Brigham Young University Law School
BYU Law Digital Commons

Vol. 2: Service & Integrity | Life in the Law

12-15-2009

A Personal Philosophy of Professionalism

Cecil O. Samuelson

Follow this and additional works at: http://digitalcommons.law.byu.edu/life_law_vol2

Part of the Ethics and Professional Responsibility Commons

Recommended Citation

Samuelson, Cecil O., "A Personal Philosophy of Professionalism" (2009). *Vol. 2: Service & Integrity.* Paper 17.
http://digitalcommons.law.byu.edu/life_law_vol2/17

This Be Professional is brought to you for free and open access by the Life in the Law at BYU Law Digital Commons. It has been accepted for inclusion in Vol. 2: Service & Integrity by an authorized administrator of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.

A Personal Philosophy of Professionalism

Cecil O. Samuelson

While I appreciate the invitation to be with you, I admit to being somewhat intimidated. The last time I appeared before so many lawyers was many years ago as a then young medical school dean. A previous faculty member had been accused of research fraud, and I was "invited" to a deposition. Each of the several universities involved had its own team of lawyers, and since the issue of federal funding for research was part of the inquiry, the Justice Department also was there in force. Even though I was frankly irritated with the alleged perpetrator, I admit that I felt sorry for him because his side seemed to have only five or six lawyers to face the hordes. I had some good advice from my university's counsel who was trying to prepare me for the deposition and who apparently had had uneven prior experiences with the testimony of physicians. In trying to assist me, he took a rather long time to give basically the same advice that President Franklin Roosevelt gave to his son James when counsel was sought concerning a speaking engagement: "Be sincere, be brief, and be seated." I will try to do all three.

I must also confess that I am not looking for speaking engagements at this time of transition in my life. I'll not speak about the matters most pressing on my mind today, because I am not yet the president of BYU and also do not consider myself yet well enough informed to represent the institution with the distinction it deserves. Hopefully, that will be possible as time passes.

The primary reason I accepted Oscar W. McConkie Jr.'s kind invitation is that I have owed him a great deal for many years. I have never been his personal client, but he has been my mentor and friend since the days over

three decades years ago when he was my stake president, and I had the privilege of serving as president of an elders quorum under his direction. His influence was profound and persistent and, in fact, has contributed to much of what I wish to discuss with you today. An interesting dimension is that while serving under his direct leadership, I appreciated only in part the things that have been the most helpful. Much has come in the years that have passed, in spite of sporadic personal contact, because the lessons of life and the passage of time have amplified principles he modeled and taught at a time when they could not be fully valued without the context of later experience.

I fear that the title given for my remarks sounds more pretentious than is intended. The real reason I chose it was that my secretary, and Oscar's, applied some pressure to provide a title when I was not yet at all prepared. I looked for something that would cover anything that I decided to say and viewed the advertised topic as appropriately vague for the circumstances. Please notice that I said *a philosophy,* not *the philosophy.* Mine has developed over time and is still a work in progress, I suppose.

Merriam-Webster's dictionary defines professionalism as "the conduct, aims, or qualities that characterize or mark a profession or a professional person" (Tenth Edition). Conduct, aims, and qualities all seem fairly straightforward, and yet each must be viewed or considered in the context of not only what a particular profession—such as the law—means to the public generally but also what the particular profession means to the individual member or practitioner.

As a young man making the decision to pursue medicine as a career and profession, I knew relatively little about the realities and nuances of the life of a physician, and yet the notions of professionalism seemed straightforward. Over time, as my knowledge and experience increased, the ideals of professionalism continued to seem clear, but the applications invariably became more complicated. It was Grace Williams who said, "We learn from experience. A man never wakes up his second baby just to see it smile."

Perhaps a couple of examples that seem to me to have clear analogies with the practice of law may be helpful.

