Dear Mr. Clark,

This comment is offered by the American Board of Trial Advocates (ABOTA) to emphasize the importance of addressing the issue of civility as part of law school curriculums. Incivility is a growing cancer impacting the legal profession. It has grown dramatically over the past few decades, with little if any institutional resistance. ABOTA has studied this problem, nationwide, concluding that the single most effective way to curb the spreading incivility “virus” is to inoculate our young, upcoming lawyers. Law schools are the only time when it is possible to uniformly communicate the reason why civility is so vital to the practice of law. ABOTA is a national organization of trial lawyers, dedicated to the preservation of the Seventh Amendment right to jury trial, and civility in the practice of law.

As one of the Professionalism and Civility Chairs of the National Board of ABOTA, I am forwarding this comment to urgently request the help of the American Bar Association. With minimal change to the current PRE proposals, the importance of Civility could be injected (appropriately) into the consciousness of every law school curriculum planner. From there, many options are available to the schools. For example, ABOTA has created an hour and a half program, including a video devoted to the issue of Civility. It is presented in conjunction with local prominent lawyers and judges in a panel format. It is called “Civility Matters.” ABOTA volunteers have put on thousands of these programs for free in law schools, Courts, Bench bar meetings, American Inns of Court and law firms all across the country.

ABOTA is willing to put on free programs in any and every law school that would like to add such a Civility component to its curriculum. But, obviously, that is not the only way to present the issue. While it may be the most economical, from the perspective of the law schools, there are many ways to accomplish the “learning outcomes” desired in this regard.

To achieve this objective, ABOTA respectfully requests the insertion of “Civility” in Standards 301, 302 and 303, presently being considered. While we would be happy to propose language, we are confident that our editorial efforts are not necessary to locate when and where “civility” should best be added to each of these Standards. But, once added, it would greatly enhance the career/professional importance of the existing PRE programs, providing students with incredibly important insight into how to avoid some of the most egregious pitfalls facing new lawyers today. Incivility is destroying the collegiality of the profession; eroding the trust which is so essential to dealings with opposing counsel; and harming the already poor reputation of lawyers in our society.

If we can secure the support of the ABA for this important cause, it would be an immense step forward in our national efforts to turn this stampede around. The ABOTA
efforts in this regard are supported by virtually every professional organization of repute in this country. Please help us win this fight, at the law school level, before young lawyers are improperly trained by uncivil practitioners.

If there is more we can do, please let us know and we will most certainly do it.

Very truly yours,

David B. Casselman
Co-Chair of the ABOTA
National Professionalism and Civility committee