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Keynote Address

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by Lt. Col. Benjamin Grimes*

Professional identity is a mercurial thing. It is a combination of skills, values, and ways of thinking that identifies us to others and forms the basis of our understanding of ourselves. But why should we endeavor to affirmatively instill a certain identity—or to provide the seeds of professional identity—in our students and young attorneys? To what end is identity useful, what elements are important, and *how do we do it*?

Unlike the many participants in this Symposium and contributors to this issue of the *Mercer Law Review*, I am neither an academic nor a remarkable practitioner. I have taught new attorneys, LL.M. students, and trial practitioners, but I was a professor of law for only a short time. What I offer below are my reflections on identity after a career in the Army as a lawyer, officer, and leader. Like all such commentary, mine is intensely personal, informed by my experiences, and influenced by my present stage—transitioning out of uniform and my insular military practice and into a broader profession whose breadth and diversity is amazing. I offer my experiences to you as an example of the power of identity, to remind educators that your students are listening, and to inspire students and

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new attorneys with the knowledge that it really does matter who you are and what you become.

I have spent the last twenty years as an officer of the United States Army. And as we consider professional identity and its formation, I can think of no more established and effective crucible of identity than the military. Not only must the military branches train men and women in the tasks of war (an inevitability of human nature few of us look forward to), they must prepare each member to be a leader, to rally others, and to make difficult decisions should the role they find themselves in require it. My path began at West Point, the nation's oldest military academy.[1]

West Point famously adheres to a motto of "Duty, Honor, Country," and that motto is instilled in each cadet in a variety of ways.[2] Through the example of the faculty and woven into virtually every facet of cadet education, the motto becomes a framework for cadets' identities as leaders and officers. The importance of this framework is emphasized to every cadet, who must memorize and recite, among other bits of trivia, a portion of remarks made by General Douglas MacArthur.

On May 12th, 1962, General MacArthur was given the Thayer Award for leadership, and his remarks to the corps of cadets that day included the following:

> Duty, Honor, Country: Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying points: to build courage when courage seems to fail; to regain faith when there seems to be little cause for faith; to create hope when hope becomes forlorn.[3]

He went on to say:

> The unbelievers will say they are but words, but a slogan, but a flamboyant phrase. Every pedant, every demagogue, every cynic, every hypocrite, every troublemaker, and I am sorry to say, some others of an entirely different character, will try to downgrade them even to the extent of mockery and ridicule.

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1. *A Brief History of West Point*, U.S. MILITARY ACAD., http://www.usma.edu/wphistory/SitePages /Home.aspx (last visited Jan. 9, 2017).

2. *The U.S. Military Academy Coat of Arms and Motto*, U.S. MILITARY ACAD., http://www.usma.edu/news/sitepages/coat%20of%20arms%20and%20motto.aspx (Jan. 9, 2017).

3. Douglas A. MacArthur, Sylvanus Thayer Award Acceptance Address: "Duty, Honor, Country" (May 12, 1962), *in* GREAT SPEECHES OF THE TWENTIETH CENTURY 109 (Bob Blaisdell ed., 2011).

> But these are some of the things they do. They build your basic character. They mold you for your future roles as the custodians of the nation's defense. They make you strong enough to know when you are weak, and brave enough to face yourself when you are afraid.[4]

That short passage was among the collection of facts, trivia, and history all cadets must memorize as part of their indoctrination into the corps of cadets. "Plebe knowledge" is a fundamental part of how young men and women become cadets, and later, officers. General MacArthur's words describe the framework upon which young officers should build their identity. For me, that framework was crucial to my growth and reflection after one of my poor choices of youth.

In addition to its motto, West Point is known for its Honor Code: "A Cadet will not lie, cheat, steal or tolerate those who do."[5] As a plebe (freshman), with just two months under my belt, I lied. My lie was trivial, but the fact that I had done it was not and nearly knocked me off the path I had just begun to tread. Three days after my lie, I turned myself in. The honor board that followed was one of the hardest things I had done to date, facing my peers, trying to both own and atone for my lie. I was suspended from the Academy—returned home at the beginning of the second semester to face a reproving community, a disappointed family, and myself.

