

# CBA NEWS

IT COSTS NOTHING, AND BUYS EVERYTHING

## Making the Case for Civility

By Clifford Gately

CBA Record Editorial Board

Illinois Supreme Court Justice Anne Burke, the keynote speaker for the November 28 CLE program on civility in the legal profession, opened the program with a quote describing a pervasive “win-at-all-costs mindset” in which ethics are trampled, and “standards, proper decorum, acceptable behavior and the principles of mutual respect...seem to have totally disappeared.”

Although incivility in the legal profession is not completely unprecedented, Justice Burke cited a recent National Judicial College survey in which 93% of the American public agrees that the United States has a civility problem, and nearly three-quarters of those polled agreed that it has gotten worse. She observed that the current atmosphere may be a reflection of the world in which we live, including the “social media messaging to which we’ve become accustomed.”

The presentation was co-hosted by the American Board of Trial Advocates



CBA President Steve Elrod addresses attendees at the November 28 CLE Program.

(ABOTA) and included a panel discussion moderated by Illinois’ National Board Representative for ABOTA, Timothy Tomasik. The panel consisted of Cook County Circuit Court Judges Clare McWilliams and Allen Walker, and attorneys Aurora Austriaco and Bruce Pfaff. The panel offered numerous first-hand lessons on how to deal with incivility.

True-life examples were also provided by audio/visual clips. After several examples of attorneys behaving badly at depositions (many of which would have been humorous, if they weren’t disturbing), the panel agreed that attorneys should always conduct themselves as though they were before a judge, whether or not they are in a courtroom.

The panel agreed that lawyers can and should ask for the assistance of the court, and possibly for sanctions, when instances of incivility are abusive or chronic. They also cautioned attorneys to take the high road and not to react rashly or too quickly to personal attacks. “If you wrestle with a pig, you’ll both get muddy, but the pig will enjoy it,” Tomasik said. Or, as Mary Wortley Montagu was quoted several times as saying “Civility costs nothing, and buys everything.” ■

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