

Soft Skills for a Hard World: Legal Edition

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Is this You?



Key Words

What Do They Mean?

- Dialogue
- Discussion
- Conversation



Applicable Ethics Rules

- ER 1.1 Competence
 - Comment 5: Attention and preparation; inquiry and analysis
- ER 2.1 Advisor
 - Comment 1: Straightforward advice even if unpalatable
- ER 5.1 Responsibilities regarding lawyer employees
- ER 5.3 Responsibilities regarding nonlawyer employees

Duhigg, *Supercommunicators*

Recognize the three types of conversations:

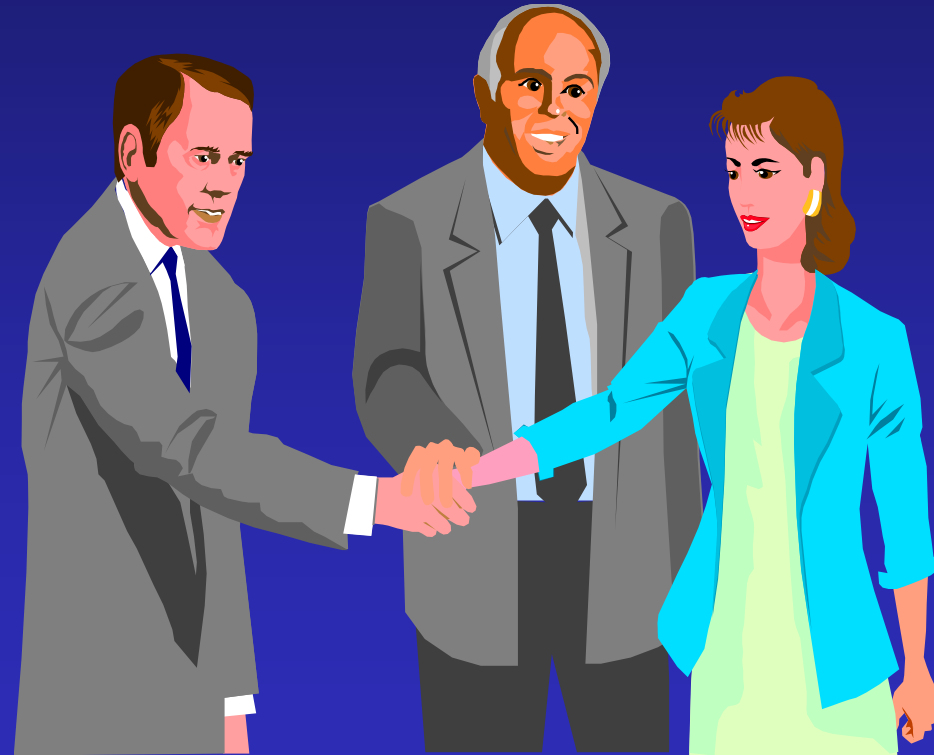
- What's this really about?
- How do we feel?
- Who are we?

Then:

- Pay attention to what kind of conversation is happening
- Share your goals – then ask what others want
- Ask about others' feelings – then share your own
- Explore if identities are important to the goals

COMMUNICATE

- Face To Face
- Cellphone
- Text
- Email
- Social Media



PRINCIPLES OF COMMUNICATION

1. What We Say May Not Be What Is Heard.
 - a. Texting
 - b. Jargon
 - c. Questions

Peter Senge on Questions

- 40% are statements in disguise
- 40% are judgments in disguise
- 20% are true questions

PRINCIPLES OF COMMUNICATION

2. Messages Contain Thoughts And Emotions.

a. Be careful of WHY

b. Be positive

c. Be curious

PRINCIPLES OF COMMUNICATION

3. How We Physically Respond Is A Better Indicator Than What We Say.
 - a. Tone of Voice
 - b. Body Language
 - c. What am I missing?



How Many Sentences?

I never said that.



