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## AN EMPIRICAL STUDY ON THE ETHICS AND MOTIVATING VALUES OF LAW STUDENTS IN MALAYSIA

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### ABSTRACT

This article investigates the ethics and motivating values of law students in Malaysia in the final two years of their legal education. Our empirical research examines the demographics of these law students. This is followed by an examination on their responses to diverse ethical dilemmas including conflict of interest, bribery, corruption, and *pro bono*. The findings reveal that Malaysian law students are strongly inclined to obey to the law and will only give priority to family members' well-being and family loyalty in extreme situations. The study suggests a relatively weak *pro bono* culture of Malaysian law students similar to their counterparts in Hong Kong. It was also discovered that an overwhelming number of respondents are not willing to sacrifice family time for their careers. The interest of family remains a strong consideration in making decision.

Keywords: Legal education, ethics, professionalism

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## INTRODUCTION

In 2017, in the wake of the Panama Leak, Jonathan Goldsmith, the former secretary-general of the Council of Bars and Law Societies of Europe, highlighted some serious ethical questions related to the European Parliament inquiry. The Panama Leak, also known as the Panama Papers refers to the 11.5 million leaked documents detailing attorney-client information and finance involving more than 200,000 offshore entities. Some of documents reveal money laundering, fraud, tax evasion, bypassing of international sanctions and crimes.

These questions include whether lawyers are “hiding behind legal professional privilege to allow clients to get away with dodgy acts” and whether lawyers are “taking responsibility for their role in the funding of terrorism, arms trafficking, mass drug addiction and other ills financed by the transfer of illicit funds” (Law Society Gazette, 2017).

Rhode (2003) warned that the current state of professional ethics is not satisfying and in many law school, it has been left to a single required course resulting in “legal ethics without the ethics and leave future practitioners without the foundations for reflective judgment.” The struggle to maintain a high standard of ethics and professional integrity among those in the legal profession is not something new. In 1630, Francis Bacon already described the matter in the preface to his *Elements of the Common Law* as follow:

“I hold every man a debtor to his profession, from the which as men of course do seek to receive countenance and profit, so ought they of duty to endeavor themselves by way of amends, to be a help and ornament thereunto. This is performed in some degree by the honest and liberal practice of a profession when men shall carry a respect not to descend into any course that is corrupt and unworthy thereof and preserve themselves free from the abuses wherewith the same profession is noted to be infected.”

What are legal ethics and professionalism? The origin of the word ‘ethics’ is from *ethikos*, a Greek word that refers to a system of rules. In modern usage it means the science of morals. Legal ethics refer to the customs and usages observed by the members of the legal profession. This involves moral and professional duties towards all; from court members, to lawyers, clients and everyone involved. Similar concepts of legal ethics are set out in the Malaysia’s Legal Profession (Practice & Etiquette) Rules 1978.

Ethics deal with the philosophy of right and wrong. Ethic, also known as legal ethic, is integral to the legal profession. A well-known advocate from the 20<sup>th</sup> century, Birkett LJ stated as follow:

“The court must be able to rely on the advocate’s word; his word must indeed be his bond and when he asserts to the court those matters which are within his personal knowledge the court must know for a surety that those things are represented. The advocate has a duty to his client, a duty to the court and a duty to the state but he has above all a duty to himself that he shall be, as far as lies in his power, a man of integrity. No profession calls for a higher standard of honour and uprightness and no profession perhaps offers greater temptation to forsake them, but whatever gifts an advocate may possess, be they never so dazzling, without the supreme qualification of an inner integrity he will fall short of the highest standard.”

Nelson and Trubeck suggest that professionalism is the norms, traditions and practices that provide a set of values and a worldview that guide and lead lawyers’ decision-making and actions. Shestack and Neuner further stress that professionalism includes professional integrity and ethics, professional independence and competence, lifelong learning, civility, professional duty to the legal system and pro bono works. Friedson proposed that the ‘ideal’ type of legal professionalism must be based on the acquisition of legal knowledge, skill and values through formal legal training.

