

## Summary

# *“Ethik im Legal Service Sektor. Über Vertrauen, Versprechen und Verträge – Schlüsselfaktoren einer erfolgreichen Mandatsbeziehung”*

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Ethical aspects have been systematically neglected in the juridical discussion surrounding legal professionalism. However, both trust and trustworthiness shape the basis of a sound attorney-client relationship.

Following the heuristics of Nobel Memorial Prize winner Gary Becker, we aim to make use of economics in the field of law, an idea first raised within the interdisciplinary field of law and economics by Richard A. Posner. The special role of trust within an attorney-client relationship supports our argument that ethics are not inevitably a contradiction to the self-interest of the legal professional. Within this context we raise two theses:

- (1) It is both economically shrewd and morally desirable to demand ethical aspects and their implementation in the legal sector, for the purpose of stabilizing trust and trustworthiness.
- (2) A lawyers' professional code of ethics should not be defined exclusively by regulations, but be further complemented with a voluntary self-commitment. Psychological contracts and promises serve to strengthen a lawyer's credibility.

In our conclusion we recommend that lawyers undertake a voluntary and individual self-commitment which extends beyond the limits of legal compliance.

Our argument is presented in five sections: Following the introduction (section 1) we outline characteristics of the legal service and its current problematic developments (section 2). Our focus lies on the agency relationship between lawyer and client. We display both the problematic superiority of the principal (lawyer) over the agent (client), as well as the client's ability to challenge and actively confront this problem. Finally, we link our ideas with the lawyer's perspective (section 3). The main emphasis of this paper is to discuss self-commitment within the legal services based on insights from research on psychological contracts and promises (section 4). We then close with a discussion of critical implications (section 5).