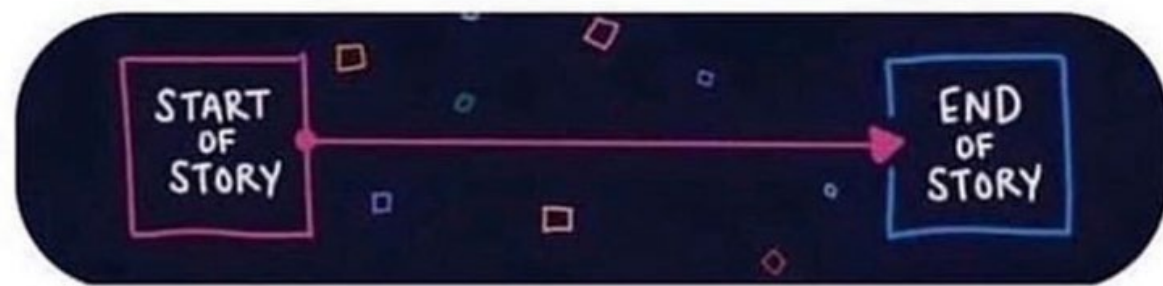
Sentence Two

I really didn't mean it.

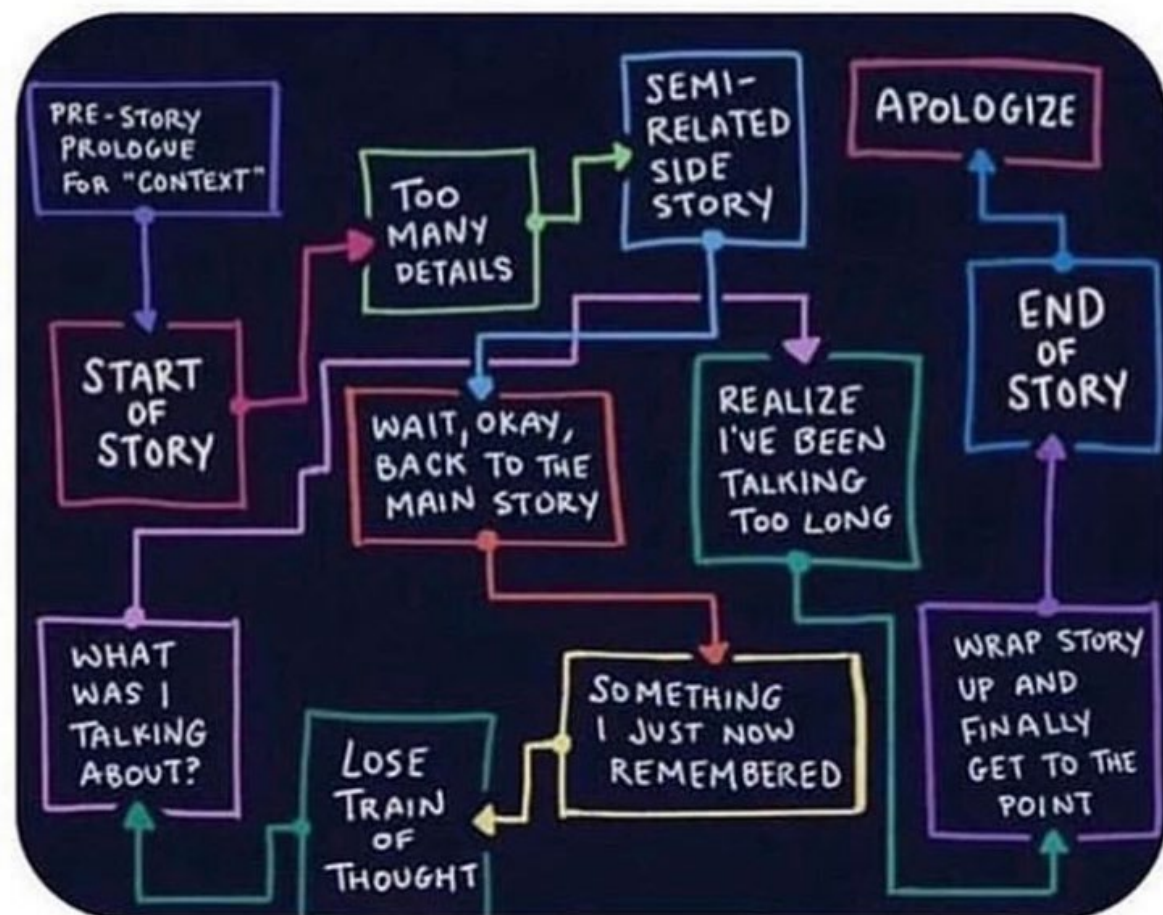
PRINCIPLES OF COMMUNICATION

4. There is an appropriate time and an appropriate place.
 - a. Attention and focus
 - b. The perception of others

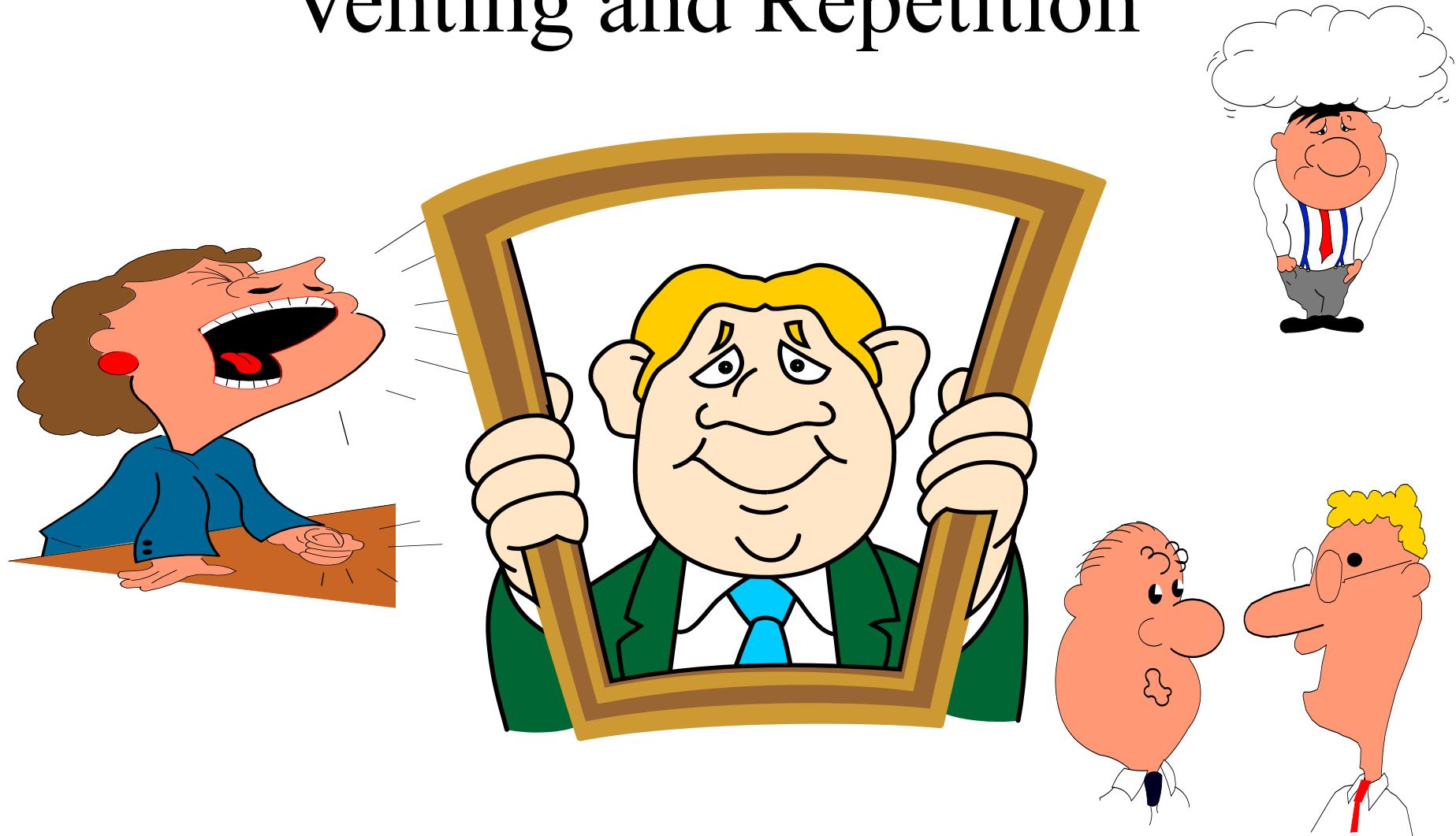
How a normal person tells a story



How I tell a story



Venting and Repetition



LADDER OF INFERENCE*



*Adapted from *The Fifth Discipline Field Book*
Peter Senge

Guzman, *I Never Thought Of It That Way*

INTOIT moments

- Turn assumptions into questions – be curious
 - Reject easy answers – embrace complexity
- Ask: What am I missing? See Isaacs, *Dialogue*
- Conversation Requirements
 - Time, Attention, Parity, Containment, Embodiment
- Intuition drives Reason

