

# **Horton Hears a Who: Civility in Dispute Resolution**

**Travis R. Marker, JD & LLM**



# Definitions

- Civility: Courteous behavior; politeness.
- Courteous: Characterized by gracious consideration toward others
- Politeness: Marked by or showing consideration for others, tact, and observance of accepted social usage.
- Consideration: Careful thought; deliberation; Thoughtful concern for others; solicitude
- Solicitude: The state of being solicitous; care or concern, as for the well-being of another.

# Quotes

Be peaceful, be courteous, obey the law, respect everyone; but if someone puts his hand on you, send him to the cemetery.

— [Malcolm X](#)

Selfish, adj. Devoid of consideration for the selfishness of others.

— [Ambrose Bierce, \*The Unabridged Devil's Dictionary\*](#)

I don't know half of you half as well as I should like; and I like less than half of you half as well as you deserve.

— [J.R.R. Tolkien, \*The Fellowship of the Ring\*](#)

# Quotes

If more of us valued food and cheer and song above hoarded gold, it would be a merrier world.

— [J.R.R. Tolkien](#)

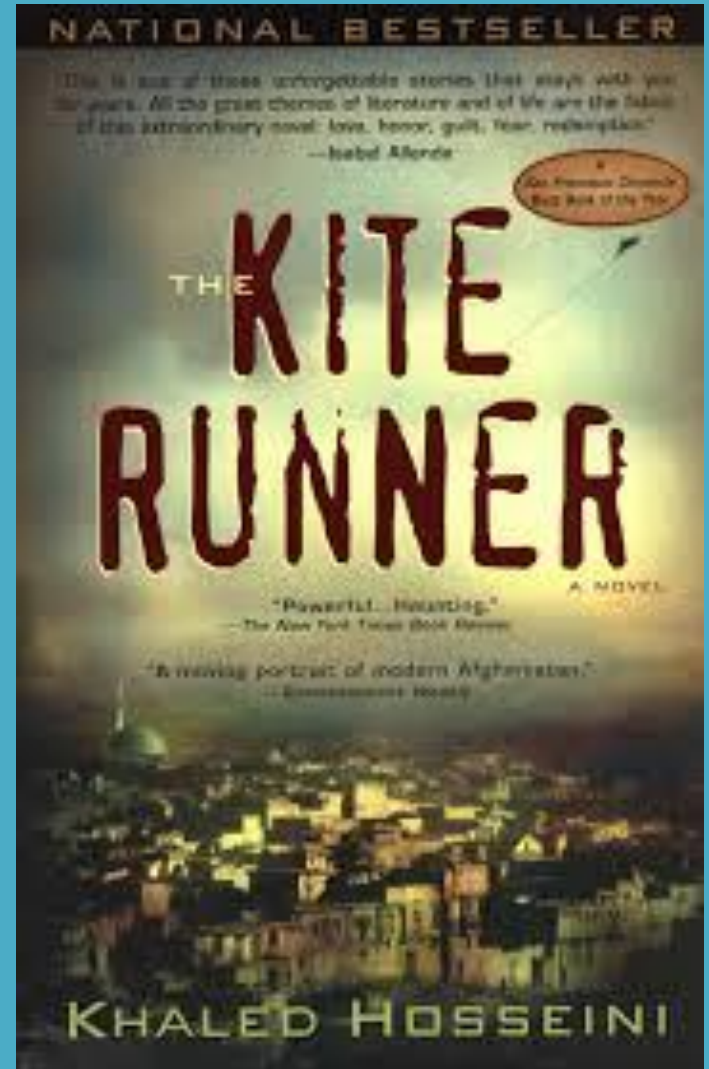
Deserves it! I daresay he does. Many that live deserve death. And some that die deserve life. Can you give it to them? Then do not be too eager to deal out death in judgment. For even the very wise cannot see all ends.

— [J.R.R. Tolkien, \*The Fellowship of the Ring\*](#)

# Because

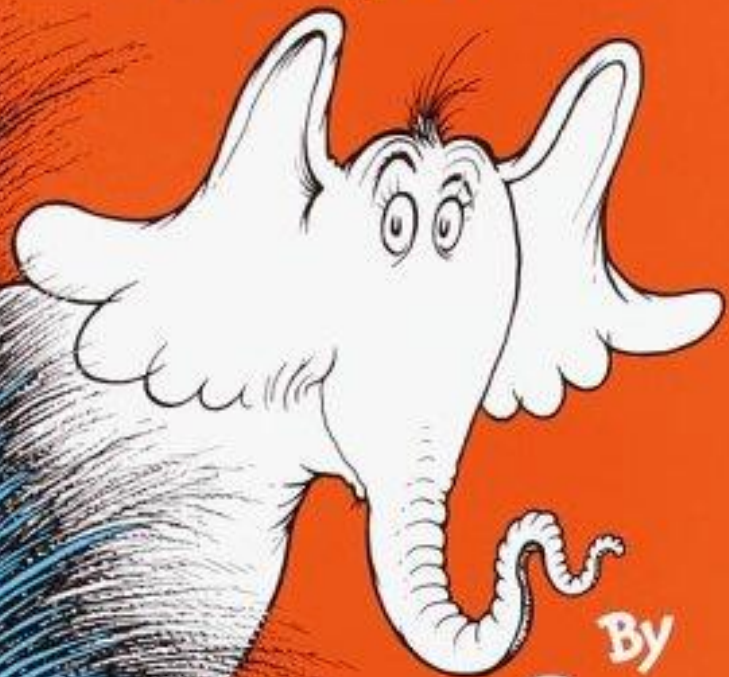
. . .there is only one sin, only one. And that is theft. Every other sin is a variation of theft. When you kill a man, you steal a life... you steal his wife's right to a husband, rob his children of a father. When you tell a lie, you steal someone's right to the truth. When you cheat, you steal the right to fairness... there is no act more wretched than stealing.

