

Are there people you will intentionally try to avoid in public because prior experience dictates that once a conversation starts with them it will be impossible to get a word in edgewise and painfully difficult to escape a long, drawn-out experience? These people may be very smart and well-intended but they seem oblivious to the non-verbal cues of others.

Good manners prevent most of us from interrupting someone. Instead, we rely on sending non-verbal cues such as looking at our watch and stepping back. But these people tend to ignore the routine, non-verbal cues most of us use in such situations. You ask, "Why are they like that?"

Even if they have a very high IQ, they could be suffering from a very low EQ (a.k.a., emotional intelligence).

Another example is a lawyer who spends more time talking about his/her successes and accomplishments with a prospective client than listening to *and watching* the non-verbal communications of the prospective client. Truly learning about and empathizing with the client is just as important, if not more so, than touting the lawyer's own accomplishments.

Paying attention to others is critical, but it's only half of the entire EQ puzzle. It is equally important to improve one's self-awareness and become more cognizant of one's own emotions and how those emotions can affect behaviors toward others.

The concept of emotional intelligence was first explored in the 1960s but was brought to the mainstream in author Daniel Goleman's book, *Emotional Intelligence: Why It Can Matter More Than IQ* (Bantam, October 1995).

Emotional intelligence refers to one's capability to recognize both one's own emotions and the emotions of others, discern between different feelings and label them correctly, and then use emotional information to productively guide thinking

and behavior to adjust those emotions and successfully adapt to environments.

With the awakening of the legal profession to the benefits of wellness and mindfulness initiatives, there has been a fresh look at emotional intelligence as it specifically relates to the legal profession.

In an October 2017 *Persuasive Litigator* article, Dr. Ken Broda-Bahm explains that emotional intelligence helps lawyers: 1) see beyond logic and the law; 2) work better as a team; 3) use effective non-verbal communication; 4) navigate between assertiveness and aggressiveness; 5) create empathy with a judge or jury; 6) develop credibility; and 7) identify and empathize with clients' needs and interests.

Dr. Broda-Bahm offers three ways to boost emotional intelligence:

1) Recognize that law is about people, not just outcomes. The best way to humanize a case is to talk to the *humans* as often as possible. Use mock trials, poll juries, and communicate as much as possible within the bounds of ethics and learn to be more emotionally intelligent.

2) Be a renaissance person. Lawyers can benefit from broadening their understanding of human relationships by participating in art, culture and recreation *outside* of the legal profession. This provides a broader understanding of human motives and complexities.

3) Practice good reaction hygiene. Emotional intelligence comes down to how one reacts to ideas and others. Lawyers have "intellectual hair triggers" and, when they hear an argument, they often automatically generate a response. Dr. Broda-Bahm said it's better to pause, identify your emotions and how you are feeling, and ask others what they think before you take a position. "Take time to think and observe. Don't force yourself to react in the moment."

An in-depth book on emotional intelligence by Ronda Muir is available for lawyers, *Beyond Smart: Lawyering with*

*Emotional Intelligence* (ABA Publishing, ABA Section of Dispute Resolution, 2017).<sup>1</sup>

According to Muir, "probably no other profession relies so heavily on cognitive intelligence as law. Law schools rely on LSATs to find the most logical applicants and then rigorously use the Socratic method in classrooms to ferret out any nonrational tendencies that remain. Law firms and law departments hire the top law school graduates and then enforce cultures of strict rationality. Emotion is what we in the law business have been intent on eliminating."

But Muir recognizes that lawyers are human beings and eliminating emotions may not always be the best approach. "While some lawyers flourish in their work, troubling data has been accumulating for years. Extremely high rates of suicide and substance abuse (both still underreported), divorce, and health issues among lawyers testify to a degree of personal dysfunction that is astonishing." According to Muir, emotionally intelligent lawyers become happier and they become better negotiators and litigators.

If you want to learn more or need confidential help with any type of mental health or addiction issue, contact the professional clinical staff at JLAP at (985)778-0571, email [jlap@louisianajlap.com](mailto:jlap@louisianajlap.com) or visit the website at: [www.louisianajlap.com](http://www.louisianajlap.com).

## FOOTNOTE

1. [www.americanbar.org/products/inv/book/289815790/](http://www.americanbar.org/products/inv/book/289815790/).

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