Good Afternoon.

This is a new experience for me – talking to non-lawyers as they are about to start a 3-year effort that will lead to their being lawyers.

Customarily, I am invited to speak to a group of lawyers on a specific topic, such as trial of a complex case, or my approach to patent cases, or how to deal with a disruptive defendant in a criminal case.

This afternoon’s topic, as you know, is the role integrity plays, first in your 3 years as a student, and after that in your careers as lawyers.

That path you are about to embark on first as a student and then as a lawyer is a continuum. While the environment in which you will be living and learning is different as a student than as a
lawyer, the meaning of integrity to you and those around you is
the same.

The dictionary defines integrity as

the quality or state of being of sound moral
principles; rightness; honesty; sincerity

and that definition does change when you transition from student
to lawyer.

As I pondered over that definition, it called to mind an
analogy – the late Justice Potter Stewart’s answer to the question
of how he defined pornography. He said he was not clear on its
definition, but he knew what it was when he saw it.

I began my career as a lawyer more than 65 years ago,
when I started law school here in Hutchins Hall in September,
1946. On reflection, what I learned of the law in the 3 years
following was not so much positive law, but how little I really knew
when I finished. One of the great beauties of a career in the law,
whether as a student or lawyer or judge, is that you never stop
What we are talking about this afternoon is an effort to instill in you, as you begin the study of law, recognition of the paramount importance of professional and ethical behavior:

- ethical behavior as you live through your 3 years as a student
- professional and ethical behavior in your life as a lawyer

You should recognize as you begin your studies, the special role lawyers play in the community. This recognition should serve as an incentive to take advantage of your study years:

- the majority of American presidents have been lawyers
- in recent years, more than half the members of Congress have been lawyers
- lawyers occupy leadership roles as governors, state legislators, leaders of governmental agencies and the like
Successful completion of your studies and admission to the bar is a key to multiple opportunities.

What I would like to do first is to talk about what the commitment to integrity you are about to make means during your years in law school.

Last September, Judge David McKeague of the Sixth Circuit Court of Appeals spoke to the opening class in a like circumstance to today. As to academic conduct, he recited a litany of meanings – many rather obvious. Let me paraphrase what he said:

- never cheat or even think of cheating, and do not plagiarize
- willingly share class notes when a classmate is sick or misses a class
- really read the cases you cite in a research paper
- nurture your relationships with fellow students. This means when you disagree, do so without being
disagreeable
• if the opportunity presents itself and you have the time, engage in an internship with a legal agency such as a judge’s chambers.
• take advantage of the group activities which are open to you as a law student

Now, as to what commitment and integrity mean to the professional careers you will one day undertake as lawyers, there are guidelines that will define for you the limits of good behavior that combine the range of acceptable activities. In Michigan, they are called the Michigan Rules of Professional Conduct; if your career takes you to my Court, which is the United States District Court for the Eastern District of Michigan, they are called Civility Principles. As to these principles, and to demonstrate that judges are not exempt from losing their way, 2 of the sections are titled:
Courts' Responsibilities to Attorneys and Judges' Responsibilities to Each Other

Rather than talk in generalities about the meaning of integrity in the professional life of a lawyer, I would like to discuss what my former law clerk, Clark Cunningham, who now teaches ethics and professionalism at Georgia State University College of Law calls heroes of the legal profession:

. . . heroic not because of their prodigious skill or historic accomplishments but because their dedication to the values of the profession led them to travel what Joseph Campbell calls the "hero's path" through ordeals that test their courage and integrity and call them to act selflessly on behalf of others.
One hero is fictional – Atticus Finch, the principal character in Harper Lee’s *To Kill a Mockingbird*; the other is real – Charles Swift, a former Lieutenant Commander in the U.S. Navy.

Finch is a fictional Alabama lawyer and the central character of Lee’s novel. Librarians in Great Britain have ranked the novel ahead of the Bible as “one every adult should read before they die.”

Oprah calls *To Kill a Mockingbird* our national novel. If you have not already read it, you surely must.

In the novel, Finch is asked by a local judge to represent Tom Robinson, an African American man wrongfully accused of raping a Caucasian woman. Finch knew he had a sure loser of a case and would suffer, as would his children, from the opprobrium of the community by taking Robinson’s case to trial. But Finch also knew, as his daughter Scout relates, that he would serve himself, his family, and his community if he represented Robinson as best he knew how. Robinson lost, but he lost with dignity, and
the African Americans of Macon County knew that Finch did all he could for Robinson.

What Finch reflects, as portrayed by Lee, and also I should mention as portrayed by Gregory Peck in the movie, is a lawyer of sound moral principles, uprightness, honesty and sincerity; in a word, integrity.

As Professor Cunningham told me, in 2003 Finch was voted by the American Film Institute to be the greatest hero in American film, beating out such famous film heroes as Indiana Jones, Rocky Balboa, Superman, Mohandas Gandhi, Tarzan, James Bond and Robin Hood.

Now to Charles Swift.

Swift was a Lieutenant Commander in the U.S. Navy. In 2004 he was assigned to the Department of Defense Office of Military Commissions. He was appointed to represent Salim Ahmed Hamdan, a former driver for Osama Bin Laden. Hamdan had been captured in Afghanistan, and eventually detained at
Guantanamo Bay Military Prison. Hamdan was charged before a military commission with conspiracy to commit terrorism.

When Swift was appointed to represent Hamdan, he was instructed that the appointment was for the limited purpose of obtaining a guilty plea. Notwithstanding that limitation, Swift was part of a team of lawyers who successfully challenged, by habeas corpus, the refusal of the commission to be bound by the Geneva Convention, as well as the Uniform Code of Military Justice. The case was successfully taken to the United States Supreme Court, who held that detainees at Guantanamo were entitled to the protection of the Convention. Two (2) weeks after the decision, Swift was passed over for a promotion for a second time, and forced to resign from the Navy.

Swift explained his actions in an interview on National Public Radio, as follows:
Swift: I was surprised when the letter conditioned my access to Mr. Hamdan on a guilty plea. . . .[T]he letter made quite plain that you would see the prosecutor to get access, and that if for some reason you were unable to negotiate a guilty plea, [then] that access could be cut off.

Interviewer: And at that point, once you’ve read this letter, are you allowed to say hey wait a minute, this is not what I learned in law school. . . .?

Swift: You know, that’s exactly what I thought about. . . .This is not how I view myself as an independent lawyer when I
represent an individual; and I’m being
asked to represent him, not the
government. . . .

Interviewer: Let me ask you Commander Swift, when
you decided to file the lawsuit [that led to
the Supreme Court decision]. . . .did you
think, oh boy, this might be a career
killer?

Swift: . . . I didn’t think about it in those terms. I
thought about it as this is the ethical way
that I can do my job.

Finch and Swift both display what we are talking about this
afternoon – integrity. Neither sought out the case that changed
the life of each. Neither looked on their case as a “career killer,”
but simply as, in Swift’s words, “the ethical way that I can do my job.”

As you accept the commitment we are about to recite, and as you move through your studies and go on to your careers in the law, always keep in your minds eye when confronted with a problem of choice as to your conduct what attorney Finch might do, and what Commander Swift might do.

Good luck to all of you.