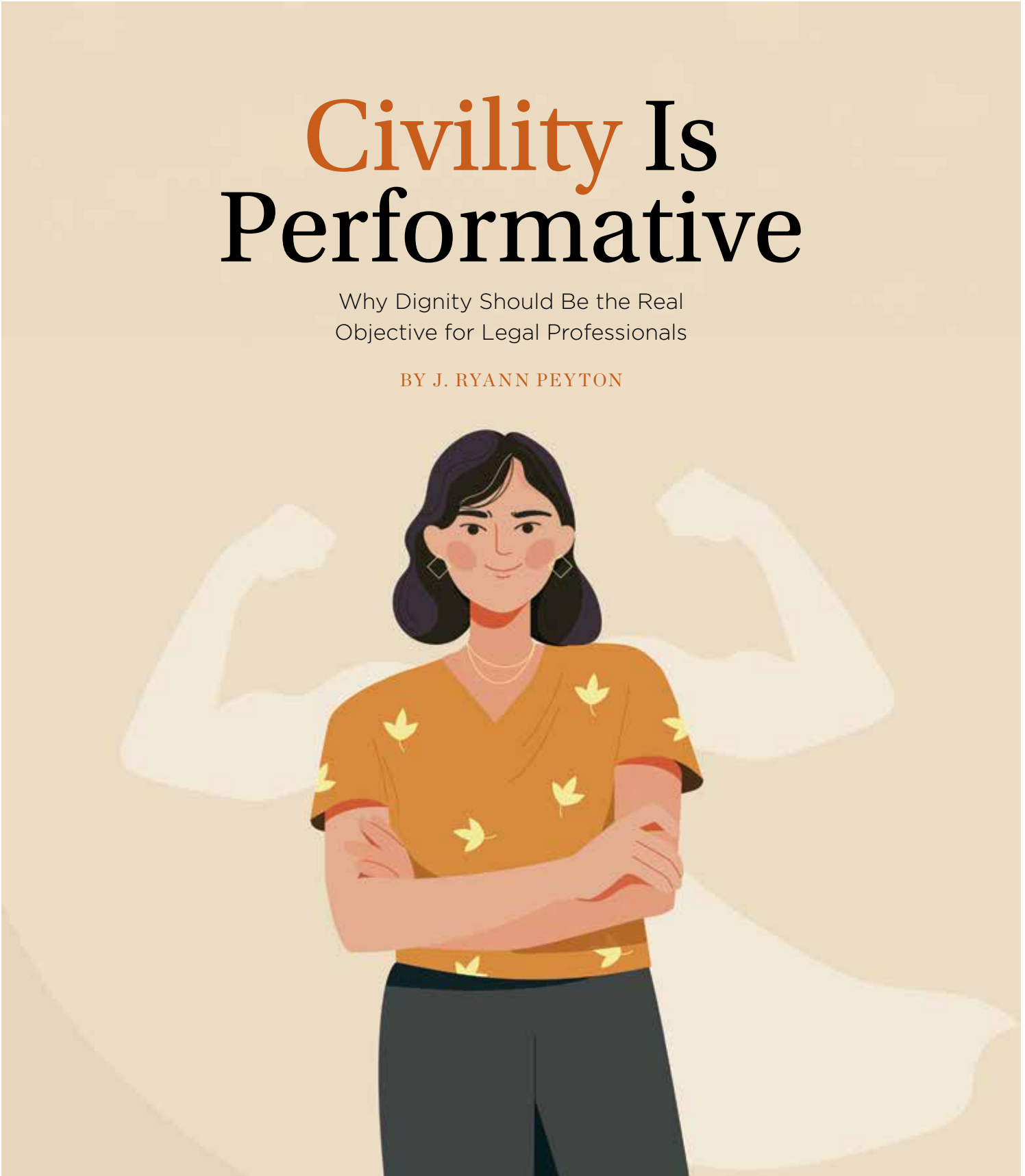


# Civility Is Performative

Why Dignity Should Be the Real Objective for Legal Professionals

BY J. RYANN PEYTON



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Civility is having a moment in the legal profession. There is a growing emphasis on promoting respectful and courteous behavior among lawyers, with many legal organizations and practitioners actively discussing and implementing strategies to improve civility within the field through practice principles and court rules. Despite the rising efforts to improve how legal professionals interact and treat one another, it might be time to consider whether “civility” has become performative.

Civility often demands politeness, but it doesn’t necessarily ask us to engage deeply or authentically with others. It requires only that we keep our tone measured and our words polite, even while tuning someone out or failing to genuinely acknowledge their perspective. Civility makes it easy to confuse the appearance of respect with its reality.

Dignity, on the other hand, challenges us to go beyond the surface—to truly see, hear, and respect the inherent worth of those we encounter. When dignity takes center stage, interactions shift, understanding deepens, and connections become real.

