

Organizational Integrity Group

Solving The Whole Problem™

First Principles *Practice Civility*



The Evaporation of Civility

Presidential Medal of Freedom winner Eric Hoffer said “rudeness is a weak imitation of strength.” Sadly, such imitators abound these days. But rudeness rarely solves problems. Neither does bombast, hyperbole, or grandstanding. Yet these tactics too abound.

The steady evaporation of civility among lawyers is an unfortunate black-eye on the legal profession. It also reflects an irresponsible abrogation of what usually is in the client’s best interest. While rudeness may give a naïve client the feeling he/she has hired a bulldog — and may give the lawyer an ephemeral adrenaline rush — more than anything it signals weakness.

In contrast, civility allows substance to take center stage. Civility says to an adversary, I don’t need to hide behind personal attacks, and I don’t need to engage in slight of hand. Civility says I am quite comfortable with the strength of my position, thank you.

“Rudeness signals weakness to an experienced adversary”

Incivility Comes With A High Price

Incivility, on the other hand, leaves many victims in its path. One victim is efficiency. As a rule, rudeness begets more rudeness. Soon, rudeness becomes an end in itself. Yet each bit of energy spent on personal attacks is energy not spent on solving the problem.



Incivility also increases costs. Rarely does one hear an adversary say “he attacked me and my family with such zeal, my position must be wrong.” Instead, personal attacks merely strengthen an adversary’s resolve. Cases that could be settled, languish in litigation. Potential whistleblowers become actual whistleblowers. Moments of poor judgment devolve into HR allegations.

Perhaps most importantly, incivility reduces effectiveness. Complex problems call for elegant solutions. Crafting elegant solutions requires thoughtfulness, creativity, focus, and discipline — all things that fall prey when the focus of problem-solving is hijacked by a focus on being mean.

Civility Does Not Equal Weakness

Carl Sandburg once counseled “if the facts are against you, argue the law. If the law is against you, argue the facts. If the law and the facts are against you, pound the table and yell like hell.” Sandburg’s aphorism aptly captures how an experienced attorney views a rude adversary. To an experienced attorney, a lack of civility is a sign of weakness, not a show of strength.

The Sheppard Mullin Organizational Integrity Group practices civility in everything we do. We do so not only because we believe it is a moral imperative, but because we believe it offers our clients a strategic advantage. Whether it’s dealing with a disgruntled employee, negotiating with a litigious business partner, or responding to a zealous prosecutor, civility helps us keep our eyes on the ball. It allows us to focus on what is in the best interest of the client, and not be distracted by self-aggrandizing frolics and detours.

By focusing on what matters — and not being distracted by what doesn’t — we are able to craft thoughtful, creative solutions to extremely complicated problems.

The Dividends of Civility

- **Focus.** Solving complex problems requires focus. Anything that interferes with that focus interferes with solving the problem. Acting with civility, thus, removes at least one common impediment to problem solving.
- **Cost Reduction.** Incivility typically prompts more incivility. Time spent making personal attacks not only is time (and money) wasted, it also typically delays the resolution of problems. As a general rule, the longer it takes to resolve a problem, the more it costs.
- **Effectiveness.** Incivility detracts from your message. In all advocacy — whether written or oral — you have limited time to capture your audience’s attention and make your points. Time spent being rude is time not spent making your argument.
- **It’s the Right Thing To Do.** We recognize it sounds old fashioned, but treating people with respect simply is the right thing to do. Civility used to be a hallmark of the legal profession. It is in the interest of lawyers, the legal profession, and, more importantly, our clients, to restore that hallmark.



For more information regarding Sheppard Mullin’s Organizational Integrity Group or to learn more about how we work with our clients to craft multi-disciplinary solutions to complicated problems, please visit us at www.sheppardmullin.com/OIG.

Visit our blog at www.organizationalintegrity.com

About Sheppard Mullin’s Organizational Integrity Group

Sheppard Mullin formed the Organizational Integrity Group because most problems facing sophisticated organizations cannot be solved by legal analysis alone. Complicated problems are solved through a thoughtful, deliberate, and holistic approach; an approach that seeks to identify the root causes of problems and to craft solutions that are practical, effective, and sustainable. We look at the bigger picture. We ask questions that transcend a traditional, stove-piped legal analysis. Is the problem one of compliance, or is there an underlying institutional or cultural issue at its core? Are there business imperatives or reputational risks that must be considered before moving forward with a solution? If we attack the manifestation of the problem, will we actually cure the root cause of the problem? What does the organization’s mission, vision, and values tell us about how we should respond?