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Learning to Listen

BY JIM LOVELACE ON SEPTEMBER 14, 2016 ·



How we listen is an often-underrated communications skill—indeed, *life* skill—for all of us. Effective listening is an especially crucial skill for lawyers, who engage in virtually non-stop dialogues with clients, witnesses, colleagues, judges, opponents, and on and on. Many of us, myself included, just take it for granted that we are good listeners. But do we ever sit back and think about *how* we listen, and how that affects how we take in information and interact with others? To help illustrate how we listen, I offer the following hypothetical:



Imagine that you are sitting at your desk at the end of an especially long day. You and your team are at a crucial phase of a contentious matter that you have been overseeing. You have just finished a difficult phone call with your client, who expressed major concerns about how things are going. Moments after you hang up, Robert—your “right hand” and most senior associate on your team—knocks on your door, asks to speak with you, and shuts the door behind him. He has news. He is quitting his job to join a start-up business created by a college friend. The opportunity arose unexpectedly, and he grabbed it quickly. He starts next month.

Wow. Some news! As Robert is talking to you, how are you listening to him? I will discuss two possible alternatives and then tie them back to listening skills in our jobs and daily lives.

Scenario One



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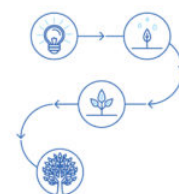


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IN THIS ISSUE

As Robert tells you his news, several thoughts are running through your mind. “This is #^&%@! I’ve known and mentored Robert since he was a summer associate!” “Why didn’t he tell me earlier that he was thinking about leaving?” “Who will pick up the slack on my matters? I will, of course. And I get to train someone all over again.”

You interrupt Robert and ask the following questions: “How long have you been thinking about this?” “Why didn’t you confide in me earlier?” “Are you sure this is what you want to do?” “Who will take over the tasks that you have been doing for me?”

Scenario Two

At first, you notice that Robert is not making eye contact with you and his voice is unsteady, neither of which is typical of your many conversations over the years. Whatever he is here to say, this is hard for him. This is confirmed by his word choices: “tough decision,” “risk,” “loyalty.”

You let him talk, but you eventually interject: “Robert, I’m concerned for you. What’s going on?” As he continues, you notice more confidence in his voice. He is looking at you and you pick up on key words like “unique opportunity,” “right time,” and “professional growth.” When you speak again, you offer congratulations and ask, “What do you need from me?”

So, what happened in the two scenarios? The easy answer is that you were a kind and sensitive boss in scenario two, and perhaps not so much in scenario one. However, I will go beyond that surface analysis and parse the listening skills that were at play.

Scenario one showcased what is called *Self-Focused* listening: “What does what I’m hearing mean to me?” Everything that Robert said, you processed in terms of your interests or perspectives. This colored what you heard, and also what you said, like “Why didn’t you confide in me earlier?” That question served *your* curiosity more than helping Robert in the moment.

Does listening in this way make you a bad person? Not at all. And in light of Robert’s news, it is certainly natural that you would be a self-interested listener. After all, what he told you directly affected you, your firm and your clients. But while listening in this way is understandable, you were able to see how self-focused listening affected your interaction with Robert.

In scenario two, you engaged in *Empathic Listening*, picking up on Robert’s word choice and tone of voice. You also withheld judgment on him as a person and how his story affected you. You also engaged in *Comprehensive Listening*, which actually goes beyond listening with your ears. You picked up on Robert’s body language. The end result is that you were *with* Robert as he told you his story.

With these listening categories in mind, let’s look at: 1) the benefits of becoming self-aware about your listening skills; and 2) how you can use these skills to become more effective as a lawyer.

Awareness of listening skills

Several years ago, I took formal training to become a certified life coach. When I began, I thought I already was a strong listener. I genuinely liked to hear others’ stories. For example, in my previous job as a law school career counselor, I considered it a terrific day when my calendar was filled with student appointments. I enjoyed hearing about what motivated them to attend law school and what they hoped for in their careers.

Early in my coaching training, I was taught about the different types of listening described above. I quickly realized that my default setting was as a self-focused listener. For example, someone would talk to me, and I would often think to myself, “Wow, that happened to me once...” or “Whoa, I would never make that decision.” And then I would proceed to share my wisdom, or ask questions that served my curiosity more than they helped the speaker.

My coaching instructors explained two key things about listening: 1) for most of us, our default setting is to be a self-focused listener; and 2) to be an effective coach—and to *be with* our client—we need to spend the vast majority of our coaching time being an empathetic and comprehensive listener. Put another way, it is extremely difficult to be an empathetic and self-focused listener at the same time. You need to affirmatively choose one or the other, or eventually train your mind (and ears) to be in the right setting at the appropriate times. Learning this was a huge “aha” moment for me, and the beginning of my self-awareness around my listening.

Ever since my coaching classes, I have tried to become more attuned to how I listen at work and in everyday life, and calibrate my listening for different situations. For example, if I am in a setting where I need to learn something

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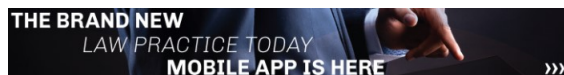
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for my own benefit, I settle in as a self-focused listener. In contrast, if a lawyer or talent development colleague tells me about a professional opportunity or quandary, I strive to be an empathetic listener. When I find my mind wandering back to “my stuff,” I hit the mental re-set button and try to get it back on track. Naturally switching to empathetic listening requires practice, like training your muscles to get used to a new exercise.



Effectiveness as lawyers

In my 25 years of experience as a practicing lawyer and legal career development professional, I have observed that lawyers spend the vast majority of their work time—when they are not talking, that is—as self-focused listeners. When they hear others’ stories, their minds are occupied with: What are the flaws and where are the potential liabilities? Where is the “good stuff” on which I can build a case? They dig for facts, often asking for more information to construct their narratives and theories. This is not surprising. This is what lawyers have been taught, from law school onward, to do.

So what is wrong if lawyers predominantly engage in self-focused listening? Isn’t this what they are supposed to do? Isn’t this how they “add value”? Well, yes and no. Lawyers certainly do add value as self-focused listeners. But what might they be missing in the process? Perhaps it is the client who *says* she wants to litigate, but whose tone and body language suggest a strong desire to settle, and soon. Or maybe it is a client who just wants to vent about the state of his business, and have a trusted advisor who seeks to understand his perspective. And, coming back to the hypothetical involving Robert, perhaps it is a junior colleague who is sending cues that he is unsatisfied in his work.

It is clear that lawyers, because of their reliance on self-focused listening, often miss out on more fully connecting with their clients, colleagues and others with whom they interact regularly. Maybe this is what clients are getting at when they complain about “not being heard” by their lawyers.

Fortunately, while we can all improve as listeners, doing so is not especially complicated. The first step is building self-awareness around how we listen, and learning the benefits and drawbacks of listening in particular ways. At my law firm, we started this process by including listening skills—right along with writing and speaking skills—at our most recent first-year associate training conference. The second step is to encourage the skill of effective listening, even going so far as to include the skillset in lawyers’ assessments, development plans and client surveys. By valuing the skill in these ways, I am confident that more lawyers will listen, and listen well.

About the Author



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