There are three main statutes governing legal ethics in Malaysia, namely the Legal Profession Act 1976 (LPA); Legal Profession (Practice & Etiquette) Rules 1978 and the Legal Profession (Publicity) Rules 2001. The Legal Profession (Practice and Etiquette) Rules 1978 was formulated to regulate the conduct of those in the legal profession pursuant to section 77 of the Legal Profession Act 1976. While lack of ethics is frowned by the society, failure to observe legal ethic carries more serious consequences. Failure to observe the minimum standard of legal ethic as prescribed under the Legal Profession (Practice and Etiquette) Rules 1978 can lead to disciplinary actions that can result in dismissal, suspension, fine and the likes.

An advocate and solicitor must observe ethics strictly as he is not a mere persona of his client. He is an officer of the court and a servant of justice. Lord Denning MR in the *Rondel’s* case pointed out such duty as follow:

“(Counsel) ... has a duty to the Court which is paramount. It is a mistake to suppose that he is the mouthpiece of his client to say what he wants, or his tool to do what he directs. He is none of these things. He owes allegiance to a higher cause. It is the cause of truth and justice”.

It is a misconception that a lawyer must try to win his case by any means whatsoever. Although his client pays him, he is also an officer of the court and pledged to serve the cause of justice. Lord Hoffman in *Arthur Hall v Simons* [2002] 1 AC 615 cautioned as follow:

“Lawyers conducting litigation owe a divided loyalty. They have a duty to their clients, but they may not win by whatever means. They also owe a duty to the court and the administration of justice. They may not mislead the court or allow the judge to take what they know to be a bad point in their favor. They must cite all relevant law, whether for or against their case. They may not make imputations of dishonesty unless they have been given the information to support them. They should not waste time on irrelevancies even if the client thinks that they are important. Sometimes the performance of these duties to the court may annoy the client...”

There is a wealth of literature on professionalism and the common law tradition. Numerous books and in-depth articles in reputable journals have also been written in relation to legal ethics including the work of Neeko. Unfortunately, not many researches of empirical nature can be found in relation to the degree of ethics amongst law students in commonwealth countries, and their motivating values.

By understanding the motivating values, and the level of impact of each value, it would be possible to evaluate the level of legal professionalism amongst the students, and the areas that must be improved. Furthermore, by having a comparative study between different jurisdictions, the differences in values among common law students from different jurisdictions can be appreciated. Currently, there is a big research gap especially in relation to empirical study.

In Australia, Evans and Palermo conducted two pilot research projects in 1998 with the law graduates from the Monash University to survey their ethical values. Their survey instrument set out eleven scenarios involving ethical dilemmas to evaluate the values of their respondents. Such scenarios included participating in public interest work, putting personal interests above firms' interest, reporting law firm account mismanaged by relatives, committing insider trading, putting work above family, maintaining friendship in times of conflict, concealing criminal activities committed by relatives, rounding up billable hours, making proposals to political party', referring colleague in emotional problems for counseling' and breaching confidentiality obligation to protect children subject to abuse. Wu (2017) extended the research of Evans and Palermo by surveying the ethical values of law students in Hong Kong using a largely similar set of questionnaires.

The importance of having law students with strong ethics cannot be underestimated as those in the legal profession have enormous impact on the society. A corrupt judiciary and legal system will be detrimental to any country.

This article investigates the ethical values of law students in Malaysia in their final two years of their legal education. This empirical research examines the demographics of these law students before examining their responses to various ethical dilemmas including situations involving conflict of interest, bribery, corruption, and *pro bono*. By examining their responses, it would be possible to understand the motivating values behind them. This would assist in the formulation of a better method of teaching law students.

## RESEARCH METHODOLOGY

This research consists of interview with 269 law students from two universities in Malaysia. Only students from the final two years of their law study were selected as participants for this research. Although the overwhelming majority of the students were completing their law degree (LLB), some of them were completing their double degree (LLBS).

Basic frequency and statistical analysis using SPSS v22 are used for this research. Undoubtedly, the survey depended on the good faith of students completing the questionnaire survey. Many students who participated in the survey admitted that the scenarios seemed very 'realistic'. Post-survey interviews were conducted to gather qualitative data to support or to explain specific quantitative data collected in the questionnaire survey, namely, the respondents' reported values of 'business efficacy', 'family members' well-being' and 'family loyalty'. This reflected the 'explanatory design' and 'follow-up explanatory model' in the research methodology.