— [Khaled Hosseini](#), [\*The Kite Runner\*](#)

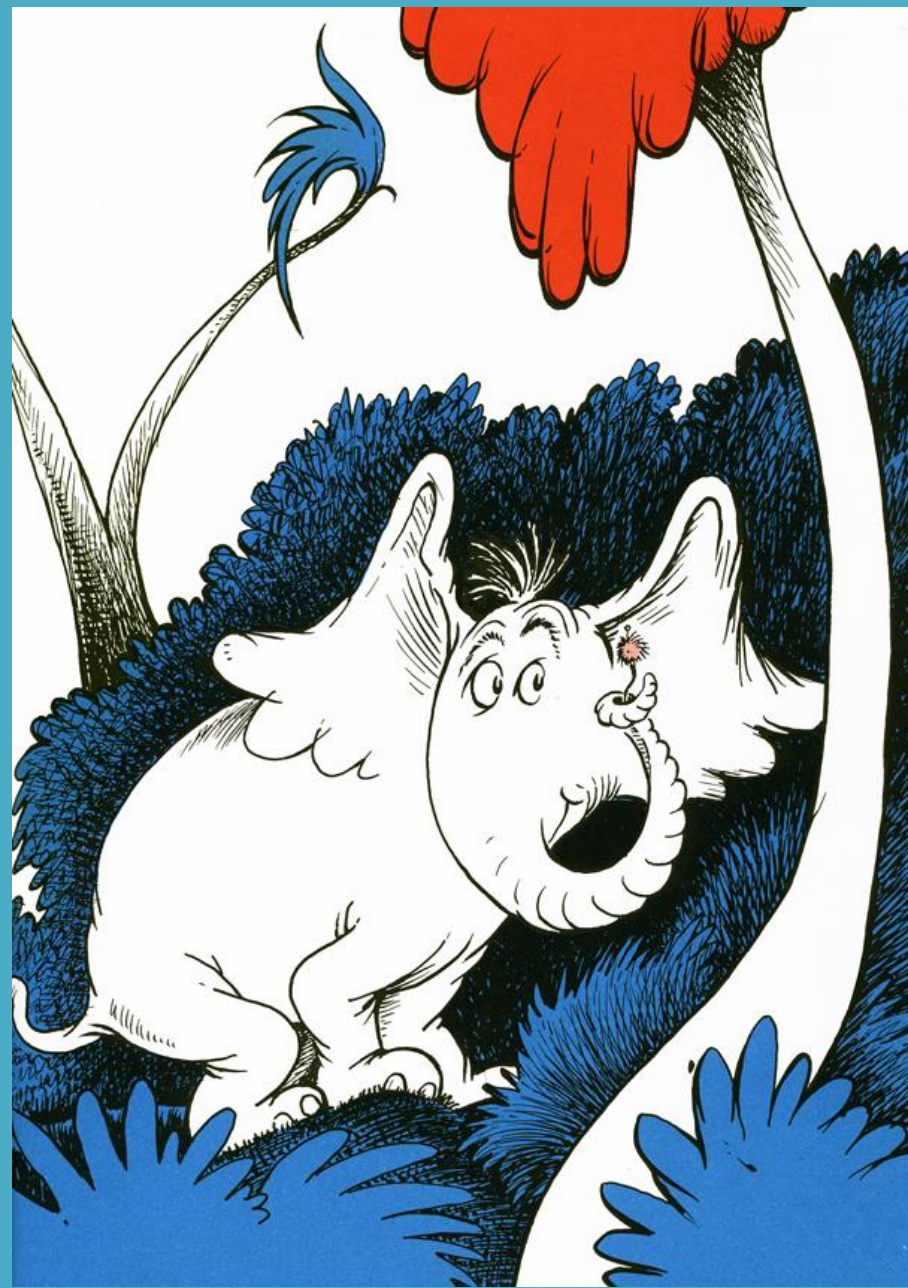




# HORTON HEARS A WHO!



By  
Dr. Seuss











# The Rules

- Georgia
- California
- Idaho
- Utah
- Louisiana

# The Rules

- Canon I. ADR Providers Should Uphold The Integrity And Fairness Of The ADR Program.
- (f) Providers should make all reasonable efforts to prevent delaying tactics, harassment of parties or other participants, or other abuse of, or disruption to, the ADR processes.
- Canon III. ADR Providers Should Conduct The Proceedings Fairly And Diligently.
- (c) ADR providers should be patient with and courteous to the parties, their attorneys, and any witnesses. They should encourage similar conduct by all participants in the proceedings.

# The Rules

- Canon IV. ADR Providers Should Be Faithful To The Relationship Of Trust And Confidentiality Inherent In That Appointment.
- Canon V. Prohibition Against Discrimination
- In their ADR practice, ADR providers should not practice, condone, facilitate, or promote any form of invidious discrimination. ADR providers should be aware of cultural differences and how such differences may affect a party's values and negotiating style. Providers should avoid condoning or displaying stereotypical attitudes toward parties and their attorneys in ADR proceedings.

# **A Lawyer's Creed**

# **Georgia**

**To my clients,** I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust.

**To the opposing parties and their counsel,** I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one.

**To the courts,** and other tribunals, and to those who assist them, I offer respect, candor, and courtesy. I will strive to do honor to the search for justice.

**To my colleagues in the practice of law,** I offer concern for your welfare. I will strive to make our association a professional friendship.

**To the profession, I offer assistance.** I will strive to keep our business a profession and our profession a calling in the spirit of public service.

**To the public and our systems of justice,** I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients.



# California

As officers of the court with responsibilities to the administration of justice, attorneys have an obligation to be professional with clients, other parties and counsel, the courts and the public. This obligation includes civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, and cooperation, all of which are essential to the fair administration of justice and conflict resolution.

# Idaho

An attorney's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. In fulfilling our duty to represent a client vigorously as attorneys, we will be mindful of our obligations to the administration of justice, which is a truth-seeking process designed to resolve human and societal problems in a rational, peaceful and efficient manner.

