



ETHICS



Professionals Behaving Badly

A professional's public disgrace can reflect badly not only on the individual, but on his profession as a whole.

BY LAUREN BLOOM

This summer, animal lovers worldwide were outraged by news reports that Cecil, a beloved lion that was one of Zimbabwe's top tourist attractions, had been killed by a big game hunter. In a public statement released shortly after the story broke, Minnesota dentist Walter Palmer admitted to having shot Cecil, but claimed that he'd thought the hunt had been legal. Zimbabwean officials, however, reportedly believed that Cecil had been poached illegally, and sought Dr. Palmer's extradition to stand trial in Africa.

One might think that Dr. Palmer's hunting hobby was irrelevant to his professional standing as a dentist, but a quick search online proves otherwise. Within a day of being identified as Cecil's killer, Dr. Palmer shut

down his dental practice's website and voicemail, closed his Facebook page and retreated from the public's fury. Undeterred, angry commentators posted scores of furious diatribes on Dr. Palmer's Yelp and Google pages, and continued to excoriate him all over the Internet. They joked repeatedly about Dr. Palmer's profession, saying it was no surprise that a dentist's favorite pastime was inflicting pain. Dentists nationwide must have winced.

Dr. Palmer's fate rests initially in the hands of the United States and Zimbabwean governments. Eventually, though, the Minnesota Board of Dentists may be called upon to decide whether to discipline him. Then, the board will have to grapple with a question that bedevils disciplinary bodies in every profession: If a professional does something disgraceful that causes public outcry

“What if Walter Palmer were a member of ASPPA?”

but isn't directly related to the professional's practice, should he be disciplined by his profession?

The answer typically lies in the profession's code of conduct. The American Dental Association's Principles of Ethics and Code of Professional Conduct focuses primarily on dentists' actions in the workplace, but includes a call for dentists to "represent themselves in a manner that contributes to the esteem of the profession." However, that call is made in the context of marketing. Would big game hunting, even illegally, violate that provision?

And what if Walter Palmer were a member of ASPPA?

Every professional association's code of conduct is designed to meet the needs of its members and the expectations of its publics. ASPPA's Code of Professional Conduct is no exception. ASPPA members are required to comply with ASPPA's Code. The employee benefits field is highly regulated, however, and ASPPA's members work in many different specialties in that field. Most of them have professional credentials in addition to those conferred by ASPPA. Consequently, ASPPA's Code has to set strong ethical standards for several professions without conflicting with applicable regulations, licensing requirements and the obligations imposed by the codes of conduct of the accounting, actuarial, investment advisory, legal and other professions to which ASPPA's members belong.

ASPPA's Code of Professional Conduct does not specifically require ASPPA members to refrain from engaging in conduct that puts the reputation of employee benefit professionals at risk. Thus, a publicly disgraced member of ASPPA might

think his or her continued status was secure. Before breathing a sigh of relief, though, the disgraced professional would be wise to take a more careful look at two provisions in the ASPPA Code.

First, Section 13 of the Code states that "[a] Member whose professional conduct is regulated by another membership organization shall abide by the professional Code of Conduct (or similar rules) of such organization. For example, a Member who is an actuary shall also abide by the Code of Professional Conduct for actuaries." Precept 1 of the actuarial code requires actuaries, among other things, to "uphold the reputation of the actuarial profession." Thus, an ASPPA actuary who violated Precept 1 of the actuarial code might well find her membership in ASPPA at risk under Section 13 of the ASPPA Code. The professional codes of several other professions contain similar provisions, and might also provide a basis for discipline under Section 13.

Second, Section 10 of the ASPPA Code provides in part, "[a] Member who pleads guilty to or is found guilty of any misdemeanor related to financial matters or any felony shall be presumed to have contravened this Code and shall be subject to ASPPA's counseling and disciplinary procedures." Not all disgraceful incidents are illegal, and not all felonies are directly related to a professional's practice. However, many professional bodies are reluctant to keep convicted felons among their members. Section 10 gives ASPPA the necessary flexibility to inquire into a member's illegal conduct and discipline him as appropriate.

According to news reports, Dr. Palmer has a felony conviction for

lying to federal officials in 2008 about the circumstances surrounding a bear hunt. The fact that he was still practicing dentistry in 2015 suggests that the Minnesota Board of Dentistry may not have deemed his felony conviction sufficiently relevant to discipline him for it. But if Dr. Palmer is convicted of poaching in Zimbabwe, or of possession of hunting trophies in violation of U.S. law, the Minnesota board may want to take a second look.

Professionals enjoy positions of special trust in American society, which is why a professional's duties of honesty, integrity and competence are so important. A professional's public disgrace can reflect badly not only on the individual, but on his profession as a whole. The argument that a professional's bad behavior was unrelated to his professional practice is a feeble one. It's better to refrain from disgraceful, and especially illegal, conduct in the first place. **PC**



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