

Professional Legal Ethics in Comparative Perspective: Regulatory Models and Accountability Mechanisms in Selected Jurisdictions

Nguyen Thi Hanh

Tin Nguyen Law Firm, Can Tho, Vietnam

Abstract: The significance of professional legal ethics is critical to the integrity of our justice system and to social trust in the legal profession. Different jurisdictions feature quite different models of judicial regulation governing lawyers, with respect to institutional design, enforcement structures, and accountability mechanisms. Such governance frameworks may require lawyers' employers to act in accordance with the highest ethical standards, not merely to pursue individual autonomy. Fast-paced legal and economic change in Vietnam has led to greater calls for greater transparency, professional autonomy, and oversight of legal practitioners. This study explored professional legal ethics from an international perspective, with emphasis on regulatory and accountability structures in some countries, including Vietnam, and identified the legal loopholes in the system. The major objective of the study was to provide a critical assessment of professional legal ethics from a comparative perspective, to identify legislative lacunae in Vietnam's legislative structure, and to suggest reforms to strengthen regulation and promote mechanisms of accountability and effective law-making within the institutions of law. The study employed a qualitative, doctrinal, and comparative research method exclusively based on references and publications in statutes, professional codes, policy publications, and academic literature on regulation. The results also highlighted structural ambiguities in a Vietnamese regulatory environment, the lack of transparency in the disciplinary mechanism, and weak institutional autonomy. The research offers reform suggestions to improve accountability and professional, autonomous regulation, and to standardize Vietnam's legal ethics system in line with international best practices.

Keywords: Professional discipline, Legal profession governance, Judicial oversight, Access to justice, Institutional independence.

1. Introduction

Professional legal ethics constitute an essential component of any legal system, shaping the norms that define an attorney's behavior, ensuring fair outcomes, and maintaining public confidence in the rule of law. In essence, legal ethics defines the professional responsibilities that mediate the lawyer's dual role as both advocate for the client and court officer. Lacking reliable ethical standards, the lawyer profession risks devolving into mere technical service, divorced from wide societal responsibilities. Ethics frameworks therefore have an ethical function not only to regulate conduct but also to safeguard adjudicative procedures, protect vulnerable clients, and maintain public trust in legal institutions (Rhode, 2013). Both under common law and civil law traditions, the embedding of ethical codes institutionalizes the principle that competent, independent, and accountable lawyers must administer justice.

In other forms, ethical principles (both in common and civil law settings) generally occur as professional rules written and set down, and enforced through codes of discipline, disciplinary control instruments, and supervisory oversight institutions. They coordinate the determination of what constitutes a permissible practice and the nature of conduct, investigate grievances, impose penalties, and review enforcement decisions. Modern regulatory theory emphasizes that the legal status of such systems depends equally on the existence of rules and on the inclusion of justice, transparency, and institutional independence (Baldwin et al., 2012). In the context of legal services, this means creating a regulatory architecture that harmonizes professional self-governance with external regulatory oversight. Draw comparison: Wald (2022) finds wide divergence in how jurisdictions calibrate these mechanisms, with implications for access to justice, practitioners' professional independence, and accountability. In the traditional form, many legal systems relied on self-regulation because they generally assumed that only professionals had been trained to assess competence and ethical compliance. State supreme courts in the U.S., for instance, maintain final jurisdiction of their disciplinary process, while bar associations and disciplinary boards are integral to defining ethical codes and investigating complaints (American Bar Association, 2020). Similarly, traditional English regulation has given professional bodies such as the Law Society disproportionate power.

Nevertheless, Abel (1988) has argued that professional self-governance might privilege the collective interests of many occupations; a lack of transparency and a lack of a consistently coherent sanctioning system may weaken trust in the disciplinary system. Moreover, Levin (2004) has also proposed that complaint dismissal rates and disparities in sanctions underline structural leniency in purely profession-controlled models. This leads

some jurisdictions to the co-regulatory or oversight model as a response. The enactment of the Legal Services Act 2007 in England and Wales marked a major transition in this area, as it created an oversight regulator, the Legal Services Board, while separating representative services from regulatory services. Scholars describe this change as a means of adapting professional governance to achieve a modern-day “professional governance” strategy by embedding consumer protection and public accountability targets at the core of new statutory imperatives (Paterson, 2016). Co-regulatory arrangements generally protect professional voices in standard-setting, even as they involve enforcement as an independent actor. Such hybrid regulation is indicative of a broader shift in regulatory governance toward risk management, responsibility, and public legitimacy (Baldwin et al., 2012).