# Utah

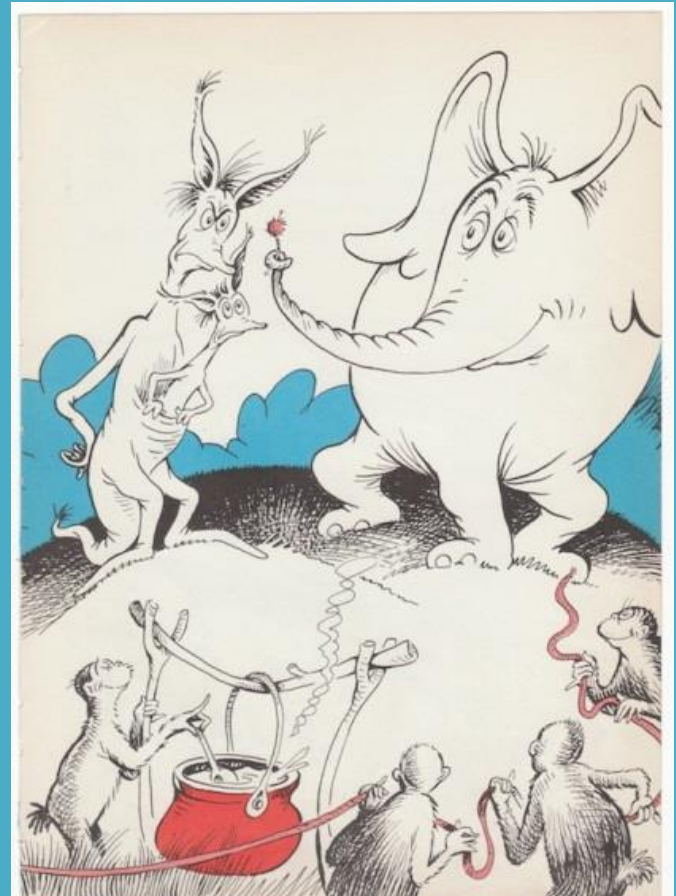
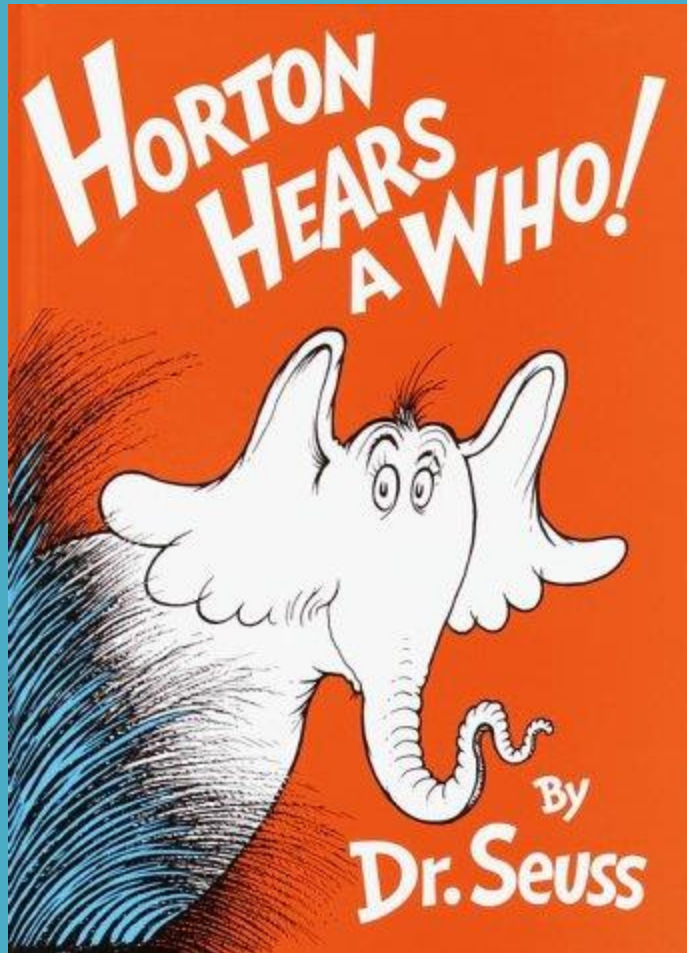
2. Lawyers shall advise their clients that civility, courtesy, and fair dealing are expected. They are tools for effective advocacy and not signs of weakness. Clients have no right to demand that lawyers abuse anyone or engage in any offensive or improper conduct.

# Louisiana

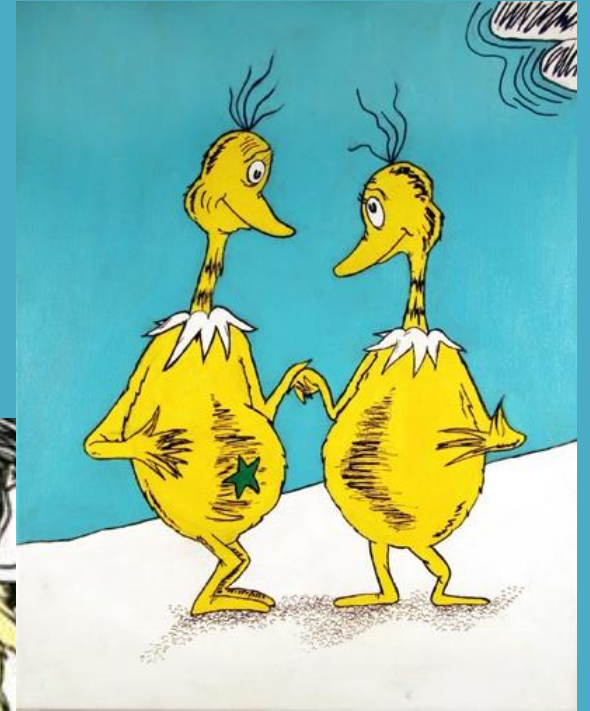
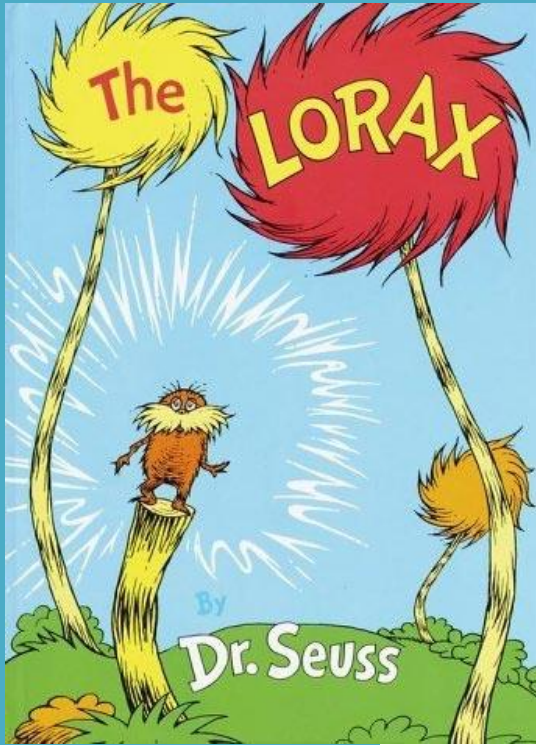
- My word is my bond. I will never intentionally mislead the court or other counsel. I will not knowingly make statements of fact or law that are untrue.
- I will conduct myself with dignity, civility, courtesy and a sense of fair play.
- I will not abuse or misuse the law, its procedures or the participants in the judicial process.
- I will cooperate with counsel and the court to reduce the cost of litigation and will readily stipulate to all matters not in dispute.
- I will be punctual in my communication with clients, other counsel and the court, and in honoring scheduled appearances.