I did not realize it at the time, but that semester away from school was not only a critical time in my identity formation, but also the beginning of my own love and fascination for identity formation. I have come to realize that many of the principles of officership—those things that make being an officer demanding, rewarding, unique, and respected—have distinct parallels with being an attorney. As a professor of criminal law, I talked with my students about what it means to be a military attorney. It is different from being a lawyer or an officer alone.

The Army's Judge Advocate General, Lieutenant General Flora Darpino, describes the framework of judge advocate identity as Character, Competence, and Commitment.[6] Like the West Point motto, the trio of words forms a descriptive touchstone that guides both practice and growth. Lieutenant General Darpino weaves the words and the concepts they represent into almost every interaction she has with young Army lawyers. In doing so, she is describing for them the *why* of judge advocate

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4. *Id.*

5. *The Honor Program*, U.S. MILITARY ACAD., http://www.usma.edu/scpme/SitePages/Honor.aspx (Jan. 9, 2017).

6. ESSENTIAL CHARACTERISTICS OF THE ARMY PROFESSION, https://www.jagcnet.army.mil/Sites/jagc.nsf/91EFF120637EC24D85257DB7005D879C/$File/JAGC%20Poster%202014.pdf (last visited Jan. 9, 2017).

practice, just as the members of West Point's long grey line have instilled the *why* of officership in young cadets.

I believe it is the *why* of our legal practice that is most critical to developing a strong and positive professional identity in our students and young lawyers. This facet of development is often lost in the law school rush to teach *what* attorneys do and *how* they do it. Certainly, the nuts and bolts of practice are important—critical—but demonstrating to successive generations of attorneys that our profession works for a purpose more interesting than mere profit is similarly critical to developing an identity that is both unifying and protective. To me, all attorneys should aspire to serve *justice* and *community*.

As a criminal justice practitioner, principles of justice come naturally to mind when I think about what our profession provides. But justice is provided and protected through the work of more than just the prosecutor and defense counsel: Corporate counsel protect the justiciable interests of business entities great and small; family lawyers ensure individual and familial rights are enforced; regulatory and administrative law attorneys at all levels seek the fair development and enforcement of law and policy; tax practitioners ensure that citizens are not overburdened in meeting their obligations to the state. While my interest and experience skew decidedly toward public interest practice, I hope that every member of the profession sees an opportunity in their practice to provide justice to their client, and I suspect *justice* is an element of professional identity with widespread consensus. *Community* is a less predictable purpose of our practice. My concept of *community* is protective, and I believe it operates on several levels. At the macro, *what* we do as attorneys and *how* we do it provides much of society's connective tissue. There are a variety of ways in which a society might function, but in a modern society those norms and expectations of communal life are codified, and attorneys are both the grease and the mechanic that keep the machine of modern society functioning.

At a less abstract level, working toward *community* has a very self-interested purpose for our profession. By focusing on justice for our clients and working in service of greater society, we can inspire trust in those we serve. The trust of our clients and of society, generally, is fundamental to our continued freedom to regulate our own profession. Thus, we serve our own collective interest by working in the interest of others.

For the individual attorney, working toward and belonging to a *community* can be protective in the most personal way. Our profession already suffers from some of the highest markers of stress of any profession. Our rates of depression, suicide, and substance abuse are notoriously high. One way to protect ourselves against the effects of

stress and anxiety from work and the care of others' concerns is to reinforce to each other that we are a member of a community. Attorneys can find strength and support in both our network of peers and in the greater community we serve. We will be more resilient as individuals and as a profession when we recognize that wellness is stronger when it is reinforced, just as knowledge is deeper when it is shared and multiplied.