The conflict between accountability and autonomy is especially strong in transitional or quickly evolving legal systems. It is widely accepted, as noted by Rhode (2015) and Sriram & Pillay (2017), that professional independence is a fundamental principle of the rule of law because it protects lawyers' rights to represent clients free from government interference. Confronts: legal professions within dynamic political and economic settings that are also emerging may struggle with differential enforcement power, fragile institutions, and a lack of transparency or enforcement, while law-related professions acting in a changing economic and political context may be dealing with issues in uneven enforcement capacity, institutional fragility, or insufficient transparency. In these conditions, its regulatory design is a legal and governing issue with broader structural implications that cut across and mediate a wider discussion on democratization, market liberalization, and judicial reform. Vietnam is a fascinating example of such a situation in the comparative picture.

Vietnam's legal profession has grown significantly over the last two decades, concurrent with the country's economic integration and legal modernization efforts. In 2006, the Law on Lawyers (amended in 2012) was adopted to articulate the institutional framework for bar organization and professional discipline, while the 2019 Code of Ethics and Conduct for Vietnamese Lawyers defined normative standards of independence, confidentiality, and professional integrity. These reforms are a sign of a drive toward professional regulation in line with global trends. To that end, Khang & Lam (2025) emphasize ongoing uncertainties on how ethical duties are perceived to operate, the transparency of disciplinary procedures, and the balance between bar autonomy and state oversight. Minh (2025) on the Vietnamese legal profession reveals a clear aspiration towards integrity and accountability as a key concern. Still, it is also limited, and enforcement outcomes were inconsistently observed in the community and seldom reported to the public.

In contrast, Khang & Lam (2025) maintain that Vietnam's regulatory framework is dominated by self-regulatory models, which lack the well-established external supervision features of more advanced co-regulatory systems. Such conclusions imply that, although formal norms have been codified, procedural and structural adjustments may be required to enhance the effectiveness of regulations. Regulators in various places must balance respecting professional independence with providing real public accountability, as professional standards do. Self-regulatory arrangements also risk regulatory capture, especially for disciplinary bodies representing representative interests (Abel, 1988; Levin, 2004). On the other hand, a heavy dependence on state regulation will chill advocacy, especially in political contexts, and have weakened the role of the lawyer as protector of rights (Halliday & Karpik, 1997). The lack of consensus on the optimal regulatory arrangement underscores the challenge of reconciling these competing obligations.

In this light, the current study critically examines professional legal ethics from the vantage point of comparative evidence, highlighting regulatory and accountability structures in selected jurisdictions and their potential consequences for Vietnam. The study also aims to identify structural gaps and to offer reform-oriented suggestions grounded in internationally recognized best practices, by placing Vietnam's framework in a wider comparative context. The importance of this study extends beyond doctrine to governance. Strong ethical regulation contributes to public confidence and to the establishment of rule-of-law principles that support the evolution of professional bodies in transitional legal settings. Through a systematic comparative analysis, this study contributes to ongoing scholarly and policy discussions on professional responsibility, institutional design, and the evolving structure of legal ethical regulation.

2. Methodology

The methodology for this study is qualitative, doctrinal, and comparative research; it is a systematic analysis of secondary sources only. And, given the research's normative and institutional character, the doctrinal legal approach is applied to investigate legislative systems, professional codes of conduct, disciplinary laws, and judicial judgments. This leads to a more qualitative analysis of the framework, the extent, and internal consistency of regulatory systems, and the formal accountability mechanisms integrated into them. Moreover, the research uses a comparative legal approach to measure the regulatory responses of various jurisdictions, which serve as illustrations of their respective governance models. The comparative framework covers the four critical areas: regulatory structure and control, the transparency and consistency of disciplinary mechanisms, the

independence of institutions, and measures to protect public accountability. These standards offer a clear framework for evaluating how different systems navigate the tension between professional autonomy and oversight obligations.

