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Ethical Integrity in the Legal Profession: Survey Results Regarding Law Students' Veracity on Resumes and Recommendations for Enhancing Legal Ethics Outside the Classroom

Nancy Millich*

INTRODUCTION

During the past several years, a great deal of attention has been focused on enhancing ethical integrity in the legal profession.¹ Courses in professional responsibility have been incorporated into the law school curricula,² and mandatory ethical requirements have been promulgated by the American Bar Association.³ However, relatively few empirical studies have tested whether all this attention has had any demonstrable effect on the ethical integrity of law students and members of the Bar. In this article, I describe several recent surveys revealing an increase in ethical problems experienced by attorneys dealing with clients.⁴ In addition, I report the results of two nationwide surveys I conducted of the 167 accredited law schools. Analysis of the results of these two surveys suggests that there may be similar problems with the ethical integrity of law students, at least as far as veracity on resumes is concerned.⁵

This empirical data leads to the conclusion that the current efforts to engender legal ethics through classroom instruction and Bar regulations may not be enough. It seems imperative to begin ethical training at the earliest opportunity and to continue to look for additional opportunities to stress the critical importance of honesty and integrity. With these goals in mind, this article concludes with some recommendations for instilling legal ethics outside the classroom by utilizing the hiring and placement process.

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1. See *infra* notes 14-20 and accompanying text.
2. See *infra* notes 21-23 and accompanying text.
3. See *infra* notes 9-10 and accompanying text.
4. See *infra* notes 24-36 and accompanying text.
5. See *infra* notes 37-42 and accompanying text.

THE BACKGROUND OF LEGAL ETHICS

The view that truthfulness, honesty and integrity should be part of the ethical makeup of every lawyer has been recognized for almost 150 years. In 1844, George Sharswood, author of a leading treatise in the field of legal ethics, advised: "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."⁶ The belief that honesty and ethical integrity are inherently parts of the practice of law was reflected in a formal opinion, issued in 1932 by the American Bar Association's Committee on Professional Ethics and Grievances, which flatly stated that "misrepresentation by a lawyer is a cardinal professional sin."⁷ Nonetheless, the Committee felt that no specific rule was necessary to deal with the problems of lawyer dishonesty: "Of course, no canon expressly states that a lawyer shall not knowingly make any misrepresentation, but neither does any canon expressly state that a lawyer shall not steal property entrusted to him by a client."⁸

With the passage of time, however, this optimistic view changed, and both the Model Code of Professional Responsibility⁹ and the Model Rules of Professional Conduct¹⁰ included a general prohibition on all deceptive or dishonest behavior. Disciplinary Rule 1-102 of the Model Code of Professional Responsibility provides that "[a] lawyer shall not . . . [e]ngage in conduct involving dishonesty, fraud, deceit or misrep-

6. Maryland State Bar Ass'n v. Agnew, 318 A.2d 811, 814-15 (Md. 1974) (quoting George Sharswood, *Professional Ethics* 168-69 (1844) and holding that ex-Vice President Spiro T. Agnew should be disbarred following his conviction of willfully attempting to avoid paying his income tax, a crime involving "moral turpitude" and "infested with fraud, deceit and dishonesty"); see also, Cutler v State Bar, 455 P.2d 108, 115 (Cal. 1969) ("An attorney's practice of deceit involves moral turpitude."); Arden v. State Bar, 341 P.2d 6, 13 (Cal. 1959) ("Moral turpitude, broadly defined, is conduct which is contrary to justice, honesty and good morals.") (quoting *Fall v. State Bar*, 153 P.2d 1, 6 (Cal. 1944)); Montgomery County Bar Ass'n. v. Hecht, 317 A.2d 597, 602 n.9 (Pa. 1974) ("Tell me a man is dishonest, and I will answer he is no lawyer. He cannot be, because he is careless and reckless of justice; the law is not in his heart, is not the standard and rule of his conduct.") (quoting Daniel Webster, in a speech to the Charleston, South Carolina Bar Association on May 10, 1847, and holding that an attorney who answered deposition questions untruthfully should be suspended from the practice of law even though the attorney was acting on his own behalf since "false swearing . . . is certainly an egregious species of dishonesty . . . [and] is doubly so when it is a lawyer who is the perjurer").

7. ABA Comm. on Professional Ethics and Grievances, Formal Op. 81 (1932).

8. *Id.*

9. The Model Code was approved by the American Bar Association (ABA) in 1970 and, as of 1990, was used by approximately 20 states. Lisa Lerman, *Lying To Clients*, 138 U. PA. L. REV. 659, 687 n.100 (1990).