The involved respondents all signed informed consent to participate in the post-survey interviews. We adopted a small sample given that the purpose of the post-survey interviews was only to gather qualitative data on specific quantitative findings and the qualitative data was only used to supplement the quantitative data collected in the questionnaire survey.

At the end, we placed our emphasis on the quantitative data collected in the questionnaire survey, and only used the qualitative data collected in the post-survey interviews to support or explain our quantitative findings.

In Malaysia, the law degree (LLB) program usually takes around 4 years in the main camp. Before proceeding with the law degree, many students spend around one year to two years in the Foundation first, in which they will learn some of the basics of law. However, it is also possible to proceed with the law degree (LLB) directly (upon completing Form 6) without joining the Foundation.

Certain universities, including one selected for this research, also offer double degree, also known as LLBS. Those who opted to go for this double degree have to take additional subjects, mostly *shariah* subjects, and must undergo a fifth year. In other words, upon completing their LLB, they need to spend an additional one-year to get the double degree.

The research is based on a series of fixed and standardized questions to evaluate the students' response to ethical dilemma ranging from issues involving conflict of interest, disclosure, work-personal life balance, criminal matter, unethical transactions, attitude towards pro bono, client confidentiality and also public interest.

In addition to testing the students' response to the ethical dilemmas, participants are also required to rank their motivating values in making such response. These include professional integrity, obedience to the law, loyalty to the firm, family loyalty and family members' well-being. For each scenario, we required students to decide whether they would, or would not, take a certain course of action. We also asked them to assign a number from 0 to 4 for each of the values listed under each scenario (where 0 represented 'unimportant' and 4 represented 'very important') to rate the values that influenced their decision in relation to each scenario. We believe the average of their ratings reflects the law students' values that influenced their decisions.

**FINDINGS AND DISCUSSION**

**Demographics**

<b>Degree</b>		
	Frequency	Percent
0	1	0.4
LLB	207	77.0
LLB Double Degrees	61	22.7
Total	269	100.0

<b>Academic Year</b>		
	Frequency	Percent
Year 3	19	7.1
Year 4	211	78.4
Year 5	39	14.5
Total	269	100.0

<b>Gender</b>		
	Frequency	Percent
0	3	1.1
Male	50	18.6
Female	215	79.9
22	1	.4
Total	269	100.0

Data on age showed that 264 (98.1%) of the respondents were aged between 21 and 25. These figures reflected that most Malaysian students study law as their first undergraduate degree. The percentage of those above 26 years is only 1.9%.

From the total respondents of 269, only 19 of them comes from Year 3. The overwhelming majority of the respondents (78.4%) consists of final year LLB students (Year 4). It should be noted that Year 5 students have already completed their LLB degree a year before since a normal law degree program consists of 4 years only. Year 5 students refer to those doing double degree (LLBS).

Concerning gender, 79.9% of the respondents (n=215) were female and only 18.6% were male (n=50). This huge discrepancy is reflective of the diminishing number of male law students in Malaysia if compared to female law students.

**RESPONSE TO ETHICAL DILEMMA**

**Scenario 1a:**

'You are a partner of a local law firm. Your nephew (the son of your elder sister) is an associate in the firm. You discover your nephew has taken money paid by his client to the law firm to cover his debts. Fortunately, you discover the problem in its very early stages. The amount missing is small and it is possible that the amount could be reimbursed without attracting any attention. You are aware that the law requires mandatory reporting of such conduct. Would you report the matter to the local law society?'

**Table 1: Result for Scenario 1a**

<b>S1a. Would you report the matter to the local law society?</b>			
Valid		Frequency	Percent
	0	2	.7
	Yes	153	56.9
	No	114	42.4
	Total	269	100.00

The above result shows that the percentage of those willing to report the matter to the local law society is higher (56.9%) than those not willing to report. Out of 269 respondents, 153 respondents were willing to report. However, the percentage of those not willing to report is still very high, at 42.4%. This is despite the reminder during interviews that failure to report will make the respondents liable in law as well.