The Vietnamese legal system then compares this comparative framework to identify gaps, ambiguities, institutional loopholes, and enforcement shortfalls. Sources of data could include national legal regulations governing the legal profession, bar association codes of ethics, disciplinary guidelines applied, the rule of law in court and the judiciary, and peer-reviewed academic works and authoritative policy reports. Recent academic writings are given focus to maintain the paper's current significance, and, when applicable, seminal theory is used to clarify concepts. Nevertheless, the present study does not include field data or primary data collection. Its conclusions stem from the doctrinal discussion and thematic conjoining of literature. Though limited to informal regulation or the political context of enforcement, this approach is also methodologically suitable for exploring structural weaknesses and for initiating policy reform recommendations. With this qualitative comparative approach, the research has a systematic treatment of regulatory systems and accountability mechanisms, focusing on civil legal reform in Vietnam.

3. Results and Discussion

3.1 Regulatory Models of Legal Ethics

The comparison shows that three major regulatory frameworks in professional legal ethics are self-regulation, co-regulation, and state-led oversight. Although often reported as unique typologies, empirical work from Carpenter & Moses (2014) and Daly (2017) suggests that many jurisdictions are hybrid systems that effectively balance professional autonomy with varying levels of public accountability. The self-regulatory model that has dominated common law was founded in common law and places the professional association in charge of admission, ethical standard-setting, and discipline. The legal profession persists in defending self-regulation in territories such as England and Wales and the US as the only way to protect lawyers' independence, arguing that insulation from the executive or legislative control is essential to protecting clients' rights and the rule of law. Even as demands for accountability have prompted regulatory reforms aimed at balancing autonomy and public scrutiny (Mayson, 2020; Garth & Sterling, 2018), recent scholarship continues to emphasize how this rationale operates. The Model Rules of Professional Conduct for the American Bar Association are a case in point: even though they were issued by a professional community, they are, in practice, adopted and upheld by state supreme courts, demonstrating that self-regulation operates on a broader constitutional plane (American Bar Association, 2020). The results, on the other hand, suggest that “*pure self-regulation*” has been subject to serious criticism due to the potential for regulatory capture and a lack of transparency in regulatory execution.

Comparative literature indicates that disciplinary legal systems are generally inconsistent, lack public involvement, and are less likely to impose harsh sanctions, thereby undermining public confidence (Garth & Sterling, 2008; Rhode, 2013). These criticisms have led to reforms aimed at increasing lay engagement and institutional oversight. In England and Wales, for example, the Legal Services Act 2007 established the Legal Services Board, an oversight body, as a departure from traditional self-regulation (in favor of a co-regulatory body) (Legal Services Act 2007, c. 29 (UK)). It also represents a structural reaction to fears that professional bodies may not ensure that independence is complemented by accountability. The co-regulatory model is a transitional approach of a shared regulatory authority structure in which the professional sector has a presence in the regulatory environment alongside independent statutory regulators. In this system, professional bodies tend to set the terms and enforce the standards, and regulatory bodies supervise performance to meet the statutory objectives of safeguarding consumers and serving justice. Research suggests that co-regulation of this sort lends legitimacy to the transaction by pooling professional knowledge and safeguarding public interests (Paterson, 2011). The Solicitors Regulation Authority (SRA), in England and Wales, represents this development, functioning independently of the Law Society but subject to statutory oversight by Parliament (Paterson, 2011). This study shows that professional independence need not be compromised when accountability mechanisms are embedded within institutions.

By contrast, state-led regulatory models can be found in some civil law and transitional legal systems, where primary authority for legal licensing and disciplinary enforcement rests within governmental institutions such as ministries of justice, judicial councils, or other agencies. In areas where independent professional bodies have not yet reached full maturity, such models can offer advantages in terms of formal accountability structures and procedural transparency. Research by Sriram & Pillay (2017) and Rhode (2015) suggests that excessive administrative or executive control over lawyer discipline may pose serious threats to professional autonomy and legal advocacy. Analysis of regulatory reform in post-communist and emerging countries shows that governance under state control can have chilling and destabilizing effects on attorney independence, particularly in politically charged legal settings where lawyers counsel unpopular clients or act against state interests. These works suggest that where executive oversight is widespread, disciplinary enforcement can be interpreted by the

courts as an instrument of political patronage rather than ethical impartiality, eroding the rule of law and restricting access to justice.

