



# Acting on our Ethics

BY DANIEL HOOGE, CHIEF BAR COUNSEL FOR THE STATE BAR OF NEVADA

**They had a problem. The U.S. Constitution requires a census every 10 years. But the population in 1890 was booming. Experts predicted that the census would take 13 years. The U.S. Census Bureau turned to Herman Hollerith. Mathematicians had been using mechanical calculators for 5,000 years. But Hollerith was the first to use electricity.**

He collected data on punch cards. When he inserted the cards into his machine, electrified metal pins would come down over the card. The pins passed through punched holes into a vial of mercury, which completed a circuit. The completed circuit powered an electric motor, which turned a gear to add one to the total. Hollerith's machine was 10 times faster than manual tabulations. He completed the 1890 Census in 1892—saving the census bureau millions. Hollerith's Tabulating Machine Co. later became International Business Machines (IBM). Unfortunately, mechanical pins could only travel through a punch card so many times per minute.

By 1944, IBM built computers for the Manhattan Project with mechanical relays that could flick back and forth 50 times per second. They could add or subtract three times per second, multiply in six seconds, and divide in 15 seconds. But mechanical parts wear over time. Engineers had to replace a faulty relay every day! That's a big problem when you are splitting the hydrogen atom. And these huge, dark, and warm machines attracted insects. Bugs often blew the relays. That's where we get the term "computer bug."

IBM eventually switched to vacuum tubes. Electricity pushed electrons through the tube to switch it on or off. Vacuum tubes have no moving parts and could switch thousands of times per second. But vacuum tubes were basically light bulbs. They broke easily. And they were big.

So, scientists switched to quantum mechanics. The physics are complex, but silicon can both transfer and resist electricity. The terms "transfer" and "resist" became "transist." Silicon

transistors could switch on and off 10,000 times per second. Silicon is practically indestructible. Manufacturers could integrate millions or billions of transistors onto a single silicon square. They called this the “integrated circuit.” Each transistor is a binary logic test like the punch card. It returns true or false, which programmers write as 1 and 0. That’s why, in “The Matrix,” Neo only sees ones and zeroes. Programmers combine these transistors into Boolean logic tests—IF, THEN, AND, OR, NOT. Add these lines of code together and you can change the font in a document, add formulas in a spreadsheet, or customize your weapon in “Call of Duty.” We moved from mechanical switches to vacuum tubes to transistors. But the true power behind computing comes from the integrated circuit. It allows billions of transistors to work together and compute information faster. Apple’s latest M1 Pro chip has 34 billion transistors. A computer with 34 billion vacuum tubes would fill the Las Vegas valley.

The integrated chip is an analogy for an integrated life. Exponential growth only happened after integration. We put a man on the moon. We automated driving. My phone can tell me a joke. We can do what was impossible only decades ago because of the integrated chip. Integrity commands success. And lasting success is only possible with integrity.

“Integrity” comes from the Latin word “integer,” which means whole number. An integer has no fractions or decimals. If your managing partner asked you to bring 1.718 pizzas to the next office party, then you would struggle. An integer cannot be fractured or fragmented. Integrity is a complete, undivided, and unbroken state.

How can we be complete, undivided, and unbroken? We combine the two elements of integrity.

The first element is our moral code: our sense of right and wrong.

In 1974, when the Maryland Court of Appeals disbarred Richard Nixon’s vice president, Spiro T. Agnew, the court stated:

*Few vocations offer as great a spectrum for good and honorable works as does the legal profession. The attorney is entrusted with the life savings and investments of his clients. He becomes the guardian of the mentally deficient, and potential savior for the accused. He is a fiduciary, a confidant, an advisor, and an advocate. However, the great privilege of serving in all of these capacities does not come without the concomitant responsibilities of truth, candor and honesty. In fact, it can be said that the presence of these virtues in members of the bar comprises a large portion of the fulcrum upon which the scales of justice rest. Consequently, an attorney’s character must remain beyond reproach.<sup>1</sup>*

“How can we be complete, undivided, and unbroken? We combine the two elements of integrity.”

We know what is right and wrong. We swear to follow the Rules of Professional Conduct (RPC).<sup>2</sup> RPCs describe moral obligations to our clients, the legal system, our profession, and to the public. This is our moral code.

