ethics is related to the conflicting nature of morality in the modern world, because the essential characteristics of this world are primarily moral conflicts. M. Ossowska describes in one of her papers: “By referring to conflict, we can mean different things. When they take place in the individual psyche, to experience conflict is as much as to experience a dilemma. We experience it when we are confronted with the necessity to choose between two values that we cannot have at the same time, or between two bad eventualities that cannot be avoided at the same time” [Ossowska 1985]. As can be seen from the above, the essential feature of the moral conflict is the need to make a personal choice between two values. The individual must choose the value which, in a given situation, will be the optimal, most appropriate means of resolving the conflict. Moral conflict is a difficult and complex phenomenon in which the individual is obliged to make a choice while bearing a certain responsibility. Thus, the concept of moral conflict is different from the concept of moral dilemma when a choice is not necessary, and its very nature lies between equivalent values, one of which does not eliminate the other.

Moral conflicts, the necessity to make individual moral choices, are often revealed in the course of professional activity, and examples of the conduct of lawyers or doctors most accurately illustrate the tragedy of conflict situations, dilemmas accompanying the selection of appropriate means for the accomplishment of recognized goals. In order to observe the principle of inviolability of human dignity in relation to the other person, the person must have a sense of his own dignity in relation to the other person. He must be aware of his humanity. A man who has a high sense of own dignity (honor) will be resistant to manipulation by other people. A sense of responsibility will never, under any circumstances, allow him to break certain rules.

All legal professions have ethical and moral requirements. It can be assumed that ethical and moral requirements indicate the criteria [Kant 2004] (principles) that a person should follow in practical (professional) activity [Sarkowicz and Stelmach 1996]. Ethos is a typical pattern for some community, defined standards as best or even obligatory. In this sense, an ethos is closely related to professional ethics, which is a set of moral standards defining the conduct of a given profession in this case of legal professions. However, of the various criteria that correspond to the specificity of a given profession, some of them seem to be common. According to I. Kant, the boundaries of ethical freedom are determined by three criteria, i.e. goodness, beauty and truth. Therefore, according to this author, only such conduct can be called ethical if it is truthful, leads to goodness, and is marked by the use of an appropriate form to express acts. This problem can also be perceived according to Aristotle. He, unlike I. Kant, the essence of ethical freedom seemed in the civic virtues: bravery, sensitivity, sincerity, courage [Petrażycki 2002].

M. Ossowska also emphasizes the close relation between human ethics and human virtues [Ossowska 1985]. Most often they are included in the set of principles of professional ethics, through which Z. Ziemiński understands “[...] the moral doctrine systematizing evaluations and moral standards associated with the performance of a particular profession, or formulating moral standards postulated to be accepted by representatives of a given profession” [Ziemiński 1981]. Certain indications in this respect are also given by I. Lazari-Pawłowska, who defines professional ethics as “written standards answering the question of how, for moral reasons, representatives

of a given profession should and should not act” [Izdebski and Skuczyński 2006]. W. Lang discusses ethical and moral behaviour, assuming that the real addressees of standards of moral behaviour are persons able “to evaluate their own behaviour and that of others on the basis of perceived standards of value, and to make decisions and manage their own behaviour in a manner consistent with the perceived principles of behaviour” [Lang 1989].

3.

It is necessary to agree with the statement of M. Safjan, who states that “[...] justice can only exist to the extent that it is exercised by a judge with a high sense of justice and equity.” This particular predisposition can be described as a legal sense, because according to F. Zoll, it is “[...] the ability to find «the law of just» or «righteous». This ability will, of course, be greater the more comprehensive the lawyer’s education, the more he understands contemporary life and culture [...], the more reason and heart he has, the more he is a child of his age. Memory assimilation of even all legal regulations cannot replace this ability” [Zoll 1946, 53]. The relationship between “reason and heart” is strict and inseparable in the exercise of judicial profession. Therefore, let us repeat: the exercise of justice system only makes sense and is justified if there is a judicial “decision-making leeway” based on the aforementioned legal feeling. The scope of judicial freedom is also significant in today’s reality, dominated by detailed and very often technical legal regulations. F. Zoll’s observation from several decades ago remains fully valid – “[...] the activity of a lawyer, and especially of a judge already because of the inaccuracy of means used by the legislator to express his thoughts – and these means are words, which are only a kind of slogans hiding notions – cannot be only a subsumption, i.e. it cannot just consist in subjecting specific cases to the relevant statutory provisions, but the lawyer must also discover and determine the law – which are inherent in the concepts that the law indicates and which are vague and constantly fluctuating in life” [Safjan 2002, 32-33].