10. The Model Rules were produced as an alternative to the Model Code and were approved by the ABA in 1983. As of 1990, the Model Rules were adopted in some form by approximately 30 states. *Id.*

resentation.”¹¹ Similarly, Rule 8.4 of the Model Rules of Professional Conduct states that “[i]t is professional misconduct for a lawyer to . . . engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”¹² These provisions implicitly indicate that deception of any kind is impermissible.¹³

Despite these prohibitions of any deceptive or unethical conduct, United States Supreme Court Chief Justice Warren E. Burger expressed concern in 1984 that the American Bar “might be moving away from the principles of professionalism and that it was so perceived by the public.”¹⁴ Implicit in his criticism was a feeling that attorneys were committing the “cardinal professional sin(s)” of misrepresentation and dishonesty.¹⁵

Two years later, a Commission of the American Bar Association responded to Justice Burger’s concern in a Report entitled “. . . In the Spirit of Public Service:’ A Blueprint for the Rekindling of Lawyer

11. MODEL CODE OF PROFESSIONAL RESPONSIBILITY DR 1-102(A)(4) (1981).

12. MODEL RULES OF PROFESSIONAL CONDUCT Rule 8.4(c) (1989).

13. The California Supreme Court clearly adopted this view when it stated in *In re Cadwell*, 543 P.2d 257, 262 (Cal. 1975), that “a member of the bar should not under any circumstances attempt to deceive another.” The Court upheld a five and one-half year suspension of an attorney who committed grand theft of client funds and then obtained work as a lawyer while under suspension. *Id.*

14. Report of Comm. on Professionalism to the Board of Governors of the House of Delegates of the ABA, “. . . *In the Spirit of Public Service:’ A Blueprint for the Rekindling of Lawyer Professionalism*, 112 F.R.D. 243, 248 (1986) (quoting then-Chief Justice Warren E. Burger and then-ABA President John C. Shephard).

15. A particularly egregious example of misrepresentation and dishonesty occurred the same year as Chief Justice Burger’s comments, when a woman tried to impersonate her husband and take the California Bar Examination for him. See, Ron Coleman, *Master of Disguise*, 16 STUDENT LAWYER, No. 9 at 7 (1988). Although the wife had already passed the Bar in 1983 on her first attempt, her husband had scored in the bottom 20% of all test-takers on his initial try. *Id.* Two months before the 1984 exam, the wife had an identification photograph taken using her husband’s name. *Id.* She disguised herself for the photograph by dressing as a man, pulling her hair tightly back and pencilling in thick eyebrows. *Id.*

Unfortunately for the couple’s attempted subterfuge, the wife was seven months pregnant by the time she took the Bar Exam on behalf of her husband. *Id.* This led to a report by a test monitor who had “become suspicious of an uncomfortably pregnant applicant wearing a man’s identification picture.” *Id.* Despite painful pregnancy complications that put her in the hospital shortly after completing the test, the woman scored third statewide. *Id.* Bar officials said that this dramatic change in scores between “his” first and second attempts would have triggered an investigation, even without the monitor’s report. *Id.*

The kind of subterfuge involved in the previous case is not limited to the United States. In the spring of 1991, nine students gained entrance to Japan’s Meiji University’s Law Department night school after their parents hired stand-ins to take the required entrance examinations. *Thirteen Proxies Took Meiji Entrance Tests*, JAPAN TIMES, July 11, 1991 at 2. According to the Tokyo Police Department, the parents paid approximately \$60,000 to University staff members who helped to arrange the deceptions. *Id.*

Professionalism.”¹⁶ This Report, directed at all segments of the Bar, contained specific recommendations increasing the ethical integrity and professionalism of attorneys.¹⁷ The Commission also stated that “law students should be viewed as members of the legal profession from the time they enter law school.”¹⁸ Noting that “[a]ll ABA-accredited law schools are required today to provide instruction in the duties and responsibilities of the legal profession,”¹⁹ the Commission recommended that law schools “weave ethical and professional issues into courses in both substantive and procedural fields.”²⁰

Numerous legal scholars have responded to this challenge by suggesting ways to incorporate legal ethics into the upper division law school curricula.²¹ As of the 1990-91 academic year, virtually all law schools offered upper division classes dealing with professional responsibility.²² Yet some academics have suggested that courses in professional responsibility should not be limited to the upper division. Rather, such training

16. Report of Comm. on Professionalism, *supra* note 14.

17. Report of Comm. on Professionalism at 263-65 (providing a summary of the commission's recommendations).

18. *Id.* at 266.

