



John T. Berry

“Something Special Happened Here Today”—

These words were said by one of the instructors at the first ethics school conducted at the State Bar on May 8th. Similar words were put forth by other students and instructors alike.

It was a day of sharing information on how we all can serve our clients and profession in a better way, but it was much more than that. It was a day we reminded each other of the great privilege we have to call ourselves lawyers. With that privilege comes great responsibilities, starting most importantly with personal integrity attached to the competent provision of legal services.

The students attending this class had received for the most part very minor discipline complaints and their cases had either been diverted to this class or they were taking this class as a condition of a minor discipline sanction.

As several students said at the end of the day, however, no stigma at all should be attached to the class, and in fact it should be a badge of completion worn proudly—a class all lawyers should attend.

As I looked into the audience, I was reminded of a quote I’ve used in many a speech. In the 1600s an English politician, George Savile said, “It is a general mistake to think the men we like are good for everything, and those we do not, good for nothing.”

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I’m sure at the beginning of that class there might have been a tendency for both instructors and students to be less than objective in evaluating the good in the other. Some teachers were discipline counsel and Bar leaders, and the students all had at least some involuntary contact with the discipline system.

By the end of the day, however, new common respect had been forged, based on a mutual desire to improve our profession and honor our individual responsibilities as lawyers.

Two other “special happenings” have reinforced for me the common theme of coming together as a profession around the goal of in-

creasing ethics, integrity, and professionalism. med Ode Al-Rehaief, the courageous young Iraqi lawyer who risked his life to help save Private Jessica Lynch.

The Chief Justice spoke eloquently on behalf of integrity as a weapon against moral ambiguity. There is good and evil and right and wrong, and we were reminded that we have a duty not to power, but to goodness itself. As an antidote to the enormous pressure lawyers face to do whatever will please the client, Chief Justice Corrigan invoked the fundamental value of reputation: “You can have all the legal ability in the world, but it is worthless if you have no integrity. If other attorneys can’t trust you and judges know

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—Prof. William Wagner
(please see his article on page 48)

they can’t take you at your word, what good are you to your client? What credibility do you have?”

The first marvelous reminder of that theme was a speech given on May 1st, Law Day, by Chief Justice Maura Corrigan to the combined American Inns of Court. Her speech, entitled “Up from Ambiguity—Toward an Ethic of Integrity,” was delivered at the new Hall of Justice.

The Chief Justice, who serves on the Professionalism and Competence Committee of the Conference of Chief Justices, reminded us that ethics is more than adhering to a list of “Thou shall nots.” It is more than avoiding doing bad things. Rather, her speech was a call for personal integrity and courage, and the inspiring example she gave was Moham-

In conclusion she said, “In many ways, we inhabit a brave new world of attorney ethics, propelled there by the Enron scandal and technology. But the underlying principles are the same as they have been since the time of Thomas Moore, who put his integrity above his duty to his king—and, ultimately, above his life. The times may have changed; the attorney’s calling—to pursue justice—never will.”

I am grateful that ethics is increasingly on the minds and in the hearts of members of our profession. As if our ethics school and the

Chief's motivation speech was not enough to get me fired up about the positive direction we are moving to enhance our profession, I read a great article entitled, "The Root of Institutional Integrity," on page 48 of this issue. Its author, Prof. William Wagner, Director of the Center for Ethics and Responsibility at Thomas M. Cooley Law School, is a leading architect of a new approach to legal education that is gaining momentum in Michigan and nationwide.

Prof. Wagner's compelling theme is that institutional integrity cannot exist without personal virtue. Our hope for growing professionalism in the practice of law depends less on a code of professional conduct than on the character of the individuals subject to it,

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and Prof. Wagner proposes concrete ways to build character in aspiring lawyers. "Law schools must provide fertile ground for this higher moral standard to root firmly inside each law student." He challenges all of us—practicing attorneys, judges, teachers, and state Bar leaders—to find courage to require lawyers to practice with integrity.

Yes, something special is happening at your Bar and throughout our profession. It is one thing to mouth platitudes of high moral ground, but through the ethics school and the priority setting of our Bar, the Supreme Court, and law schools, action is beginning to back up those words. We are acting in accord with the most important core function of a bar association. As Prof. Wagner says, "Our hope for producing good fruit in the future lies in the hands of those of us planting seeds. May we live up to our responsibility." ◆