

Can Education Add Value to Values? A Study of Law Students

Josephine Palermo and Adrian Evans

BIOGRAPHICAL DETAILS:

Presenter – Josephine Palermo

Institutional Research Advisor, RMIT
GPO Box 2476V Melbourne 3001

Email: josie.palermo@rmit.edu.au

Ph: 613 9925 9762

Josephine has conducted research in equity, evaluation and institutional assessment in tertiary education for over 10 years. Before joining RMIT, she was an academic at Victoria University managing the project 'Quality Enhancement Study', with a view to developing an institutional approach to quality in learning and teaching. Josephine recently submitted a PhD thesis to the School of Psychology, investigating the impact of marginality for women in management roles. Research interests include gender and organisation culture, cultural psychology, organisational change and leadership, and evaluation methodologies.

Study authors and acknowledgements

Adrian Evans is Associate Professor of Law at Monash University. Josephine Palermo is Institutional Research Advisor, RMIT, Melbourne, Australia. This research is supported by an Australian Research Council Large Grant to A/P Evans, Prof. Stephen Parker, Dean of Law at Monash University, and Ms. Palermo.

Can Education Add Value to Values? A Study of Law Students

ABSTRACT

In the global market place the value of education takes on many meanings. In transnational education forums it relates to the market's assessment (in dollar terms) of a qualification. But can we measure the value-addedness of tertiary education in existential terms? Can we measure the value that tertiary education provides to the enhancement of societies as a whole?

This study attempts to investigate what values are characteristic of Australian lawyers in their last year of law school. It is part of a larger longitudinal study, which aims to determine how values develop or degrade over time and what effect, if any, tertiary education can have in building and perpetuating 'appropriate' professional values? Results show that differing values sets do significantly predict behavioural choices on ethical questions presented to participants. The implications of results are discussed in the contexts of ethics education in a tertiary context, and applications for the professions.

Introduction

In the global market place the value of education takes on many meanings. In transnational education forums it relates to the markets assessment (in dollar terms) of a qualification. In countries such as South Africa it relates to a reformist agenda and the inculcation of generic value laden attributes. And in other OECD countries like the USA, Australia and Europe it relates to a mechanism of social change whereby students achieve a 'ticket' to assist them to more affluent social strata. But can we measure the value-addedness of tertiary education in existential terms? Can we measure the value that tertiary education provides to the enhancement of societies as a whole? More specifically, is the values education agenda important for institutional research?

This paper explores the burgeoning imperatives that values and ethics demand of post-secondary education both now and in the future. It presents a study undertaken in the discipline of law as an exemplar of institutional research required to: identify values important for University education; understand the influence of values on ethical behaviour; and discuss the implications of these results for educators.

Globalisation, ethical lapses and loss of public confidence in many institutions in both corporate and public spheres has precipitated the need for universities to better understand their role in the preparation of future decision makers (Milton-Smith, 1997; Scott, 2003). Robert Scott refers to the 'university as a moral force' because it 'constantly extends the boundaries of what is known and it challenges societal rules describing desirable states of behaviour' (p.1).

In some countries the role of the university as nation builder is clearly understood. For example, in South Africa universities are mandated to enact their moral force to 'contribute to the socialisation of enlightened responsible and constructively critical citizens' (DOE Working Paper). The values expressed in Manifesto on Values, Education and Democracy - South Africa are: Democracy; Social Justice and Equity; Non-Racism and Non-Sexism; Ubuntu (Human Dignity); An Open Society; Accountability, Respect; The Rule of Law; and Reconciliation. In other countries, the role of nation builder is left for the school system. Australia has now followed the UK and US, through a major Values Education Study in the promotion of values education in school curricula to explicitly 'teach about values', to 'promote students understanding and knowledge of values and to inculcate the skills and dispositions of students so that they can enact particular values as individual and as members of the wider community' (Zbar, Brown, & Bereznicki, 2003). Values education work is continued to some extent in universities in Australia, particularly through graduate skills programs, however it is at best intermittent across the higher education sector and uncoordinated at the national or professions level. In other words, the impact of post-secondary education on values development and ethical understandings in the preparation of lawyers, teachers, engineers, scientists and business professionals is unknown.

