

How One Organization is Making the Promise of Resolution 108 a Reality

By Judge Bruce E. Meyerson (Ret.)¹

In 2011, at the initiation of the Section of Dispute Resolution, the American Bar Association House of Delegates adopted Resolution 108 which “affirmed the principle of civility as a foundation for democracy” and urged lawyers to help promote a “more civil and deliberative public discourse.” The Resolution calls upon lawyers to take “meaningful steps” to “further the constructive role of lawyers in the process of public civil discourse.”

As a past Chair of the Section, along with many others, I was gratified to be part of the Section’s efforts which led to the adoption of Resolution 108. Like most Americans, I am deeply troubled by the polarizing nature of our public dialogue. Indeed, in a recent survey, 93% of Americans identified civility as a problem; 68% classified it as a major problem.²

Well before the adoption of Resolution 108, as a member of the Arizona Humanities Council, I led the effort of several dozen organizations in Arizona to create Project Civil Discourse, a collaboration designed to promote respectful dialogue and problem solving on important issues facing Arizona. This project was cited in Resolution 108 as an example of what citizens can do at the local level.

As an adjunct professor at the Sandra Day O’Connor College of Law at Arizona State University, where I teach courses in mediation and arbitration, my wife and I have donated money to support an annual lecture featuring thought leaders in the field of negotiation and conflict resolution. This year, because the need for civility is greater than ever, we invited Deborah Tannen to give the lecture. Recognized as the world’s leading linguist, over 30 years ago she identified the lack of civility in society as a problem in her book, *The Argument Culture*. In expressing concern then about the state of our public discourse, she wrote that “contentious public discourse becomes a model for behavior and sets the tone for how individuals experience their relationship to other people and so the society we live in.”³

One central purpose of Resolution 108 is a “call to action.” It urges “all lawyers . . . to take meaningful steps to enhance the constructive role of lawyers in promoting a more civil and deliberative public discourse.” I am proud to be part of an organization, although not made up exclusively of lawyers, that is trying to do that. That organization is the AAA-ICDR Foundation.

Formed by the American Arbitration Association in 2015, the mission of the Foundation is to prevent and resolve conflicts by expanding access to alternative dispute resolution. Since the Foundation began making grants, the Association has contributed \$7.9 million to support its work, and individual mediators and arbitrators, most of whom are lawyers, have contributed \$4.7 million. The Foundation has made grants of over \$3.9 million to 67 organizations.

² Weber Shandwick & Powell Tate, *Civility in America 2018: Civility at Work and in Our Public Squares* (2018).

³ Deborah Tannen, *The Argument Culture* 280 (1998).

The Foundation has made significant investments in organizations throughout the country in promoting improved and respectful civil dialogue. Projects funded by the Foundation have included improving dialogue in police community relations and interactions with vulnerable populations, developing respectful ways to promote better relations between diverse religions, and funding innovative programs to help address climate change using problem-solving techniques.

To further its commitment to improving civil discourse, the Foundation has identified as one of its three priority areas “bridging community conflict with a focus on civil discourse seeking to mend societal divisions.” For its 2022-2023 funding cycle, the Foundation is inviting applications to further this goal, and, in addition, the Foundation recently approved three significant grants with the potential to make important changes in fulfilling the spirit, and purpose, of Resolution 108.

These three projects are the following:

- National Institute for Civil Discourse. NICD was formed following the 2011 terrible shooting in Tucson taking many lives, and seriously injuring former Congresswoman, Gabby Giffords. The Foundation has approved a grant to NICD to expand its CommonSense American project. This project brings together tens of thousands of Americans, demographically and politically diverse, to interact and discuss important policy issues and present consensus conclusions to Congress. The Foundation’s grant will allow NICD to expand this project and, importantly, implement new technology that will enable small groups of individuals, who identify themselves as having different political ideologies, to meet and interact together virtually to discuss important public issues.
- Sandra Day O’Connor Institute for American Democracy. The O’Connor Institute was formed to honor Justice O’Connor; it sponsors a wide range of programs including activities to “build partnerships to promote civil discussion and cooperative problem solving.” The Foundation’s grant will enable the O’Connor Institute to create a website, “Civics for Life.” This will be a new website described as the “go-to” online destination for civil discourse and civics education with nonpartisan, fact-based content and interactive experiences.
- National Conference on Citizenship. NCOC is a Congressionally chartered organization whose mission is to strength civic life in America. The Foundation’s grant will allow NCOC to develop a “civility index” and test it in three pilot communities. The civility index will enable government agencies such as city councils and school boards to measure and assess the conduct of their meetings and interactions with the public using metrics that reflect the best practices in community engagement and civil discourse.

The Section of Dispute Resolution should be proud that over ten years ago it identified this pressing issue facing the country. Although it’s regrettable the problem described in Resolution 108 remains, the call to action should be reinvigorated, and, like the Foundation, we all should keep in mind the importance of the Resolution and take steps wherever, and whenever possible, to further its purpose.