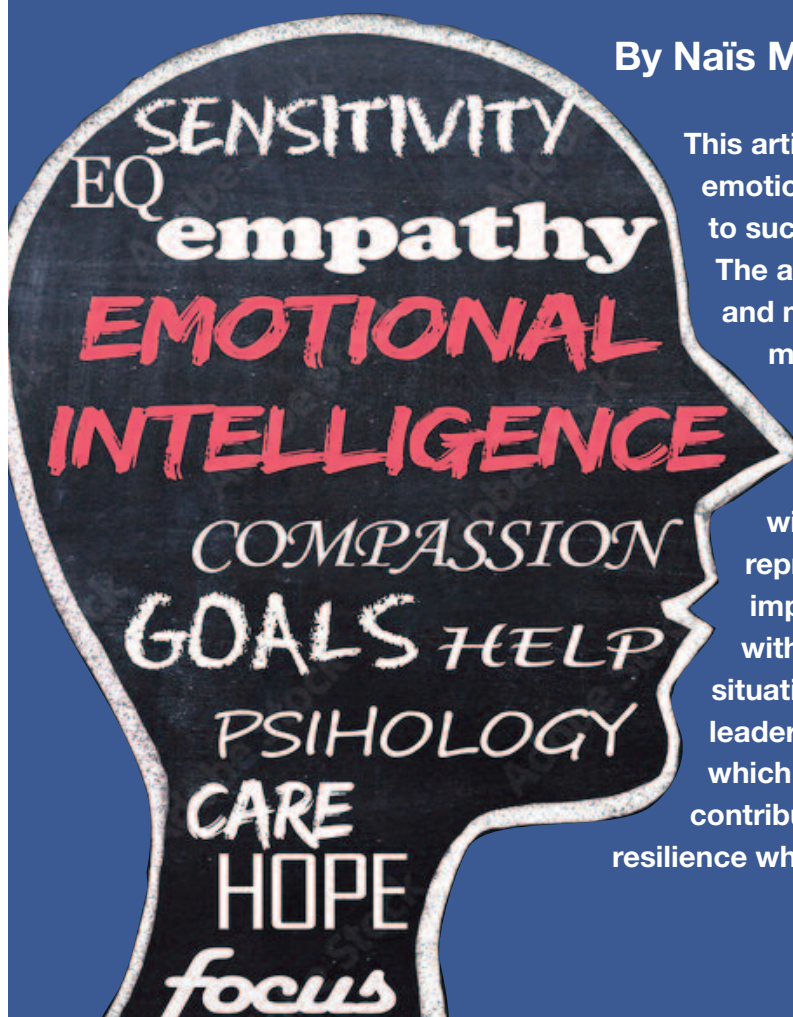

How developing emotional intelligence will lead to long-term success for lawyers

By Naïs Mouret, JD



This article explores how developing emotional intelligence contributes to success in a lawyer's career.

The article touches upon tools and methods to improve two main emotional intelligence components – empathy and interpersonal relationships.

I argue that by working with emotions as opposed to repressing them, lawyers will improve the way they interact with one another, manage conflict situations, and become competent leaders. I then explore the extent to which emotional self-awareness contributes to define purpose and build resilience when facing setbacks.

Lawyers are often encouraged to act as “emotion-free” individuals. Yet, they are, first and foremost, human beings with emotions. As much as we would like to suppress emotions because we need to be as objective as possible and not let our personal experience affect our client’s case, emotions are unavoidable. Cultivating awareness of our emotions and working *with* them is the first step towards long-term success, not only as a representative of our clients’ interests but also as a team member.

The legal profession has the particularity of creating a stressful and high-pressure environment, which may deeply affect your productivity, performance, and perception of your work. Seeking understanding of the lawyer’s environment is my starting point. Interactions with peers, judges, clients, and witnesses are at the heart of the lawyer’s work. As a lawyer, you are constantly challenged by the interactions you have with others in your environment. The way you respond to others’ emotions impacts your case and career in the long-term.

Salovey and Mayer were the first researchers to investigate the theory of emotional intelligence (EI) in 1990.¹ They define it as “a form of social intelligence that involves the ability to monitor one’s own and others’ feelings and emotions, to discriminate among them, and to use this information to guide one’s thinking and action”. Daniel Goleman later popularized the model and defines EI as “the ability to sense, understand, and effectively apply the power and acumen of emotions as a source of human energy, information,

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connection, and influence”.² Our ability to master emotions can lead to better productivity and leadership. In our interactions with others, beyond communication methods we are accustomed to use, there is a whole exchange of emotional information happening that is out of our control. Learning about *how* we interact with others and understating the impact of our emotions on others changes the course of the actions we take. Thus, learning how to regulate our emotions becomes a powerful tool to obtain successful outcomes in the work environment.