**Scenario 2a:**

‘You are an associate working for a highly renowned firm. The long working hours are causing a lot of pressure at home with your spouse and your young children. Your children have behaviour problems and your spouse has been warning you to spend more time with your children. Meanwhile, the firm’s senior partner asks you to show commitment on a project. This would involve even longer hours than usual with many late nights for at least the next half year. The senior partner also intimidated that if you perform well in this project it could lead to your promotion to be a partner of the firm. Would you take on the extra hours in order to work for the project?’

**Table 2: Result for Scenario 2a**

<b>S2a. Would you take on extra hours in order to work for the project?</b>			
Valid		Frequency	Percent
	0	2	27.9
	Yes	75	56.9
	No	192	71.4
	Total	269	100.00

The result shows that an overwhelming number of respondents (71.4%) is not willing to take extra hours if this mean losing family time, especially when the family is facing difficulties. The overwhelming majority, 192 respondents were not willing to take the extra hours. Only 75 of the 269 respondents were willing to take the extra hours.

**Scenario 3a:**

‘You are a government prosecutor who has concentrated on teenager drug abuse cases. You believe that every case of teenager drug abuse harms society and must be reported and dealt with by the Police. You discover that your daughter has been using a hard drug with other students at her school. Your spouse implores you not to report the matter as it may lead to possible criminal prosecution against your daughter. Your spouse also threatens to end your relationship if you do. Would you report the matter to the Police? Do you think your parents would report the matter to the Police?’

**Table 3: Result for Scenario 3a**

<b>S3a. Would you report the matter to the Police?</b>			
Valid		Frequency	Percent
	0	4	1.5
	Yes	172	63.9
	No	93	34.6
	Total	269	100.00

The above result shows that the majority, 63.9% of the respondents (n=172) are willing to report crime to the police even if it involves family members. 34.6% of the respondents are not willing.

**Scenario 4a:**

‘As a young lawyer aged 30, you and your partner are eager to purchase an apartment of your own so that you can get married. Despite long hours and a great deal of work, you still lack enough money for a down payment. A construction company which is a listed company and a long-term client of your firm, for whom you have done some legal work, is

grateful and wants to recognize your contributions. At a private dinner with the client CEO, the former hints about more legal work and speculates offhandedly that the price of the company's shares is likely to rise as the company has just succeeded in bidding for a major public housing project from the government. You realize that the share price should reflect the win once the bidding news is announced. However, you are aware that this may constitute insider trading and contravene the law. Would you purchase shares in the company before the public announcement of the successful bid?

**Table 4: Result for Scenario 4a**

<b>S4a. Would you purchase shares in the company before the public announcement of the successful bid?</b>			
Valid		Frequency	Percent
	0	4	1.5
	Yes	36	13.4
	No	229	85.1
	Total	269	100.00

The above result shows that 85.1% of the respondents will adhere to law and will not be involved with insider trading. Surprisingly, 13.4% of the respondents were still willing to commit insider trading despite being informed that this is in contravention of law.

**Scenario 5a:**

‘While on a summer clerkship/internship with a large and well-respected commercial firm, you are concerned to make a good impression as it is your last year of law school and you are desperate for this job. The partner supervising you decides to give you some of her files to get ready for billing. She asks you to determine the amount of legal fee chargeable for each file and, from her expression, it is pretty clear that she wishes more legal fees. She asks you to double the legal fee than is justified for the files, saying that clients are willing to pay because their primary concern is quality work. You know that these clients are entirely satisfied with the firm service. Would you double the legal fees for the files?’

**Table 5: Result for Scenario 5a**

<b>S5a. Would you double the legal fees for the files?</b>			
Valid		Frequency	Percent
	0	2	0.7
	Yes	115	42.8
	No	152	56.5
	Total	269	100.00

The above result shows that there is no major difference in this aspect. The percentage of those not willing to double the legal fee is slightly higher at 56.5% (n=152) while those willing to follow the partner's instruction to double the fee is 42.8% (n=115).

**Scenario 6a:**

‘You are a new lawyer working in a large commercial law firm. A voluntary public-interest organization approaches you to work on a prominent test case about women who kill in self-defence. The work would be pro bono and very high profile for you personally but of little interest to your firm. Although there is no actual policy against it, your firm does not usually do any pro bono work. At the same time, your senior partner wants you to work on another profitable case for the firm. The pro bono work requires a lot of time and work, but 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?’