While civility is valuable and can ensure we avoid overt conflict, dignity transforms interactions by creating space for empathy, connection, and real dialogue. When we prioritize dignity, civility naturally follows—along with much more.

### **The Limits of Civility**

Civility is often lauded as a cornerstone of professional and social interactions. It ensures that disagreements remain polite and prevents conversations from descending into chaos. However, as a social norm, civility often prioritizes appearances over substance. The emphasis is on maintaining decorum—using the right words, tone, and gestures—rather than fostering genuine connection or understanding.

Consider a courtroom exchange where an attorney speaks politely but uses a patronizing tone to subtly undermine opposing counsel. Or imagine a workplace meeting where a colleague nods and smiles while others speak, only to dismiss their input entirely once the discussion concludes. In these instances, civility is up-

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held, but the respect and engagement that should underpin it are absent. Civility, in these cases, becomes a veneer that conceals deeper disregard.

One of the most significant limitations of civility is its ability to exist without dignity. Politeness can be superficial, masking attitudes of condescension, exclusion, or indifference. For example, a leader might “hear out” a colleague’s concerns but fail to genuinely consider their input, offering only token acknowledgment. Similarly, in the name of avoiding conflict, a group may sidestep addressing underlying issues, leaving problems unresolved while maintaining the appearance of harmony.

Civility, when divorced from dignity, focuses on behavior that avoids offense rather than building respect. It may smooth interactions in the short term but fails to foster trust or authenticity in the long term. Without dignity, civility becomes little more than an empty gesture. Moreover, without dignity, the gap between incivility and

outright bullying becomes dangerously small.<sup>1</sup> Without a foundation of mutual respect, what begins as dismissive or impolite behavior can quickly escalate into intentional actions that demean, intimidate, or undermine others.

In October 2024, the Illinois Supreme Court Commission on Professionalism released a comprehensive report on lawyers’ experiences with bullying.<sup>2</sup> This study, believed to be one of the first extensive research projects on this topic in the United States, surveyed over 6,000 Illinois lawyers to assess the prevalence and impact of bullying within the legal profession.

The study found that 24% of Illinois lawyers experienced workplace bullying in the past year, with higher rates among women (38%), attorneys with disabilities, attorneys of color, younger attorneys, and LGBTQ+ attorneys. Common forms of bullying included verbal intimidation and excessive criticism, leading to significant emotional, physical, and professional consequences, with nearly 20% leaving their jobs as a result.<sup>3</sup>

The findings of the Illinois study are important not only for their content but also for their context. Illinois has led the nation in its efforts to cultivate civility in the legal profession. The Illinois Supreme Court established a Commission on Professionalism in 2005, which includes a fully funded communications channel known as 2Civility to “promote a culture of civility and inclusion, in which Illinois lawyers and judges embody the ideals of the legal profession in service to the administration of justice in our democratic society.”<sup>4</sup> Yet despite a decade of work to instill a culture of civility in the Illinois legal community, nearly a quarter of its lawyers experienced bullying last year.

Why? It may be because civility at its most performative level will not prevent bullying behavior. Additionally, most definitions of civility (if it is defined at all) in today’s legal profession fail to include dignity as a core component.

### **Why Dignity Matters More**

At its core, dignity is about recognizing and honoring the inherent worth of every individual, regardless of their status, role, or perspective.<sup>5</sup> It requires us to treat others as equals, even when we disagree or find ourselves on opposing



sides of an issue. In practice, this means actively listening, showing empathy, and engaging with others as whole, complex people rather than reducing them to labels or adversaries.

Active listening, in particular, is a key behavior rooted in dignity. It goes beyond merely waiting for a turn to speak; it's about truly hearing and considering another person's viewpoint. Empathy, too, plays a critical role, as it allows us to step into someone else's shoes and understand their experiences and emotions, even when they differ from our own.<sup>6</sup>

When dignity is prioritized, it creates a ripple effect that transforms interactions. Treating someone with dignity not only fosters genuine civility but also paves the way for deeper understanding and even unexpected collaboration. When we approach others with respect and empathy, walls come down, trust builds, and solutions become more attainable. In the high-pressure world of the legal profession, dignity often takes a backseat to the drive to win. The adversarial nature of the work can prioritize outcomes over respect. Yet, dignity is a moral and ethical imperative in every legal setting.

In the courtroom, upholding dignity means treating judges, witnesses, adversarial parties, and opposing counsel with respect, regardless of the stakes.<sup>7</sup> In client relationships, it means

valuing their humanity beyond their legal problems. And with colleagues, it means creating an environment where everyone feels heard, valued, and empowered to contribute.

