

Civility—Always Warranted?

While almost everything in Mr. Frank O. Brown Jr.'s article, "A Modest Proposal," (*Virginia Lawyer*, April 2005) which advocates civility in the practice of law, can only be greeted with approval, it ought not go without limitation. Civility is not always warranted. For example, one may not always protect the life of a victim of violent attack with civility—a lawyer may and, perhaps should, resort to violence—even if the attack occurs in a courtroom.

There may be other times, even in the practice of law, when the conduct of others does not warrant, nor even morally permit, civility. To remain within the bounds of civility is, in some contexts, to provide morally repugnant behavior a shield it ought not be given by any human being—even those of us who are lawyers. Furthermore, to strip incivility from every

communication may prevent the communication of professional counsel to those psychologically incapable of comprehending advice, warning, factual illumination or argument when it is couched in civility.

Yes, civility is a wonderful thing and ought to be promoted in the context of *almost* every single conceivable circumstance arising in the context of law practice. However, to require an oath of civility in *every* circumstance—when advising a client of a personality defect clouding her judgment, cross-examining a police officer giving perjured testimony, or even addressing the bench when custom and culture interfere with its efforts at dispensing justice—would be wrong.

Sincerely,
W. Steven Paleos

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Send your letter to the editor* to:

E-mail: coggin@vsb.org

fax: (804) 775-0582

mail: Virginia State Bar,

Virginia Lawyer Magazine

707 E. Main Street, Suite 1500,

Richmond, VA 23219-2800

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