

# 3

## Ethics and Civility

### I. ETHICS

#### **Themes:**

- Acting ethically, professionally, and civilly in every aspect of our jobs.
- Creating strategies for promoting professionalism and civility in the legal community.

#### **Conversation Starters:**

- What is the distinction between acting ethically, civilly, and professionally?
- How do the Rules of Professional Conduct require you to interact with clients, other attorneys, third parties, and the court?
- How do you know if your behavior is “civil”?
- How should you respond to a client who wants a “bulldog” lawyer?
- Can you be a “conscientious and ardent” lawyer and remain civil toward your adversary and others?
  - In 2006, the Washington Supreme Court removed the phrase “zealous” advocacy from Washington’s Rules of Professional Conduct and replaced it with “conscientious and ardent” advocacy. Why do you think the Court made that change?
- Are there tangible benefits resulting from civil conduct?

#### **Activities:**

- Think about a time when you witnessed an attorney behave “uncivilly.”
- Did the attorney violate the Rules of Professional Conduct?
- What happened? Did anything trigger the behavior?
- How did you respond to the situation? Do you think you could have responded better?
- Have there been times in your career when it took extra effort to act professionally or civilly? What made it difficult? How can you maintain a professional and civil demeanor in difficult situations?

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#### **Activities (continued):**

- Lawyers are more likely to act civilly and professionally when they recognize the positive aspects of their careers. Consider developing a “Practice of Gratitude” for a few weeks. One way to develop a Practice of Gratitude is to spend a few minutes each day reflecting on one thing that you enjoy being able to do because you are an attorney.

#### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [Christine Porath, Alexandra Gerbasi, and Sebastian L. Schorch, The Effects of Civility on Advice, Leadership, and Performance, 100\(5\) J. of App. Psych. 1527 \(Sept. 2015\).](#)
- [WSBA Creed of Professionalism](#)
- [ABA: Law Day](#)
- [Barrie Althoff—Ethics and the effects of Incivility, WSBA Bar News, 1999.](#)