In my training, particularly as a resident and postdoctoral fellow at Duke University, I met some teachers and mentors who were terribly impressive and wonderful examples of the art and practice of medicine. Some of their influences and philosophical imprinting remain with me even now. All that they did professionally was worthy of emulation, and yet I was able to identify values they held to firmly that created dissonance with some of my own dearest standards. One that was dramatic then and is increasingly so now was the obvious relegation of their families to a distant second place in their hierarchy of important things. Because of what I had learned from my parents, other influentials like President McConkie, and

my wife, Sharon—as well as my own experiences—I was able to recognize the differences in our philosophies, and this perception also helped me in making career decisions that some others, including important mentors, have thought to be foolish or unfortunate. (By the way, some of my best friends, especially those not of the LDS faith, believe that my most recent career change is a real whopper!)

Over the years as I have followed the courses of the lives and careers of some who I have admired and appreciated, I have been both glad with the major choices I have made (even in the face of some rather silly mistakes) and sad at the disasters that I have seen in the lives and families of some dear friends who have reaped the consequences of their priorities. Please understand that I do not hold up my family or my behaviors to be commendable or exemplary but only that I am increasingly and profoundly grateful that I have understood that there was and is much more to professionalism than the laboratory, courtroom, or classroom.

A second example has to do with a later professional assignment. I was asked to chair the Council on Continuing Medical Education for the American Medical Association. The activities of this council had to do with accrediting formal learning opportunities for practicing physicians. You may be aware that for a time there was a fair amount of concern raised in the media that continuing education for physicians really meant continuing vacations in exotic places.

As we reviewed standards for these courses, it became apparent that some of our colleagues met the letter of the law while avoiding the spirit. That is, a psychiatrist might attend a plastic surgery course in Hawaii and earn the required educational credits while not learning anything that applied to his actual practice. I know you are shocked, and such a thing would never occur with attorneys, but it was a small and yet significant problem in medicine. Now physicians actually need to demonstrate that the continuing education courses they take have demonstrable applicability to their individual practices to count against the requirements of licensure and certification. You might say that this could be an issue for the ethics committee. It might well be, but certainly it is a dimension of professionalism.

Having said all of the above, within the boundaries of proper professionalism lie many opportunities to personalize our approaches to our life's work. I have come to believe that the apparent separation of our public and private lives is really not possible. I am not suggesting that we mow the lawn in coat and tie. What I am suggesting—and believe with increasing intensity—is that there must be integrity and consistency in what we are and what we do. In other words, while we may perform with excellence in certain aspects of our professional responsibilities and yet have other major parts of our lives in disarray, complete or optimal professionalism requires consistency between our public and private behaviors. I suspect

that most of you will agree and consider this assertion to be consistent with the values of J. Reuben Clark Jr.

In a similar vein, I confess that while I may be showing only my age, I worry that some of the basics of professionalism are being eroded by members of the professions themselves. I won't comment on what I see happening with practitioners of the law, but I admit to being very troubled by the rather blatant advertising and competition I see today in medicine and health care that virtually everyone in the profession would have thought to be unseemly just a few short years ago.

Not that everything is bad. There are some things that are much better. In medical education today, for example, the law now mandates that a house officer in training—an intern or resident—should not work over 80 hours a week. That seems like a modest requirement to most people, but the facts are that in my day, sleep deprivation was one of the rites of passage, however dangerous to patient or even physician health. I think Thurman Wesley Arnold, an American lawyer, probably set the balance right when he said, "The principles of Washington's farewell address are still sources of wisdom when cures for social ills are sought. The methods of Washington's physicians, however, are no longer studied."

Another risk of our professions that must be considered is that by virtue of the recognition society grants to various professionals, come freedoms not typically accorded to the average citizen. As attorneys you are allowed and expected to ask questions of clients and others that would be considered offensive, impertinent, or rude when asked by anyone else. I know that being officers of the court does not grant complete immunity in this area, but the general principle applies. You will be the holder of some of your client's deepest secrets or confidences—some of which are sacred, some of which may be embarrassing, and all of which are private.