**Table 6: Result for Scenario 6a**

<b>S6a. Would you agree to work on the public interest case?</b>			
Valid		Frequency	Percent
	0	5	1.9
	Yes	177	65.8
	No	87	32.3
	Total	269	100.00

The result shows that the number of respondents willing to take pro bono work is more than double compared to those not willing. The overwhelming majority of respondents were willing to work on the public interest case.

**Scenario 7a:**

‘You are acting for a client who is the mother of three small children in a divorce and non-molestation order proceedings. Your client has previously shown you some old photographs of bruises and marks on the children which she claims were inflicted by their father. 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 but you are also aware of lawyers’ duty of confidentiality to their clients. Would you inform the relevant government welfare authorities of your fears?’

**Table 7: Result for Scenario 7a**

<b>S7a. Would you break client confidentiality and inform the relevant government welfare authorities of your fears?</b>			
Valid		Frequency	Percent
	0	3	1.1
	Yes	208	77.3
	No	58	21.6
	Total	269	100.00

The result shows that an overwhelming number of respondents is willing to break client confidentiality when it involves children’s welfare (77.3%).

**a. CHOICE OF MOTIVATING VALUES**

**Scenario 1a:**

**Table 8: Result for Scenario 1a**

<b>S1a. Would you report the matter to the local law society?</b>				
		N	Mean	Std. Deviation
S1b. Professional Integrity	Yes	153	4.50	.844
	No	114	3.91	.878
S1b. Obedience to the Law	Yes	153	4.25	.870
	No	114	3.56	.787
S1b. Loyalty to your Firm	Yes	153	4.01	.977
	No	114	3.69	.977
S1b. Family loyalty	Yes	153	3.99	1.144
	No	114	4.14	.921
S1b. Family members’ well-being	Yes	153	4.05	1.084
	No	114	4.19	.901

There were significant differences in the mean score for ‘professional integrity’ ( $p < .01$ ), ‘obedience to the law’ ( $p < .01$ ) and ‘loyalty to your firm’ ( $p < .05$ ) between the respondents who would and would not act for the corporation. No significant differences were located for that of ‘family loyalty’ and ‘family members’ well-being’.

The result shows that those who were willing to report put high priority on professional integrity and obedience to law while those who were not willing to report put high priority on family loyalty and family members’ well-being.

**Scenario 2a:**

**Table 9: Result for Scenario 2a**

<b>S2a. Would you take on the extra hours in order to work for the project?</b>				
		N	Mean	Std. Deviation
S2b. Professional Integrity	Yes	75	3.93	.920
	No	192	3.36	.910
S2b. Obedience to the Law	Yes	75	3.92	.941
	No	192	3.36	.911
S2b. Loyalty to your Firm	Yes	75	4.32	.841
	No	192	3.54	.975
S2b. Family loyalty	Yes	75	4.12	.869
	No	192	4.52	.779
S2b. Family members’ well-being	Yes	75	4.25	.840
	No	192	4.56	.785

There were significant differences in the mean score for all of the above motivating values between the respondents who would and would not take on the extra hours ( $p < .01$ ).

The result reveals that those willing to take extra hours usually place professional ambition as a high priority while those not willing to take extra hours at the detriment of family time usually place family loyalty and family member's well-being as more important considerations.

**Scenario 3a:**

**Table 10: Result for Scenario 3a**

S3a. Would you report the matter to the Police?				
		N	Mean	Std. Deviation
S3b. Professional Integrity	Yes	172	4.20	
	No	93	3.39	
S3b. Obedience to the Law	Yes	172	4.16	
	No	93	3.34	
S3b. Family loyalty	Yes	172	4.17	
	No	93	4.28	
S3b. Family members' well-being	Yes	172	4.40	
	No	93	4.35	

There were significant differences in the mean score 'professional integrity' and 'obedience to the law' ( $p < .01$ ) between the respondents who would and would not report the matter to the Police. No significant differences were located for that of 'family loyalty' and 'family members' well-being'.

The result reveals that those who are willing to hand over family members to the police actually consider the family members' well-being as a major consideration. This is in addition to professional integrity.