19. *Id.* (quoting ABA, *Approval of Law Schools - Standards and Rules of Procedure*, Standard 302(a)(iv) (as amended 1983)).

20. *Id.* at 263. Only last year, Professor James P. White, Consultant on Legal Education to the American Bar Association, echoed this view: “Those participating in the law school educational experience . . . must . . . seek to instill the highest sense of responsibility and virtue in the student who is to become the future lawyer.” James P. White, *Character and Fitness and the Law School Graduate: A Utopian Vision?*, 26 GONZ. L. REV. 381 (1990-91). See also James P. White, *Professionalism and the Law School*, 19 CUMB. L. REV. 309, 313 (1989) (“The obligation of the [law] teacher is to instill in the would-be lawyer the highest sense of professionalism.”)

21. See, e.g., William T. Braithwaite, *Hearts and Minds: Can Professionalism Be Taught?*, 76 A.B.A. J. 70 (1990) (commenting on the ability of law schools to teach professionalism through law teacher conduct in the classroom, including an attitude of genuine respect for the law itself and civility in dealing with students); Ronald L. Carlson, *Competency and Professionalism in Modern Litigation: The Role of Law Schools*, 23 GA. L. REV. 689 (1989) (including civility and professionalism considerations in courses teaching advocacy skills); Rosemary C. Harold, *Ethics Are Lawyers' Biggest Concern — So Why Isn't There Any Rational Way To Teach Them In Law School?*, 18 STUDENT LAWYER 9 (1989) (pointing out lack of interest on the part of law students in learning legal ethics and perhaps a need for law teachers to bring real life examples to the classroom); see also Robert H. Aronson, *Professional Responsibility: Education and Enforcement*, 51 WASH. L. REV. 273 (1976) (advocating professional responsibility instruction that combines aspects of traditional teaching methods with student involvement in simulated problems); David B. Goshien, *Education in Professional Responsibility*, 21 CLEV. ST. L. REV. 79 (1972) (arguing that the course on legal ethics should be offered in the last year of law school and that the course can be made exciting and innovative); Wagner P. Thielens, Jr., *The Influence of the Law School Experience on the Professional Ethics of Law Students*, 21 J. LEGAL EDUC. 587 (1969) (demonstrating that the law school experience results in an enhanced recognition of ethical concerns).

22. Braithwaite, *supra* note 21, at 70. In addition, over thirty states now require Bar applicants to pass the Multistate Professional Responsibility Examination prior to admission. *Id.*

should be included as part of the first year curriculum and ethical issues should be addressed from the very beginning of a student's legal education.²³

SURVEYS OF ATTORNEYS' ETHICAL PROBLEMS IN DEALING WITH CLIENTS

Despite the formalization of ethical requirements by the ABA and the incorporation of legal ethics into the law school curricula, reports concerning unethical behavior on the part of law school graduates and members of the Bar continue. For example, in a 1990 survey of twenty attorneys, Professor Lisa Lerman found examples of lawyers deceiving their clients at every stage of the representation process.²⁴ In an effort to "rainmake," some of these attorneys exaggerated their expertise and experience.²⁵ In order to retain business, the attorneys sometimes failed to disclose mistakes or the lack of progress in a given case.²⁶ In attempting to maximize their income, they engaged in "pervasive deception relating to client billing, [with] some examples involving large amounts of money."²⁷ Examples of these illicit billing practices included: Padding bills; billing two clients for the same time; doing unnecessary work "to run the meter;" and settling clients' claims at a discount to accelerate fees.²⁸

In 1990, the American Bar Association's Center for Professional Responsibility reported that 1069 lawyers nationwide were disbarred.²⁹ Professional misconduct relating to economic offenses against clients was the cause of 234 (or 22%) of all reported disbarments.³⁰ The disbarred attorneys committed the following offenses: misappropriating money (100); failing to return fees (59); commingling funds (32); misaccounting for funds (23); borrowing money from or loaning money to clients (10); charging excessive or illegal fees (5); and embezzling money (5).³¹

23. See, e.g., Margaret Z. Johns, *Teaching Professional Responsibility and Professionalism in Legal Writing*, 40 J. LEGAL EDUC. 501, 502 (1990) ("The law school molds the students' view of their future professional role. From the first day, law school should set the cultural standard, and law teachers must take the lead."); see also C. Paul Rogers, III, *An Approach To The Teaching Of Professional Responsibility To First Year Law Students*, 4 OHIO N.U. L. REV. 800 (1977):