# Examples in Literature

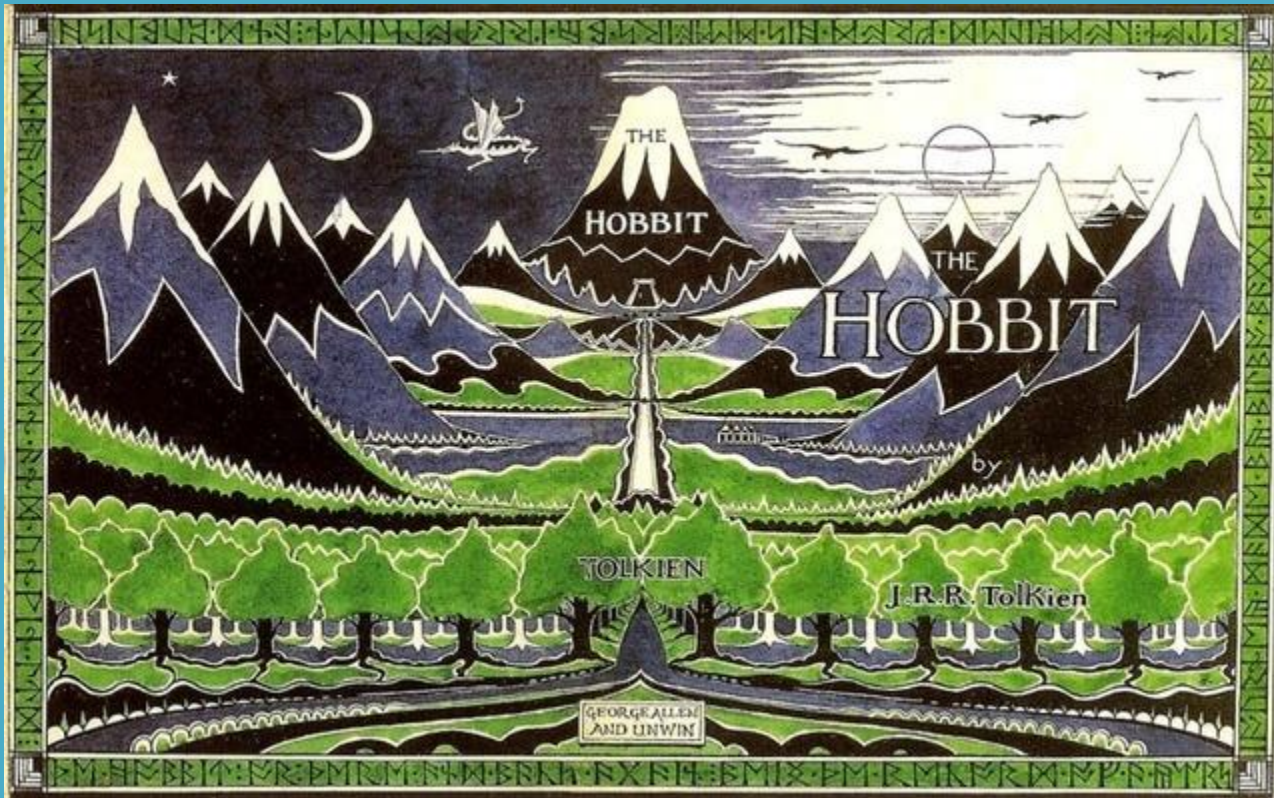


# Examples from Dr. Seuss





# The Hobbit



# The Hobbit





# The Hobbit

“Good Morning!” said Bilbo, and he meant it. The sun was shining, and the grass was very green. But Gandalf looked at him from under long bushy eyebrows that stuck out further than the brim of his shady hat.

"What do you mean?" he said. "Do you wish me a good morning, or mean that it is a good morning whether I want it or not; or that you feel good this morning; or that it is a morning to be good on?"

"All of them at once," said Bilbo. "And a very fine morning for a pipe of tobacco out of doors, into the bargain.

...

# The Hobbit

"Good morning!" he said at last. "We don't want any adventures here, thank you! You might try over The Hill or across The Water." By this he meant that the conversation was at an end.

"What a lot of things you do use Good morning for!" said Gandalf. "Now you mean that you want to get rid of me, and that it won't be good till I move off."

...

"To think that I should have lived to be goodmorninged by Belladonna Took's son, as if I was selling buttons at the door!"