With so many positives, working toward a shared identity seems an obvious goal, but how? The West Point experience is instructive, but not a model easily replicated (nor, quite frankly, should we seek to replicate it for such a purpose). The cadet development model is built on shared experience, modeled behavior, education, and inspiration, all wound together and woven into virtually every day and every encounter with the Academy. These principles can be exported.

Already, law students have a measure of shared experience. The 1L year and the shock of learning "to think like a lawyer" is as well known to our lay clients as it is indelibly marked in our experience. On this point, law school has it right. There is a distinct value to a shared student experience—though we might debate the contours of that first year—and, I believe, it is a necessary part of our shared identity. From Harvard to Hastings and Michigan to Miami, new law students share an experience that non-lawyers often do not understand, though they can appreciate the change that it makes in us. That shared experience begins as a 1L and formally ends with the bar exams. It is real and it is valuable.

Clearly, education is a fundamental part of developing young professionals, whether they are attorneys or military officers. A certain set of skills is required to undertake both roles. This part of identity formation is often the easiest. It is measurable, can be scaled relatively easily, and is clearly applicable to future practice. Similarly, offering inspiration to young and developing attorneys—identifying worthy exemplars and giving them the tools to explore their lives and motivations—can be a low-cost investment in identity development.

There is a place in our professional education for the study of those who have raised up our practice in the public's eyes or have made significant contributions to our profession. Required readings and lectures are one way to inspire students. There are other, subtle ways to do so as well: statues and other monuments to those who have served the profession and the causes they have taken up can inspire. So can art, and many institutions have begun adding inspirational phrases around their buildings and campuses. This may seem a trite or sentimental practice, but all of these methods of reminding students about *why* their profession is so important can create in them a desire to take on the obligations of legal practice, as well as its privileges. This sort of concerted work toward

inspiration or the modeling of ideal behavior, however, has a less clear influence on identity development, and its impact may be immeasurable.

Demonstrating what it means to be a professional gives students and new members an opportunity to absorb skills, lessons, and motivating philosophies in ways that can create deep connections. Unlike purely conveying information, the sorts of interactions that allow students to integrate all of the knowledge they are gaining in the classroom require time and a more personal commitment from professors and others engaged in the development of young attorneys. Clinical programs can be a useful way to provide opportunities for modeling, as can many of the great mentorship programs across the country to link students to practice or help guide new attorneys into a life at the bar. This work of modeling must, however, live in the work of podium professors as well as clinical professors. Students must see that every member of the profession, though following different paths, values the development of identity.

The West Point environment is engineered from start to finish to maximize institutional opportunities to develop a unique identity in its students. While every cadet will begin their career in the armed services, they are all trained to be leaders, working to take care of others and to serve the nation. They may be memorizing bits of speeches and trivia about the Academy, but they are learning what it means to be officers and leaders. They may not remember how many lights there are in Cullen Hall (340, by the way), but they will remember that they have become men and women whose role (Duty) is to be a paragon of integrity (Honor) in service to others (Country). West Point's graduates, naturally, include the greatest military leaders of every generation of America's soldiers. But its long grey line of graduates also includes clergy and politicians, CEOs and business leaders, doctors and lawyers, captains of infantry and captains of industry. It is a place designed to develop moral character and tactical competence.

Morality is part of how our question of *why* should be answered. Soldiers carry a fiduciary duty to steward the nation's defense. This sort of duty is one that lawyers know well, stewarding their client's interests and the nation's laws. Doing good in the service of others should be part of how we define ourselves. But the empathy some believe we are losing as we teach students to "think like a lawyer" may be costing us trust and a moral center to build our identity around. Let *justice* and *community* (or similar ideals of your choosing) be the framework by which you develop the newest members of our profession. Do so deliberately and unabashedly, because they need it, and we, as a profession, need it.

Ultimately, I hope that all members of our profession—and in particular our academic institutions—take on the challenge of passing on what it means to be an attorney to our next generation of practitioners. In this

way, we will remain a vital and vibrant part of our community, inspiring trust in each other and those around us, and pursuing justice in our myriad ways.