

# A Matter of Civility

American Inns of Court strive to shape a culture of excellence in jurisprudence

By Naseem Stecker

Once a month they meet to break bread, discuss the law, and hold programs on ethics, civility, and professionalism. These are standards that have caused consternation and dismay in the legal community because of their absence in the day-to-day conduct of many practitioners. Judges, lawyers, and law students interact at these meetings with one primary aim: to reclaim the noble profession of law by shaping a culture of excellence through the American Inns of Court.

Dating back to an English tradition from the 13th century, the Inns of Court movement has been gaining momentum in this country. With 308 chapters nationwide and 6 in Michigan, the American Inns of Court actively involve more than 20,000 bench and bar members as well as third-year law students. All actively strive to develop a deeper sense of professionalism and to build a more insightful awareness of ethical standards.

"Participants of the program invariably learn the value of proper behavior and how its advantages tend to flow in a lot of different ways," said Professor Gary Maveal, Inn administrator at the University of Detroit Mercy, which is the oldest chapter in Michigan. "We see civility as not just a concern but a major problem, and something needs to be done to impart some lessons, some standards where the disciplinary rules don't go far enough. There is no rule against being rude to a fellow lawyer. At one level we're simply trying to enhance the climate for practicing law, to make it a better place to be earning a living."

Most Inns concentrate on issues surrounding civil and criminal litigation practice and include attorneys from a number of specialties. The Detroit chapter has about 40 members. It was founded in 1984 by Judge Julian A. Cook Jr. Membership, as in the



*From left to right: Frederick Dilley, former president of the Grand Rapids chapter and then president of the Grand Rapids Bar Association; Hon. Patricia Gardner, Kent County probate judge and president of the chapter; Stephen C. Bransdorfer, founding president of the chapter and former trustee of the National Inns of Court Foundation; former President Gerald Ford receiving a plaque commemorating his designation as an honorary member of the Grand Rapids Chapter of the American Inns of Court; and Hon. Hugh Brenneman, former president of the chapter.*

other Inns, is made up of four categories—masters of the bench, barristers, associates, and pupils. Masters of the bench are judges, experienced lawyers, and law professors; barristers are lawyers with lesser seniority but who have several years of experience. Associates are lawyers who do not meet the minimum requirement for barristers; pupils are third-year law students.

Teams are made up of members from each category so that the less experienced members can learn from the more experienced attorneys and judges who act as mentors. Each team conducts one program for the Inn each year. At the Detroit chapter, where students are the target trainees, topics covered range from subjects like witness interviewing and

selection and apology in litigation, to alternative dispute resolution, civility and discovery, and ethics and professional responsibility.

"In a typical year's programming, we seek to explore litigation in all its aspects in a progressive way so that most years we would begin with an initial client consultation, an initial client interview, or a drafting exercise of a preliminary claim or complaint. We follow the progression of a single case or several hypotheticals throughout the litigation sequence of pleading/discovery and then a mediation or ADR session and finally a court presentation or a post trial motion," Maveal explained.

The president of the chapter, Judge Patrick J. Duggan, said the program "provides

young lawyers and students an opportunity to learn how the system works, and to really see the nuts and bolts of practice which they don't get in the classroom. . . . Standing up there arguing a motion, questioning a witness, is something you never learn until you do it."

According to Judge Duggan, there is a tremendous improvement in the students between the start and the end of the program. "If all the lawyers that appeared before me came as prepared as they are, it would be a delight! It doesn't happen. We cover that a lot in our sessions—about how important it is to be prepared. They also hear about this thing called respect. Judges learn quickly who the good lawyers are that can be trusted. Lawyers can build themselves a reputation because it really pays off," Duggan added. On civility, the judge suggests more socializing among lawyers so that they can get to know each other better. "I guarantee you that they would not file nasty motions against the other person. It's just a matter of them getting to know one another. I think that would decrease the lack of civility."

A recurring theme each year is the nurturing of interpersonal relationships, which Professor Maveal says is a practical skill not emphasized in most law schools. "Although we can't do a whole lot in a couple of hours, students are sensitized to skills that they will need to work on when they become lawyers. The fact is that success and satisfaction in litigation practice requires

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much more than sheer knowledge of 'the law.' We urge all of our members to apply the Golden Rule to their work. Success in dealing with adversaries, as well as witnesses and government officials, is generally more likely if you employ honesty, politeness, and tact. Those interpersonal skills are the type of things we do emphasize from month to month in our meetings," Maveal said.

Amy Johnston, a litigator in Royal Oak, was once a pupil in the Detroit chapter. "I was involved in a case concerning the Whistleblowers' Act. Specifically, it was my re-



*Left: Professor Gary Maveal of the University of Detroit Mercy and Hon. Patrick Duggan, president of the Detroit chapter.*

sponsibility to interview a potential plaintiff who provided some 'unethical' information. The focus of the session was on the advice to provide, if any, to the potential client and the development of an attorney-client relationship. After the mock interview occurred, the masters and barristers critiqued my performance and offered suggestions on future interviews of potential clients. Although my current practice of civil defense litigation representing corporations and large companies

was not directly affected by the plaintiff interview, the ethical discussions taught me how to handle certain situations with any client."

Johnston, who is now a barrister herself, considers the American Inns of Court the most

worthwhile activity for any lawyer or student interested in litigation because it provides a forum for direct interaction between the pupils, barristers, and masters. "At times the pupils learn from colloquy among the masters and barristers on various topics. In fact, on many occasions, the lawyers and judges recount specific instances, without names of parties, which relate to the topics discussed and explain how issues were resolved. This enables the pupils to gain insight and knowledge that could only otherwise be obtained by pure experience," Johnston said.

Johnston added that at times pupils have a very utopian vision of lawyers in general and particularly trial practice. "I try to impart a more realistic view of litigation," she said. "An excellent litigator does not need to engage in unethical or unprofessional behavior to win the case. In my experience, the direct opposite is true: more commonly those who prevail are the professional, civil, and ethical lawyers."

The other Inns of Court in Michigan are located in Flint, East Lansing, Oakland County, and in Lansing. Not all Inns involve the training of law students. Grand Rapids, which does not have a law school, has an Inn program that is five years old. The founding president of the Grand Rapids chapter is Stephen Bransdorfer.

"This program has been very effective. It has brought together lawyers and judges, both young and old, so that they can have an opportunity without courtroom pressures to discuss the problems of improving the legal system in their own locality as well as nationally." Bransdorfer, himself, was formerly trustee of the Inns of Court National Foundation. He has also served as president of the State Bar of Michigan.

In April, the Grand Rapids chapter became the first Inn in the country to designate a President of the United States as an honorary member. Former President Gerald R. Ford, who practiced as a lawyer in Grand Rapids, was chosen for this honor for his leadership and professional achievements. Bransdorfer pointed out some interesting connections. Former Chief Justice of the United States Supreme Court Warren E. Burger, who swore in President Ford when he became president, is credited with being a founder of the Inns of Court movement in this country. "That was very special for President Ford, and he was a friend of Chief Justice Burger," Bransdorfer added.

To form an Inns of Court chapter, all it takes is for one or more lawyers or judges to express an interest. That interest can be directly communicated to any other chapter or by calling (703) 684-3590. More information can also be accessed on the Web at [www.innsocourt.org](http://www.innsocourt.org). ◆

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