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Devils Down Under: Perceptions of Lawyers' Ethics in New Zealand Fiction

Grant Hamilton Morris, Victoria University of Wellington - Faculty of Law

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"Imaginings of Legal Education in New Zealand Fiction" 20 Legal Education Review 193-222, 2010

Victoria University of Wellington Legal Research Paper No. 144/2014

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Through analysing references to legal education in New Zealand fiction this article highlights and critiques some of the most important issues facing legal educators. The various challenges that students experience in their journeys through legal education are reflected in fictional texts. More often than not, these reflections, or imaginings, are impressively accurate, especially when analysed in the context of contemporary legal education scholarship. The interplay between pedagogical research and fictional representations facilitates fascinating discussions as to why students choose to learn law, how legal teaching affects them and what are the relative experiences of elite and non-elite students. The findings in this article are based on a comprehensive study of New Zealand legal fiction and provide an alternative informational source for those who are interested in analysing, and those who are striving to improve, how we teach law in New Zealand.

"Devils Down Under: Perceptions of Lawyers' Ethics in New Zealand Fiction" (2013) 44 VUWLR 609
Victoria University of Wellington Legal Research Paper No. 145/2014

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Sophisticated fictional portrayals of lawyers facing ethical dilemmas can provide important insights into the nature of legal ethics and morality in the New Zealand legal profession. These insights can assist the legal community in addressing complex issues surrounding professional regulation. This article reveals legal characters who act contrary to legal ethics but with moral justifications and characters who act ethically but in a way that laypeople may view as amoral or immoral. While the depictions of lawyers are generally negative, a close analysis reveals that this is partly a result of confusion over what Dare has termed the standard conception of a lawyer's role. Fewer insights can be gained from superficial characterisations. While much has been written on this topic in other jurisdictions, more light can be shed on New Zealand's ethical landscape through the study of New Zealand's fictional texts. This article exposes a rich resource for the legal community because as Economides and O'Leary have argued in relation to legal ethics, stories matter. This dictum should apply to works of non-fiction and fiction.



About this eJournal

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachussetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Judicial Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the **Law School** has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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