Whereas state-centric legal systems can achieve administrative efficiency through broad regulatory reach, they may jeopardize the structural autonomy that adversarial legal systems require to operate effectively and to protect human rights. This tension highlights the broader regulatory challenge of balancing accountability and autonomy in legal professions undergoing institutional change. In Vietnam's legal system, the regime is largely self-regulating and operates in a state-authorized institutional environment. The Law on Lawyers 2006 (as amended in 2012) establishes the Vietnam Bar Federation (VBF) as the national professional organization charged with issuing ethical rules for professionals, providing ethical supervision, and ensuring compliance (Law on Lawyers No. 65/2006/QH11, amended by Law No. 20/2012/QH13). The Code of Ethics and Conduct for Vietnamese Lawyers (Decision No. 201/QĐ-HĐLSTQ, 2019), promulgated by the VBF, implements this mandate, which seeks to express the principles of independence, integrity, and confidentiality. This structure maintains the formal dignity of professional independence; however, oversight functions are inherently linked to formalized state approval processes, especially in the admission and oversight of organizations.

The current study argues that, while Vietnam's model structurally supports self-regulation, it lacks the kind of external oversight prevalent in mature co-regulatory systems. Ethical norms are set out as policies, but transparency in disciplinary outcomes and lay community participation remain only marginally available. Drawing on comparative experience, with a focus on post-2007 reforms in England and Wales, the evidence suggests that adding independent supervisory review may foster public trust while protecting professional self-governance without undermining it. Overall, the results show that no single form of regulation promotes ethical compliance. Instead, the degree of effectiveness is influenced by institutional design, procedural transparency, the independence of disciplinary bodies, and effective public oversight. Furthermore, consistent with Daly's (2017) findings, the regulation of lawyers is yet another tool for balancing these interests in society, the present article argues. Thus, legal structures should primarily serve the public's interests. Jurisdictions that have refocused self-regulatory traditions towards disciplined co-regulation seem to be in a better position to balance professional independence with public responsibility. Comparative research such as this provides an analytical framework for evaluating regulatory weaknesses in Vietnam's legal regime and for designing reform initiatives.

3.2 Comparative Accountability Mechanisms

3.2.1 Disciplinary Procedures and Institutional Independence

Experimental work on lawyer discipline in the U.S. shows that, while regulation is formally grounded in judicial power, disciplinary processes vary widely in transparency of reporting, severity of sanctions, and accessibility to the procedure (Levin, 2004; Organ, 2018). Although judicial control of disciplinary boards ensures constitutional insulation from the executive (Levin, 2004), there is evidence of high complaint dismissals and uneven application of sanctions across states. It is to be concluded that formal independence does not automatically translate into accountability; procedural design and publication are equally important forces. In England and Wales, the Legal Services Act 2007 reform introduced a further level of separation between its regulatory and representation functions, in addition to the statutory oversight by the Legal Services Board (Legal Services Act 2007, c. 29 (UK)). The Solicitors Disciplinary Tribunal is independent and hears matters from laypersons. According to regulatory evaluations conducted by the Legal Services Board (2022), public reporting of enforcement statistics and the outcomes of enforcement discipline increases regulatory legitimacy and consumer confidence by making enforcement figures visible. Examinations of the literature have further shown that separating representative interests from disciplinary power reduces the threat of regulatory capture and enhances neutrality in adjudication (Moorhead, 2010; Paterson, 2016). The results in the previous passages suggest that institutional independence must be operational, not merely structural. Where disciplinary authority remains vested in representative bar associations without structural protection, the system's credibility in enforcement can be questionable. At the same time, excessive state power risks politicising discipline, especially in matters such as public interest litigation or sensitive advocacy.