# The Dwarfs and The Burglar



# Negotiations





# Battle of Five Armies

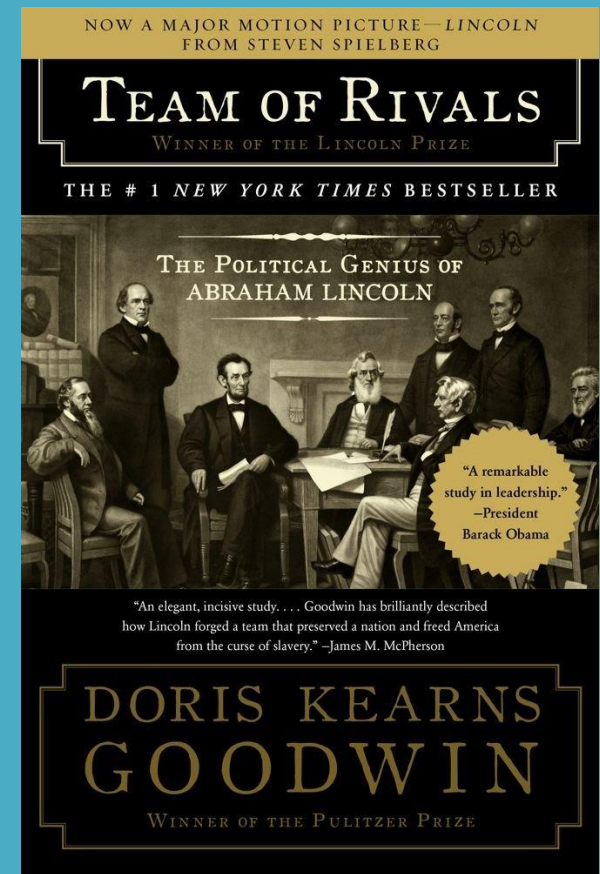
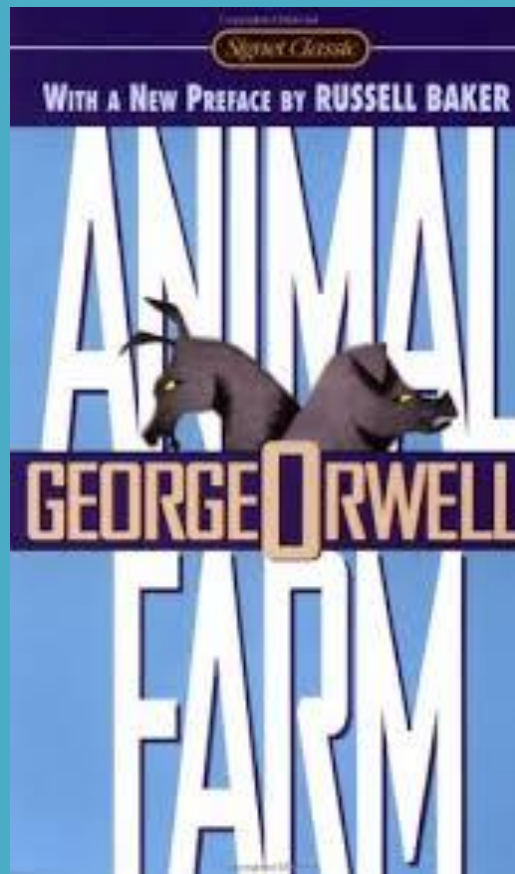
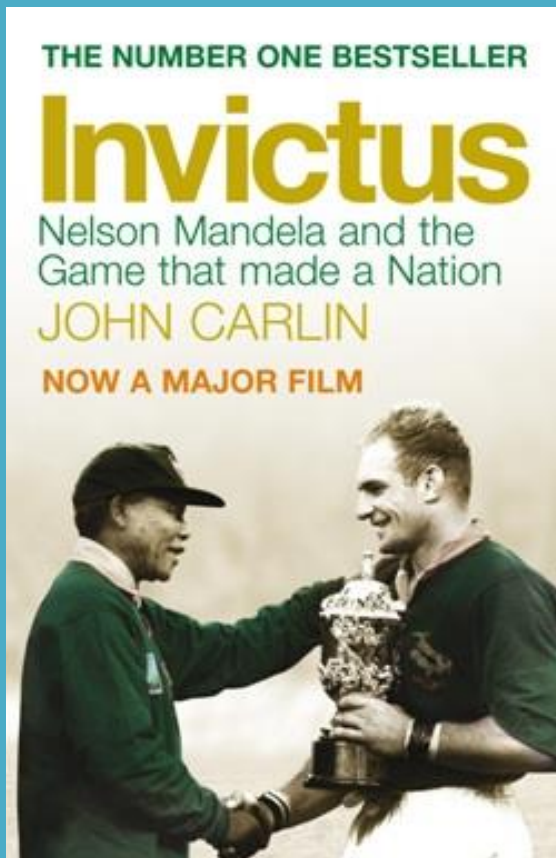






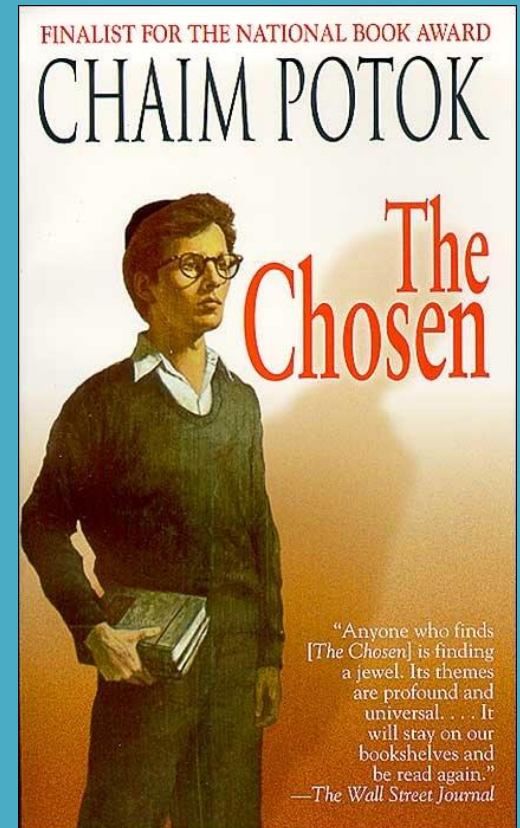
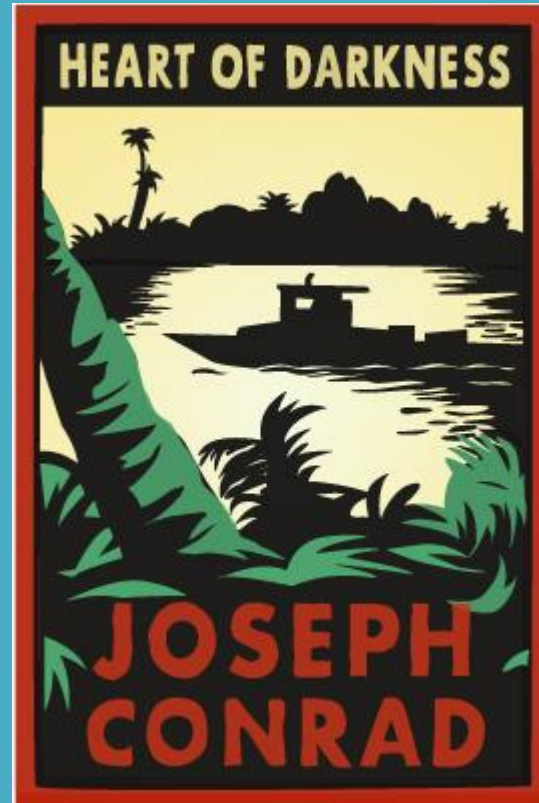
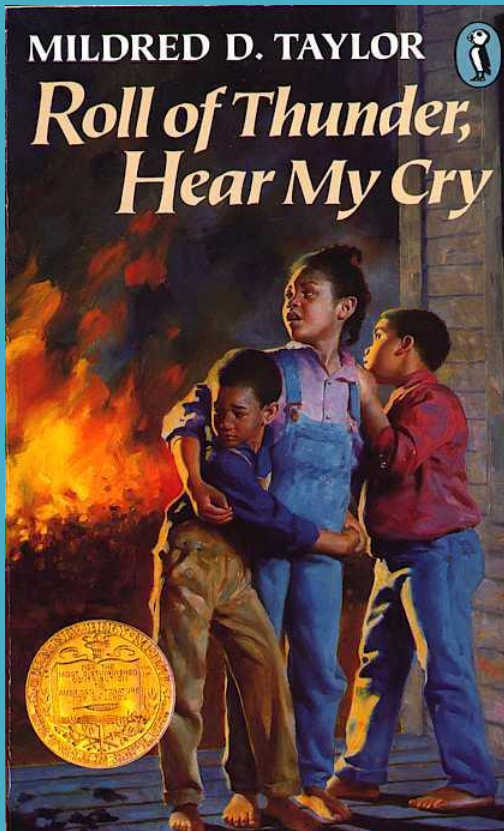
**Other Examples**

