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CIVILITY AND THE COURTS

As part of the 2026 Bolch Prize program, a panel discussion examined judicial collegiality, the value of respectful disagreement, and the judiciary's responsibility to sustain public confidence during a period of political division.

Moderated by 2026 Bolch Prize recipient David F. Levi, the "Civility in the Courts" panel featured J. Michelle Childs of the U.S. Court of Appeals for the D.C. Circuit and David S. Tatel and Thomas B. Griffith, both retired judges of that court. Students and other members of the Duke Law community filled the room for the program, which Dean Kerry Abrams introduced as "a chance for us to reflect on the rule of law and those who protect it."

Levi began by asking panelists about the true meaning of collegiality. Griffith responded by emphasizing that collegiality involves more than cordiality. It "comes from a sense of humility," and from recognizing that "you do not know everything" and need the experience and judgment of others to reach the best decision.

Childs said collegiality shapes the culture of a court and its relationship with law clerks. Judges should "respect each other's intellect," scholarship, and work ethic, while recognizing that colleagues may bring a valuable "diversity of thought" to a case.

Tatel described collegiality as essential to judicial restraint and, ultimately, to the separation of powers. Judges who listen carefully to one another can "narrow and narrow" their disagreements until they find a basis for resolving a case together, he explained. Recalling his years on the D.C. Circuit, Tatel said that even sharply divided opinions can reflect "a principled disagreement between judges," rather than personal hostility.

The conversation also addressed judicial rhetoric, public perceptions of ideological decision-making, and the need for stronger civic education. Childs urged lawyers and judges to "show your work" by explaining clearly how facts, evidence, and law support a decision. Griffith called on courts to model reasoned discourse and warned that the Constitution "cannot withstand a citizenry that holds each other in contempt."

In closing, Tatel encouraged students and lawyers to listen carefully, assume good faith, respond on the merits, and remain willing "to change your mind" when warranted. Levi thanked the panelists, noting that their example offered reason for hope in a deeply divided time.

A video recording of the conversation is available at ***https://duke.is/Civility-and-the-Courts.***

– BY MICHELLE KAMINSKY, managing editor of *Judicature*

From left: David F. Levi, J. Michelle Childs, Kerry Abrams, David S. Tatel with his guide dog, Vixen, and Thomas B. Griffith