24. Lerman, *supra* note 9, at 665.

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

29. Frederick Miller, *If You Can't Trust Your Lawyer . . . ?*, 138 U. PA. L. REV. 785, 786 n.2 (1990).

30. *Id.*

31. *Id.*

As recently as August of 1991, Charles S. Vogel, then President of the State Bar of California, reported that the number of attorneys disciplined for cheating clients has steadily risen over the past few years.³² He noted that in 1989, the California State Bar Court recommended that 435 attorneys receive disciplinary sanctions, ranging from disbarment to a private reprimand.³³ The following year, the number of lawyers recommended for discipline increased to 455.³⁴ In addition, Mr. Vogel reported that the frequency of client complaints leading to investigations by the State Bar is also increasing dramatically. In 1990, a total of 2048 complaints were filed with the State Bar.³⁵ In the first five months of 1991, client complaints already numbered 2188.³⁶

SURVEY RESULTS REGARDING ETHICAL PROBLEMS WITH LAW STUDENT MISREPRESENTATION ON LEGAL RESUMES

I recently conducted two nationwide surveys regarding resume falsification by law students. The results of the two surveys clearly suggest that mounting problems also exist among law students with respect to ethical integrity.³⁷ The initial survey was conducted in 1986-87 [hereinafter "initial survey"]. The updated survey was conducted in 1989-90 [hereinafter "updated survey"]. In both surveys, the 167 accredited law schools were asked to describe their resume verification process and to indicate if they had uncovered any inaccuracies during the year preceding the surveys.

A total of 104 law schools (or 62%) responded to the initial survey, with ninety-six law schools (or 60%) responding to the survey update.³⁸ The law schools responding to the initial survey were located in seventy-eight different cities in thirty-four states and Washington, D.C. Similarly, law schools responding to the survey update were located in seventy-two different cities in thirty-seven states and Washington, D.C. The total

32. Karen Nikos, *TV Shows Pressure Lawyers To Break Law, Bar Chief Says*, SAN JOSE MERCURY NEWS, Aug. 4, 1991, at 5B.

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

37. In Faye A. Silas, *Resume Fraud*, 71 A.B.A. J. 35 (1985), the author sounded an early warning that resume falsification by law students might be a significant problem. Ms. Silas reported that in 1985, 28 second- and third-year law students at one California law school were disciplined for misstating class standings on their resumes. Six of the students had deliberately falsified information and were suspended for up to two semesters. *Id.* In addition, Ms. Silas reported that, at another California law school, two students were suspended and eight were reprimanded for misrepresenting their class ranks and grade point averages on their resumes. *Id.*

38. Not all law schools responded to every survey question.

student enrollment at the law schools ranged from a low of 200 students to a high of 1915 students.

THE EXTENT OF THE PROBLEM OF INACCURACIES ON LAW STUDENTS' RESUMES

Forty-one percent (or 32) of the law schools in the initial survey reported that they *had* learned of resume inaccuracies during the 1985-86 academic year. In addition, 12% (or 9) law schools reported that they had knowledge of student misrepresentations prior to 1985-86, thus making the total percentage of law schools reporting inaccuracies in the initial survey equal to 53% (or 41 schools). Moreover, another twenty-eight law schools declined to answer the "knowledge of inaccuracies" question, which was optional for survey respondents. Because it is likely that at least some, if not most, of the non-responding schools had also discovered inaccuracies, a logical assumption is that the actual number of misrepresentations was even higher than 53%. Indeed, only 33% (or 26) of the law schools responded that they had not uncovered *any* misrepresentations at all.

The results of the survey update were even more discouraging. Data collected during 1989-90 indicates that ethics training in law schools has not had a significant impact, at least on the problem of resume falsification. Sixty-two percent (or 48) of the schools reported that they had learned of at least one resume inaccuracy since the initial survey. Over one-half of these schools (or 26) reported more than one inaccuracy in the year preceding the updated survey. Only 38% (or 29) reported that they had *not* learned of resume inaccuracies. Again, because ten law schools chose not to answer this optional survey question, a reasonable assumption is that the actual number of inaccuracies was even higher.³⁹

THE ITEMS OF INFORMATION MISREPRESENTED BY LAW STUDENTS ON THEIR RESUMES

In responding to the two surveys, law schools reported the following resume inaccuracies:⁴⁰

39. This assumption is buttressed by the results of an unpublished nationwide survey of 500 law firms regarding ethical integrity that I conducted in 1987 [hereinafter *the law firm survey*]. Nearly 100 firms responded, varying in size from five attorneys to over 300. The smallest firms received as few as 50 resumes per year while the largest firms received over 6000 resumes. One-third of the responding firms reported learning of resume inaccuracies during the 1986-87 academic year.

