

The Root of Institutional Integrity

Pursuing institutional integrity, law schools and state bars increasingly speak to the importance of professional responsibility. We promulgate codes of conduct and create programs promoting ethics and professionalism. Institutional integrity, however, depends upon personal virtue.

Our hope for growing professionalism in the practice of law depends less on a code of professional conduct than on the personal character of the individuals subject to it. Likewise, the hope of growing professionalism in the law schools depends less on producing high profile programs than on the moral virtue of those producing the programs.

So before we congratulate ourselves for increasing emphasis on ethics and professionalism, let me suggest we pause to check the soil and roots from which we intend to grow such good fruit. In this process, envision a world where we accept that internal moral standards of decency naturally exist within each of us. Envision a profession where we put others before ourselves and where we practice and live our private lives knowing something greater than just our reputation is at stake.

Choosing a Worldview

We can approach challenges of character facing our profession from a worldview where morality and truth are relative or a worldview where we believe deeply rooted internal moral standards naturally exist. Many teach that morality and truth are relative to the situation or individual. If morality and truth are relative, however, increasing emphasis on ethics can be like trying to grow a tree on rocky terrain. You plant seeds, pour water, and till all you want, but without deep roots and fertile soil, you produce no fruit. My observations over the years in the classroom, in practice, and from the bench, all tell me this approach is not working.¹ If moral relativism is not bearing fruit, perhaps it is time for

those of us responsible for planting the seeds to take a different approach.

Although not widely accepted today, some, since ancient times, continue to believe that a natural moral law is written inside each of us. If we start with this worldview where moral standards naturally exist, any ideas we envision necessarily must accept that standards of honesty, integrity, courage, justice, and freedom are deeply rooted parts of a law student's personal and professional character.

It follows then, that these internal standards should play a prominent part in one's practice of law—notwithstanding what moral relativists otherwise teach about a lawyer's professional role-related duties. By excusing a personal moral failure due to some professional role-related duty, we merely affirm that we failed to measure up to an existing higher moral standard. We should find it interesting that we lawyers never seek to excuse our conduct due to some professional role responsibility when that conduct is consistent with the naturally existing moral standard. When attorneys bemoan a decline in lawyer professionalism or complain about another lawyer's conduct, they are measuring against something. That something is the naturally existing higher moral standard inside each of us.²

We can change the character of the legal profession, but we must begin with individual hearts. Without fear or favor, we should provide fertile ground for programs that grow personal integrity and character in our future lawyers. Let us encourage, rather than discourage, individual law students and lawyers to look deep inside themselves for those internally rooted natural standards. If law schools do this, law students will more likely

look to those standards to determine what they ought to do—at least when dealing with basic temptations like lying, cheating, and stealing. Imagine if we all, beginning tomorrow, committed to tell the truth in all our personal and professional affairs. Future lawyers would begin to see something different about the integrity in our profession and be inspired to act likewise.

Serving Society Selflessly

Once we accept a worldview where higher moral standards naturally exist, it will not be long before we find ourselves putting the interests of others before our own. Those who understand the greater responsibilities of our profession know our calling demands more than just providing a service for a fee.

We live in the greatest nation on earth, with wealth and resources well beyond even the wildest dreams of most of our brothers and sisters in the world. Those given the opportunity to study law are especially privileged, given the resulting financial and other rewards. The ancient truth still most certainly applies today: To whom much is given, much *is* required.

Somewhere near you, an individual goes to sleep each night hungry or without adequate clothing and shelter. Others wake each morning oppressed, unable to vindicate individual rights guaranteed to them under our state and federal constitutions. Now envision a law school curriculum designed to develop and instill in future lawyers a sincere commitment to service. We can, and ought to, leave the world better than we found it. Moreover, imagine how a servant heart will foster good client relations and reduce grievances. More importantly, the greater responsibilities of our profession include the duty to ensure that our legal institutions administer justice fairly and under the rule of law. In order to carry out such responsibilities, the public must believe we are a profession made

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up of trustworthy individuals capable of administering justice in such a manner.

Leaving a Legacy

Thus, more is at stake here than just our professional reputation. When it comes to matters of trust, history and the public will hold our legal institutions to the naturally existing higher moral standard, for it is that internal standard against which they measure their own conduct. If the people lose confidence in the ability of our legal institutions to resolve disputes fairly and with integrity, they may initiate efforts to take away from the legal profession our exclusive right to provide legal services. Worse, they could ultimately resort to violence to resolve their disputes, as has happened in other parts of the world. To retain the trust of the people, we must first be a profession made up of lawyers with principles. Because if we as individual lawyers fail to recognize and follow our internal higher moral standard (at least with regard to lying,

cheating, and stealing), we do so at significant risk to our own livelihood and our existence as a nation under the rule of law.

We should not underestimate the positive efforts to grow good fruit by some law schools and bar committees across this country. Everyday, individual members of our profession plant seeds in fertile soil that, ultimately, will produce good fruit. It happens every time a professor challenges students to place others above themselves. It happens every time a lawyer is courteous or simply tells the truth. It happens every time a judge rules with integrity pursuant to constitutional principles and the rule of law. Where personal virtue exists, institutional professionalism and integrity thrive.

As this is written, the warm sun begins to melt away a long cold Michigan winter. A thawing ground awaits the new planting season with anticipation. Our hope for producing good fruit in the future lies in the hands of all of us planting the seeds. Good sowing! ♦

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FOOTNOTES

1. Despite increased emphasis on ethics and professionalism in legal education, increasing numbers of law students cheat and treat their fellow students with disrespect. Likewise, increasing numbers of lawyers misrepresent matters to the court, and treat their colleagues with aggressive enmity.
2. For a more serious treatment of these matters, see the discussion of natural law in C. S. Lewis, *The Law of Human Nature; Some Objections; and The Reality of the Law*, compiled in *Mere Christianity*, pp 3–20. (HarperCollins Publishers Inc., HarperCollins Ed 2001).