**Scenario 4a:**

**Table 11: Result for Scenario 4a**

S4a. Would you purchase shares in the company before the public announcement of the successful bid?				
		N	Mean	Std. Deviation
S4b. Professional Integrity	Yes	36	3.58	1.156
	No	229	4.25	.819
S4b. Obedience to the Law	Yes	36	3.50	1.159
	No	229	4.15	.830
S4b. Loyalty to your Firm	Yes	36	3.42	1.228
	No	229	3.82	.968
S4b. Commercial Advantage	Yes	36	4.03	1.055
	No	229	3.33	1.010
S4b. Comfortable Life	Yes	36	4.06	1.040
	No	229	3.47	.944

There were significant differences in the mean score for all the motivating values, including 'professional integrity' ( $p < .01$ ), 'obedience to the law' ( $p < .01$ ) and 'loyalty to your firm' ( $p < .05$ ), 'commercial advantage' ( $p < .01$ ) and 'comfortable life' ( $p < .01$ ) between the respondents who would and would not purchase shares before the public announcement.

**Scenario 5a:**

**Table 12: Result for Scenario 5a**

S5a. Would you report the matter to the local law society?				
		N	Mean	Std. Deviation
S5b. Employment Prospects	Yes	115	4.06	.958
	No	152	3.68	1.006
S5b. Social Recognition	Yes	115	3.83	1.008
	No	152	3.68	1.014
S5b. Obedience to the Law Firm Partner/Supervisor	Yes	115	3.90	1.043
	No	152	3.52	.976
S5b. Clients' Interest	Yes	115	3.88	.938
	No	152	4.07	.950
S5b. Professional Integrity	Yes	115	3.94	.930
	No	152	4.22	.885

There were significant differences in the mean score for ‘Employment Prospects’ ( $p < .01$ ), ‘Obedience to the Law Firm Partner’ ( $p < .01$ ) and ‘Professional Integrity’ ( $p < .05$ ) between the respondents who would and would not double legal fees for the files ( $p < .001$ ). No significant difference was found on the value of ‘Social Recognition’ and ‘Clients’ interests’.

The result shows that those willing to double the legal fees consider ‘Employment Prospects’ to be a primary consideration. Those not willing to double the legal fee consider ‘Clients’ interests’ and ‘Professional Integrity’ to strong motivating factors.

**Scenario 6a:**

**Table 13: Result for Scenario 6a**

<b>S6a. Would you agree to work on the public interest case?</b>				
		N	Mean	Std. Deviation
S6b. Business Efficac (Firm’s Profit)	Yes	177	3.54	.948
	No	87	4.01	.946
S6b. Obedience to the Law Firm Partner/Supervisor	Yes	177	3.63	.857
	No	87	3.98	.849
S6b. Employment Prospects	Yes	177	3.90	.824
	No	87	3.92	.866
S6b. Access to Legal Justice	Yes	177	4.37	.765
	No	87	3.78	.970

There were significant differences in the mean score for values ‘Business efficacy’, ‘obedience to the law firm partner’ and ‘access to legal justice’ between the respondents who would and would not agree to work on the public interest case ( $p < .01$ ). No significant difference was found on the value of ‘Employment prospect’

The result shows that those who agree to work on public interest case consider ‘access to justice’ to be an important consideration. On the other hand, those who refuse to work on public interest case gives higher priority to ‘business efficacy’ (firm’s profit) to be a more important consideration.

**Scenario 7a:**

**Table 14: Result for Scenario 7a**

<b>S7a. Would you break client confidentiality and inform the relevant government welfare authorities of your fears?</b>				
		N	Mean	Std. Deviation
S7b. Client Confidentiality	Yes	208	3.66	.902
	No	58	4.29	.817
S7b. Professional Integrity	Yes	208	4.14	.827
	No	58	4.14	.736
S7b. Civic duty	Yes	208	4.52	.689
	No	58	3.72	.854
S7b. Personal Integrity	Yes	208	4.48	.709
	No	58	3.95	.826

There were significant differences in the mean score for ‘Client confidentiality’, ‘civic duty’ and personal integrity’ between the respondents who would and would not break client confidentiality and inform the relevant government welfare authorities ( $p < .001$ ). No significant difference was found on the value of ‘professional integrity’.