# Politics & Government

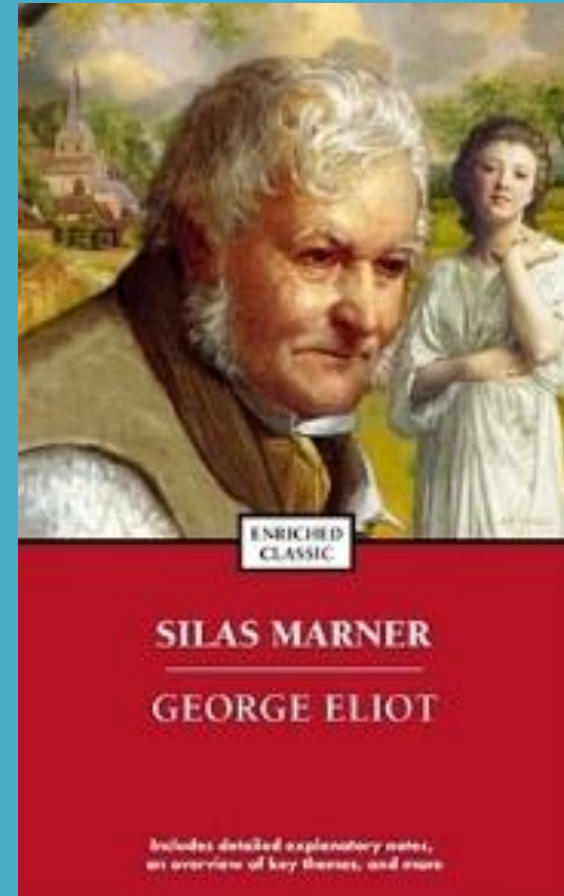
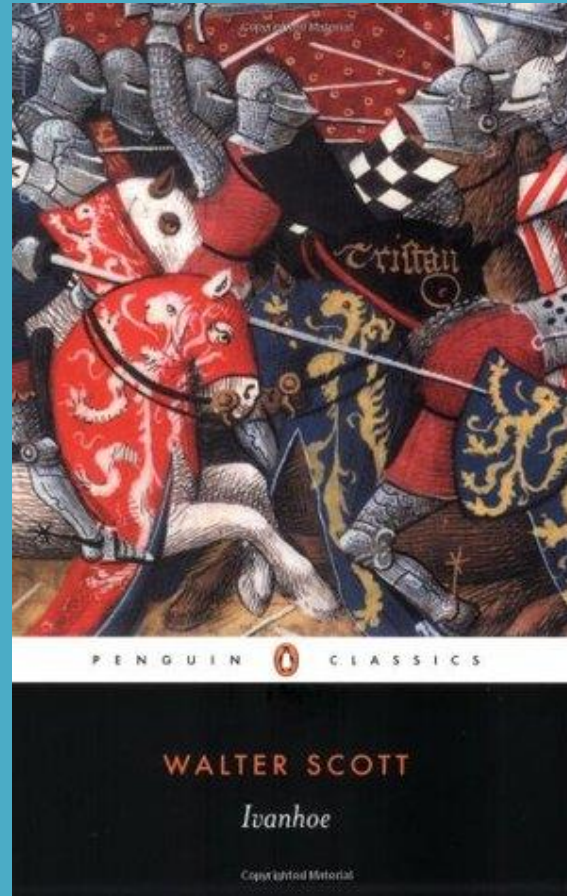
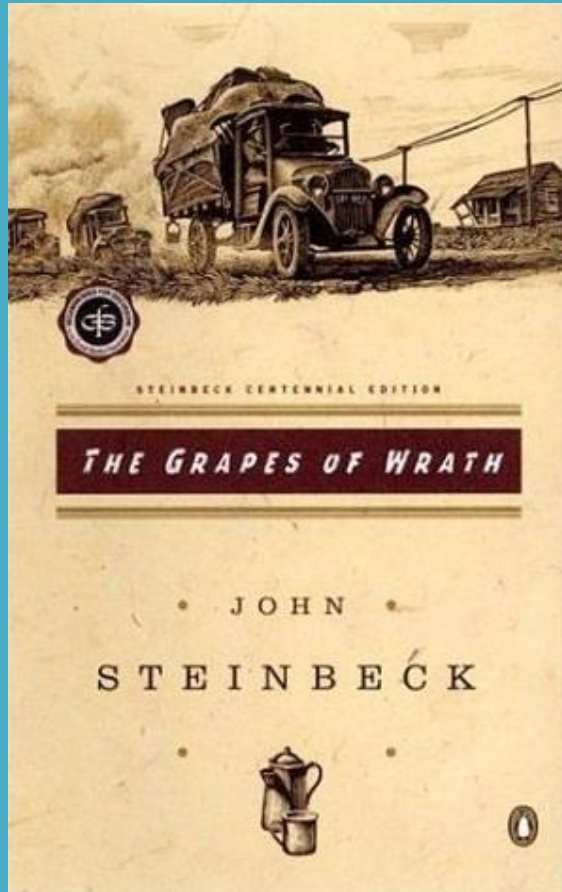