40. Thirty-two law schools reported learning of at least one resume inaccuracy in the initial survey; 48 law schools reported learning of at least one resume inaccuracy in the updated survey.

| Resume Inaccuracy (some law schools listed more than one inaccuracy) | Initial Survey | | Updated Survey | |
|--|----------------|--------------|----------------|--------------|
| | # of Schs | % of Schs | # of Schs | % of Schs |
| Grade point average | 19 | 59% | 24 | 50% |
| Class rank | 19 | 59% | 26 | 54% |
| Law Review membership | 3 | 9% | 3 | 6% |
| Undergraduate academic credentials | 3 | 9% | 1 | 2% |
| Law school honors | 1 | 3% | 3 | 6% |
| Legal employment history | 1 | 3% | — | — |
| Status as a transfer student | 1 | 3% | — | — |
| LSAT Score | — | — | 1 | 2% |
| Unspecified | 5 | 15% | 6 | 12% |

As indicated by the chart, the most frequent inaccuracies reported in both surveys (almost 60%) centered around misrepresentation of class rank and generous "rounding off" of grades.⁴¹ For example, at one law school, a student with a 2.76 grade point average (G.P.A.) listed his G.P.A. as a 3.0. More common was rounding off a G.P.A. of 2.93 or 2.94 to a grade point average of 3.0. A variation was for students to use their actual grade point averages from the previous semester when, in fact, their current G.P.A. had declined. First year students sometimes claimed a high class rank even though only unofficial, midterm grades were available (which are not used for ranking purposes at most law schools). One especially creative student, in the initial survey, listed a class rank on his resume that didn't even exist in his law school's grading system. Another student, in the updated survey stated his rank on a resume as simply 25%, when, in fact, he was in the *bottom* 25%.

Another common area of resume misrepresentation involved law review membership. Some students listed "law review" on their resumes without making it clear that they were merely candidates for law review or were no longer on the review. One student went even further and claimed to be on law review, even though he had never participated in the program.

RECOMMENDATIONS FOR STRESSING THE IMPORTANCE OF ETHICAL INTEGRITY AND COMBATTING THE PROBLEM OF INACCURACIES IN LEGAL RESUMES

The results of both surveys lead to the inescapable conclusion that a critical need exists for dealing with the lack of ethical integrity leading

41. In the law firm survey, 85% of the misrepresentations found by the firms involved inaccuracies in the students' class ranks and/or their grade point averages. See *supra* note 37.

to resume misrepresentation. Law students must be made aware that honesty and veracity are the touchstones of their legal careers. Law school administrators can assist the faculty in stressing the importance of legal ethics by implementing some or all of the following suggestions.

1. Reinforce the Student's Ethical Obligation as a Future Attorney and Require Students to Sign a Statement Verifying the Accuracy of Their Resumes

The relationship between resume accuracy and a student's ethical obligation as a future Bar member should be emphasized, perhaps by requiring students to read and sign a statement outlining the school's ethics policies. The policy statement could be followed by a signed statement from the student verifying the accuracy of the resume. The statement need not be long and might be phrased as follows: "I affirm that the information contained in my resume is truthful and accurate and does not contain any false or misleading statements."

Law students should be made keenly aware that ethical deficiencies can result in a denial of admission to the practice of law. The Code of Recommended Standards for Bar Examiners, as amended by the A.B.A. House of Delegates in August of 1987, includes the following provisions:

12. *Standard of Character and Fitness.* A lawyer should be one whose record of conduct justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them. A record manifesting a significant deficiency in the honesty, trustworthiness, diligence or reliability of an applicant may constitute a basis for denial of admission.

13. *Relevant Conduct.* The revelation or discovery of any of the following should be treated as cause for further inquiry before the bar examining authority decides whether the applicant possesses the character and fitness to practice law: . . .

making of false statements, including omissions

misconduct in employment

acts involving dishonesty, fraud, deceit or misrepresentation. . . .⁴²

2. Increase the Amount of Resume Verification to Demonstrate the Law School's Commitment to Resume Accuracy

"Policing" of resumes by law school administrators is necessary to demonstrate commitment to resume accuracy. Further, administrative

42. *Code of Recommended Standards for Bar Examiners*, 1990 REV. OF LEGAL EDUC. 71, 73 (1990).