EI as a tool to build sustainable relationships at work and mitigate conflict

“The most important single ingredient in the formula for success – is knowing how to get along with people.”

Theodore Roosevelt

Empathy – the selfless approach for managing relationships

According to Daniel Goleman, empathy is the ability to recognize, understand, and appreciate how other people feel, and it involves behaving in a way that respect others’ feelings. Empathy plays a key role for lawyers at two levels. First, lawyers have the ethical responsibility to the client to act with empathy, which includes encouraging the client to reconsider their motivations for taking legal action, and to consider broader interests, such as those of the people who may be affected by such action. Second, practicing empathy is a critical component of EI when interacting with other team members, particularly in law firms, where the high-pressure environment may affect lawyers’ behaviors towards each other. Lawyers are usually very hard on themselves and perfectionists; they are hard on others as a result, which perpetuates a defeatist attitude and impedes effective teamwork. Practicing empathy at a personal level leads to increased communication among a team as it fosters patience and support when colleagues struggle. It also increases the firm’s ability to foster collegiality and collaboration in an environment in which

maintaining close relationships is critical to effective leadership, teamwork, and counselling.

In a work setting, and particularly in law firms, empathy is often associated with weakness. Indeed, when performance is prioritized over good relations among lawyers to achieve goals, it may result in a lack of behavioral skills in the workplace, which significantly affects productivity and the general wellbeing of law firms and their employees. Hence, showing empathy to others becomes challenging in such a setting. Cultivating empathy towards others most likely raises the level of satisfaction among a team and increases productivity and, indirectly, revenue. Research from 2015³ shows that the top ten companies in the Global Empathy Index saw their revenue increase by more than twice and generated 50% more earnings than the bottom ten companies.

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Our emotions are key to making rational and well-thought decisions. Often, a line is drawn between those who operate in a rational and logical manner, versus those who operate from the somatic body, listening to their intuition and emotions. In the legal environment, there is the underlying message that emotions should be repressed for one to succeed. Yet, emotions are part of the equation in decision-making. When you are aware of your emotions and curious about your team's emotions, you become better equipped to make rational decisions.

A factor that may trigger the difficulty to practice empathy is the impact of repressing emotions. When we feel like our work environment does not allow us to express how we feel and share our ideas and opinions, it may lead to frustration and affect our

behavior with others. The more you are aware of your emotions, the more you will be able to regulate them and be open about how other people may feel. In law firms, associates may often feel a loss of self-esteem and self-confidence because of the lack of empathy from partners. In the same way, associates are encouraged to separate their emotions from their work, which makes them less empathic towards themselves. Ultimately, it becomes more challenging to detach themselves from negative feedback and differentiate how they value themselves from their performance.

Here lies the importance of the personal practice of being empathic towards yourself to avoid self-sabotage, which significantly affects your performance and productivity in the long-term.

Bringing EI to resolve conflict situations

"We don't see things as they are, we see things as we are."

Anaïs Nin

Managing conflict is extremely challenging because teams are formed of individuals operating in different manners when disagreements arise. If those are not handled by the team leader, it may easily lead to explosive situations, which can sometimes never be fixed and deeply affect the firm or the organization in the long-term. Difficult situations are inevitable in any organization, especially when a hierarchical structure is strongly established. According to Bruce Tuckman's theory⁴ on group development, every group must go through a conflict stage to get to a high performing stage. The way the leader and their team manage conflict effectively will depend on their ability to use and implement EI.

Tuckman delineates four stages relevant to team building challenges: (1) forming, (2) storming, (3) norming, and (4) performing. Firstly, when the team is formed, members tend to behave independently and do not trust each other yet. Secondly, the team starts to brainstorm and put together ideas in order to find consensus. This is the most delicate phase as it can be destructive for the team and relationships can be broken and never recover. The leader plays a key role at this stage and their ability to manage disputes that may arise among the team will determine the

future of the group dynamics. Thirdly, the norming phase leads the team towards harmonious working practices with team members agreeing on the rules and values by which they operate. At this stage, the leader would usually intervene less and give each team member greater responsibility. Fourthly, the final stage, performing, allows for compromise and consensus as team members become more comfortable with each other, although not all teams make it to this stage. Performing teams value collaboration when making decisions, and dissent is further expected and encouraged as team members are now able to communicate with a high level of respect towards each other.