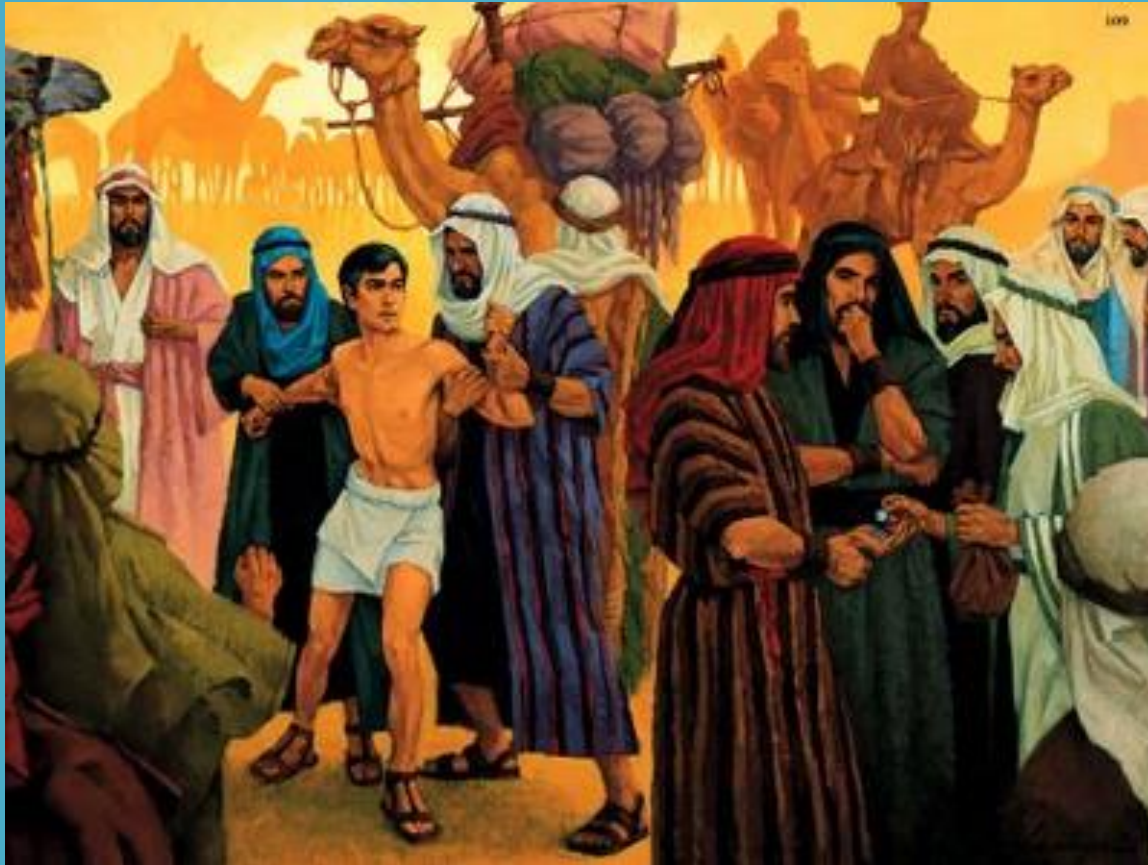
# Cultural



# Cultural



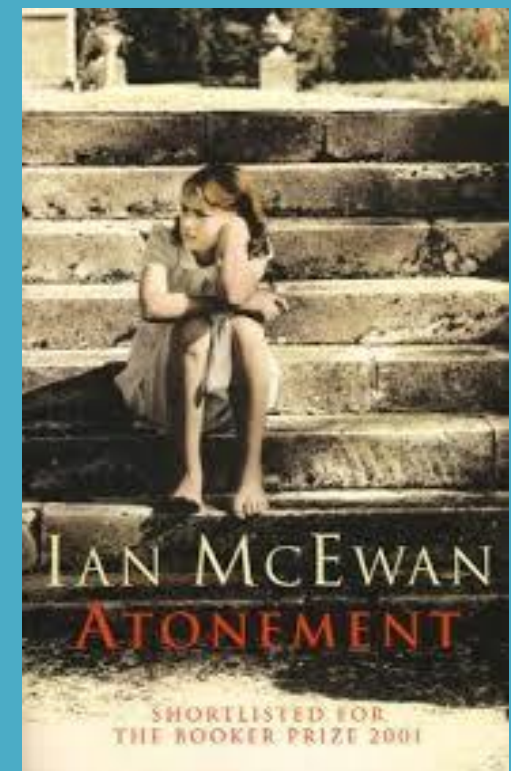
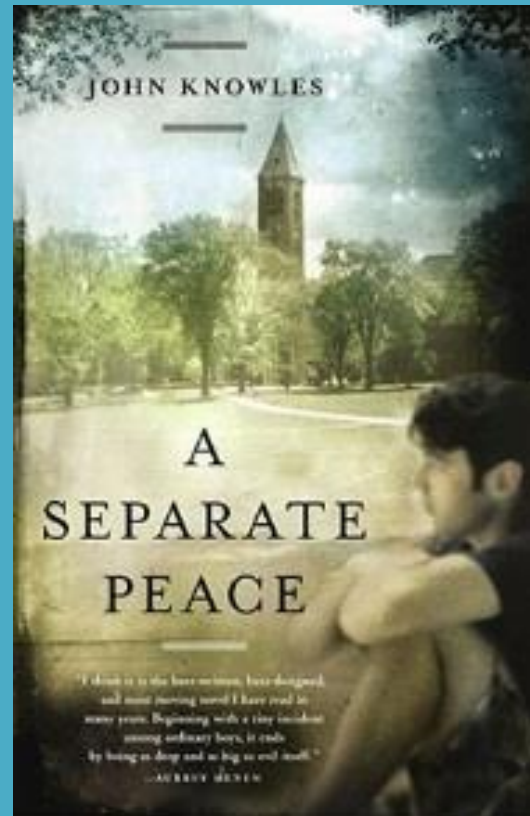
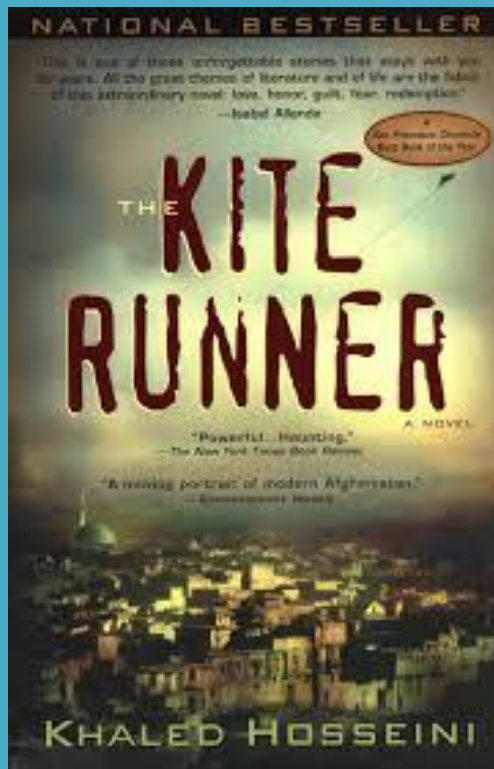




