

Why do Prosecutors and Defense Attorneys have Different Ethical Duties?

The ethical rules in law are guidelines that dictate the proper conduct of lawyers. These rules exist to ensure that lawyers always act in the best interests of their clients, and maintain the public's trust in the legal system. There are a number of different ethical rules governing lawyer conduct, which can be found in state bar regulations, The ABA Model Rules of Professional Conduct, and case law. Some of the most important ethical rules include that lawyers must always act with integrity and honesty, must avoid misrepresenting facts or misleading a court, and must keep client information confidential. International law is a set of rules, regulations, and standards that govern the behavior of states and other international actors. It is based on principles of justice, respect for human rights, and trust between nations. International law applies both to individual countries and to international organizations like the United Nations. In many cases, it sets minimum standards for how states must behave in order to protect the rights of their citizens and those of other countries. Some important ethical rules in international law include that states must treat all people equally and not discriminate based on race, gender, nationality, or religion, and countries must respect human rights and ensure that every individual has access to basic needs like food, shelter, and healthcare.

Prosecutors have a number of ethical duties, some of which are set out in the Model Rules of Professional Conduct. Among their ethical duties are to (1) seek justice, (2) not seek unjust or unnecessary retribution, (3) exercise independent professional judgment, and (4) maintain the integrity of the criminal justice system. Prosecutors must also act fairly and in good faith while dealing with defendants. This includes informing the defendant of all relevant facts, not making threats or promises, and avoiding any form of harassment or intimidation. Prosecutors are also responsible for presenting a strong case against the defendant and involve meticulously examining evidence, such as witness statements and police reports, to ensure relevance and

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accuracy (Matthews et al.). Maintaining confidentiality when handling sensitive information related to a case is another ethical responsibility of prosecutors.

The ethical duties of a defense attorney are to ensure their client is given a fair trial, to provide competent representation, and to uphold the law. They must also act as an advocate for their client, zealously representing them and seeking the best outcome possible. This includes being mindful of the client's rights and freedoms while providing advice, helping prepare a defense strategy, and presenting evidence in court (Matthews et al.). Moreover, they should be honest with both the court and their client and always maintain confidentiality. Defense attorneys must also abide by all applicable rules of professional conduct and any other laws that may be relevant to the case. It is essential for defense attorneys to stay well-informed on their state's laws, statutes, and recent court decisions.

Prosecutors and defense attorneys have different ethical duties because they have different roles in the criminal justice system. Prosecutors are tasked with seeking justice, while defense attorneys are tasked with ensuring their clients receive a fair trial. Prosecutors must have a duty to seek justice by considering the full scope of evidence, as well as the whole situation when deciding how to proceed with a case. They must also refrain from making decisions based on personal gain or bias and always exercise their professional judgment in an unbiased manner. On the other hand, defense attorneys have a duty to ensure that their client's rights are respected and upheld. This includes ensuring that they receive all relevant information related to their cases, such as evidence presented by the prosecution and any legal resources available to them such as expert witnesses or court-appointed representation (Joe et al.). In addition, defense attorneys must work diligently to protect their client's rights during trial proceedings, while simultaneously working within established ethical constraints set forth by state and federal law.

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Although primary goals may differ, both parties must adhere to the same code of ethics in order to ensure that those in need of legal representation receive fair treatment and due process.

Prosecutors are granted a great deal of power in our criminal justice system. With this power comes a corresponding responsibility to act ethically and within the bounds of the law. However, numerous studies have identified that prosecutors are involved in abusing their discretion, resulting in wrongful convictions or other unethical behavior. There are a number of ethical rules that govern prosecutors. The most important of these is the rule against misconduct. This rule prohibits prosecutors from engaging in any behavior that would interfere with a defendant's right to a fair trial (Green et al.). This includes withholding evidence, fabricating evidence, or intimidating witnesses. Prosecutors also have a duty to seek justice, not just conviction hence, they consider the whole picture when making decisions about whether to prosecute someone. They should not pursue charges if they believe that the person is innocent or that the prosecution would not be in the public interest. Furthermore, prosecutors must never lie or mislead defendants, jurors, or others involved in the criminal justice system. The government also has a responsibility to ensure that prosecutors are held to these higher standards of ethics. This includes providing adequate training and resources, as well as regular evaluations of prosecutorial performance. It is crucial that there should be strict penalties for any unethical behavior on the part of prosecutors. By ensuring that prosecutors abide by high ethical standards and do not abuse their discretion, the criminal justice system can ensure the provision of justified decisions.

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