The work of a judge is not easily subject to external control or evaluation. Therefore, it is particularly important that the judge’s style should be respected and the decisions should sound convincing. Judges should respect not only ethical principles but also certain rules of etiquette. Lord Bingham lists

them in eight points [Hołówka 2002, 12]: “Judge should disqualify himself if he doubts his impartiality in dealing with certain cases. He must not express an opinion outside the court regarding the case. The language used in court should be balanced, reserved, serious and, as far as possible, courteous. It is not allowed to seek support outside the court for the sentence being prepared. Other judges may be consulted only after the identity of consultants has been disclosed and both litigants have been allowed to contact them. Judge should act without delay. He must not do anything that would hinder an appeal against the sentence. He must not respond to press attacks or questions.”

Based on the above considerations, the specific moral duties of a judge can be described as follows: judge should act in the name of justice by implementing the requirements as surely as possible while respecting the law and civil liberties; judge is responsible for the course of trial. He should respect the procedural requirements, the rights of the parties and the persons appointed. He should counteract any attempt to complicate, delay or confuse the procedure; he should act impartially, prudently, competently and as quickly as possible. He should formulate decisions clearly and well-founded; he should follow the rules of ethics. A judge is required to have special skills and attributes in addition to education. In ancient times, wishes were made about the personality of a judge. When Napoleon drew up his vision of the new structure of judiciary and in it the personality of judges, he indicated that they should be as tenacious as the law is. A. Peryreffite in his book entitled *Jurisprudence – between ideal and reality* he expressed the view that independence depends on the judges themselves. While dealing with the work of prosecutor, J. Hołówka notes that: “in doubtful situations, the prosecutor must confine to observing procedural requirements. These were described by Anthony Thornton. The prosecutor is personally responsible for the adopted prosecution case and presentation of the case. He must not be guided by his own opinions in interpreting the content and purpose of the statements he makes or the questions he asks. The prosecutor has no right, unless the court before which the case is being heard decides otherwise, to make personal statements about the facts and the law. The prosecutor is responsible for ensuring that the court is informed of all relevant court decisions and legislation that is known to it and which may have both positive and negative effects on the case under investigation. During the trial, he must draw the court’s atte-

ntion to all procedural irregularities that may give rise to an appeal and must not delay their disclosure. The prosecutor may not present evidence other than that which he has obtained in the course of professional activities and may not merely presume facts which are favorable to the accepted thesis. The prosecutor must not make statements or ask questions the primary purpose of which is to cause a scandal. He must not slander, insult or irritate a witness or any other person. Wherever possible, the prosecutor should refrain from mentioning the names and surnames of outsiders or institutions in court, if such comments would be a disgrace to their nature. The prosecutor may not, in his speech, attack a witness whom he has had the opportunity to investigate in court unless he has criticized the testimony of witness during the investigation and given him the opportunity to respond to the charges. [...] The prosecutor should know how he sees his role in the antagonistic mode of argumentation in court, and in particular the extent to which he is bound by the principle *in dubio pro reo*. The prosecutor should make a firm conviction as to whether the purpose of the law is to extort the right behaviour or to spell out certain intentions. Whether the trial is intended to establish that the law has been violated or guilty. In doubtful situations, the prosecutor should observe professional etiquette and seek ways to resolve the doubts” [Hołówka 2002, 15-16].