Studying value orientations is important because a substantial body of research indicates that values predict world views, hence having great potential to predict behaviours in work places and around issues of social justice and political orientation. Research that has studied the relationships between values, attitudes and behaviours indicate that there is a weak direct relationship between values and behaviours

(Rokeach & Rokeach, 1989). However there is evidence of strong relationships between values and *behaviour relevant* attitudes (Wharton & Harmatx, 1995).

Method

Participants

Law Faculties across Australia were asked to assist in distributed surveys to students enrolled in the final year of their law degrees. In addition a sample of students in the first year of their law degree was captured by one university participating in the study. Females accounted for 61 percent (n=431) and males 39 percent (n= 272) of the final year student sample. Females were also over-represented (57 %) in the first year student sample of 97 participants. 60 percent of the final year student sample were in the 18-25 age group, whilst all the first year students were in this age group.

Procedure

Measuring Values Systems

The concept of values systems has been of interest across a wide range of social scientific research (Rokeach & Rokeach, 1989). Milton Rokeach's theory of human values identified values as mental entities or very general attitudes, the valence of objects, personality types, or individual collective ideas that serve as standards or criteria of conduct (Rokeach & Rokeach). The theory of human values suggests that there are a limited number of values defined at the individual / societal level and that these can be prioritised into a value hierarchy of importance. Other assumptions include that this value set is universally applicable, within degrees of difference, across cultures; that antecedents to human values are culture, society, institutions and personality, and that consequences of human values manifest in all phenomena. Rokeach (1973) developed the Rokeach Values Scale (RVS) to provide information about value stability and change over time at both micro and macro levels.

Values systems in this study were assessed by using a modified form of the Rokeach Value Survey (RVS: Rokeach, 1973). Participants were presented with two sets of 18 values from Form D of the RVS. The values in the first set, referred to 'terminal values', descriptive of general goals or "end states of existence" (e.g. equality, freedom, inner harmony). The values in the second set, (referred to as 'instrumental values' were descriptive of 'modes of conduct' (eg. being broadminded, capable, loving).

Participants rated the importance of each value on a scale from 1 (irrelevant to me in relation to my approach to the practice of law) to 5 (very important to me in relation to my approach to the practice of law). The RVS, administered in this way had been trialed successfully in a previous study (Palermo, 1992). This form of ratings has also been used by Braithewaite, (1987).

Effects on values on ethical decision making

To examine the effects of values hierarchies on ethical decision making, it was necessary to situate respondents' responses within contexts that provided for ethical dilemmas. Rather than directly ask students about their values, we deployed the

practice of the hypothetical situation, adding a personal dimension to further reduce the level of abstraction and assist in actual values identification. Extracts of scenarios presented to participants are presented in Table 1.

Table 1

Scenarios used to elicit ethical responses

Scenario 1 Pro Bono: You are a new solicitor working in a large commercial law firm. The matter requires a lot of time and work. Your senior partner however wants you to increase your billable hours for the firm. The firm does not usually do any *pro bono* work but there is no actual policy against it. Your time is currently so limited you could only realistically do one or the other.

Would you agree to work on the public interest case?

Scenario 2: You are a junior associate of a small commercial law firm with a niche reputation in the area of privatisation tendering processes. Your firm has been tentatively approached by a significant corporation to help them draft their tender submission for a privatised public transport contract. Your firm would almost certainly gain an enormous amount of new work from this corporation if you were to take them on as a new client. At the same time you become aware that a close friend, who has not previously been a client, is about to request and will expect your help with their tender for the same government contract. **Would you act for the corporation and therefore detrimentally effect the relationship with your old friend?**

Scenario 3: You are a Partner in the firm of AMBD. Your nephew (the son of your elder sister) is an associate in the firm. You discover your nephew has a minor gambling problem and has taken money from the firm's trust account to cover his debts. **Would you report the matter to the local law society?**

Scenario 4 Insider Trading : A corporate client of your firm, for whom you have done some useful work, takes the partner responsible, yourself and others in your section to lunch to celebrate (confidentially) the award of a tender. You know that the client is grateful and wants to recognise your collective contributions to this particular success. The client CEO says as much and, in addition to the usual hints about more work, speculates off-handedly that the price of the company's shares is likely to reflect the win once it is all announced. **Would you purchase shares in the company before the public announcement of the tender success?**