3.2.2 Codified Ethical Standards and Enforcement Consistency

Across the world, codification of professional responsibilities exists, but practice is inconsistent. The ABA Model Rules of Professional Conduct in the US serve as an overall standard/guiding framework, but individual jurisdictions vary, and enforcement is disjointed (American Bar Association, 2020). Organ (2018) writes that while codification improves clarity, interpretive divergence persists when appellate review boards fail to articulate coherent principles of sanctioning. There's a broader lesson from regulatory theory to be drawn as well: rules need institutional coherence and interpretation to ensure uniform compliance. England and Wales, however, moved away from prescriptive rule-governed codes toward outcomes-based regulation, as facilitated by the Solicitors Regulation Authority. Research indicates that this trend enabled broader flexibility but created

ambiguity about when enforcement thresholds (Moorhead, 2010) were set. Publication of thematic enforcement documents improved predictability and transparency over time. In Vietnam, mechanisms of accountability are set out in the Law on Lawyers 2006 (amended 2012) and the Code of Ethics and Conduct for Vietnamese Lawyers (Decision No. 201/QĐ-HĐLSTQ, 2019). The Code includes duties of independence, confidentiality, and professional integrity, and provincial bar associations may discipline those who commit violations. But a comparative analysis indicates that detailed public disclosure of statistics and disciplinary decisions is restricted. Unlike England and Wales, there is no independent regulator that publishes annual performance assessments. Without systematic transparency mechanisms, public scrutiny is further limited, and deterrent effects may seem weaker.

3.2.3 Oversight, Lay Participation, and Public Accountability

Research has consistently identified lay participation as a critical accountability safeguard in research papers. Levin (2004) shows that disciplinary bodies that include non-lawyer members foster a fairer perception of fairness, less insulation from disciplinary members, and a commitment to the institution. Similarly, the Legal Services Board (2022) reports that lay-majority oversight benefits law enforcement's responsiveness to consumer complaints. These results are consistent with a broader literature on governance that argues that mixed-composition bodies seek to balance expertise with a public-interest mandate. Judicial review is also of key importance. In the USA, state supreme courts have the ultimate disciplinary power to ensure constitutional legitimacy (ABA, 2020). In England and Wales, decisions of the Solicitors' Disciplinary Tribunal are subject to appeal to higher courts under procedural safeguards (Legal Services Act 2007). The appellate structures underpin accountability under the rule of law more generally. Vietnam's framework enables disciplinary review within the bar structure and limited judicial involvement, but does not provide an independent supervisory authority comparable to the Legal Services Board. Based on a comparative analysis, we see that enhancing appellate transparency and adding independent or lay oversight improve public trust without sacrificing professional autonomy.

3.3 Shortcomings in Vietnam's Legal Framework and Reform-Oriented Recommendations

The comparative analysis reveals that although Vietnam has established a legal framework to regulate its legal ethics, structural and procedural gaps between the national legal system and the international community persist regarding transparency, institutional independence, and accountability protections. These failings are more apparent in mature co-regulatory systems, such as those in England and Wales, and injudicially embedded systems for discipline, such as those in the United States.

3.3.1 Structural Ambiguity Between Self-Regulation and State Supervision

The Vietnamese regulatory framework is based on the Law on Lawyers 2006 (amended in 2012), which recognizes the Vietnam Bar Federation (VBF) as the national professional organ for the implementation of ethical rules and supervision of the compliance of its members (Law No. 65/2006/QH11; Law No. 20/2012/QH13). In response to this request, VBF has adopted the Code of Ethics and Conduct for Vietnamese Lawyers (Decision No. 201/QĐ-HĐLSTQ, 2019), which sets out principles of independence, integrity, and confidentiality. But these results suggest that Vietnam's system falls between self-regulation and administrative oversight. Although bar associations have the legal power to discipline, state approval is not required for admission, institutional governance, or operational monitoring. In contrast to England and Wales, where the Legal Services Act 2007 established a distinct institutional framework for the oversight regulator, separate from representative bodies, the legal services supervision authority in Vietnam is not formally independent (Legal Services Act 2007, c. 29 (UK)). This vagueness risks undermining autonomy and accountability; professional organizations do not enjoy complete insulation from institutional power, but their oversight remains too weak to ensure effective public accountability. Citation scholarship has highlighted that institutional clarity, notably a clear distinction between representative and disciplinary functions, is core to credible regulation (Paterson, 2016). The system in Vietnam should be clearer about the division of roles among bar associations for representation, advocacy, and disciplinary adjudication.