scrutiny of resumes will help to prevent the students from plunging down what Sissela Bok describes as the "slippery slope of deception":

After the first lies . . . others can come more easily. Psychological barriers wear down; lies seem more necessary, less reprehensible; the ability to make moral distinctions can coarsen; the liar's perception of his chances of being caught may warp.⁴³

Almost one-half of the law schools participating in each of the surveys (46% in 1986; 47% in 1990) stated that they do *not* verify resumes *at all*. Slightly over half of the law schools responding to both surveys (54% in the initial survey; 57% in the update) reported that they *do* verify resumes. However, only 12% of the schools with such procedures in effect at the time of the initial survey and only 15% of the schools with verification procedures in effect at the time of the survey update reported that they verified the resumes of *all* students. A majority of the remaining schools in each survey stated that they *only* verify resumes at the request of an employer (39% in the initial survey; 20% in the update)⁴⁴ or on a random or *ad hoc* basis (13% in the initial survey; 12% in the update). The clear import of these statistics is that over 75% of the law schools participating in the surveys do not verify resumes at all or are not in the practice of verifying resumes on a frequent or systematic basis.

43. SISSELA BOK, LYING: MORAL CHOICE IN PUBLIC AND PRIVATE LIFE 25 (1978). *The law firm survey* revealed that resume inaccuracies were not the only indications that law students were slipping down the "slippery slope of deception". Eighteen percent of the firms had also encountered questionable practices by students in requesting reimbursement for travel expenses incurred during employment interviews. The students sought reimbursement for "exorbitant" meals (such as \$36.00 breakfasts for a single person), "lengthy" long distance telephone calls, extended stays over the weekend after a Friday interview, and the cost of wiring flowers to their mothers or girlfriends. It is also interesting to note that the responding law firms revealed that they, too, may be in danger of sliding down the "slippery slope of deception". Thirteen percent of the respondent law firms admitted feeling that their *law firm resume* did not accurately describe their firm. In addition, 13% of the firms felt that their summer associate program did not present a realistic picture of the day-to-day practice of law. See also Liza Mundy, *The Pro Bono Hustle*, WASH. MONTHLY, Sept. 1989, at 10 (discussing the "generous portion of hot air, not to mention deliberate self-deception on the part of both firms and attorneys" regarding their *pro bono* work).

Nor are the law schools immune from plunging down the "slippery slope". Law school administrators frequently walk an ethical tightrope between encouraging students to present themselves in "the best light possible" in their resumes and tacitly approving of minor misrepresentations. A common ethical dilemma, faced by nearly all placement administrators, occurs when a student questions whether unsuccessful legal employment must be included on a resume.

44. One surprising result of *the law firm survey* was that only one-half of the responding firms who discovered resume inaccuracies notified the law schools of the misrepresentations. Obviously, this precludes the law school from imposing any sanction on the students and may mean that the inaccurate resumes are disseminated to other legal employers who may not uncover the misstatements.

Moreover, even when law schools *do* “verify resumes”, they only confirm selected items of information. The respondent law schools reported that they verified only the following categories of information on student resumes:⁴⁵

| Resume Information Verified (some law schools listed more than one item of information) | Initial Survey | | Update Survey | |
|---|----------------|--------------|---------------|--------------|
| | # of Schs | % of Schs | # of Schs | % of Schs |
| Grade point average | 50 | 96% | 49 | 100% |
| Class rank | 41 | 78% | 40 | 82% |
| Law Review | 40 | 76% | 46 | 94% |
| Percentile rank | 35 | 67% | 39 | 80% |
| Moot Court | 32 | 61% | 42 | 86% |
| Other journal membership | 24 | 46% | 31 | 63% |
| Student organization offices | 20 | 38% | 16 | 33% |
| Student organization membership | 16 | 30% | 10 | 20% |
| Law School scholarships | 7 | 13% | 16 | 33% |
| Legal employment | 6 | 11% | 8 | 16% |
| Law school honor societies or awards | 1 | 1% | 12 | 24% |
| Publications | 1 | 1% | 7 | 14% |
| Prior academic credentials | 1 | 1% | 5 | 10% |

The chart reveals that no school in either survey verified *all* the items of information contained on the resume. The closest any school came to full verification was in the initial survey, where the Assistant Dean of a law school of under 500 students indicated that she looked over *all* the information contained on the resumes. The Assistant Dean commented that she knew “most of the students” and that, if she had any questions about a student’s resume, she would “talk to the student”.