According to J. Hołówka, “The primary task of an attorney is to defend a client in court. The fulfilment of this task requires an appropriate attitude, which Law Commissioner Whitelock described in the 17th century in three points. An advocate should constantly follow three principles in his work: professional secrecy, professional diligence and loyalty to the client. Compliance with these principles puts the attorney before ethical dilemmas. [...] Whitelock’s second point, professional diligence, is a requirement involving the goodwill of an attorney, but also his professional skills. Not only is he responsible for the latter, but also the law faculties and corporate organizations that offer education and give graduates the right to practice. However, negligence, sluggishness and incompetence, disregard for own duties and clients’ expectations are mistakes for which the perpetrator himself and not his teachers are responsible. These deficiencies are all the more unacceptable as the lawyer enjoys a specific immunity from the client. [...] A lawyer’s «blind overzealous» is acceptable, and «blind overzealous of the legal advice» is not acceptable. The legal adviser cannot assume the role of amanu-

ensis, i.e. a scribe writing under a dictatorship – states R. Cranston. Particularly difficult problems for legal advisers arise in relation to their clients' cases, whose interests conflict with those of other companies and individuals." These considerations (J. Hołówka) lead to the following conclusions: 1) legal advisers should take more care than representatives of other legal professions to ensure the reliability of documents drawn up and collected, as they do not act in an antagonistic manner in court; 2) legal advisers should be aware that their clients can put them in an awkward position and that their own tendency to carelessness can sometimes be an important reason for receiving a service proposal. The adviser should not forget about potential conflicts between his clients and third parties; 3) compliance with the etiquette and technical requirements by legal advisers is particularly important for the consolidation of public respect for the law, as they have a high degree of professional and permanent contact with society [ibid., 16-22].

4.

J. Hołówka believes that "the achievement of high standards is only possible by stimulating the imagination and sense of responsibility of law practitioners, by creating a sense of belonging to corporations that observe high professional and moral requirements, by creating esprit de corps and introducing internal control that will not allow for impunity violation of accepted rules. Professional ethos requires constant care. It will not be brought back to life by occasional calls for moral improvement and declarations of good will. A combination of many different actions is needed. Law graduates must not only have good professional preparation, but also know how to behave when faced with a typical moral dilemma" [ibid.].

Moral imagination is an extremely important disposition for the social functioning of a modern lawyer. In this area of life (socio-cultural), the essential characteristic of moral imagination is most fully expressed. Thanks to it, a lawyer can predict the consequences of current actions. He considers the analyzed disposition against the background of a human attitude towards himself, towards other people, to the world of cultural and natural values. According to S. Maimont [Jacobs 1960, 252-57], the world of imagination is a subjective equivalent of the real world. It has its own time and space, in which the sensations (intellectual and emotional) that the subject is conscious

or unconscious circulate. It is bound by an experienced fact from the real world and triggers a number of associations, suggests other solutions to events than those occurring in the real world, as well as consolidates around some praidia, fragments of perceived qualities of various objects of reality.

J. Frohschammer believed that objective imagination becomes subjective in human subjects and is expressed in their works. The author wrote that every subject of the real world is a certain expression of creative imagination [Frohschamme 1877, 9]. E. Cassirer considers the activity of imagination to be the main spiritual power of man, which enables him to create and understand symbols. People perceive the world not so much in its real form as in its imaginary. As E. Cassirer wrote, they are afraid not of things, but of their imaginations. By creating objects, a man gives them meaning [Cassirer 1977, 79-82]. J. Dewey, on the other hand, perceives imagination as the main factor enriching the subject's experience. This disposition means "quality that animates and permeates all processes of performance as well as observation. It is a way of seeing and feeling things as they form a complex and coherent whole" [Dewey 1975, 327].

Moral imagination concerns not only the functioning of man in society, but also the values he creates. It is essential in the work of among others an artist, lawyer or scientist. A man repeatedly uses his moral imagination without even realizing it. It is close to "common sense." "Common sense" is understood as an attitude of people characterized by moderation and caution in giving evaluations of other people's behaviour or taking actions of an intervention character in social life. It can be said that common sense is a pure emanation of moral imagination. It seems that reasonable people are primarily endowed with imagination. It enlivens and colors the experiences of individuals, but does not become the "color palette" due to the controlling role of a value system. Moral imagination develops with the mental and social maturation of man.