Scenario 5 – Work over Family: You are a junior solicitor working for a large city firm. The long working hours are causing a lot of pressure at home with your partner and your young children. The firm's managing practitioner asks you to show commitment on a file. This would involve even longer hours than usual with many late nights for at least the next month. Working longer hours would cause a serious argument at home and be highly detrimental to your relationship with your family. **Would you take on the extra hours?**

Scenario 6: You are a sole practitioner specialising in family law. A client approaches you to handle his divorce. You and your spouse have been good friends of this person and you also know his wife and children reasonably well. Whilst drafting the property settlement you suspect your friend has not declared all his assets. Your friend says that his list of assets is complete. You are not convinced but you cannot realistically get more information. **Would you continue to represent your friend?**

Scenario 7: You are a DPP prosecutor who has concentrated on drug trafficking cases. You have argued to many juries that every case of drug dealing harms society and must be reported and dealt with by the Police. You discover that your daughter has been selling cannabis to other students at her school. Your partner implores you not to report the matter and threatens to end your relationship (already strained by overwork) if you do. **Would you report the matter to the Police?**

Scenario 8 – Rounding up hours While on a summer clerkship with a large and well-respected commercial firm, you are (naturally) concerned to make a good impression. It is your second last year of law school and you are desperate for Articles. The partner supervising you decides to give you some of her files to get ready for 'costing'. She asks you to total the number of hours which she has spent on each file and, from her harried expression, it is pretty clear that she is concerned to charge out a significant amount on each file. She asks you to 'round up' her hours to the next hundred in each file, saying that, on average, clients are happy because the main thing they demand is quality work. You

know that these clients are entirely satisfied with the firm and that your supervisor is not about to debate the issue with you. **Would you round up the hours as requested?**

Scenario 9 Proposals to political party donors As a young and aware lawyer, you have for some years been anxious that the major political parties are unaware of or too nervous about the seriousness of global warming. As a *pro bono* contributor to the *Greens*' election effort, you are asked to assist its local candidate by raising campaign funds from progressive law firms, barristers and old friends from law school. Your preferred approach, already quite successful, is to verbally represent to potential donors that you will 'put in a good word' for them when it comes to contracts and consultancies, in the event that the *Greens* are successful. You fully intend to act on your promise to donors should the *Greens* achieve this balance, but you know that the party is very 'pure' and virtually certain to consider itself uncommitted to any corporate benefactor. **Would you make the proposed representation to potential donors?**

Scenario 10: You and your best friend founded a practice together 10 years ago. The practice has been moderately successful. Your friend (and Partner) has just been through a complex and bitter divorce. Since he has been separated from his family his only interest is work. You have begun to notice personality changes which lead you to question his mental stability. His advice in some matters has become legally questionable and may be in breach of professional standards. He has rejected any suggestion of needing a break or some professional treatment. **Would you ask the local law society or regulator to arrange to counsel him?**

Scenario 11: You are acting for a mother of three small children in a divorce and intervention order matter. Your client has previously shown you some old photographs of bruises and marks on the children which she claims were inflicted not by their father, but by her new boyfriend.

One of the children now has blurred vision. Your client now instructs you to stop all legal proceedings as she intends to return to the children's father with her children. You believe the children will be at risk if this happens but you know "mandatory reporting" does not apply to lawyers in your state. **Would you break client confidentiality and inform the relevant welfare department of your fears?**

Analysis

A principal axis analysis of the instrumental and terminal RVS values together was conducted to confirm the value structure of the RVS, and to reduce the values into value domains. These value domains were included as scale scores in categorical regression analyses as predictors of reported behaviors in the context of the 11 ethical scenarios.

Results

Values Structures

As a first step to reducing the RVS values to value domains, correlation matrices of values were examined. Having established the presence of covariance matrices for instrumental and terminal scales together, one principal axis analyses was conducted to determine the underlying structures of the values used in the study.

