

# The Principles of Civility: A Guide for Judges

## 1 Prioritize courtesy and treat others with respect at all times.

Courtesy and respect are the hallmarks of civility. As it relates to the justice system, respect is executed by exercising patience with people and the process. It is important to respect the rights of parties and non-parties as well as refrain from acting inappropriately, even if someone initiates unprofessional conduct. At all times it is essential to model civility by being courteous and showing respect for the rule of law as well as to all coming into contact with the justice system. It is also important to remember that courtesy and respect should also be practiced in all forms of communication.

## 2 Remember that time is precious, for everyone.

Time, and the proper use of it, is an important element of civility and the administration of justice. A high-functioning system operates at its best when efforts are applied to complete processes in a timely fashion. Delay reduces the ability to establish relevant facts as memories fade, to say nothing of lost evidence. Anxiety exists for most people involved in the justice system and delay needlessly heightens that anxiety with a direct impact on civility. A reasonable amount of time is required for pleadings, discovery, and other court events, especially if a case is complex. However, the goal should always be to work toward the timely resolution of cases.

## 3 Preserve and improve the law, the legal system, and associated dispute resolution processes.

An important goal of civility is to preserve and improve the administration of justice. Everyone involved in the system has an obligation to ensure that the benefits and the burdens of the law are applied equally to all persons. This principle of civility is an effort to express the importance of having a collective commitment to the fair administration of justice.

## 4 Effectively and clearly communicate your role and any expectations you may have.

Effective communication is the foundation of the administration of justice. It ensures that justice is administered efficiently, impartially, and fairly. It also helps to ensure that justice is administered without any implicit bias. The tenets of procedural fairness – voice, neutrality, respect, and trustworthiness – should be applied whenever possible.



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Civility encompasses a form of politeness and courtesy in behavior and speech that is essential to the role of courts in a democratic society. Essential elements of justice system civility include integrity, personal dignity, candor, respect, courtesy, and cooperation with others. The following four principles are intended to foster a level of civility and create a standard of conduct exceeding the minimum required under state-issued rules of professional conduct and canons:

## 1 Prioritize courtesy and treat others with respect at all times.

- Keep a calm demeanor.
- Be engaged in the process by practicing good listening skills.
- Practice and promote procedural fairness (*see #4 below*).
- Introduce yourself and address litigants by name.

## 2 Remember that time is precious, for everyone.

- Begin and end proceedings according to a reasonably-set schedule and on time.
- Make decisions, rule on motions, and issue opinions timely.
- Disclose and keep all advised when a matter taken under advisement will be addressed.
- Explain or acknowledge delays.

## 3 Preserve and improve the law, the legal system, and associated dispute resolution processes.

- Practice judicial leadership by taking the idea of civility to the community.
- Join with attorneys to initiate community outreach.

## 4 Effectively and clearly communicate your role and any expectations you may have.

- Conduct proceedings so that the parties have a *voice* to tell their story, *understand* the process and what is expected of them, perceive that the court system is *neutral*, and treats those involved in each case with *respect*.<sup>8</sup>
- Lay out the expectations for attorneys, court staff, parties, and witnesses:
  - In-court activities and processes.
  - Out-of-court processes, procedures, and timelines.
- Consider perceptions of bias in verbal and non-verbal communication.

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<sup>8</sup> Tom R. Tyler, Ph.D., *Procedural Justice in the Courts* 44 COURT REV. 26 (2009).