5.

In the Polish theoretical and ethical literature there is a view that the professional roles of lawyers are characterized by "high social conflict," which means that the social mission of a lawyer is different, which is evident when comparing the ethics of a judge, attorney, legal adviser and prosecutor. The

scope of a judge's axiological awareness includes impartiality, which is displaced from the attorney's awareness for the benefit of the client's interest, while by the prosecutor's awareness both are displaced for the benefit of the public interest. It is also important to mention specifically understood acts of ethical and professional communication taking place in corporate ethical awareness. The ethical self-awareness, coherence and identity of each of the legal corporation is embedded in interactive acts of ethical and professional communication, undertaken in the context of the most important ethical and professional values. Despite many reservations about the codes of professional ethics, it must be stated that they constitute an expression of deep ethical self-awareness of a given legal corporation. The code expresses general ethical views of a given corporation, made in its field of axiological awareness.

I share M. Zirk-Sadowski's view that the ethical values of a legal community are the most important standard of practice. The problem is to carry out appropriate research in the selection of staff for those professions which realize the postulate of a certain "social mission" [Zirk-Sadowski 2000]. Lawyers also need specific skills, such as the knowledge of proper communication of foreign languages and modern communication technologies, but at the same time they should respect humanistic values. The communicative nature of a lawyer's work means, in particular, work in which not only the quality of linguistic expression (the channel of communication, written, spoken) is important, but also preparing him for cooperation with other participants in the social and legal process. Therefore, a lawyer is responsible for the efficiency of his work, which is related to the practical confirmation of the effectiveness and usefulness of certain competences in social and legal practice.

It is necessary to agree with J. Jabłońska-Bonca's statement that "there is a strong need for lawyers in Poland to conceptualize the scope of their necessary qualifications in a new way, taking into account communication, rhetorical and negotiating skills in a much wider context" [Jabłońska-Bonca 2003, 16]. It is rare to take up the subject of communication skills of a lawyer. At this point it makes sense to recall the importance of distinguishing between linguistic competence and communicative competence. The latter includes non-verbal communication skills. The ongoing development of communication accelerates rapid changes, sometimes violent, contributing to the

development of new thought paradigms and increasingly new channels of communication, which must be taken into account by people holding responsible functions, playing roles, performing public trust professions. In every legal profession the skill of listening and understanding the other person is important. A basic set of communication techniques and a basic knowledge of the emotional and behavioral functioning of people are necessary.

A lawyer's work is based on the ability to communicate with the other person. It is the task of a lawyer to create a friendly atmosphere of contact with e.g. a party, a client, etc., regardless of the specific legal profession – good contact is one of the basic tools of his work. An average person has a relatively rare contact with a lawyer in his life and therefore this relationship does not lose its unique character. Despite the fact that the context of work of the judiciary (prosecutors, judges) is slightly different from the work of legal advisers (attorneys, legal advisers, notaries, lawyers providing advice as part of the activities of non-governmental organizations or students in law clinics) and above all the relationship between the parties is different, the basic interpersonal skills, allowing to achieve the intended results (such as calm and constructive conversation or interrogation) without insulting or humiliating the client and unnecessary creation of difficult situations, are analogous – they will be useful for all legal professions.

