

Living With Integrity

By Ellen Freedman, CLM

I have a close friend who is my role model where integrity is concerned. That's because she does the right thing, always, just because it is the right thing to do. She does what is right regardless of who is watching or who will know. She does the right thing regardless of whether or not she can get away with not doing it. She does the right thing regardless of pressure to do otherwise, or the expediency of doing otherwise.

Like many of you, I am of a generation which grew up rebelling against the status quo. Rules which made no sense were to be challenged or, in many instances, disregarded. I have always considered myself to be pragmatic in thought and action, and highly existential from a philosophical standpoint. I have followed rules my entire life, but those rules have been largely those which I have constructed in part from what others establish, and just as often out of whole cloth. And I have felt more comfortable than not with that arrangement, in that I have consistently been true to myself.

But my friend, I acknowledge, is not only true to herself, but to all of those around her. And I find myself sometimes in awe of her depth, personal conviction, and unwavering dedication to doing what is right, instead of what is expedient. Even though I am a moral and honest individual, I humbly admit I am not made of the same stuff as my friend. And having worked with her organization on a consulting basis, I can

see that her integrity has had a tremendous impact on the culture of the organization.

I recently attended an educational course entitled, "Living Right Side Up in an Upside Down World," which opened by introducing the notion that the greatest challenge in the 21st century workplace is living with integrity. The presenter, David W. Thomas, is president of IntegriTalk, a company which stresses the importance of integrity through motivational speeches and interactive seminars. And I admit that although other educational sessions at the Association of Legal Administrators' Educational Conference offered more tools of the trade, none offered more food for thought.

All around the world, we see examples of lack of integrity in the news: lack of regard for life, people spreading and reacting to false rumors, failure to examine the facts in order to push one's own agenda, corruption and bribery, and pushing the limits of the law. One need only pick up a newspaper or turn on the TV news to find daily examples of spectacular lapses in integrity: Enron . . . Cobb/NASA . . . tainted pet food . . . Duke University cheating scandal . . . A.G. Edwards & Sons, Inc. trading irregularities . . . World Bank sex scandal. And sadly, more than one top-tier law firm with a proud past of unquestioned integrity has recently found itself facing serious accusations of corruption and criminality in the wake of accelerated growth and financial performance.

Now I challenge you to ponder who at your firm has made a conscious effort to set an example of unwavering integrity, and to create a sphere of influence which weaves the desire to do the right thing into the very fabric of the firm. Who at your firm not only has a point of view about what is right, and actively works to do what is right, but who also demonstrates integrity at the highest level by taking a stand to correct what is not right? It's easy to lose one's way in today's challenging environment. It all starts with a deceptively small compromise. Or an even smaller rationalization.

I've heard or seen it all over the years, I think. An attorney who is unable to meet the goal of billable hours strays by rounding up time spent, by charging two separate clients for the same research time because it is applicable to both, or even by adding a few extra hours to that contingent file because, in the grand scheme of things, it has no apparent impact other than making the goal of hours achievable.

We all know of an attorney who has charged two clients for the same time while traveling for one and simultaneously working for another. Sure, there's an ethical opinion to the contrary, but it's easy to rationalize that it's OK because the client gets a discounted rate, or the firm requires too many hours, or maybe just because no one will know.

A partner at a firm would routinely record 3,000 billable hours a year. In his area of law, a trip to court for the day could cover the work for dozens of

matters. All were billed for the same time. All of the partners were aware of the practice, but it made this partner very profitable, and it was apparently his only justification for existence at the firm, because he was an impossible and intolerable person otherwise.

Here's a simple one that happens all the time in the name of client service: drawing on funds from the trust account to pay the client before the insurer's settlement check has cleared. Sometimes before the check is even deposited. It's just a formality, the partner rationalizes, as he demands of someone working for him that the check be cut before it should be. We're not really using other clients' money because the check is "good," we're told.

Or how about telling job applicants that your law firm is a "lifestyle" firm in order to get them to accept an offer, using the logic that when they arrive and find out you're going to ask for 2,000+ billable hours, it will be too late for them to change their mind? Is that just fair recruiting technique, and buyer beware, or a lapse in integrity?

I once had a managing partner threaten to fire me because I refused to install a bootleg copy of software on his computer. He felt entitled because he had already purchased many legitimate licenses for the office. He was the boss, and he was outraged that I would not comply for that reason alone. I did learn something about integrity back then. First, we have to have a fair amount of courage to stand up for our convictions. And second, we have to be prepared to take responsibility for and accept the consequences of our actions. I stood up to the managing partner, and ultimately did not get fired. But my back-bone cost me dearly for several years in "payback" behavior. My response to that reality, which has been carefully

crafted from years of experience, is, "Oh, well!"

Probably one of the defining aspects of integrity is the manner in which individuals and organizations deal with adversity. It's easy to do the right thing in good times. But doing the right thing in the worst of times shows what people and organizations are really made of.

At one firm, the director of administration discovered that a partner had been stealing from a significant client for quite some time. The client was unaware of the problem. The firm reimbursed the client before he became aware of the misdeed. They required the partner get intensive counseling. The [Rules of Professional Conduct] required that the attorney be reported to the Office of Disciplinary Counsel. But the firm management committee rationalized that this would not help the client, the firm, or the attorney in question. What example was set? Not too many years later the partner in question repeated his actions with yet another client.

Integrity is one of those intangibles which can affect us in very tangible ways. It is also one of the only things we can possess which cannot be taken from us without our consent. People can have the power to take our wealth, health, objects of desire, and even our ideas. But they cannot take our integrity without our willing consent. And most things of importance in our lives must be defended. But integrity needs no defense. No one has to make an excuse for being truthful and honest in all regards.

Our firms, and the people within them, are led from the path of integrity in many ways. One of the top ways is a lack of an ability to prioritize. Where do we place integrity in the constant juggle of the key components of our life:

work, family, friends, materialism, and so forth? It becomes so easy to set aside our principals in the name of family or friends or success.

How easy is it for us to rationalize that maintaining integrity is not of the highest priority? First, there's the "everyone does it" argument. If it's accepted practice, can it really be wrong? I can just hear my mother saying, "If everyone jumped off the Brooklyn Bridge, would that make it the right thing to do?" Her generation is a lot clearer on answering these integrity questions than mine, I must admit. Her world was and is much more black and white, whereas mine is a blizzard of gray.

And, of course, another source for rationalization is the "who's going to know?" and if no one knows, is anyone really hurt by it? It's the old "if a tree falls in the forest, does it make any noise?" or "what is the sound of one hand clapping?" conundrum. Oh, if only it were possible to compartmentalize our lives such that WE would not know what we've done, or such that we did in one area of our lives didn't bleed over into all other areas. So aside from the fact that time and circumstances will eventually bring most actions or inactions to light, the simple fact is that WE will always know what our actions have been, even if no one else ever knows. So who is hurt by it? As my mother's generation would say, "You're only cheating yourself."

Thinking about these things will not make you wealthier. They may not even make you happier. But I promise they will not be an exercise in futility.

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