With the exception of verifying student organization offices and membership, the percentage of law schools in the updated survey which verified each of the items of information showed an increase from the percentages for the same categories of information in the initial survey. Moreover, *all* law schools participating in the updated survey stated that

45. In the initial survey, 52 law schools responded that they verify at least one item of information; in the updated survey, 49 law schools responded that they verify at least one item of information.

they verified the student's grade point averages. In fact, one law school Placement Director wrote that she personally verifies the G.P.A.s of all 1,000 of her students using a hand calculator. Yet in both surveys, the most frequently mentioned problem with resume verification (and a reason many law schools gave for their decision *not* to verify resumes) was the extensive commitment of time on the part of the law school's placement office.⁴⁶

The obvious solution to the problem of extensive time commitments is to devise methods for shifting as much of the verification burden off of placement offices as possible. The following methods might be used by placement offices to alleviate or reallocate this burden.

a. Computerize Resume Verification

A computerized system of verifying grade point averages and class ranks could be used. Such a system is technologically possible and would obviously lead to a decrease of staff time. However, its feasibility may be limited by budgetary constraints.

b. Require Students to Verify Resumes

Law students could be required to submit written verification of their G.P.A. and class rank at the time they turn in their resumes to the placement office. Because students at many schools automatically receive written notice of their G.P.A. and class rank from the law school's records office, this procedure would not result in a greater burden on the records office and would substantially reduce the burden on the placement office.

Students who are members of Law Review, Moot Court and other student organizations can easily verify whether job applicants are officers or members of their groups. Indeed, the student-members should be willing to do this, as it is in their best interests not to have other students falsely claiming to be officers or members of the organizations.

c. Submit Student Transcripts to Employers

In many states, employers are performing independent verification of grade point averages by requesting transcripts from job applicants.⁴⁷ Data

46. Both surveys revealed that resume verification is currently being performed by the placement offices at approximately three-quarters of the law schools (77% in the initial survey; 76% in the survey update). Only a few schools (12% in the initial survey; 14% in the survey update) have the records office verify resumes. Even fewer schools (10% in the initial survey; 11% in the update) have the Office of the Dean or the Assistant Dean verify resumes.

47. Law school placement offices can easily request transcripts from students applying for jobs and send the transcripts to the legal employers.

from the initial survey suggests that this practice was originally limited to law firms in major cities.⁴⁸ Reflecting what is apparently a trend in the making, 79% (or 70) of the law schools in the updated survey reported that at least some law firms in their area required the submission of transcripts. These schools were located in Washington, D.C. and twenty-seven different states. In fact, only 19% (or 17) of the law schools in the updated survey reported that none of the law firms in their area required the submission of transcripts.

d. Require Employers to Verify Legal Employment

Employers should be responsible for investigating and verifying any legal employment listed on the resume.⁴⁹ This gives the prospective employer an opportunity to learn not only if the student *worked* for a particular firm, but also the *quality* of work done by the student.

e. Use Resume Verification as a Selling Point for Your Law School

After reallocating as much of the burden of verifying resumes as possible, any time still spent by the placement office might seem less onerous if law schools realize that they can use the fact that resumes are verified as a selling point in convincing employers to recruit at their schools. Given the current economic downturn, having a "hook" to induce employers to recruit is crucially important. Because law firms are the victims of inaccurate resumes, they should be very receptive to the idea that they could rely on the accuracy of all resumes submitted from a particular school.⁵⁰ To implement this idea, law schools could devise some sort of mark or symbol signaling law firms that a particular resume has been verified.

3. Notify Students of the Strict Sanctions which will be Imposed if a Resume is Falsified and Impose Strict Sanctions if Violations Occur

Students should be informed of the strict sanctions that will be imposed by the school if resume falsifications are discovered. Both surveys revealed

48. The policy of requesting transcripts was developed in San Francisco in 1985 when a major law firm learned that a student had "blatantly lied" about his academic performance. Silas, *supra* note 37, at 35 (quoting Edward Rogin, Chairman, Employment Committee of Orrick, Herrington & Sutcliffe, San Francisco, California).

49. In the law firm survey, 15% of the responding firms uncovered misstatements regarding an applicant's previous employment, including misrepresentation of the reason why an applicant did not receive a permanent offer after a summer law clerk position.

50. Ninety-one percent of the respondents in the law firm survey felt that it would be helpful to their firms if law schools verified resumes.

that law schools have developed a wide range of sanctions that *may be* imposed if a resume inaccuracy is found. Depending on the seriousness of the violation, possible sanctions ranged from written reprimands to expulsion from the law school. In addition, any violations could be reported by the law school to any state bar to which the student is seeking certification.