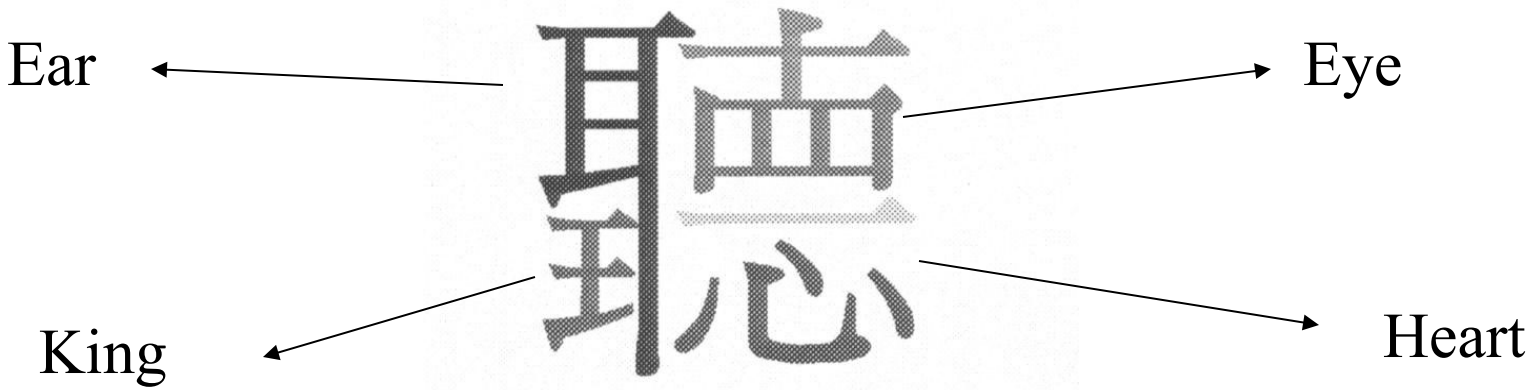
LISTENING

聽

The Chinese Characters for Listening:

- | | |
|----------|----------|
| 1. Ear | Gather |
| 2. Eye | Perceive |
| 3. Heart | Sense |
| 4. King | Respect |

LISTENING



Guides to Good Listening

- BE INTERESTED.
- WEIGH CONTENT.
- BE PATIENT.
- FOCUS ON CENTRAL IDEAS.
- BE FLEXIBLE.
- PRACTICE LISTENING.
- RESIST DISTRACTIONS.
- EXERCISE THE MIND.
- KEEP THE MIND OPEN.

LISTENING BEHAVIORS

- Listen for the Facts
- Understand the Speaker (Empathic Listening)
- Active Listening
- Paraphrase/Summarize to understand – see *Supercommunicators*

Adapt How You Listen

Nancy Duarte's Four Listening Styles for Four Types of Situations

1. Immerse – when the speaker needs you to absorb without judgment
2. Discern – when the speaker needs help identifying options
3. Advance – when the speaker needs help getting work done
4. Support – when the speaker needs you to be a confidant or cheerleader



There is a difference
between understanding
another's position and
condoning it.