3.3.2 Openness and Transparency are Difficult for the Public to Access

The second shortcoming is around procedural transparency. In places such as England and Wales, regulators publish annual enforcement statistics and thematic reviews, as well as full details of disciplinary decisions, which help build public trust in them (Legal Services Board, 2022). A prior study by Levin (2004) showed that transparency in disciplinary outcomes increases deterrence and ameliorates perceptions of regulatory capture. In contrast, Vietnam's disciplinary procedures are not consistently supported by open access to reported volumes, dismissal frequencies, or sanction patterns. While the Code of Ethics and Conduct for

Vietnamese Lawyers provides some ground rules, there is no real public reporting, and this lack can constrain external scrutiny and limit the training/educational appeal of disciplinary case studies. From a regulatory governance standpoint, transparency is not only a procedural principle but also an enforcement tool. Making publication requirements for disciplinary outcomes more precise would help align Vietnam's system more closely with global accounting standards.

3.3.3 Absence of an Institutionalized Lay Participation.

One consistent thread in much comparative research on professional regulation is that lay participation may serve as a structural bulwark against insularity and regulatory capture, but not a formalized one in oversight and regulation. In the field of jurisprudential ethics, the institution of the lay in the disciplinary and oversight board is frequently regarded as a means for the institutionalization of legality, regarding the latter, of representing the perspective of its institution that enables the improvement of legitimacy, clarity, transparency, and accountability of the body to legal ethics. According to the regulatory literature, profession is a phenomenon that, as a product of professional expertise and close collegial relationships within the professions, can be subject to cognitive and cultural capture despite the absence of overt misconduct (Baldwin, Cave, & Lodge, 2012). The involvement of non-lawyer members in disciplinary architecture serves as a check on such abuses, helping ensure that considerations of public interest are part of the ethical rule-making process.

In the United States, empirical evidence shows that lay agents' involvement in attorneys' grievance committees and on disciplinary boards influences perceptions of procedural fairness and neutrality. Levin (2004) contended that secrecy and internalism in lawyer discipline erode public confidence over time, leading to reforms that emphasize openness and bring in non-lawyers to provide services. Although all ultimate authority over discipline lies with the supreme state, many jurisdictions now require lay-based representation in hearings and oversight committees. Structurally, this inclusion indicates that disciplinary enforcement is not just an internal professional issue; it is also a public regulatory one. Many studies show that lay members often hold a different evaluative stance toward consumer protection or community standards, thereby giving their expertise a distinctive focus on consumerism and standards of practice, rather than replacing it. Reforms in England and Wales also institutionalized lay participation as part of a larger push towards co-regulation.

In response to concerns about how self-regulation failed to protect clients, it was identified that individuals were inadequately protected in the public eye, so the Legal Services Act 2007 established mechanisms focused on public representation. The Solicitors Disciplinary Tribunal comprises lay members and law-qualified adjudicators, whereas the Legal Services Board comprises largely non-lawyers (Paterson, 2016). Academics point out that this structure not only increases public confidence but also visually separates the representative role from the regulatory dimension and integrates public-interest reviews into the governance structure (Moorhead, 2010). Instead, lay involvement works symbolically and substantively; symbolically, it communicates openness and accountability; substantively, it shapes deliberative work by expanding the parameters for determining values beyond professional solidarity. But the reason for lay inclusion is not only ornamental. In disciplinary law, for example, from an administrative law perspective, authorities have quasi-judicial authority to impose sanctions, which could easily translate into violations of professional livelihood and/or public rights. Good governance principles, in this regard, rely on procedural safeguards to address bias and ensure fair and impartial decision-making (Black, 2008).

While the Law on Lawyers (2006, amended 2012) authorizes bar organizations to identify, investigate, and discipline their members, disciplinary committees continue to be composed almost exclusively of legal professionals. There are internal systems of review, but they sit within the hierarchy rather than in an independent public representative role. This professional-driven approach illustrates a traditional model of self-regulation in which the administration of ethics is understood as within a system of professional honor and discipline. Since professional expertise is unquestionably important for assessing difficult ethical questions, such as conflicts of interest, privacy violations, or courtroom conduct, lay involvement may inadvertently perpetuate bias or collegial leniency. Preliminary comparative studies show that public confidence in disciplinary outcomes is also grounded in other factors, such as perceived fairness and independence (Baldwin et al., 2012). Where disciplinary systems operate in public, even good decisions may fail to gain broader societal legitimacy. In Vietnam, structured lay participation would be viewed as a moderated reform rather than a wholesale shift in professional autonomy.