Initially, the solution converged on a varimax rotation with 7 factors, however the solutions were not parsimonious with the last two factors having too few unique loadings in each case. Tabachnick and Fidell (2000) recommend that each hypothesised factor in factor analysis should include at least five variables thought to be relatively pure measures of that factor. An examination of the scree test plot demonstrated that a more parsimonious solution might involve a five-factor solution. A five factor solution was achieved. The solution converged on a varimax rotation

explaining 37 per cent of the variance. Factor loadings are displayed in Tables 2 with descriptions of each factor presented in Table 3.

Table 2

Factor Loadings on RVS value dimensions for all participants

Rvs Values	Factor				
	1	2	3	4	5
Ambitious				.536	
Broadminded		.376	.301		
Capable		.491			
Cheerful			.548		
Courageous		.325	.524		
Forgiving			.649		
Helpful					.348
Honest		.292			
Imaginative		.381	.293		
Independent		.414			
Intellectual		.509			
Logical		.548			.314
Obedient					.524
Polite					.639
Responsible		.399			.474
Self Controlled		.310			.486
A Comfortable Life				.562	
An Exciting Life				.593	
A Sense Of Accomplishment	.359				
Equality	.440				
Family Security	.451			.322	
Freedom	.497				
Happiness	.695				
Inner Harmony	.724				
Pleasure	.528			.369	
Self Respect	.587	.346			
Social Recognition				.344	
True Friendship	.506				
Wisdom	.320				

Extraction Method: Principal Axis Factoring. Rotation Method: Varimax with Kaiser Normalization.

Table 3

Value Structures of law students from principal factor analysis of all participants' responses.

Factor 1: Equanimity – Values that loaded significantly on this factor were expressive of a sense of composure and grace. These values appeared to reflect an internal focus and desire to achieve a sense of equanimity within oneself and with others. They included 'equality', 'freedom', 'happiness', 'inner harmony', 'self respect', and 'true friendship'. This factor was significantly negatively correlated to Factors, 2, 3 and 5.

Factor 2: Innovation – This factor was defined by values that describe a sense of expansion and growth through interpersonal and intra-personal dynamics. They included broadminded, intellectual, logical, imaginative, and independent. This factor was significantly correlated to Factor 4.

Factor 3: Concern for others – This factor was defined by values found by Feather (1984) to be correlated values such as world at peace and world of beauty. These values appeared to describe a sense of world order with a sense of comfort being expressed through equilibrium and connectedness. Values included cheerful, courageous, forgiving. This factor resembles a factor extracted by Braithwaite (1998), in her factor analysis of Rokeach's terminal and instrumental values. She extricated a factor which she described as Humanistic / Expressive, however in Braithwaite's study this dimension also included an element of personal growth which was extracted in this study as a separate dimension in the next factor.

Factor 4: Personal achievement – Values that loaded on this factor were similar to those in Factor 2, yet differed in that they expressed a more personal sense of growth for instrumental, and perhaps hedonistic purposes. They included 'ambitious', 'comfortable life', 'exciting life', 'pleasure'.

Factor 5: Order and Conformity – This factor was defined by values that espouse a sense of an ordered social world, that provides both enabling and constricting elements. Characteristics of this dimension were enabling values such as helpful, and responsible, and instrumental values that espouse social mores such as obedience, politeness and self control. This factor appears to confirm similar dimensions found by Feather and Peay (1975) and by Braithwaite (1998) which captured values that ensure safety and protection through adherence to social mores and the acquisition of status. This factor was positively correlated to Factor 4.

Effects of values on ethical decision making

Reported behaviours

In order to establish the general pattern of reported behaviour, frequencies of behavioural indicators for both samples, and males and females were examined and are presented in Table 4. While the majority of responses are in the expected direction, the number of participants who indicated they would choose to act in ways that could be considered in opposition to professional codes of conduct was surprising.

