

A. ETHICAL ISSUES ARE OF GREATEST CONCERN TO ACADEME AND TO THE JUSTICE SYSTEM.

Academe and the justice system are my two prime organizational affiliations. I am a **Professor** in the College of Business Administration's Finance, Banking, and Law Department. One of my committee assignments, via election by my peers, is the UNO **Academic Freedom and Tenure Committee**. I am an **attorney** holding licenses from the State of Nebraska and the federal government of the USA. My primary participation in litigation, however, is as an **expert witness** on the issue of monetary damages. Straddling those two worlds, I soon will take on the role of **Editor** of the *Journal of Legal Economics*, an academic journal of forensic economics.

Both academe and the justice system hold **ethics** as a **first among equals** in organizational concerns. **Truth** is the prime goal of both academe and the justice system, and rarely can truth be found unethically (e.g., Nazi medical research).

Both academe and the justice system are staffed by many of Society's most intelligent and most educated members. That is helpful, but **intelligence and education are neither necessary nor sufficient** conditions for ethical concern. Importantly, both academe and the justice system foster, develop, and preserve institutional memory. **Ethical traps** are more often anticipated and **minimized with institutional memory**.

Coherence is one hallmark of truth. Truths can be **subjective** (i.e., personal perception of the world) or can be **objective** (i.e., collective, shared perception of the world). Both academe and the justice system strive for coherent objective truth.

Coherent objective truth requires coherence with diverse subjective truths.

Ideally, **process** is a deliberate routine for the pursuit of coherent objective truth. The academic process is radically different from the justice system's process. The scope of and tenor of the **coherent objective truths sought** by academe and the justice system **are radically different**. Academe might seek a **scientific truth** maximally unhinged from subjective truth or might seek an **artistic truth** maximally engaging subjective truth. Accordingly, the processes of academe seek to welcome a tremendous range of diversity. The justice system's processes seek **truth circumscribed by the law**. For example, the law only sees the roles of plaintiff and defendant as well as only sees that fraction of their dispute sanctioned by law.

"Garbage in, garbage out." aptly describes a process lacking ethics. Accordingly, the ethical issues of academe and of the justice system focus on distortions of the subjective perception that preclude or hinder accurate objective perceptions. **Lies**, the antithesis of truth, are the prime ethical concern. Academe polices **plagiarism** and **bias**. The justice system polices **perjury** and **chicanery**.

B. ORGANIZATIONAL ACTION ON ETHICAL ISSUES IS BOTH CHRONIC AND ACUTE.

Academe and the justice system are **human institutions**, as such each is **flawed** and constantly **assaulted by unethical behavior**. This is **expected** by each. Each has **pre-existing processes to detect** unethical behavior **and to sanction** its practitioners. The pre-existing processes are the chronic aspect; while the acute aspect is enforcement. Consistent with the scope of and tenor of the truths sought, academe rests its processes more on the **spirit of the rule** while the justice system rests its processes more on the **letter of the rule**.

C. MAGNITUDE OF AND VARIATION OF ORGANIZATIONAL ETHICAL CONCERN IS INCREASING.

Institutional memory focuses both the chronic and the acute ethical concerns of both academe and the justice system. Both are prone to: **Once burned, twice shy**. An ethical trap, once stepped in, creates an **evolutionary pressure on processes** so as to increase the chances of avoiding and/or of minimizing *that trap* in the future. However, rarely is the **past** an accurate **prologue**. Also, institutional memory can be forgetful; especially when an acute enforcement effort draws the institution's attention away from the **big picture** and focuses its attention on the **specific transgression**.

D. ETHICS IS NOT SOLELY GENETIC; THEREFORE, ETHICS CAN BE TAUGHT.

But note, that fraction of ethics which does require a specific genetic endowment confronts an evolutionary pressure towards greater ethics *when* unethical behavior is detected and sanctioned.

Teaching ethics is most effective on two fronts. First, teaching ethics **extends institutional memory** across persons and across generations. Second, teaching ethics expands the student's repertoire of ethical traps: **forewarned is forearmed**. Teaching ethics empowers those genetically prone to ethical behavior to more efficiently achieve their predilection by reducing the transaction costs of collective coherence (even if teaching ethics simultaneously empowers those genetically prone to unethical behavior to more efficiently achieve their predilection).

E. TWENTY-FIVE YEARS AFTER THE ELEPHANT, THE THREE BLIND MEN SEE MORE, BUT EACH STILL IS BLIND.

Ethical nuance can reflect many things. Ethical nuance can reflect a broader understanding of the requirements of coherence. Ethical nuance can reflect, but need not reflect, a rejection of any one or more absolutes. Ethical nuance can reflect, but need not reflect, self deception.

As institutional memory increases in quantity of experience and increases in scope of participants holding that institutional memory, ethical nuance tends to increase.

Acute episodes thrust learning on an institution. When prompted to learn, an institution might be or might not be prepared to learn. Also, *learning can be negative*.