International best practice indicates that co-regulation ensures that substantive professional opinions are retained while developing public responsibility via independent or mixed-composition bodies (Paterson, 2016). This type of reform would bring Vietnam's disciplinary governance in line with international practices that increasingly emphasize participatory review. Furthermore, adopting lay involvement could, in theory, increase transparency and education within the disciplinary system by institutionalizing it. Lay subjects underscore the need for greater clarity in arguments and for decisions to be more accessible and open, which can be achieved in

other ways to enhance accountability. Their inclusion could also motivate more rational data collection and reporting mechanisms, thereby enhancing deterrence and normative certainty. Within a legal system at this stage of professional modernization (transition), these small and gradual reforms build on a generalization of rule-of-law consolidation: they serve to restore the image that ethical enforcement is public-policy, not professional.

3.3.4 Appellate and Judicial Accountability Mechanisms

A basic concern about the regulatory legitimacy of professional legal ethics concerns the accessibility and institutional capacity of appellate and judicial oversight. Comparative studies consistently show that disciplinary institutions gain normative muscle when enforcement decisions are situated within a broader constitutional adjudicative structure, rather than solely in the narrow realm of internal professional systems. In this context, judicial review appears to operate both as a procedural mechanism and a structural guarantee that ethical enforcement must meet rule-of-law elements, proportionality principles, and due process obligations (Dyzenhaus, 2006). In lawyer regulation, appellate oversight serves a dual purpose: protecting individual practitioners from arbitrary sanctioning while also restoring public confidence that disciplinary processes are independent of prejudice and firmly grounded in law. In the United States, disciplinary authority over lawyers is constitutionally anchored in the inherent powers' doctrine, under which state supreme courts exercise ultimate control over admission and discipline (American Bar Association, 2020).

While these are usually administrative disciplinary reviews and preliminary hearings, the judiciary has ultimate legal jurisdiction, and the results of these reviews are subject to procedural controls in line with constitutional due process (Green & Zacharias, 2015). The integration of professional discipline into the court system establishes a foundation for ethical oversight by maintaining transparency, precedent, and the right of appeal. An empirical and doctrinal exploration shows that judicially governed discipline increases legitimacy by promoting uniformity in sanctioning and facilitating public scrutiny through the publication of opinions (Green & Zacharias, 2015). Appellate review also contributes to doctrinal development by clarifying the interpretation of the rules of professional conduct that promote normative coherence across jurisdictions. The Legal Services Act also altered the field in England and Wales and the nature of both disciplines. The Solicitors Disciplinary Tribunal (SDT) is an independent adjudicative body that makes decisions that are appealable to the High Court and, as a result, embeds lawyer discipline in the higher tiers of the judiciary (Legal Services Act 2007, c. 29 (UK)). Several observers view this appellate interrelation as a means for the tribunal to enhance procedural fairness and help neutralize the insularity felt in such self-regulatory models (Moorhead 2010). Substantiated scrutiny of disciplinary outcomes, the system underscores the importance of proportionality and adherence to administrative law standards. The appellate process is also systemic, producing publicly available law (justice) that informs regulatory application and professional conduct expectations.

Comparative regulatory theory indicates that the appellate dimension of oversight is important to ensure in hybrid regimes in which more than one institutional actor shares authority. Black (2008) contends that polycentric modes of regulation require review and oversight mechanisms to enhance coherence and prevent fragmentation. Judicial oversight functions as a stabilizing force in these systems by aligning disciplinary mechanisms with constitutional norms and broader legal principles. They face the risk of devolving into administrative silos disconnected from high-level legal standards, without meaningful avenues to appeal complaints. Contrast this with the comparative context, and our findings about institutions in Vietnam illuminate institutional weaknesses in disciplinary systems. The Law on Lawyers (2006, amended 2012) authorizes bar associations to investigate members for misdeeds in the course of their service and provides for internal mechanisms to review board decisions within professional structures.