Table 4

Proportion of participants in both samples and males and females who indicated behaviour consistent with professional codes of conduct in scenarios

Ethical Scenario	Ethical Behavioral Indicator	Final Year Students			First Year Students		
		Total % Yes (Frequency)	Males % Yes (Frequency)	Females % Yes (Frequency)	Total % Yes (Frequency)	Males % Yes (Frequency)	Females % Yes (Frequency)
1. Pro Bono	Would agree to work on the public interest case?	50.8 (360)	46.4 (123)	52.9 (226)	64.9 (63)	63.2 (24)	64.3 (36)
2. Corporation over Personal	Would act for the corporation and therefore detrimentally affect the relationship with old friend?	67.9 (481)	70.6 (187)	66.5 (284)	53.7 (51)	55.3 (21)	50.0 (28)
3. Reporting Trust Account Deficiency	Would report the matter to the local law society?	40.0 (283)	43.3 (91)	42.9 (183)	30.9 (30)	26.3 (10)	35.7 (20)
4. Insider Trading	Would not purchase shares in the company before the public announcement of the tender success?	76.7 (540)	72.8 (198)	80.51 (347)	73.2 (71)	71.1 (27)	71.4 (40)
5. Work vs. Family Domains	Would not take on the extra hours?	73.1 (515)	73.2 (199)	74.7 (322)	69.1 (67)	76.3 (29)	62.5 (35)
6. Friendship challenged by possible dishonesty	Would not continue to represent your friend?	74.1 (522)	65.1 (177)	80.28 (346)	80.4 (78)	73.7 (28)	83.9 (47)
7. Concealing Criminal Activity in Own Child	Would report the matter to the Police?	20.6 (146)	19.2 (51)	20.4 (87)	21.6 (21)	15.8 (6)	64.3 (36)
8. Rounding up hours	Would not round up the hours as requested?	43.0 (303)	44.5 (121)	44.5 (192)	44.3 (43)	47.4 (18)	41.1 (23)
9. Proposals to political party donors	Would not make the proposed representation to potential donors?	71.2 (501)	66.2 (180)	75.2 (324)	52.6 (51)	50.0 (19)	48.2 (27)
10. Refer colleague for counseling	Would ask the local law society or regulator to arrange to counsel him?	79.1 (560)	73.6 (195)	83.1 (355)	89.7 (87)	81.6 (31)	96.4 (54)
11. Client Confidentiality	Would break client confidentiality and inform the relevant welfare department of your fears?	59.3 (420)	49.8 (132)	65.3 (279)	67.0 (65)	60.5 (23)	71.4 (40)

Note: percentages displayed are proportions of total responses, not respondents. They do not include missing responses.

Values Dimensions as predictors of Reported Behaviours

In order to ascertain the impact of personal values on reported behaviours in ethically intensive scenarios, scale scores were calculated and regressed onto the individual behaviour indicators inherent in the ethical dilemmas presented to participants. Due to limitations of sample size, many of the categorical regression equations for scenarios for the first year student sample were not significant. However significant regression equations did show that for Scenario 4, Personal Achievement was predictive of a yes response; and for Scenario 7, Personal Achievement and Order and Conformity were significant predictors. These results mirrored significant dimensions for the final year student sample. The significant predictors of each scenario are presented in Table 5.

Table 5

Predictor Variables and R squared measures for logistic regression analyses of reported behaviours for final year students

Scenario	Values Domains	B Standard ized	S.E.	F	R Square
Final Year Students		F (5,696) = 8.71***			
1	Equanimity	0.01	0.05	4.45*	0.05
	Innovation	0.12	0.04	7.38**	
	Concern for others	0.11	0.04	7.32**	
	Personal achievement	-0.16	0.04	16.88**	
	Order and Conformity	-0.12	0.04	7.99**	
Final Year Students		F (5,682) = 5.22***			
2	Equanimity	-0.15	0.05	10.30**	0.03
	Concern for others	-0.10	0.04	5.76*	
	Personal achievement	0.13	0.04	6.04*	
Final Year Students		F (5,682) = 5.85***			
3	Innovation	0.10	0.04	4.70*	0.02
	Personal achievement	-0.15	0.04	12.70***	
	Order and Conformity	0.09	0.04	4.41**	
Final Year Students		F (5,682) = 3.23**			
4	Personal achievement	0.14	0.04	11.44**	0.02
	Order and Conformity	0.15	0.04	1.94*	
First Year Students		F (5,89) = 2.68*			
	Personal achievement	0.32	0.12	7.32**	
Final Year Students		F (5,682) = 7.73***			
5	Equanimity	0.18	0.05	15.77***	0.05
	Personal achievement	-0.21	0.04	27.85***	
Final Year Students		F (5,682) = 4.83***			

