

# Professional Ethics: The Challenge of the Client with Diminished Capacity

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“Most people think it’s hard to do the right thing. It’s not hard to do the right thing; it’s hard to know what the right thing to do is. Once you know what the right thing is, it’s hard *not* to do it.”

- *Harry Fertig (Ben Kingsley)*  
*“The Confession”*

# Ethics and the Professional Relationship

- “Ethics” happens at the intersection of the client’s needs and wants and the professional’s obligations
- Ethical practice balances respect for the self-determination of the client while honoring the commitments of the professional

# Ethics in the Context of the Professional/Client Relationship

- The client brings his/her values, preferences, choices and goals
- The professional brings skills, knowledge and commitment to the client
- Decisions emerge from the interplay of these elements

# Traditional Ethical Approaches

- Character
- Rules
- Outcomes

# Two Orientations to Ethics

- Modern moral psychology research has led to recognition of two distinct “orientations” to ethics
  - *A justice* orientation
    - Ethics as “universal and impartial”
  - *A care* orientation
    - Ethics as particular and partial

# Ethics and the Role of the Professional

- Professional representation calls for an ethics that is partial and particular
  - Obligation to place the client's interests above those of others
  - Loyalty owed to the particular individual who is the client
  - Advocacy role of the professional

# An Ethics of Responsibility

- We are morally responsible to others who are vulnerable to our actions based on:
  - Explicit representations we have made to the other person which s/he relies upon
  - Our involvement in a relationship which by its nature makes the other person vulnerable to us
  - The plight of the other and our unique ability to help

Walker, MU. 1998. *Moral Understandings: A Feminist Study in Ethics*. Routledge: New York.

# An Ethics of Responsibility for Professionals

- To determine what the “right” thing to do is ask:
  - What explicit commitments have I made?
  - What are the commitments that are implicit in my relationship with my client?
  - Does honoring these commitments conflict with my obligations to my profession?

# Applying an ethics of responsibility to case vignettes

- The case of Jean and her family
- The Able/Baker case

# Contact Information

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