Conflict management is of utmost importance in legal workplaces because the outcome of a litigation case or a transaction, for instance, will depend on your ability to work in collaboration with other colleagues and respond to your client's needs. If your team gets stuck in the storming phase, this may result in a split, leading team members to work on their own without asking for help or relying on each other. Such outcome could likely lead to a lack of productivity, difficulties in meeting deadlines as the workload becomes heavier, higher chances of making mistakes, difficulties in managing stress, and not always acting in the client's best interests.

Conflict is desirable if it is well-managed by the team leader. It requires a high level of EI to perceive conflict as a growing opportunity and create a deeper sense of collaboration and trust among team members.

Cultivating self-awareness of our emotions

Resilience: the recipe for long-term success

"More than education, more than experience, more than training, a person's level of resilience will determine who succeeds and who fails."

Diane L. Couto

Stewart Levine defines resilience as the "capacity for stress-related growth. Resilience is built through a set of core competencies that enable mental toughness and mental strength, optimal performance, strong leadership, and tenacity."⁵

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If you want to develop resilience, you must first understand your own reaction to adversity and your own way to cope with stressful situations. Indeed, self-criticism constitutes the source of counterproductive thinking styles and thinking traps such as jumping to conclusions and blaming yourself or others for when things went wrong. To identify and correct these thinking styles, Levine offers an exercise to convert your "inner critic" into your "inner coach" to develop flexibility and better cope with them in stressful situations. In order to reframe your thinking, you should ask yourself these questions:

- How will I feel about this in a year from now?
- What specific evidence do I have to support this thought?
- What would I tell my friend/partner/child if he or she was in the same situation?
- What impact is this thinking having in my life?

Other people matter – the benefits of high-quality relationships

"It's mercy, compassion, and forgiveness I lack; not rationality."

Beatrice Kiddo in Kill Bill

The research shows that the main difficulties law firms face is their vulnerability to emotional toxicity, simply because feelings and emotions are typically frowned upon in the legal profession. Indeed, lawyers are taught to suspend any type of emotion

to be able to provide an objective legal analysis. Emotional toxicity may strongly affect the quality of relationships up to the point where the atmosphere becomes unbearable and affects productivity. Such deficiencies in EI may decrease morale and engender loss of valued employees.

Most of the toxicity comes from what Goleman calls “blind spots”,⁶ also defined as deficiencies in self-awareness. In a recent study,⁷ it was shown that the most common blind spots are (1) blind ambition, manifested in arrogance and extreme disregard for colleagues and subordinates; (2) setting of unrealistic goals for self and the group; (3) relentless striving that led to personal burnout; (4) driving others too hard by micromanaging instead of delegating; (5) power-hungry and self-serving attitudes; (6) an insatiable need for recognition – often being quick to take credit for victories and to blame others for mistakes; (7) preoccupation with appearances; and (8) the need to seem perfect (unable to accept deserved criticism or acknowledge personal weakness). The consequences of blind spots may potentially affect the future of an entire firm if they are not addressed. Indeed, as previously stated, lawyers are human beings who carry emotions, and a lack of self-awareness and lack of self-management usually leads to a toxic workplace. Additionally, when tensions build up during the day without being resolved, emotional toxicity may deeply affect personal relationships with friends and family when the associates, partners, and staff take them home after a stressful day.

Levine identifies four key characteristics of high-quality relationships – empowerment, trust, authenticity, and respect.⁸ One of the best ways to build relationships based on these four qualities is to acknowledge the other person and participate in active listening. When teamwork is valued at the firm, your ability to listen to your peers and value each individual’s opinion can bring better results in the way you interact with others. Being able to accept diversity and show respect to others improves the way you communicate with others and allows for a deeper understanding of each other’s feelings. This is of utmost importance because law firms rely on solid work relationships, which ultimately translate into quantifiable gains in performance. Additionally, high-quality relationships improve the employee’s

levels of satisfaction of their work as they can rely on supportive colleagues, which makes them more loyal to the firm and less likely to change jobs.

Defining purpose – the importance of reminding ourselves of “Why”

“It is never too late to be what you might have been.”

George Eliot

The more we get agitated and distracted by tasks, the less likely we will convey our ideas in a way that reflects our *Why*. After a few years of practicing law, many lawyers tend to forget what motivated them to go to law school and engage in the practice of law. Yet, their success hinges upon their ability to make sure their actions are in line with their *Why*, and effectively communicate it with their team.

In his book *Start with Why*, Simon Sinek⁹ addresses the issue of deficient leadership, which stems from the lack of understanding of your cause and motivation to do what you do. Trust emerges when you, as a leader, can communicate that you are driven by things other than your own self-gain. Trust is not a rational feeling, yet it is the core of an organization’s success. Here is why – the most talented individuals on your team would likely stay for the inspiring leader and because they feel part of something greater than them. Sinek argues that, as a leader, you must talk about your *Why* and prove it with what you do. The *Why* is just a belief and must be coupled with the *Hows* (the actions you take to realize that belief) and the *Whats* (the results of those actions). Without a clear sense of your own *Why*, you may not effectively build trust.

