

Civility as a Key to Public Trust and Confidence

NC Magistrates' Spring 2021 Conference

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I. Can civility make a difference in your work?

- A. What is civility?
 - a. At its simplest: reasonable and respectful behavior. (Webster's Dictionary)
 - b. More nuanced: "claiming and caring for one's identity, needs, and beliefs without degrading someone else's in the process." That requires effective communication, good listening, respect, and engagement (The Institute for Civility in Government; see <https://www.instituteforcivility.org/>).
- B. Studies of health care provider workplaces, nursing, and the general workplaces show positive impacts of promoting a culture of civility. For examples, try this internet search: impact of civility in the workplace.
- C. Studies indicate that civility can point towards sincere respect among people. Civility is often considered a core principle of professionalism.
- D. Outcomes found in studies include:
 1. Increases positive emotions for both the giver and receiver
 2. People treated with respect feel more valued, which may make increase productivity
 3. Trust is strengthened
 4. Enthusiasm is heightened
 5. People become more altruistic, courteous, helpful, and encouraging
 6. People feel more connected
 7. Cite: <https://positivepsychologynews.com/news/amanda-horne/2013041025769>

II. The National Judicial College developed principles of civility for the courts in a 2013 gathering of judges, attorneys, system advocates, and scholars.

- A. Goal was to lay out concrete ways in which judges and officers of the court may incorporate civility into their daily work. A bench card with quick, easy to implement tips was created.
- B. The gathering saw civility as a key to professionalism and assuring the fair administration of justice and resolution of disputes.

- C. The four NJC Civility Principles <https://www.judges.org/principles-of-civility/>
1. Prioritize courtesy and treat others with respect at all times.
 - a. Keep a calm demeanor.
 - b. Be engaged in the process by practicing good listening skills.
 - c. Practice and promote procedural fairness (see #4 below).
 - d. Introduce yourself and address litigants by name.
 2. Remember that time is precious for everyone.
 - a. Begin and end proceedings according to a reasonably-set schedule and on time.
 - b. Make decisions, rule on motions, and issue opinions timely.
 - c. Disclose and keep all advised when a matter taken under advisement will be addressed.
 - d. Explain or acknowledge delays.
 3. Preserve and improve the law, the legal system, and associated dispute resolution processes.
 - a. Practice judicial leadership by taking the idea of civility to the community.
 - b. Join with attorneys to initiate community outreach.
 4. Effectively and clearly communicate your role and any expectations you may have.
 - a. Conduct proceedings so that the parties have a voice to tell their story, understand the process and what is expected of them, perceive that the court system is neutral, and treats those involved in each case with respect.
 - b. Lay out the expectations for attorneys, court staff, parties, and witnesses:
 - i. In-court activities and processes.
 - ii. Out-of-court processes, procedures, and timelines.
 - iii. Consider perceptions of bias in verbal and non-verbal communication.

III. BACKGROUND: Laws and standards concerning professionalism for magistrates

- A. North Carolina Code of Judicial Conduct. <https://www.nccourts.gov/assets/inline-files/North-Carolina-Code-of-Judicial-Conduct-Codified-12-February-2020.pdf?u7FrRkrvuqPnPMcPzSQ.M19iDBvuV2OS> Applies to magistrates as officers of the court. Standards would be applied in a removal procedure pursuant to G.S. 7A-173.
- B. NC Judicial Standards Commission not authorized to hear complaints about magistrates, clerks of court, or prosecutors, among others. Focus on trial and appellate judges. <https://www.nccourts.gov/commissions/judicial-standards-commission/about-the-judicial-standards-commission>

Background 2017 PowerPoint from Magistrates Spring Conference about NC Judicial Standards Commission.

https://www.sog.unc.edu/sites/www.sog.unc.edu/files/course_materials/Ethics%20and%20Judicial%20Service%20%28Jameson%20Marks%20presentation%29.pdf

- C. Chief Justice's Commission on Professionalism has a Magistrates Rules of Conduct project. See fall 2020 version of those rules at: <https://www.sog.unc.edu/sites/www.sog.unc.edu/files/Rules%20of%20Conduct%20for%20North%20Carolina%20Magistrates.pdf>
- D. Various laws address magistrates conduct and removal:
1. NC Const. Art. IV, sec. 17(3), (General Assembly shall provide by general law for the removal of magistrates for misconduct or mental or physical incapacity).
 2. G.S. 7A-173 (removal procedure for magistrates, for violation of standards applicable to judges of the General Court of Justice.)
 3. G.S. 14-230 (magistrate is one of several listed public officers who can be punished by misdemeanor conviction and removal for willful failure to discharge duties).
- E. NC Judicial Branch Magistrate Fact Sheet: https://www.nccourts.gov/assets/documents/publications/North-Carolina-Magistrate-Fact-Sheet_2019-20.pdf?7qzS4CARWtMRCctefKwGhkxTxoS6.TJ6

Reflection Questions

- 1) Talk about a court situation in which someone exhibiting civility made others feel positive. What specific actions did that person take?
- 2) What concrete actions can take to give people around you a sense that you will behave as a neutral in your magistrate role?
- 3) Talk about a situation in which you have applied any of the ideas embodied in the Principles of Civility. What, specifically, did you do?
- 4) What are good listening skills?

**Example cite for effective listening skills: <https://www.skillsyouneed.com/ips/listening-principles.html>