**IMPLICATIONS OF FINDINGS FOR LEGAL EDUCATION AND LEGAL PROFESSION IN MALAYSIA**

Evans (2001) in his outstanding work, ‘Lawyers’ Perceptions of Their Values: An Empirical Assessment of Monash University Graduates in Law, 1980-1998’ proposed that a cross jurisdiction study on values awareness in the legal profession is essential. He argues as follow:

‘To persuade legal educators to assess the need for an (integrated) values awareness programme within law curricula, we will require more in-depth investigation on a much larger scale to be convincing. I believe comparisons within and between major national jurisdictions will be necessary to create momentum because, as a generalisation, national systems appear slow to emulate each other – except in the business arena. There is a case for a transnational, longitudinal study

of lawyers' values – in collaboration with behavioural studies by the organised legal profession – to derive real knowledge of the values bases that do support, or undermine, all notions of ethics in the law.'

The findings of this research suggest that Malaysian law students have developed certain professional values similar to those in other common law jurisdictions like Hong Kong and Australia. Our study demonstrates that Malaysian law students are also affected by such personal values, or 'Asian values', as 'family members' well-being' and 'family loyalty'. However, they will only let such values as 'family members' well-being' and 'family loyalty' prevail over such professional value as 'obedience to the law' under extreme conflict situations involving the interests of their closest family members such as their children or spouse. This may reflect the success of common law education in cultivating among Malaysian law students such professional values as 'obedience to the law'.

Overcharging is a global problem. Back in 1974, a poll sponsored by the American Bar Association showed that sixty-eight percent (68%) of the public believed that lawyers charged more for their services than they were worth (Curran 1977). Our study reveals that the percentage of those not willing to double the legal fee is slightly higher at 56.5% (n=152) while those willing to follow the partner's instruction to double the fee is 42.8% (n=115). The question posed to the respondents did not address whether the remuneration is for fixed or optional payment.

In Malaysia, the remuneration or payment for certain type of services by an advocate and solicitor is fixed and regulated by the Solicitors' Remuneration Order (SRO). Solicitors are not allowed to give discount or charge more for these services. In practice, the Secretary of the Bar will occasionally send a letter to legal firms asking for the details of few months' billing for all conveyancing work. In some cases, the solicitor involved might be required to swear a Statutory Declaration.

Our study suggests a relatively weak pro bono culture of Malaysian law students. This may be attributed to the underdevelopment of legal clinic education in local law schools and pro bono programmes in local law firms. Our findings also suggest possible reforms of law school curricula and legal the profession in Malaysia. Law Schools should expand their legal clinics programmes like their Australian and US counterparts to inculcate upon their students the value of 'access to legal justice'.

The survey reveals that when it comes to reporting unethical conducts or criminal activities, most respondents will do the right thing. Only some respondents were unable to do the right thing when it clashes with personal interest e.g. involving spouse or own children; 42% will not report to the local law society as required by law and 34.6% will not lodge a police report. 13.4% of the respondent is willing to commit crime like insider trading for financial gain. It is essential to remedy this.

The survey also highlights that an overwhelming number of respondents (71.4%) is not willing to take extra hours if this mean losing family time, especially when the family is facing difficulties. Concerning clients' interest, an overwhelming number of respondents is willing to break client confidentiality when it involves important consideration like children's welfare (77.3%).

The survey shows that those who were willing to report criminal matters even when it clashes with personal interest usually put high priority on professional integrity and obedience to law while those who were not willing to report put high priority on family loyalty and family members' well-being.

In addition, those willing to take extra hours usually place professional ambition a high priority while those not willing to take extra hours at the detriment of family time usually place family loyalty and family member's well-being as more important considerations.

## CONCLUSION

As the new generation of lawyers are more conscious of their quality of life outside legal practice, both the law firms and legal profession need to formulate new policies to recruit and retain legal talent and join the movement promoting well-being in the practice of law. There are notable differences of motivating values between law students in this generation compared to previous generations. For example, previous generations of lawyers were more inclined to give priority to work compared to spending more time with family members. However, current generation seems give to focus more on work-life balance. In addition, the relaxed attitude of some law students and the willingness to disobey law for personal financial gain and family interest are worrying some. The suggestion of Fadzil (2004) that ethics must be inculcated into law students from their very first day at the university and law faculties must integrate ethics across their curriculum need to be considered.

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