Note that our moral code includes duties to the system, profession, and the public. Through discipline investigations and prosecutions, I run across lawyers who recognize a duty only to their clients. In their minds, it is OK to hide evidence in discovery or lie to the court if it benefits the client. But our moral code extends to the system, the profession, and the public. We ensure that the system works toward justice, that the profession retains honor, and that the public benefits, not just our client.

The second element of integrity is action. An integrated person acts in harmony with their moral code.

*“No man can ever be a truly great lawyer, who is not in every sense of the word, a good man ... There is no profession in which moral character is so soon fixed as in that of the law; there is none in which it is subjected to severer scrutiny by the public ... From the very commencement of a lawyer’s career, let him cultivate, above all things, truth, simplicity and candor; they are the cardinal virtues of a lawyer.”<sup>3</sup>*

C.S. Lewis said, “Integrity is doing the right thing, even when no one is watching.” But this definition is fundamentally flawed. We witness our own actions. We will know.

Shakespeare said it best through Polonius, “This above all: to thine own self be true.”<sup>4</sup>

A lawyer with integrity acts in harmony with their moral code as a deep conviction—not only when someone is watching or when it benefits them. A divided person creates a second set of rules for when the first set of rules gives an inconvenient answer—a dual morality.

Psychology calls this “compartmentalization.” It is a defense mechanism to avoid cognitive dissonance. Cognitive dissonance is the mental discomfort and anxiety caused by this internal conflict. Put simply, when we do something that we know is wrong, we have a sinking feeling in our gut. Compartmentalization masks the pain but blocks our growth. Continued duality compromises our mental and physical health. A house divided against itself cannot stand.

A few years ago, I investigated and prosecuted a lawyer with dual morality. His clients complained that he was not disbursing their personal injury settlements. A State Bar of Nevada investigator pulled his bank records and discovered that his client trust account did not have the money. Someone took \$4 million throughout a decade.

During a recess, the lawyer came up to me and said, “Mr. Hooge, I want you to know that I did not take any of that money. I am honest. It was my dishonest bookkeeper. But I promise that I will do everything in my power to pay it back.”

Unfortunately, I knew the truth. His lawyer disclosed his defense months earlier. My investigator obtained copies of the withdrawal slips from the bank. Bank tellers noted that this lawyer personally withdrew the money. I had the slips to admit. My investigator also tracked down the bookkeeper in Florida. He was not on the run. He had no Cayman Island bank account with \$4 million. He was also ready to testify that this lawyer withdrew the money.

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The bank records told a cautionary tale. A decade before, the lawyer’s firm had a lean month. He transferred a few thousand from his client trust account to his operating account without identifying a client or purpose. He paid it back. But that internal compromise created a second set of rules. After that he borrowed more. Soon he stopped paying it back. From his outward appearance, this lawyer was a good person. He was courteous, kind, and respected. He had a wife and four beautiful daughters. He had everything going for him. But underneath that mask he was fractured and broken.

Time makes it increasingly difficult to succeed in this profession, to find peace, to reach our potential if we live a life of dual morality. Plenty of unethical lawyers prosper for a while. But their demise is inevitable.

Integrity is the key to lasting success. We can integrate ourselves by recognizing who we are, who we want to be, where we fall short, and by improving each day. Over time we will integrate our actions with our moral code. We act on our ethics. We become complete, undivided, and unbroken. Like an integrated circuit, our potential becomes limitless.

**ENDNOTES:**

1. *Md. State Bar Asso. v. Agnew*, 271 Md. 543, 549, 318 A.2d 811, 814 (1974).
2. SCR 73.
3. *Agnew*, 271 Md. at 548-49, 318 A.2d at 814 (quoting *G. Sharswood, Professional Ethics* 168, 169 (1844)).
4. Shakespeare, William. *Hamlet*. Edited by G. R. Hibbard, Oxford UP, 2008.

**DANIEL M. HOOGE** grew up in central California. He earned both his undergraduate and law degrees from Brigham Young University while working as a real estate agent and broker. He then moved to rural Nevada to work in the two-man Lincoln County district attorney’s office. He successfully ran for district attorney a few years later. He enjoyed two terms as district attorney before accepting the position of Chief Bar Counsel.



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