When dignity is prioritized, civility naturally follows. Unlike civility, which often focuses on maintaining a formal appearance, dignity is rooted in genuine respect for others as equals. This respect shapes how we engage with people, influencing not only our words and our tone but also our listening, our empathy, and our willingness to collaborate.

For example, when we approach a colleague with dignity, acknowledging their ideas and valuing their contributions, the conversation shifts from a transactional exchange to a meaningful dialogue. Civility—the politeness, the decorum—becomes the natural outcome of this respect. It's no longer something we have to work at; it flows from a place of authenticity. This dynamic applies in courtroom exchanges, team discussions, and client meetings: when we treat others with dignity, the tone of the interaction becomes one of mutual respect and collaboration, rather than tension or detachment.

Focusing on dignity is undeniably more challenging than simply adhering to the norms of civility. Surface-level civility requires minimal

introspection—it's often a matter of minding one's manners, keeping emotions in check, and following social rules. While this can avoid conflict, it rarely builds deeper connections or trust.

Dignity, on the other hand, demands more: it requires emotional labor, vulnerability, and a willingness to engage with others on a human level. It challenges us to step beyond our comfort zones and really consider the perspectives, needs, and feelings of those around us. While this process may be more effortful, it yields far richer rewards. By showing dignity, we create more meaningful connections, foster empathy, and build a healthier, more inclusive professional environment.

### **A Call to Action: Choose Dignity**

Choosing dignity is more than a mindset; it is an active commitment to fairness, inclusion, and ethical leadership. Whether you are navigating your own professional journey, leading teams, or working to advance justice on a broader scale, every action contributes to a culture that either uplifts or undermines the profession. Below are some actions that individuals, leaders, and the legal profession as a whole can take to embrace dignity as a foundational principle.

#### *Individuals*

Commit to treating others with dignity, particularly during moments of disagreement or conflict. This means recognizing the humanity in others, even when you don't see eye to eye. Practice active listening, empathize with differing viewpoints, and approach each interaction with respect, even when the stakes are high. By making dignity a personal commitment, you set the stage for more productive and respectful exchanges, regardless of the circumstances.

#### *Leaders*

As leaders, it's essential to model dignity in every interaction. Your behavior sets the tone for those around you. Prioritize respectful engagement, even in challenging situations, and show that dignity is non-negotiable. Additionally, create systems and structures within your organization or team that reinforce this approach—whether through training programs

or policies that outline and set expectations for how colleagues should treat each other. When leaders champion dignity, it cascades throughout the entire organization.


### The Legal Profession

Advocate for a cultural shift within the legal profession, moving from surface-level civility to genuine dignity. This means encouraging legal professionals to look beyond mere politeness and work toward a deeper respect for each individual's worth. Promote initiatives that emphasize empathy, active listening, and human connection, both within legal organizations and in interactions with clients, colleagues, and the court system.

Finally, defining bullying and incivility is essential to fostering a healthier professional culture. Without clear definitions, harmful behaviors can be dismissed, overlooked, or misinterpreted, making meaningful change impossible. By identifying what constitutes bullying and incivility, individuals and organizations can set expectations, promote accountability, and create strategies to cultivate a more inclusive, ethical, and collaborative legal environment.

### Conclusion

While civility is important, dignity is the true foundation of meaningful interactions. Civility alone can sometimes serve as a superficial veneer, masking deeper issues of power and exclusion. In contrast, dignity ensures that every person is seen, heard, and valued—not just treated politely. By centering dignity in our professional and personal interactions, we create environments where respect is not just performative but deeply felt and authentically expressed.

Looking ahead, we must envision a profession—and a society—where dignity is prioritized. This means fostering cultures that move beyond mere politeness to genuine engagement, where individuals are empowered to speak their truths, challenge injustice, and build connections rooted in mutual respect. When dignity guides our interactions, we lay the groundwork for a legal profession that is not only more just and inclusive but also more capable of transformative change. 



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### NOTES

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2. Scharf and Liebenberg, "Bullying in the Legal Profession: A Study of Illinois Lawyers' Experiences and Recommendations for Change," Illinois Supreme Court Commission on Professionalism (2024), [https://civility.wpenginepowered.com/wp-content/uploads/2024/10/2Civility\\_BullyingReport\\_Full\\_FN.pdf](https://civility.wpenginepowered.com/wp-content/uploads/2024/10/2Civility_BullyingReport_Full_FN.pdf).
3. *Id.*
4. <https://www.2civility.org/about>.
5. Hicks, *Dignity: Its Essential Role in Resolving Conflict* (Yale University Press 2011).
6. Brown, *Atlas of the Heart: Mapping Meaningful Connection and the Language of Human Experience* 116 (Random House 2021).
7. Although "respect" is another term that has become somewhat meaningless or performative in recent times, at its core, respect means showing regard for the abilities and worth of another person.



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