It should be pointed out that the communicative competence should be part of the team of activities and requirements of individual legal professions. The importance of ethical communication undertaken within the corporation should be emphasized as a method of sensitization to typical conflicts, values present in the field of axiological awareness of a lawyer, and thus correction methods of errors and axiological illusions related to them. The research results prove that the work of a lawyer has a dialogical dimension and must be perceived as a language of interpersonal communication. The communicative character of the work is close to reality in case of professional practice of both judge, prosecutor, attorney, legal adviser, etc. The centre of a lawyer's thinking must be thinking by values. In this centre there is an encounter with another person and it is a source of experience for human ethical self-knowledge. Ethical communication lies at the heart of unity of the legal professional environment. The social role of legal professionals determines the need to make fundamentally different ethical and professional choices. It

should be noted that the mechanism of preference and disclosure of good is the same for an attorney, legal adviser, prosecutor and judge, but the social role played by the legal profession determines the need for different “ethical and professional” choices. Therefore, while professional prestige or legal order are present in each of the legal ethics, in the case of an attorney or legal adviser, as an intrinsic value, the interest of client is revealed, which is a value contrary to the impartiality that should guide the judge in his work. In the state organization performing its institutional functions efficiently, people in the legal professions, apart from knowledge and practice (knowledge and skills), must represent a specific pro-social attitude with a highly educated sense of honesty and imagination.

Conclusion

In contemporary legal ethics, from the theoretical and phenomenological perspective, emphasis is placed on value ethics, value thinking and communication of ethical and professional issues in relation to reality in the legal professions. Each of the legal professions has made a codification of ethics taking into account the moral good in situational ethics of a lawyer, problems of personal patterns, praxeology. The paper points out that legal corporations are treated as ethical communication communities. Professional ethics is most often understood as the development of the most important ethical standards and perspectives for a specific profession and the definition of their actual motivations. These standards are based on general and basic ethical indicators adopted in the society and should not be a simple adaptation to the specificity of professional activities. The observance of professional ethics standards and taking care of the proper moral level of people practising the legal profession aims to increase the prestige of legal profession. There is a consensus in the Polish legal literature on the most general sense of the concept of professional ethics. A lawyer who does not recognize the moral dilemmas associated with the exercise of his profession can be assumed to have no predisposition for its exercise, especially in relation to moral dilemmas associated with the application of law. Lawyers must accept the obligation of shaping the culture and legal awareness of society as their duty and it can be fulfilled by proper communication.

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Abstract

In contemporary legal ethics, from the theoretical and phenomenological perspective, emphasis is placed on value ethics, value thinking and communication of ethical and professional issues in relation to reality in the legal professions. Each of the legal professions has made a codification of ethics taking into account the moral good in situational ethics of a lawyer, problems of personal patterns, praxeology. The paper points out that legal corporations are treated as ethical communication communities. Professional ethics is most often understood as the development of the most important ethical standards and perspectives for a specific profession and the definition of their actual motivations. These standards are based on general and basic ethical indicators adopted in the society and should not be a simple adaptation to the specificity of professional activities. The observance of professional ethics standards and taking care of the proper moral level of people practising the legal profession aims to increase the prestige of legal profession.

Keywords: ethics, lawyer, morality, communication, profession of public trust

Ważkość etyki w zawodach prawniczych (zagadnienia wybrane)

Streszczenie

We współczesnej etyce prawniczej od strony teoretyczno-fenomenologicznej zwraca się uwagę na etykę wartości, myślenie według wartości i komunikacji zagadnień etyczno-zawodowej w odniesieniu do rzeczywistości w zawodach prawniczych. Każdy z zawodów prawniczych dokonał kodyfikacji etyki uwzględniając dobro moralne w etyce sytuacyjnej prawnika, problematykę wzorów osobowych, prakseologię. W pracy podkreślono, iż korporacje prawnicze traktowane są jako etyczne wspólnoty komunikacyjne. Przez etykę zawodową rozumie się najczęściej opracowanie najważniejszych etycznych norm i perspektyw określonego zawodu, a także określenia ich faktycznych motywacji. Normy te bazują na ogólnych i podstawowych wskaźnikach etycznych przyjętych w społeczeństwie i nie powinny być ich prostym dostosowaniem do specyfiki czynności zawodowych. Przestrzeganie

norm etyki zawodowej i dbałość o właściwy poziom moralny osób wykonujących zawód prawniczy ma podnieść prestiż zawodu prawniczego.

Słowa kluczowe: etyka, prawnik, moralność, komunikacja, zawód zaufania publicznego

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