



"Civility amongst those entrusted with the administration of justice is central to its effectiveness and to the public's confidence in that system."

*Principles of Civility for Advocates*

## **The Advocates' Society Institute for Civility & Professionalism**

### **Introduction**

As noted by the Honourable Roy McMurtry, former Chief Justice of Ontario, "the level of civility at the bar relates directly to the level of professionalism of the legal profession." Accordingly, from the outset, the fostering of civility among members of the bar has been a central mandate of The Advocates' Society. Our *Principles of Civility for Advocates* and accompanying materials have been used by lawyers and professional societies across the country and other parts of the world.

The *Principles* provide guidance for trial conduct, counsel's relations with the judiciary and opposing counsel and communications with others. The *Rules of Professional Conduct*, codes of behaviour published by various legal organizations, as well as the *Rules of Civil Procedure* also provide guidance and, in some cases, regulations and sanctions to deal with issues of civility and professionalism.

However, the fostering of civility involves more than the establishment of regulatory regimes. Fundamentally, it involves the development and maintenance of a certain kind of culture in the bar. The Advocates' Society believes that this form of culture in which civility is respected and valued can be cultivated through training and mentoring; however, this cultivation must take place on an ongoing and persistent basis. As noted by the Honourable Coulter Osborne in his recent report on proposed reforms to the civil justice system, "[d]espite the increased focus in recent years on civility in continuing legal education, in some law schools and in codes of conduct drafted by professional associations, stories of uncivil behaviour among lawyers are all too common."

### **Objective**

Accordingly, the objective of The Advocates' Society Institute for Civility and Professionalism will be to generate and monitor opportunities for training and mentoring in civility. By establishing a separate and permanent Institute within the organization of the Society, it is envisioned that the emphasis on civility will be given further prominence as well as focused and specialized attention.

*Continued...*

**Structure and Personnel**

It is not envisioned that a new structural layer would be added to the organization of The Advocates' Society. Rather, the President and the Executive of the Society would appoint, from time to time, an advisory committee consisting of eminent members of the bar who would provide input and advice through the Standing Committee on Collegiality, Membership and Mentoring.

**Activities**

The first set of initiatives for the Institute will be:

1. The development of a discreet CLE programme focused on civility. This will include a standardized DVD appropriate for distribution to member law firms, new members and interested professional organizations.
2. The delivery of specific information about civility CLE programmes at the time a lawyer joins The Advocates' Society, along with a request that new members become familiar with and participate in these programmes, a recommendation that they participate in the above CLE programme and that they commit to conducting themselves in accordance with the Principles of Civility for Advocates.
3. Annual review of The Advocates' Society curriculum by the Advisory Committee to determine that civility and professionalism issues are being addressed in all programmes.