	Equanimity	0.16	0.05	11.76**	0.03
	Personal achievement	-0.09	0.04	4.71*	
	Order and Conformity	0.09	0.04	4.57*	
7	Final Year Students			F (5,682) = 8.87***	
	Personal achievement	-0.19	0.04	23.00***	0.05
	Order and Conformity	0.16	0.04	11.40*	
	First Year Students			F (5,89) = 3.26*	
	Personal achievement	-0.30	0.12	6.59*	
	Order and Conformity	0.36	0.12	8.27**	
8	Final Year Students			F (5,682) = 7.27***	
	Personal achievement	-0.22	0.04	28.92***	0.04
10	Final Year Students			F (5,682) = 3.63**	
	Personal achievement	-0.13	0.04	10.87**	0.02
11	Final Year Students			F (5,682) = 4.56***	
	Equanimity	0.18	0.05	15.27***	0.03
	Personal achievement	-0.09	0.04	4.73*	

Note: * p<.05, **p<.01, ***p<.001

Discussion

The results of this study indicate a significant association between espoused personal values and ethical decision making. While the behavioural outcomes used in this study are limited due to their intentional rather than observed natures, the results do provide evidence of the impact of personal values as predictors of reported behaviours in ethically intensive dilemmas. They also demonstrate that some dimensions over others appear to be most important to decision making for both samples. Most influential dimensions appeared to be Personal Achievement, often working in opposition to Equanimity and Order and Conformity. The results for scenarios of particular interest are discussed in detail.

Pro bono activity may be considered a primary indicator of a professional attitude. Indeed, some writers are adamant that the quality of ‘altruism’ – which for the purposes of this study we have compacted somewhat into a forced choice about whether to give something to the community or not – is an archetype of professionalism (see Glennon, 1992; Kronman, 1999; Gobbo, 2000; and Warren, 2001). Only a small majority of respondents (all still in law school at the time of the survey) considered that they would commit to a public interest *pro bono* matter (50.8%). This was in contrast of first year students who were more likely to be prepared to do *pro bono* work at the beginning of their law degree. We speculate that this proportion will again decline when longitudinal results are analyzed – perhaps consistent with the Australian Law Reform Commission perception that the first work-place experience is most determinative of lawyers’ values.

This trend may be explained by the values that were determinant of decision making in this scenario. Equanimity, Innovation and Concern for others were significant in the values hierarchies of those participants that indicated they would partake in *pro bono* work. Whilst Personal Achievement and Order and Conformity were influential for participants who indicated they would not partake in *pro bono* work.

Corporation over Personal: The majority of respondents considered that they would act for the corporation over friendship (67.9%). This proportion was higher than that in the first year student sample. Value dimensions that were influential of acting for the corporation was Personal Achievement and for not acting were Equanimity and Concern for Others.

The question posed in the Scenario, *Reporting Trust Account Deficiency* sought to explore the connection between personal integrity - involving a relatively close family member - and the specific requirements of trust account administration. Trust defalcations have been a major embarrassment to the Australasian legal profession over the years. In New Zealand in 1992 a small Upper Hutt firm managed to steal over NZ\$65 million, causing the entire New Zealand fidelity fund to become insolvent (Evans 1997). In Victoria, the local fidelity fund went into technical deficit in 1993 after a series of major thefts. The political fallout was enough for the then conservative state government to put in place a review of the system of self-regulation of the fidelity compensation process, leading in due course to legislation establishing co-regulation across all aspects of legal professional regulation in that state (Legal Practice Act 1966 Vic.). The proportion of final year students who indicated they would report the trust deficiency was higher than the first year students. Perhaps exposure to such cases was influential in forming the final year students' responses.

In addition, the values analysis conducted sheds some light on the motivating forces in desisting to report the trust account deficiency. Final year students who prioritised values related to the RVS domain, Personal Achievement were more likely to decide not to report the deficiency.

