



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
Joel W. Solomon United States Courthouse
900 Georgia Avenue
Chattanooga, Tennessee 37402

CIVIL DISCOURSE – A NECESSARY SKILL IN OUR DEMOCRACY

Federal Courts often encounter disputes where the stakes are high, litigants hold strongly opposed opinions, and emotions run hot. Add to this a variety of sometimes conflicting personalities, and you might expect unsolvable disputes. But even in the face of these factors, courts routinely resolve disputes both big and small. A key to successfully resolving these disputes is the courts' insistence on civil discourse.

By civil discourse, we mean that people with different opinions can engage in discussions that are frank, respectful, reasoned, and meaningful. This requires refraining from insults, name calling, yelling, and personal criticism. It requires staying on topic and using language designed to persuade, not just to offend. And, put simply, it requires listening to the other person.

Through the rules of courts, the authority of presiding judges, and shared traditions, attorneys in court proceedings practice civil discourse. Attorneys and their clients usually feel very strongly about their positions and believe they are right and the other side is wrong. But regardless of their strong opinions, attorneys understand that the other side has the right to argue their side of the dispute, and that there is wisdom in listening closely to the other side. They understand that the language they use must be tempered so that high emotions are kept under control. They understand that they must treat the other side with respect. They understand that their own arguments must be based on reason and logic, not invective and personal attacks.

Society could benefit from adopting the practice of civil discourse. Too many of our public debates focus on disparaging the other side rather than persuading them. We sometimes mistake raised voices for persuasion, praising those who engage in the most inflammatory verbal tirades. We may live in intellectual boxes and listen only to those in the same box. We may give no respect to those outside our box. Rather than listen to understand them, we listen only to respond. We dismiss their arguments because of the boxes in which we think they reside. We retreat further into our own boxes, talking and listening only to those with whom we agree. In doing so, we miss opportunities to learn, to reason, to grow, and even to persuade.

Democracy is not about us all getting everything we want. Rather, it has to mean that important disputes can be discussed openly by an informed citizenry who air all sides of a dispute. This allows us to hear ideas and perspectives we might not have considered before, and it allows us to know that our ideas are being heard, too. We understand and appreciate that others are acting

in good faith and are not our enemies. At the end of the debate, we may not all agree, but we are all able to make a better-informed decision. Society is best served when this happens. A lack of civil discourse deters citizens from engaging in public debates and decreases our access to the information we need to make the best decisions. It thus hampers democracy, democratic decision making, and optimal outcomes.

Society would be well served by greater use of this tool, civil discourse, that is practiced every day in our courts.

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