One thing that I have observed in leadership practices is the importance of receiving honest and authentic feedback from team members and have courageous discussions on what is working and what is not. Leaders who can put into question their own leadership make the greatest teams. Giving them the power to make themselves a better leader will increase the team’s engagement and satisfaction. It is not just about the perks and the goodies, but is also about how much a leader gives their team the feeling to be part of their *Why*.

Mindfulness is a key tool to define our purpose and communicate it in an effective way. Mindfulness

is defined as the ability to be fully conscious of the present moment – being here and now. I like the simple example of taking a five-minute break in between meetings to sit in silence and tune-in with myself, asking “How am I feeling right now?”. Creating that space allows me to be more conscious of my emotions and how they may affect my co-workers. The objective of being mindful about your environment and cultivate sensitivity to the context of a situation raises your level of awareness of your emotions and how they affect the environment you interact with. The importance of mindfulness lies within the objective to achieve a better understanding of a situation in order to resolve it in the most efficient and fair way. In this context, using mindfulness to approach every aspect of the legal practice may improve efficiency in the legal workplace and raise the level of satisfaction among your team, thus leading to a high level of personal integration through awareness of the body, mind, and emotions.

In a nutshell, EI presents an incredible

opportunity for lawyers to build a successful and sustainable career. Working *with* your own emotions through self-awareness and self-regulation allows you to know yourself, be aware of your own limits, and perform in the most efficient way. Bringing such awareness to your daily life improves your interactions with peers, colleagues, and people under your supervision. Leaders are not expected to perform the work of their team – they are required to inspire and influence. Often, leaders bring their *How* forward before their *Why* and lose sight of their role to build trust and a sense of belonging among their team. While lawyers are being encouraged to repress their emotions, the research continues to show that the more you practice mindfulness and are in-tune with your environment, the more your team is receptive of your contribution, and the more they will be willing to collaborate with you. Your ability to cultivate resilience and empathy, both with yourself and your team, will define the extent to which you may rise to the next generation of leaders.



Naïs Mouret brings over seven years of work experience in both the public and private sectors. She is a certified emotional intelligence practitioner and leadership consultant. She advises leaders and managers on implementing emotional intelligence tools and leadership practices. Born and raised in the south of France, Naïs obtained a BA in Political Science and History from La Sorbonne Paris 1 and her JD/BCL from the McGill Faculty of Law. She started her career in human rights based at the United Nations in Geneva and implemented over 30 projects worldwide. Fascinated by compliance matters in business, she pursued her legal career as in-house counsel. She worked for companies in Switzerland, Canada, the US, and France. She held roles such as head of legal affairs at a California-based company and more recently as senior legal counsel at L'Oréal in Paris. Naïs is also a certified yoga instructor and is passionate about alternative methods to improve wellbeing at work and foster productivity in the legal environment.

- 1 Salovey, Peter, and John D. Mayer, “Emotional intelligence.” *Imagination, cognition and personality* 9.3 (1989): 185-211.
- 2 Daniel Goleman, Cain Paul J., “A First Step toward Introducing Emotional Intelligence into the Law School Curriculum: The Emotional Intelligence and the Clinic Student Class” (2003-2004) 14:1 Legal Educ. Rev. p3.
- 3 Ronda Muir, *Beyond smart: lawyering with emotional intelligence* (Chicago: American Bar Association, Section of Dispute Resolution, 2017), p.57.
- 4 See Team Building Theory, “Tuckman’s Forming – Storming – Norming – Performing”, *The Team Building Company* (2020), www.teambuilding.co.uk/theory/Forming-Storming-Norming-Performing.html.
- 5 Stewart Levine, *The best lawyer you can be: a guide to physical, mental, emotional, and spiritual wellness*, (Chicago: American Bar Association. Law Practice Division, 2018), p.62.
- 6 Daniel Goleman, *Working With Emotional Intelligence* (New York: Bantam, 2011).
- 7 Colin James, “Seeing Things As We Are – Emotional Intelligence and Clinical Legal Education” (2005) *Int’l J Clinical Legal Educ*, 8, p.92.
- 8 Stewart Levine, *The best lawyer you can be: a guide to physical, mental, emotional, and spiritual wellness*, (Chicago: American Bar Association. Law Practice Division, 2018), p.62.
- 9 Sinek Simon, *Start with Why*, Portfolio Penguin (2011), p.84.