The scenario, *Insider Trading*, is directed towards the broad issues of business ethics. Although *Enron*, *Worldcom* and related corporate failures were an international scandal only after this survey was completed, there were many signs in Australian corporate experience that the last two decades of the century were marked by an excess of what must be defined as corporate greed.¹ We considered that it was important to attempt to measure the extent to which students – many of whom would be going to business/ law firm related workplaces² - were sensitized to the values inherent in the phenomenon of greed.

¹ A major Australian Insurer, HIH was beset by archetypal breaches of governance during the late 1990's, as this quote from *The Age* (Melbourne) shows: 'Rodney Adler summoned Brad Cooper to a hotel room early yesterday morning to warn him against telling the truth about an alleged insider trading deal, Mr Cooper told the HIH Royal Commission today. The entrepreneur and long-time associate of Mr Adler is appearing at the commission for the second time to answer questions about a \$1 million short-trading share deal to prop up HIH's ailing share price in August 1999.' *The Age*, Melbourne Australia, October 14 2002; <http://www.theage.com.au/articles/2002/10/14/1034561084719.html>.

² Nearly 75% of Australian law graduates were destined for legal professional and 'business professional' positions in 2000 and 2001, according to the Australian Graduate Careers Council. Misha Kethchell, 'Race for That Dream Job Gets Tougher', *The Age*, 9 November 2002, p 5

The majority of final year law students (75.7%), recognized the ‘insider trading’ opportunity as inappropriate: however, 23.2% were apparently unconcerned. This trend was no improvement from the proportion of first year students who indicated they would purchase the shares. Of this minority, the motivating factor appeared to be values associated with Personal Achievement for both samples. Some may think that one quarter of all respondents is far too high, however, we are inclined to think that law students were commendably aware of the slippery slope represented by access to inside share market information.

Work over Family Domains: In both samples, the majority of participants indicated they would take on the extra hours. The values domains Equanimity and Personal Achievement acted in opposition as motivating factors in this scenario. This finding may indicate students’ perceptions of organisational cultures in law firms, which are not work-life friendly; intolerant of spill over effects from one life sphere into the other.

The scenario, *Criminal Activity in Own Child*, was similar to the above ‘trust deficiency’ scenario and is designed to push respondents towards the limits of what might be called ‘personal-professional tension’. In this situation a larger proportion of law students indicated they would remain silent in both samples.

The patterns of values systems that informed participants’ choices are telling. Respondents in both samples who indicated that they would not report the daughter also indicated the salience of values associated with maintaining self, that is, in terms of Personal Achievement. Values that informed the decision to report the daughter were externally orientated; towards others, as evidenced by prioritising the Order and Conformity domain.

Rounding up hours: Although the proportion was less than that indicated by first year students, a considerable majority of final year law students were still prepared to round-up *hours* on a file, to the next 100 hours, for the purposes of billing a client (56.6%). In a number of cases, it is likely that such an increase would add many thousands of dollars to a client’s bill.

Some observers who have commented on this scenario have remarked that the process of settling the final amount of a bill is complex and that the partner responsible for each client account will often vary a bill up or down, after basic time calculations have occurred. In that context, it may be said that this request, made to a summer clerk, is hardly improper. In trialling the question, however, practitioners were of the contrary view and we think that, given that the question asks about rounding-up *hours* (not dollars) to the next one hundred, it is reasonable to ask for a choice.

The values system that informed participants’ decisions to round up hours included characteristics related to Personal Achievement, therefore confirming its inclusion in the study.

Proposals to political party donors: The values domain, Personal Achievement, informed the choices of 29 per cent of respondents who would ignore the questionable ethics of their proposed representation to potential donors. However this proportion was less than that originally indicated by the first year students.

Client Confidentiality: The issue of child abuse is one of very high profile in Australia and we considered it a suitably difficult context in which to investigate the limits of confidentiality. The deaths of young children at the hands of their fathers or males known to their mothers comprise regular features of metropolitan newspapers.

Nevertheless, confidentiality has been described as one of the 'core values' of the Australian legal profession³ and, despite some policy concerns which now question the utility of confidentiality in achieving just results in the trial process, it remains undeniably crucial as a lynch pin of common law systems of representation.⁴

In this socially notorious scenario, most law students would breach client confidentiality (59.3%). This proportion was somewhat less than that indicated by the first year sample, perhaps indicating that final year students were more aware of the centrality of client confidentiality in their profession, and in particular, the trust ordinarily placed in lawyers by their clients. Nevertheless one would expect the groups to differ most markedly on this scenario. The values that influenced the decision of final year students included values associated with Equanimity and Personal Achievement.

