

## FOREWORD

### A TRADITION OF RESPECT: FOSTERING CIVILITY IN THE MODERN PRACTICE OF LAW

*Chief Justice Sharon L. Kennedy\**

Socrates once said, “Four things belong to a judge: To hear courteously, to answer wisely, to consider soberly, and to decide impartially.”

These words, though spoken centuries ago, remain the cornerstone of judicial conduct. However, in the contemporary legal landscape, something more is demanded of a judge—and indeed, every legal professional. That is leadership, especially when it comes to civility in the practice of law. As the legal world evolves, the principles of civility and professionalism must remain at the forefront.

However, civility faces its challenges. Legal disputes can bring out the worst in people. Litigants often enter the legal system during the most difficult moments of their lives, whether it is a divorce, an eviction, or a criminal charge, and clients may expect their attorneys to handle their cases no holds barred. Advocacy can devolve into antagonism, resulting in needless arguing, delay, and harassment.

But the need for civility does not stop at the courthouse door. Tempers can rise even in negotiating a contract, administering an estate, or structuring a business transaction. Stress from clients and deadlines causes more tension. In these types of situations, it is tempting to send a rude email or to be uncooperative with opposing counsel.

But incivility is not effective advocacy. Instead, it increases the cost of litigation, delays resolution of legal matters, and diminishes the profession in the eyes of the public. In this environment, the demeanor of the bench and the bar sets the tone for litigants and attorneys alike. Civility is not merely a matter of etiquette; it is essential to the administration of justice.

The Toledo Law Review Symposium, titled *Civility & Professionalism in a Changing Legal World*, aimed to meet the challenges to being civil in the legal profession. It was, in part, the product of a collaboration between the Supreme Court of Ohio and the deans of Ohio’s law schools, a partnership that emerged from the Court’s Quarterly Deans Roundtable Meeting.

The Symposium provided a forum for experienced court officials, lawyers, and legal scholars to share insights on managing uncomfortable situations among colleagues, clients, and constituents. It emphasized that lawyers are uniquely trained to argue opposing sides of a dispute and yet remain capable of socializing with their opponents—a duality that is essential for a healthy legal system. The

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goal of the Symposium was to help foster a culture where legal professionals can disagree without being disrespectful, ensuring that the adversarial nature of the legal system does not degenerate into personal animosity.

Civility in the legal profession includes respecting others' viewpoints and freedom of speech. Legal professionals and the public alike should take a lesson from the founding fathers. They had divergent political views and came from different parts of the colonies. They sometimes had acrimonious debates about the division of power between states and the national government and the protection of individual liberties. And they were not perfect people. But they came together to lead the great experiment of a new government founded on the consent of the governed.

From the start, then, there have been divisions in this country, and controversial ideas have been debated ever since. But now there is an impulse to discourage open discussions of these types of ideas, and something is lost when we fail to deal with each other civilly. It is here that judges, lawyers, and law schools are uniquely positioned to take the lead. Judges should model civility in the courtroom. Lawyers should present arguments and respond to the positions of opposing counsel professionally. And law schools have a role to play in upholding the free exchange of ideas and teaching the importance of civility, not only in the courtroom or in a client's office, but also in every facet of a lawyer's life.

This Symposium reflected the profession's dedication to the values Socrates put forward—hearing courteously, answering wisely, considering soberly, and deciding impartially. By embracing these values, the legal community ensures that the rule of law is administered with the highest degree of professionalism.