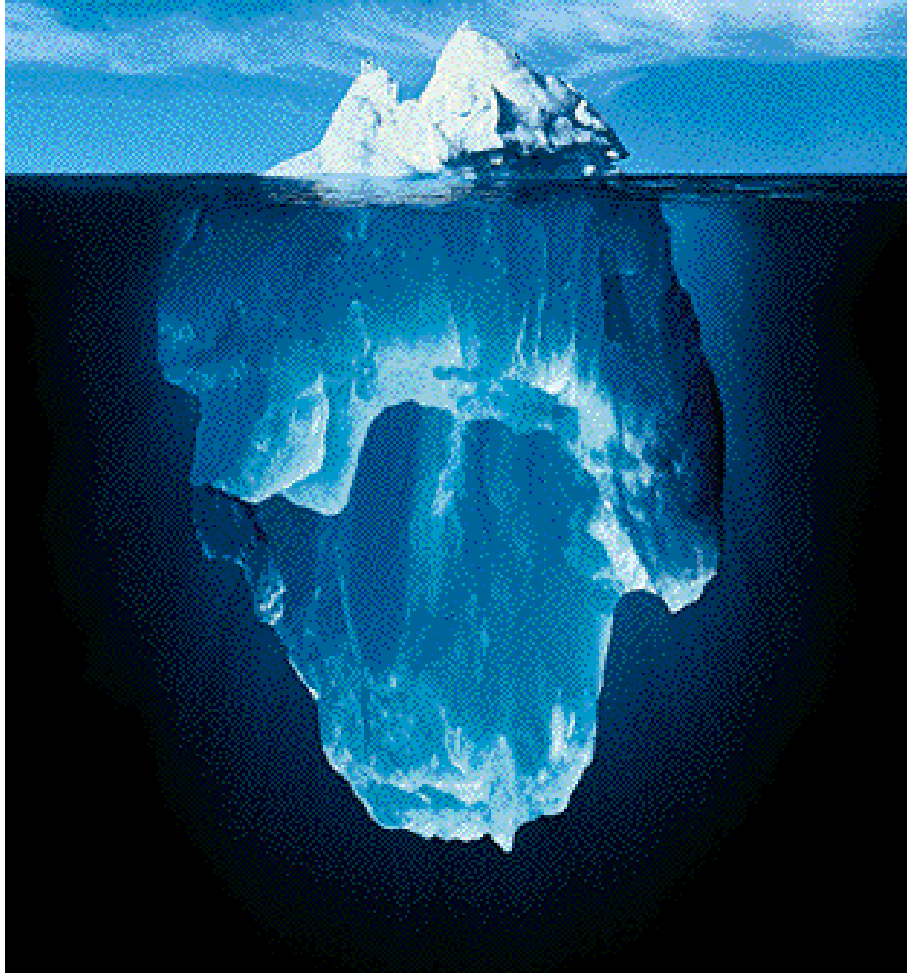
Empathy



SOME BARRIERS TO COMMUNICATION

- Negotiation Style
- Perceptions of Fairness
- Personal Needs
- Outside Distractions
- Us vs. Them

