



A Floor, Not a Ceiling

Ethics, integrity, and professionalism are the cornerstone of what we are about as lawyers. Our rules of professional responsibility dictate a code of conduct for all of us to follow. But hopefully these rules—our code—serve as a floor, not a ceiling, for our own ethical behavior.

Recently I came across two extremely thought-provoking articles about ethics and integrity and their importance to our profession. The first was an article by Dr. Denis Waitley, entitled “Integrity: Your Absolute Bottom Line.” In his analysis of integrity, Dr. Waitley wrote:

Integrity is in short supply today, and it's getting scarcer. Without this quality, leadership is a façade, a garment that one wears depending on the fashion. This rare quality of integrity is having a standard of personal morality and ethics that does not sell out to expediency and that is not relative to the situation. Integrity is an inner standard for judging your performance. The mark of a true leader is uncompromising honesty. People who see little or no value in themselves will not operate according to such an internal compass. In fact, a standard like this may be distasteful to them. Instead of being concerned with self-respect, they will try to gain recognition from others through manipulation, half-truth and “show.”

When you are committed to a life of integrity regardless of the situation or environment in which you find yourself at the moment, you are demonstrating that your word is more valuable than a surety bond. It means you do not base your decisions on whether or not you are politically correct. Instead you do what you do because it's right and not just fashionable. For you truth is absolute, not a relative tool in a professional bag of tricks that is used to manipulate others. You do the right thing simply because it is right, and what is especially gratifying is this: When you make integrity your bottom line, you win in the

long run, when the stakes are highest. You must consider the bottom line, but make it integrity before profit. A good test for non-situational integrity is looking at what I call the Integrity Triad, consisting of three key principles. One of the three principles of non-situational integrity is to stand firmly for your convictions in the face of tremendous personal pressure.

The second key principle of integrity is to always give others credit that is rightfully theirs and not be afraid of those who might have a better idea or who might even be smarter than you are.

Our third principle of integrity is to be honest and open with who you really are. Be yourself.

The challenge of being a role model worthy of emulation is enormous as a leader, but so is the payoff. Integrity that strengthens your inner value system is the real bottom line in life. You're either honest or dishonest. You can't have it both ways.

In a second article, Derek LaCroix, executive director of the Lawyers Assistance Program of British Columbia, makes the following observations about a concept he calls “ethical atrophy”:

We must continually develop our ability to make ethical decisions. As we become more governed by laws and rules, our focus shifts to following the rules. If we do not continually work at exploring and living by our values, our ability to make ethical decisions and act in an ethical way will diminish. I call this process *ethical atrophy*.

To act ethically, we must be aware of our own personal values, of what is important to us. We must be aware of the values of the group in which we are participating, and we must be aware of the circumstances that exist at the time a decision must be made. This requires discipline, the ability to contemplate, the ability to be curious about

others, and the ability to access and determine clearly our perceptions, thoughts, feelings, and awareness of others. Most importantly, it requires the courage to be honest about all this—to ourselves and others.

This set of abilities does not come ready-made; it must be developed. The failure to regularly and routinely access, reflect upon, determine, and act upon one's personal values will cause this ability to atrophy, just as a muscle atrophies if not used.

It seems to me that both Dr. Waitley and Derek LaCroix have gotten it right. The higher our own ethical standards become, the better off we will be. There is no substitute in our personal or professional lives for honesty, integrity, and ethics. As our Rules of Professional Conduct indicate:

Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers.

There will never be a professional code of conduct that can better state what we already know in our hearts and minds to be the right course of action. A good friend of mine and fellow lawyer, Mike Leibson, once wrote that in every instance of decision-making in our profession, there are two questions that need to be asked:

1. *Can it be done? (i.e., is it ethical and/or legal?) and*
2. *Should it be done?*

I believe that a truly ethical choice requires that both questions be answered in the affirmative. As lawyers, we have a unique responsibility to our society, to our democracy, and to the legal system itself to do not only what is permitted, but also what is right. If we uphold that responsibility and constantly re-examine and exercise our ethical behavior, hopefully we will never allow our ethics to atrophy. ♦