

The American crisis in civility is real. Gone are the days of the respected “gentleman” and “lady” lawyer. One need only tune in to any media outlet or format to witness the sharp decline in civility, whether lawyers, politicians, reporters, celebrities, or others in our society.

Socrates Defends the “Professional Parables” focuses on the legal profession. Civility is mandated for lawyers. Have we forgotten that civility is nothing more than common courtesy, or politeness we owe to our adversaries, the judiciary and fellow human beings? It seems in large part we have. Channeling Von Clausewitz, resolving disputes in the legal process has become war by other means.

Civility in the resolution of civil disputes and criminal issues underpins the rule of law in America. Lawyers should be at the forefront in setting the plate of civil behavior and discourse. Focusing on this theme, the program is based upon the book created and edited by FDCC members Mills Gallivan and Ned Currie, *Professional Parables: Lessons in Civility*. “Professional Parables” is a collection of stories and parables on civility drawn from real life situations encountered by highly respected lawyers and judges who know the true value of civility in their law practices, their lives and society in general.

South Carolina Supreme Court Rule 402 (h) (3), ADMISSION TO PRACTICE LAW, Lawyer’s Oath, provides in part:

“I will maintain the respect and courtesy due to the courts of justice, judicial officers, and those who assist them.
...To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communication;”

Our attorney's oath imposes a duty of civility in our practices. It is a rule, not a suggestion. It is a public pledge. And we all see some lawyers who are better at it than others. The current downward spiral in civility is a matter of concern to the FDCC, to leading civil and criminal lawyers, and to the judiciary. Unfortunately, civility has not improved in the past half-century, going rather in the opposite direction. A flyer for a 1994 seminar entitled, "Civility In The Profession (Or The Lack Thereof)" that featured then Chief Justice Lee Chandler of the South Carolina Supreme Court, demonstrates that the lack of civility in the legal profession has been on the radar for decades. So, what can be done? Why is civility, particularly among litigators, declining? Is it due to scorched earth tactics engendered by a desire to win at all costs? Why are so many young lawyers cavalier with their reputations? Is lack of civility due to the evolution of the law from profession to business? Has lawyer advertising affected civility? How do email, social media, anonymity and instantaneous responses foster incivility? Has the sheer number of lawyers made us desperate to use any method in an effort to differentiate ourselves? Have our egos seized control of our minds, words and actions? How have television and movie dramatizations of lawyer behaviors created a ridiculous caricature of the "effective" advocate?

Drawing on the trial of Socrates who was convicted and sentenced to death for corrupting the youth of Athens, this program will attempt to answer these questions by once again trying Socrates, played by Moderator Rich Traub, on the charge of corrupting young lawyers to be "uncivil" in their respective law practices. Using actual parables from the book, including application of the ABA Model Rules of Professional Conduct specific to the charges and defense, a prosecutor will provide witness testimony against Socrates supportive of the charges, and Socrates will call witnesses in his defense. At the end of the trial the jury, composed of audience members, will vote Socrates guilty or innocent. The program should prove to be entertaining, instructive and valuable to the audience, their

practices and lives.