The results of this study have demonstrated that there are less marked differences in the responses to ethical scenarios between students in their first year of a law degree and their counterparts after nearly 5 years of study in a law degree. This result does not sit well for evidencing the 'moral force' of Australian law faculties in their preparation of the next generation of legal practitioners, business professionals and the judiciary. While not including a control group in the design limited our ability to isolate the influencing factor of education from other social forces, the results of this study do suggest that specific law student values and the needs of student groups, require more specific attention in curricula than has been the case to date. More research that utilizes controlled pre-post test designs is warranted.

The results provide some insight to which values domains are important for students in their decision making process when challenged with ethical problems. More research is required to further understand the predictive power of Personal Achievement, Equity and Order and Conformity domains, however these domains may prove useful as a starting point for developing inclusive curricula in relation to explicit values and ethics education in law programs. Rokeach & Rokeach (1989) suggest that value change is possible only when discrepancies are presented that threaten self cognitions. It is only then that self motivation is enhanced or threatened. Awareness of discrepancies between values related to the self concept and values prescribed as preferable through ethical and professional codes of conduct lead to dissatisfaction and dissonance and a process of change to cognitions and behaviours. In short, values awareness is likely to be a more productive route for legal ethics education.

³ Ian Dunn, former CEO, Law Institute of Victoria, 'Incorporation and MDP's', [2000] 74(9) *LJL* 3

⁴ See *Prince Jefri Bolkiah v KPMG (a firm)* [1999] 2 WLR 215 at 266, per Lord Millett.

References

- Braithewaite, V. (1998). The value orientations underlying liberalism-conservatism. *Personality and Individual Differences, 25*, 575-589.
- Evans, A.H. (1997). *The Development and Control of the Solicitors Guarantee Fund (Victoria) and Its Ethical Implications for the Legal Profession*. Unpublished LLM Thesis, Monash University, Australia.
- Feather, N. T. (1984). Masculinity, femininity, psychological androgyny, and the structure of values. *Journal of Personality and Social Psychology, 47*, 604-620.
- Feather, N. T., & Peay, E. R. (1975). The structure of terminal and instrumental values: Dimensions and clusters. *Australian Journal of Psychology, 27*, 151-164.
- Glennon, T. (1992) Lawyers and Caring: Building an Ethic of Care into Professional Responsibility. *Hastings Law Journal, 43 (4)*: 1175.
- Gobbo, J. (2000). Idealism under Stress: Legal Practice in Victoria. *Law Institute Journal 12*: 85.
- Kidder, R.M. (2002). Ethics at Enron. *Institute of Global Ethics News line*, January 21, 5 (3),
<http://www.globalethics.org/newsline/members/issue.tmpl?articleid=01210218015717>
- Kreie, J. (1998). How men and women view ethics, *Association for Computing Machinery. Communications of the ACM, 41(9)*: 70-76.
- Kronman, A. (1999), Professionalism. *Journal of the Institute for the Study of Legal Ethics 2*: 89.
- Milton-Smith, J. (1997). Business ethics in Australia and New Zealand. *Journal of Business Ethics, 16(14)*, 1485.
- Roger K Warren, R. K. (2001) Virtue Theory - Links to Professionalism in Noel Preston (Ed.) *Understanding Ethics* (Second ed.) Sydney: Federation Press
- Rokeach, M. (1973). *The Nature of Human Values*. New York: Free press.
- Rokeach, M., & Rokeach, S. J. (1989). Stability and change in American value priorities 1968-1981. *American Psychologist, 44(5)*, 775-785.
- Scott, R.A. (2003). The university as a moral force. *On the Horizon, 11(2)*: 32-36.
- Tabachnick, B., & Fidell, L. (2001). *Using Multivariate Statistics*. Boston, Mass.: Allyn and Bacon.
- Zbar, V.; Brown, D., & Bereznicki, B. (2003). Values Education Study. Report to Department of Education Science and Training. Victoria: Curriculum Corporation.