

# Breaking Down Barriers:

*Practicing civility in difficult times.*

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Team Hirsch

How do we  
practice civility in  
difficult times?

# An Interactive Agenda

Breaking down barriers and practicing civility together.

3 Small group breakouts followed by full group discussions

1. Icebreaker: You, and your favorite good news story?
2. Barriers: What leads to a breakdown in communication?
3. Breaking down barriers: How can we engage with civility?

Resources

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# Icebreaker

Small group breakout #1

## Introductions

- Name
- Practice area(s)
- How long an Inn member
- Law school alma mater

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*Share a recent good news story, favorite community response, or random act of kindness with your small group. As a group, pick your favorite to share with the full Inn.*

# Report Out

What is your group's favorite good news story?

- Was it community in action?
- Was it personal?
- Was it big or small?
- What made the story, act, community response so noteworthy?



# Barriers

Small group breakout #2

## What leads to a breakdown in civility?

Even in “ordinary” times good, professional communication can be challenging.

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*What are barriers to good communication? How might these barriers lead to a breakdown in civility? Are they worsened by our current situation? How does this impact your practice of law?*

# Report out on barriers



# Report out on barriers

- Wrong mode of communication
- Assumptions and intent
- Stereotyping
- Stressors (temporary or longer term trauma)
- Poor listening
- Poor explaining
- Lack of information
- Lack of preparation





# More on barriers

## Mode triggering frustration or misunderstanding

- Email and text “tone”
- Phone
- Lack of face-face
- Zoom fatigue

## Assumptions, misunderstandings, and offense based on stereotypes

- Generational
- Gender
- Protected class
- Political

# Possible impacts on practice

- Increased stress for all involved
- Time consuming
- Risks relationships with clients, peers, judges
- Increased risk of malpractice claims
- Damage to reputation
- Impacts to personal health and well being, potential bleed over into family and social life

# Breaking down barriers

Small group breakout #3

How can we engage  
with civility?

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*How might we work around barriers to good communication? What actions lead to civil engagement? How can you apply these ideas in the practice of law?*

# Report out breaking down barriers



# Report out breaking down barriers

- Listen to understand
- Keep an open, curious mindset
- Be culturally sensitive without stereotyping individuals
- Check-in, confirm understanding
- Prepare



## Approach

- Build in time to be sociable.
- Exercise patience, compassion, and grace.
- Be aware clients (or even counsel on the other side) may be experiencing tremendous stress or have suffered trauma.
- Try an open ended question like, “I feel like I might be missing or misunderstanding something . . . Can you help me understand?”
- Redirect when you needed to keep lines of communication open.
- Set boundaries - You don't have to take abuse. It's okay to take a break if the communication is going downhill. Let them know that when they're ready to be cordial, you're ready to work with them.

# Civility in practice

## Preparation

Prepare before you call or engage, and not just for the substantive issues.

Prepare:

- Your materials - know your stuff (and theirs too). It shows respect.
- Your mind and body - get plenty of rest, good diet, and exercise.
- Your boundaries - plan how you want to address anticipated conflict.

# Civility in practice

**Find ways to save  
each other time.**

*It shows respect and  
builds trust.*

- Discuss narrowing down issues
- Ask: How can I help? (It helps your client too.)
- Organizing materials
- Divvying up some of the work



# Great resources:

## Books

- [Crucial Conversations: Tools for Talking When Stakes Are High, Second Edition](#), by Kerry Patterson, Joseph Grenny, Ron McMillan, Al Switzler
- [Difficult Conversations: How to Discuss What Matters Most, 10<sup>th</sup> Anniversary Edition](#) by Douglas Stone, Bruce Patton, Sheila Heen from the Harvard Law School, [Harvard Negotiation Project](#)

## Quick hits

- [Difficult Conversations — 6 minute summary](#) by Alex Chen | Medium
- [The 7 Barriers to Digital Communication](#) » Community | GovLoop
- [3 Nonverbal Cues You Should Master](#) | Drexel Goodwin
- [12 Tips for Writing Effective Emails](#) | Drexel Goodwin
- [3 Tips for Communicating on Virtual Teams](#) | Drexel Goodwin

# More great resources:

## Other informational and training resources:

- Resources to understand America's long history of injustice and inequality, by Washington Post Staff, The Washington Post, Oct. 9 2020. Topics History, Education, Protest and activism, Income inequality, Health, Politics, Policing and criminal justice, Culture
- Avocado Toast and "OK, Boomer!" How to Talk to Each Other and Leverage a Multi-Generational Profession (On Demand), OSB CLE
- National Conversation on Civility: Civil Discourse and Difficult Decisions, October 28 (Virtual Livestream), AIC CLE (pre-registration required)

# More great resources:

## Community wildfire resources:

- [DisasterAssistance.gov](#)
- [Mid-Valley Resources](#)
- [Chemeketa CC Wildfire Resources](#)
- [OTLA 2020 Fire Relief](#)

## Feel good:

- [Good News Network®](#)  
*Since 1997 . . . The website, with its archive of 21,000 positive news stories from around the globe, confirms what people already know—that good news itself is not in short supply; the broadcasting of it is. (About Us)*
- Breaking Bread: [Wikipedia article](#) and [Group Works Deck](#)

# Questions?

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Thank you!