However, the survey results also revealed that very few of the participating law schools had, in fact, imposed any of these possible sanctions during the year prior to the surveys:⁵¹

| Sanction Imposed (some law schools listed more than one sanction) | Initial Survey | | Updated Survey | |
|---|----------------|--------------|----------------|--------------|
| | # of Schs | % of Schs | # of Schs | % of Schs |
| Required to correct inaccuracy | 13 | 40% | 42 | 87% |
| Required to notify prospective employer | 6 | 18% | 28 | 58% |
| Restricted from using the Placement Office | 5 | 15% | 15 | 31% |
| Expelled from law school | 3 | 9% | 5 | 10% |
| Suspended from law school | 2 | 6% | 6 | 12% |
| Stern lecture and warning | — | — | 2 | 4% |
| Referred to the Admissions Committee of the Bar Association | 1 | 3% | 4 | 8% |
| Required to write a legal ethics paper | 1 | 3% | — | — |
| Denied readmission to the law school | 1 | 3% | — | — |
| Rescinded admission to the law school | 1 | 3% | — | — |
| “Official reprimand” | — | — | 1 | 2% |

Results from the initial survey suggested that most of the responding law schools were very lenient in imposing sanctions for less serious inaccuracies and misrepresentations. Indeed, the only sanction imposed for resume misrepresentation by 40% of the law schools participating in the initial survey was a requirement that the offending students correct their resumes. In the updated survey, 87% of the schools required the

51. In the initial survey, 32 law schools responded that they had imposed sanctions; in the updated survey, 48 law schools responded that they had imposed sanctions.

students to correct their resumes. This 47% increase is very encouraging; however, it is difficult to understand why *all* the students were not required to make the corrections. It is also hard to understand why several students in the updated survey received only warnings for misrepresentations that were, apparently, rather serious. For example, a student at one school received only a warning after claiming he was in the top one-third of his class when, in fact, he was in the bottom one-half.

In the initial survey, only 18% of the law schools notified employers of resume inaccuracies. One of these schools imposed this sanction only because it was the student's *second* offense. Another law school only notified employers if the resume was distributed by the placement office. The updated survey, however, showed an encouraging increase in the use of this notification sanction. Specifically, the number of schools who notified employers of inaccuracies more than quadrupled from 6 to 28 law schools during the 1986-1991 period.

Nearly three-quarters of the schools in both surveys authorized their administrators to restrict students from using the Placement Office for as little as one week to as long as "forever". However, two schools in each survey indicated that the restriction could not be imposed until the student's *second* offense. And, in actuality, this sanction was *used* by only five schools in the initial survey and by only fifteen schools in the updated survey.

Despite the apparent laxity on the part of law schools in utilizing sanctions for less serious violations, the results from both surveys suggest that the most serious inaccuracies and misrepresentations were being dealt with by appropriately severe sanctions. For example, at two schools, students who were near the bottom of their respective classes claimed to be near the top. One of these students was suspended for the semester; the other was expelled. Another school reported that one of their students, who materially misrepresented his percentile rank, was expelled after trying to obstruct the honor code process by threatening the safety of those involved in reporting and investigating his case.

If students are to internalize the seriousness of resume misrepresentations, law schools must impose some sanction for *any and all* resume inaccuracies and *significant* sanctions for more serious misrepresentations. It would seem reasonable to restrict *all* students with *any* resume inaccuracies from using the law school's placement services until they have done at least the following:

- a. Submitted a corrected copy of their resume to the placement office;
- b. Submitted documentation to the placement office that they have

notified any prospective employers of the inaccuracy; and
c. Submitted to the placement office a substantial research paper on legal ethics to reinforce the student's ethical obligations as a future attorney. The student could also be required to send a copy of this paper to the affected employers.

In the case of more serious inaccuracies, a reasonable sanction is to restrict the offending student from using the law school's placement services for the remainder of the academic year. In addition, if the violation is sufficiently egregious that suspension or expulsion might be appropriate, the student should be referred to the Office of the Dean or to the law school's Disciplinary Committee.

CONCLUSION

It is imperative to start a law student's training in legal ethics as early as possible. Law schools must look for and develop programs both inside and outside the classroom that stress the critical importance of honesty and integrity throughout the student's legal career. Although both surveys reveal serious problems with resume falsification by law students, I remain hopeful that emphasizing the importance of ethical integrity will improve the students' veracity. I also feel that by implementing some of my suggestions, law schools can successfully use the hiring and placement process as a vehicle for promoting ethical integrity outside the classroom.