Yet at present, the public and systematically articulated pathways to judicial review of disciplinary decisions remain relatively limited. Unlike the United States and England and Wales, where appeals courts regularly issue opinions relating to lawyer discipline, Vietnam's system hasn't yet institutionalized a firm tradition of jurisprudential oversight in this area. The relative opacity of review procedures can undermine not only legal certainty but also the educative value that disciplinary precedents often place on their own precedents. It creates two governance risks: the lack of clearly defined appellate safeguards. First, it can make disciplinary decisions prone to internal bias or incoherence, especially when representative and adjudicative functions are inextricably linked. Second, in the absence of an impartial external forum to review potential managerial or political interference in disciplinary enforcement, it may, in fact, suppress professional independence. As Dyzenhaus (2006) eloquently points out, the rule of law will only work if it leaves substantive norms unbroken by institutional channels for contestation and interpretation. Judicial review serves as a mechanism by which regulators themselves are held accountable.

Resisting professional self-governance by strengthening appellate and judicial oversight in Vietnam would not be necessary. Instead, comparative evidence suggests that embedding disciplinary decisions within regular structures of judicial review enables greater autonomy and accountability in the processes themselves. If

large-scale sanctions were to be subject to appeal before an administrative or judicial court, that would bring disciplinary governance within the constitutional safeguards of procedural fairness. Publication of appellate decisions would also add doctrinal clarity and normative direction. Reforms of this kind would bring this ethical enforcement in line with broader aspects of administrative law, including legality, proportionality, and reasoned decision-making. Furthermore, judicial oversight could be incorporated into other institutional reform measures to achieve transparency and increase public participation. Where disciplinary bodies consist of lay or independent oversight bodies, the creation of appellate review affords an extra layer of protection, helping ensure that regulatory innovation will not fall through legal cracks. As Black (2008) notes, modern regulatory governance is increasingly based on a multilayered accountability architecture, in which oversight interfaces with one another to yield systemic resilience.

According to a hierarchical model of legal ethics, its supervisory layers of professionals, independent supervision, transparency requirements, and judicial review are integrated, as they work together. Thus, the contrasting results highlight that Vietnam's regulatory evolution will need to be a reworking of its disciplinary design toward a more explicitly co-regulatory model with judicial oversight. Separating such institutional positions into representative and disciplinary powers could help prevent conflicts of interest, while independent supervisory oversight bodies could also increase neutrality. Requiring uniform publication of disciplinary decisions would enhance transparency and deterrence. More fundamentally, incorporating appellate review into the normal court system would align disciplinary enforcement with constitutional protections and the legitimacy of the rule of law. Reforms of this nature are not an abandonment of professional autonomy, but a maturity of it. Professional independence is fostered, not diluted, where disciplinary procedures are evidence-based, transparent, and open to neutral scrutiny. If judicial oversight is institutionalized, Vietnam can promote legal certainty, build public trust, and help solidify rule-of-law principles in its growing legal system. The experience in practice suggests that sustainable professional governance occurs precisely in this equilibrium: autonomy versus structured accountability, and expertise tempered by transparency and disciplinary authority grounded in constitutional adjudication.

4. Conclusion

This study has developed comparative perspectives on professional legal ethics to compare regulatory models and accountability systems across a limited range of countries, and to examine the reform process in Vietnam. The authors show that neither self-regulation nor the centralization of state control is universally suitable for development purposes; good ethical regulation also requires institutional design features that combine expert professional expertise with structured, transparent, and independent oversight. Comparative perspectives across co-regulatory systems, including in England and Wales, and judicially anchored disciplinary systems in the United States demonstrate the relevance of distinguishing between representative and disciplinary functions, codifying lay participation, ensuring public reporting of enforcement results, and including disciplinary review within constitutional judicial protections. Vietnam has formally and legislatively enacted an ethical code and professional discipline, but faces structural ambiguities, insufficient transparency, and limited external oversight, which undermine the potential for the system's accountability. Reinforcing these dimensions through progressive reform cannot inhibit professional independence but rather enhance public confidence and regulatory legitimacy. In the end, an equilibrium of co-regulation based on autonomy, transparency, and institutional clarity represents the most sustainable strategy for modernizing Vietnam's legal ethics framework, consistent with comparative best practices and the principles of the rule of law.

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