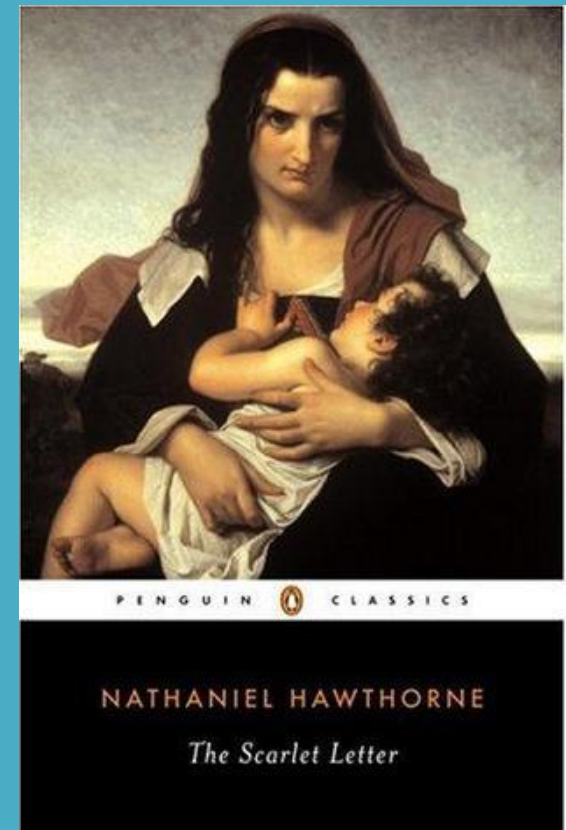
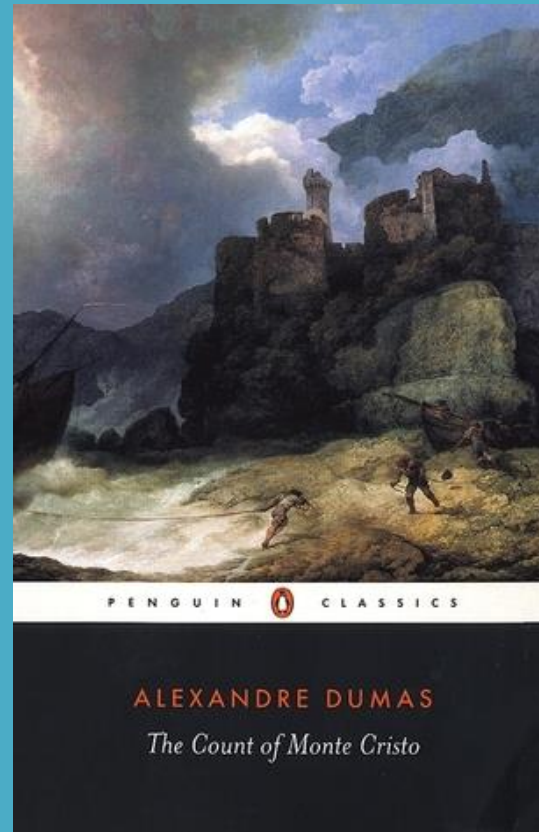
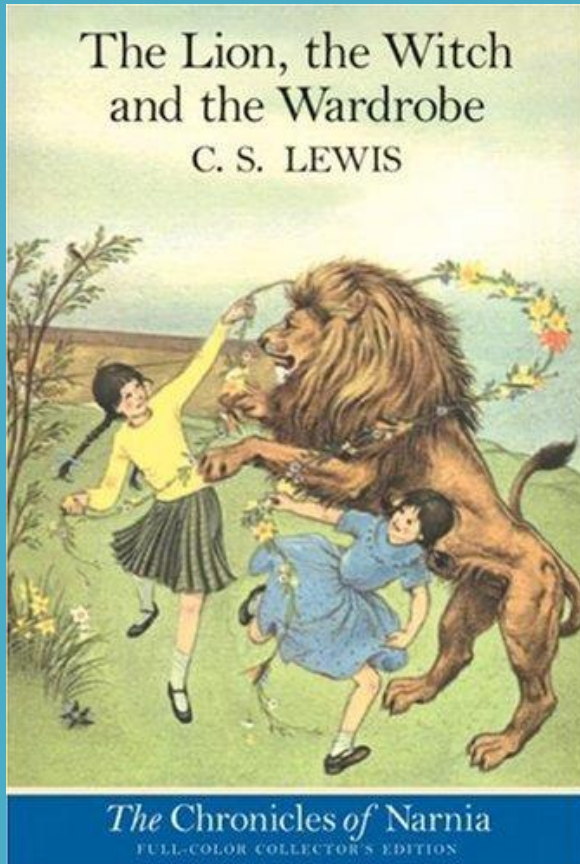
**Interpersonal**



# Interpersonal

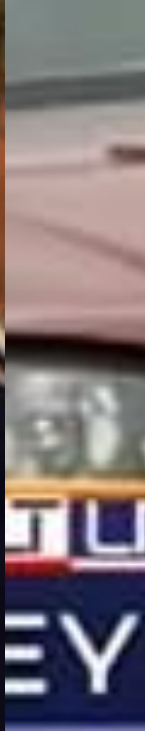


# Interpersonal





# Interpersonal



# The End

