

# Legal Ethical Issues:

## *Ethical Rules Regarding Non-Clients*



Legal ethics define what is good for society and individuals. It defines how corporations, professionals and individuals choose to interact with each other in reference to the duties and obligations that people owe to one another. Sometimes, laws are neutral on ethical issues or endorse ethical issues. While local, state and federal regulations can influence the conduct of some professions, many ethical issues cannot be settled by the courts. In response to the challenge of legal ethical issues, a code of ethics is often established by a professional society within a particular profession. For example, the American Medical Association's (AMAs) has seven provisions that are highly detailed, and the American Bar Association (ABA) has eight sections of enforceable codes for their membership. Other professions with codes of responsibility include counseling, banking, education, real estate, journalism, government service and more.

## **Legal Ethical Issues and Client Relations**

When it comes to client relations, the code of ethics for each profession is broad yet specific. The American Counseling Association (ACA) prohibits romantic counselor-client interactions and relationships with client romantic partners and family members. This prohibition applies to both in-person interactions and electronic interactions. There are also guideline for establishing boundaries beyond conventional parameters. For example, attending a client's wedding or visiting a client's sick family member in the hospital requires informed consent and documentation to ensure that judgment is not impaired.

Since ethics authorities determined that attorney-client intimacy may jeopardize a lawyer's ability to impair the ability to competently represent a client, violate lawyer's fiduciary duties and create an appearance of impropriety, the ABA adopted a ban on attorney-client romantic relations. While some states allows for a relationship if it began before the client-attorney relationship commenced, other states prohibit romantic relationships in the course of professional representation.

## **Ethical Rules of Advocacy**

In arbitration, trial or neutral evaluation, attorneys assume the traditional role of an advocate. Context is important in arbitration and mediation since the skills of the lawyer, interests, attitude of other parties and goals define the attorney's and client's roles. Each state has professional conduct

rules that provide specific guidelines and a broad framework to the attorney's role as an advocate. Typically, these rules reference problem-solving strategies and collaborative approaches. Overall, these rules are central to a vision of professionalism that contributes to a more civil society.

In the health care industry, there are professional organizations like the American Nurses Association (ANA) that create initiatives among legislators and the general public to enhance nursing quality and patient safety. This is a form of advocacy that is directly related to patients' rights. As a matter of fact, the Coalition for Patients' Rights (CPR) consists of more than 30 organizations representing a wide array of licensed health care professionals.

### **Conflicts that Present Ethical Problems**

It is not uncommon for conflicts to emerge that present ethical problems in any profession. In the client-lawyer relationship, there are rules to prevent a conflict of interest with current clients. Concurrent conflict of interest exists if there is a significant risk that the representation will materially be limited by the attorney's responsibilities to a former client, personal interest of the attorney or a third person. Another example is when the representation of one client will be directly adverse to another client. The rules that apply to conflict of interest also relate to prohibited transactions. For example, attorneys are prohibited from accepting substantial gifts and from inducing clients to offer gifts.

Nurses may face ethical conflicts by a wide variety of issues, such as euthanasia, abortion, limitations place on care by a patient's family or the hospital itself. Some of these ethical dilemmas are often troublesome.

It is also not uncommon for law and ethics to collide in the medical field. The American Medical Association (AMA) and American Society for Anesthesiologists (ASA) loudly oppose physicians and other health care professionals from participating in prisoner executions. At the same time, the Court of Appeals has determined it is legal for medical professionals to do so.

Today, many professions grapple with ensuring their codes of responsibility are up-to-date with societal pressures and technological advances. Societal ethics has evolved through the ever-

changing laws and mirrors the ethical norms of the majority.

Sources:

- The Free Dictionary, <http://legal-dictionary.thefreedictionary.com/Ethics%2c+Legal>
- American Counseling Association, <http://www.counseling.org/knowledge-center/ethics>
- LACBA Org, <http://www.lacba.org/showpage.cfm?pageid=7836>
- American Nursing Association, <http://www.nursingworld.org/MainMenuCategories/ThePracticeofProfessionalNursing/PatientSafetyQuality/Advocacy>
- The New England Journal of Medicine, <http://www.nejm.org/doi/full/10.1056/NEJMp0>

Lorman Education Services is not the author of or responsible for the content of the materials provided herein. Lorman Education Services publishes these materials without warranty and expressly disclaims any representation as to the accuracy or appropriateness of any statements or advice that may be contained herein. If you have questions regarding the contents of these materials, please contact the author or a qualified professional in the field.