



A Whole New Mindset for Lawyers

Lawyers are under a lot of pressure. Steeped in deliberation and precedent, lawyers don't necessarily take comfortably to rapid technology changes, big data or process development. Clients are demanding greater responsiveness at lower costs and may more readily send work to offshore, automated or online providers. The successful lawyers will be leaders and problem-solvers. Unnecessary conflicts are out; civility and professionalism are more important than ever.

Technology and a collaborative mindset

Back in the day, lawyers could become subject matter experts and stay at the top of their game for many years — if not their entire careers. Now change is occurring at an exponential rate, information is available 24/7 to anyone with a connection to the internet, and clients are demanding frequent if not daily updates. There is too much information available out there, changing too rapidly, for any one lawyer to consider herself the sole expert in a substantive area.

I agree with Amy Vodarek who recently [wrote](#) that trying to lead from an expert mindset puts the focus on the wrong person — ourselves. If we lead from the mindset that we are the expert, our focal point is on what we know, how we perform, and what will happen to us if we don't know. Instead, to be successful in this data-filled world, we need to focus on the other. This will help us gain clients and will help us promote a collaborative and healthy workplace.

Gain perspectives, not just knowledge

Lawyers spend the first part of their careers honing the skills they developed in law school: researching, analyzing, writing memoranda. Sooner or later, they shift to client development and management of their organizations. At this point, gaining and professing mastery of knowledge is not as important as gaining the respect and trust of others. Whether the focus is on gaining clients or keeping employees and co-workers happy, lawyers must learn to empathize and listen. In the abstract, one wouldn't think that these activities are that hard, but, again, lawyers are trained to argue and present, not listen and be empathetic.

As I have [written about before](#), research shows that lawyers are twice as likely as the general population to be thinkers (focused on objective principles and impersonal facts in decision-making) than feelers (those who emphasize personal concerns and people in decision-making). So how can our listening and empathy skills be learned?

Here are four steps to hone your listening and empathy skills:

- 1. Set a purposeful intention to listen, learn and explore.** When talking with another or in a meeting, resist the urge to state your views, showcase your prowess or take control of the conversation. Instead create space for the others to offer their ideas.
- 2. Listen to understand what they really care about.** Ask questions and notice what they are saying — or not saying. Pay close attention. Resist the urge to immediately frame clients' statements into a legal cause of action or defense.



3. Quiet your inner expert; focus on connecting. Connecting with others is the foundation of building relationships. Relationships get you clients, resources and new ideas.

4. Notice what is being revealed in you as you are listening. What assumptions or pre-judgments do you hold about the person and their message? Maintain openness.

If lawyers master the skills of listening and empathizing, they also will be able to use those additional perspectives to effectively collaborate. Unlike our business school counterparts, law students (at least of a certain vintage) have not been steeped in the culture and importance of working in teams. However, both inside and outside our organizations, we can leverage our effect and better serve our clients by collaborating with others.

Embrace civility and professionalism

Civility and professionalism are more important in this technology-rich milieu for three important reasons: 1) Clients are looking for problem-solving, not aggressive conflict-accentuating tactics; 2) Your reputation can be made or ruined easily; and 3) In an era where many tasks that previously were provided by attorneys are being delivered faster, cheaper and better by others, including machines, lawyers need to be grounded in principles of service.

1. Clients are looking for an answer to their problems.

First, many people are under the misapprehension that civility means having good manners or playing nice and is therefore not appropriate in a setting where lawyers are advocating for their clients. Not so.

Civility generally means treating others with respect. And lawyers are required as a condition of receiving their law licenses to pass character and fitness requirements that justify the trust of clients, opposing counsel and the courts, including demonstrating respect for the system.

Properly representing clients does not equate to pressing for every piece of discovery evidence regardless of the cost or relevance. In fact, corporate clients are [decreasing the amount they spend](#) on outside counsel and individual clients want their lawyers to make their problems go away as quickly and cheaply as possible.

2. Social media and online reviews mean your reputation as a jerk can go viral.

Before the internet, evaluations of lawyers were conducted and distributed by and for lawyers and published in books yearly, listing an attorney's achievements by name, geographic region and specialty. Now any person who has contact with an attorney can rate and comment on the lawyer's demeanor and professionalism on websites specifically devoted to ranking lawyers or on general social media. One uncivil outburst may haunt an attorney for years, and reputations may be built or destroyed quickly.

3. Service can revitalize your career.

What separates lawyers from online sellers of legal-related products is professionalism. The essence of professionalism is service. No other occupation has the same obligation as lawyers to serve the institutions that form the very foundation of our republic.

The Preamble to our ethical rules makes clear that in addition to providing services to their clients, lawyers also owe responsibilities to the legal system and to the public generally. With respect to the legal system, lawyers are charged with the responsibility to aid the administration of justice, to improve the law and the legal profession and to exemplify the highest ideals of the legal profession. With respect to society at large, lawyers are charged to seek reform of the law, improvement in the quality of legal services and increased access to the legal system as well as to "further the public's confidence in the rule of law and the justice system."

It is clear from protests that have broken out in multiple cities over the past year or two that the public's trust in the rule of law and the justice system is broken. It is up to lawyers to educate the public and to help rebuild the lost trust.

These are lofty goals and heady responsibilities. And these are the notions that attracted me, and I suspect most lawyers, into pursuing law as a career. Service is the lifeline of our profession

Change is inevitable - professionalism is constant

Technology makes demands on attorneys to learn new and faster methods of communicating and working. At the same time, technology offers more opportunities to connect with people and access information and resources. Lest the work of lawyers be reduced to the 21st century equivalent of an assembly line, it is important for lawyers to hone our soft skills of listening and empathizing so we can deliver the judgment our clients seek. And lawyers should ground themselves in the bedrock of civility and professionalism. These principles distinguish us from other occupations and reinforce why we went to law school in the first place.



Jayne Reardon

About the Author

Jayne Reardon is the Executive Director of the Illinois Supreme Court Commission on Professionalism. A tireless advocate for professionalism, Jayne oversees programs and initiatives to increase the civility and professionalism of attorneys and judges, create inclusiveness in the profession, and promote increased service to the public.

A frequent writer and speaker on topics involving the changing practice of law, Jayne asserts that embracing inclusiveness and innovation will ensure that the profession remains relevant and impactful in the future. Jayne graduated from the University of Notre Dame and the University of Michigan Law School. She is active in numerous bar and civic organizations. She serves as Chair of the American Bar Association's Standing Committee on Professionalism and is a Steering Committee member of the National Lawyer Mentoring Consortium. Jayne also is active in the ABA Consortium of Professionalism Initiatives, Phi Alpha Delta Legal Fraternity, Illinois State Bar Association, Women's Bar Association of Illinois, and the Chicago Bar Association.



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