In brief, you are seen in an entirely different light than most people, the recipient of special prerogatives restricted to only a few but also carrying the tremendous responsibilities that are inextricably connected to them. We always need to remember that Jesus taught, "For . . . unto whom much is given much is required" (D&C 82:3; see also Luke 12:48). One of the heavy burdens you bear is the need to be constantly self-monitoring and totally honest with the face you find in the mirror—your own! As talented as you are, you are not invincible. With privileges come special risks that you all recognize.

In speaking of the risks we face, President James E. Faust—who has been rightly honored by your society—once said, "Living on the edge can also mean being perilously close to the Bottomless Pit. . . . Some of you may think that you will discover your strengths and abilities by living on the edge. . . . There will always be enough risks that will come to you naturally without your having to seek them out" (*Ensign,* Nov. 1995, 46).

I applaud this counsel but also admit to feelings of optimism about life and our professions, even in the face of current troubles and challenges. In his recollections about the difficult times of the Second World War, Winston Churchill is reported to have said, "When I look back on all these worries, I remember the story of the old man who said on his deathbed that he had had a lot of trouble in his life, most of which never happened." I myself remember hearing Paul Harvey on the radio many years ago in the midst of some crisis—the specifics of which I have long forgotten—say something like, "In times like these, it is important to remember that there have always been times like these."

Let me conclude by offering some suggestions that I believe deserve regular review by all professionals as they hone their personal philosophies. You will recognize that these are neither new nor original.

1. Be totally honest—not only with others but with yourself.

2. Get help when you need it. Not only should you regularly seek the consultation and advice of colleagues and those more experienced than you with respect to a particular aspect of your work, but also you should be anxious to receive counsel in your family and personal lives.

3. Learn to become an even better listener than you are now. Listen carefully to your clients and those who can advise and teach you, but also listen particularly closely to those who know you best and love you most.

4. Keep learning. Much of what you have learned in law school—and what you think you know—is or will soon be obsolete.

5. Be involved in all of those things that are important to you as soon and as often as you can. Little League ball games, piano recitals, and the like are inconvenient, but they may never come around again, and your presence or absence will likely never be forgotten. Likewise, don't delay too long in being involved in your communities, churches, and professional organizations. You run some of the same risks that physicians face. Many years ago, Milton Mayer made a somewhat humorous but true observation when he said: "One of the things the average doctor doesn't have time to do is catch up with the things he didn't learn in school, and one of the things he didn't learn in school is the nature of human society, its purpose, its history, and its needs. . . . If medicine is necessarily a mystery to the average man, nearly everything else is necessarily a mystery to the average doctor." Be glad this doesn't apply to lawyers!

6. Watch out for each other. No one else, no matter how concerned, really understands what your life and responsibilities are like and may not see what you see. With the tremendous privileges that are accorded to you, there are also commensurate risks you face with respect to the abuse of drugs, alcohol, client resources, and even your privileges.

7. Be loyal to your profession by doing your part to see that you follow the same standards privately that you espouse publicly.

8. Always be thinking and watching for better ways to do things. This applies not only to the technical aspects of your work but also to your human touch.

9. Take care of yourself. As strong, vigorous, accomplished, and important as you are, you still need appropriate rest, exercise, nutrition, recreation, and rejuvenation. Wise leaders have counseled that we should not run faster or farther than we have strength and means.

10. Lastly, whatever you do and wherever you do it, always make a conscious effort to leave the world a better place than you found it.

This address was President Samuelson's first public speech since the announcement on March 18, 2003, that he would become the 12th president of Brigham Young University on May 1, 2003. It was given to the Salt Lake Chapter of the J. Reuben Clark Law Society at the Joseph Smith Memorial Building in Salt Lake City on April 7, 2003. Reprinted from the Clark Memorandum, *fall 2004, 12–19.*

Cecil O. Samuelson Jr. received his MD *from the University of Utah in 1970. He was a professor of medicine 1973–1990, dean of the School of Medicine 1985–1988, and vice president of health sciences at the University of Utah 1988–1990. He has served as a member of the First Quorum of the Seventy since 1994 and as a member of the Presidency of the Seventy 2001–2003. He is currently president of Brigham Young University in Provo, Utah.*