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Abraham Lincoln: A model for ethical leadership

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Sameer Somal. (Photo by Drew Xeron)

Abraham Lincoln had two careers; one as a lawyer and one as a politician—professions known for severe moral and ethical dilemmas. Given the events of the time, Lincoln faced new levels of dilemmas as he made decisions that helped start the Civil War and those that would finally end the conflict—and slavery with it.

All along the way, Lincoln had to navigate slippery gray areas where no simple right and wrong existed.

His moral struggles remind me of moments in my expert witness career where I have faced ethical crossroads. It's never easy to decide when every option may have unintended consequences.

Lincoln's character

Like most countries, we in the United States teach schoolchildren tall tales about our founders and national heroes, such as the myth of George Washington's honest confession to cutting down a cherry tree. The perplexing thing about many Honest Abe legends is that they can be verified.

Lincoln was truly honest—to a fault for a lawyer or politician. His reputation for integrity spread throughout his community when he was a boy. The story about him walking miles to return six cents to a customer he accidentally overcharged while minding a store was, in fact, true.

Lincoln had a hard life as a child, much of it in poverty, with his family moving numerous times. He had only one year of formal education. His mother died when he was 9, his sister died 10 years later, and he never got along with his father. These experiences may have helped foster Lincoln's sense of sympathy for others, a trait that attracted clients when he was practicing law but also heightened the moral questions he faced in representing some defendants.

For all his lack of schooling, Lincoln became known for his broad knowledge. Like other self-taught communicators of the day—such as the abolitionist Frederick Douglass and the poet Walt Whitman—Lincoln learned through personal reading. He absorbed values from the Bible and Aesop's Fables and read about role models like George Washington and Benjamin Franklin. This was the sort of schooling he would turn to throughout his two careers.

Growing up as a first-generation American in a tight-knit community, I often saw how adversity could bring out both the best and worst in people. So, I find it inspiring how Lincoln's hardships shaped his empathy and sense of justice.

Lincoln the lawyer

Today, attorneys have years of training and detailed codes of professional conduct that examine the ethics of representing clients who might be culpable. But this was not the case in 1840s Illinois. No rules existed then, and as mentioned, Lincoln was largely self-educated.

When he began practicing law, Lincoln refused to take cases when he thought a prospective client was guilty or was pushing a false claim or defense. And when that belief arose after he began representing a client, problems arose with it.

In one oft-cited example, Lincoln lost all interest in a murder case after hearing testimony from a witness who convinced Lincoln his client was responsible. Lincoln's longtime law partner William Herndon, who took over the case, admitted that the client's behavior was "atrocious. The client was found guilty of manslaughter and imprisoned. And here, Lincoln's sympathy set in. The honest lawyer felt so guilt-ridden, he petitioned the governor for a pardon and got it.

Herndon once famously said that two things were needed for Lincoln to succeed in defending a client: one was time and the other was belief that the cause was just. If either one was lacking, the case was lost. In my work as an entrepreneur at the intersection of business litigation and being an expert witness and economic consultant, I have faced situations that promised profits but could compromise my integrity. There have been times I've had to turn away opportunities that didn't align with my values, even if it meant taking a professional risk.

For example, one time an individual approached us seeking to sue another, and it seemed they wanted to litigate out of personal vendettas rather than legitimate claims. They even said, "We don't care about whether we win or not, we want to cause them harm." They hadn't tried arbitration or having a conversation. I always

feel that if somebody is pursuing litigation or wants to engage us for the wrong reasons, we have a moral obligation to explore other solutions. This brings to mind Lincoln's saying: "Just because it's legally right doesn't make it morally right."

Lincoln the president

By the 1850s, the United States was far from united—one side demanded an end to slavery and the other defended it. Anyone entering the White House or Congress was walking into the center of the biggest debate in U.S. history. Abraham Lincoln proved up to the task.

Upon taking office, Lincoln moved slowly and cautiously toward abolishing slavery. He didn't have the constitutional authority to do so when he took office and trying to would have sparked a backlash. More importantly, Lincoln had an additional goal: keeping the nation from splitting into two. Allowing such a division would end slavery only in Northern states. An independent Confederacy, he believed, would prolong and expand slavery in the American South and potentially elsewhere by example. And even if or when an independent American South did eventually end slavery, the legal rights afforded to Black people would likely have been far less than in the North.

Other dilemmas Lincoln faced included debate over the Union's treatment of Confederate civilians. Lincoln personally authorized harsher treatment than some Union leaders thought appropriate, but Lincoln was balancing one ill against another.



Lincoln as a model

What was Lincoln's moral compass in treading through these gray areas? That answer has to be his sense of sympathy and belief in honesty. The combination of the two goes a long way.

In politics, common gray areas range from pushing campaign promises we know we can't keep to conflicts of interest. In finance, they range from maintaining one's fiduciary relationships to self-dealing and investing using insider knowledge. In real estate, they range from simple honesty to pushing a home sale that's not right for the buyer.

What is our moral compass in such gray areas? I often ask myself, what would Abraham Lincoln do?

One Golden Rule was central to Lincoln's moral philosophy: "As I would not be a slave, so I would not be a master." For Lincoln, the Golden Rule may have been more about being than doing.

Adam Ludwin, a business and maritime trial attorney based in Palm Beach, Florida, shared this perspective on Lincoln in correspondence with me:

"The ethical obligations that contemporary lawyers face today parallel similar ethical dilemmas faced by Abraham Lincoln in the 19th century. Regretfully, legal professionals may misrepresent or omit case facts to favor their clients rather than submitting the best possible legal argument. Like Lincoln, I believe that honesty and integrity are required characteristics of any attorney. In our oath of office, we pledge to 'employ to maintain the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law.' Abraham Lincoln's adherence to the Golden Rule guided how he best represented his clients through an earnest lens of moral, legal, and ethical considerations."

As Lincoln wrote in notes for a law lecture: "If in your own judgment, you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation, rather than one in the choosing of which you do, in advance, consent to be a knave."

People in every profession should consider this advice.

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