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Ethics Across the Professions: Professional Ethics and Corporate Conduct

Introduction

George C. Harris*

Nearly two decades ago, in the wake of the savings and loan crisis of the 1980s, U.S. District Court Judge Stanley Sporkin wrote, “Where . . . were the outside accountants and attorneys when these transactions were effectuated? What is difficult to understand is that with all the professional talent involved (both accounting and legal), why at least one professional would not have blown the whistle to stop the overreaching that took place in this case.”¹ Judge Sporkin’s question and comment continue to reverberate in the post-Enron era, as do their many corollaries, including: Are professionals the gatekeepers of corporate conduct? Should they be the gatekeepers? How do professionals shape the cultures of the organizational clients they serve, and how are they shaped by them?

This symposium volume considers these and related issues. It brings together ethical experts from a wide range of professional disciplines to examine the relationship between professional ethics and corporate culture and conduct. These articles explore professional ethics in a variety of contexts, each from the author’s particular professional perspective. A recurring theme is the ongoing struggle to reconcile organizational goals with professional principles and ethical standards. As one presenter asks in the health care context, how do we deal with “[t]he [i]rreconcilable [t]ension [b]etween [s]elling and [c]aring?”²

These articles were presented as works in progress at a symposium held at University of the Pacific, McGeorge School of Law on September 20, 2007. That symposium was the second annual event in an ongoing project funded by a grant from Sierra Health Foundation to McGeorge. The project, entitled “Toward a Common Goal Ethics Across the Professions,” seeks to focus, in a multi-disciplinary manner, on ethical issues that impact the spectrum of professions. The inaugural workshop in August of 2006 brought together approximately forty professionals from the fields of medicine, dentistry, pharmacy, engineering, architecture, business, journalism, education, philosophy, political science, public relations, and law to ask the foundational question: What can we learn from each

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1. *Lincoln Sav. & Loan Ass’n v. Wall*, 743 F. Supp. 901, 920 (D.D.C. 1990).

2. Bruce Peltier & Lola Giusti, *Commerce and Care: The Irreconcilable Tension Between Selling and Caring*, 39 MCGEORGE L. REV. 785 (2007).

other by approaching ethics from a cross-professional perspective? The 2007 symposium, which gave rise to the articles in this volume, directed that inquiry to the relationship between “Professional Ethics and Corporate Conduct.”

During the symposium, the authors presented their ideas to the other symposium participants, as well as a diverse group of attendees that included law professors, business professionals, and students. At the end of the day-long program, Ralph Nader presented his views on professional ethics and corporate conduct to the symposium attendees and the student body of Pacific McGeorge. The authors then refined their ideas with the benefit of having listened to dissenting views and, as one moderator put it, “*heated agreement.*” As the forthcoming pages will show, professionals often disagree as to what ethical behavior means but concur on the importance of the relationship between the ethics of professionals and the culture and conduct of the organizations that they work for or represent.

The articles approach the relationship between professional ethics and corporate conduct from a wide-range of perspectives but cluster around four areas of inquiry. The first symposium panel and associated set of articles directs its consideration to the foundational issue of how to mediate between professional ethics and organizational interests. A recurring theme in the articles is how to balance organizational needs with individual ethical responsibilities. These articles are as follows:

- “The ‘Ethics’ of Organizational/Institutional Ethics in a Pluralistic Setting: Conflicts of Interests, Values, and Goals,” Professor Roberta Springer Loewy, University of California, Davis;
- “Addressing Ethical Commitments When Professionals Partner with Organizations,” Dr. Donna T. Chen and Dr. Ann E. Mills, University of Virginia School of Medicine; and
- “For You Alone? Dual-Investor Theory and Fiduciary Relationships,” Professor Eugene Schlossberger, Purdue University Calumet.

The second symposium panel and its related pair of articles explore issues of professional ethics that arise within the academy. These articles consider the responsibilities of the institution in promoting ethical behavior, not only by individuals but by the institution as a whole. The articles are as follows:

- “Beyond the Ethics Course: Making Conduct Count,” Professor Elletta Sangrey Callahan, Syracuse University; and
- “Shanghaiing America’s Best Thinking: Musings on University Corporatization, Chinese Partnerships, and Embracing Critical Theory,” Professor Tim Hatcher, North Carolina State University.

A third set of articles looks at the tension between professional ethics and the demands of commerce, one in the health care context and one in the field of

journalism. In these diverse professional contexts, each author explores how the demands of the consumer impact the ethics of practicing professionals. These articles are as follows:

“Commerce and Care: The Irreconcilable Tension Between Selling and Caring,” Professor Bruce Peltier and Assistant Professor Lola Giusti, University of the Pacific, Arthur A. Dugoni School of Dentistry; and

“Journalism Ethics and the Independent Journalist,” Professor Molly A. Dugan, California State University, Sacramento.

A final group of articles focuses on business ethics itself. Each author considers models of ethical conduct, including the concept of corporate social responsibility in the business context:

- “Corporate Social Performance: Ethics and Corporate Culture,” Professor Newman S. Peery, Jr., University of the Pacific, Eberhardt School of Business;
- “Professionals, Business Practitioners, and Prudential Justice,” Professor Peter Madsen, Carnegie Mellon University; and
- “The Hollowing Out of Corporate Social Responsibility: Abandoning a Tradition in an Age of Declining Hegemony,” Professor Richard Marens, California State University, Sacramento.

We hope the readers of this issue find the articles as thought-provoking as the diverse presentations and panel discussions that spawned them.

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