The Iceberg of Conflict



Issues

Personalities

Emotions

Interests

Needs

Desires

Self-Perceptions

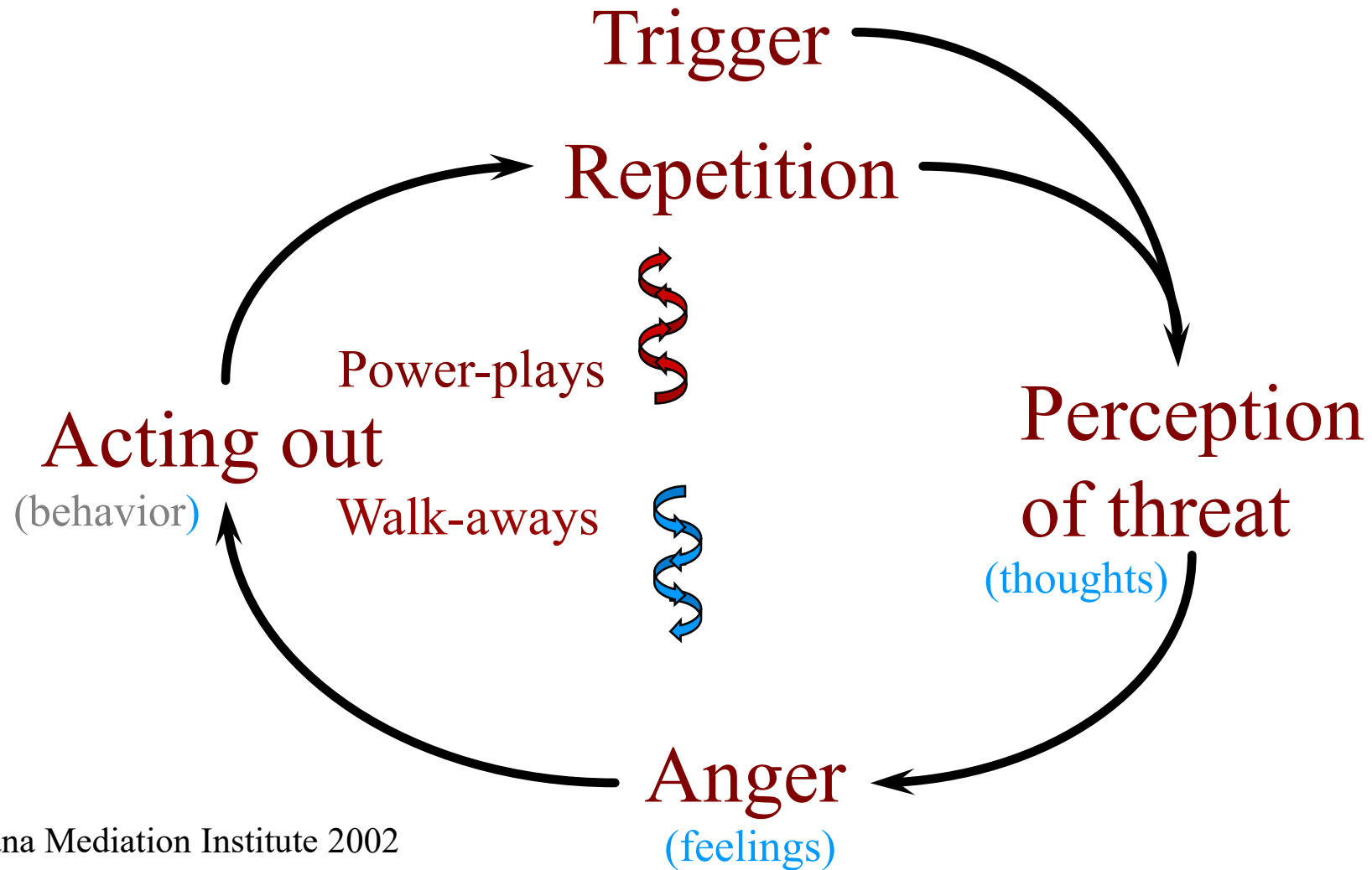
Self-Esteem

Hidden Expectations

Unresolved Issues from Past

Cloke & Goldsmith

Retaliatory Cycle





People do not need to agree on beliefs or values but only as to arrangements for the future.

Seven Steps to Solution



“Don’t get mad or get
even -- get what you
want.”

--William Ury

Productive Disagreements

Yoshino and Glasgow (2023)

- Locate conversation on controversy scale
- Find uncommon commonalities
- Show your work to demonstrate your thoughtfulness
- Manage your expectations
 - Care about the disagreement or relationship?

Elements

- Separate people from the problem
- Separate what matters from what's in the way
- Be hard on the problem, soft on the people
- Fix the problem not the blame

SEVEN STEPS TO SOLUTION

1. Find the time and place to talk
2. Decide upon ground rules
3. Listen to each other
4. Ascertain issue and core value involved
5. Identify common goals
6. Explore options
7. Make a plan for the future

Helpful Phrases

- “Help Me Understand”
- “It sounds like...”
- “It seems like....”
- “We cannot change the past”
- “What do you suggest?”
- “I really need to understand more...”
- “What’s it going to take?”



17 Camels

- Elderly tribal chief passes away & leaves his camel herd to his 3 sons
- Stipulates the following in his will:
 - Eldest son to receive $\frac{1}{2}$ of herd
 - Second eldest to receive $\frac{1}{3}$ of herd
 - Youngest to receive $\frac{1}{9}$ of herd

17 Camels

3 Sons Visit the Village Elder

- Sons unable to agree on division of camels
- Each brother presents his issue
- Each wants fair share of herd
- Elder tells them she will lend them one camel to resolve the dispute
- Only asks that camel be returned when no longer needed

17 Camels Resolution

- $1/2$ of 18 = 9
 - $1/3$ of 18 = 6
 - $1/9$ of 18 = 2
- 17
- 18th camel no longer needed
 - YOUR ROLE -- help find the 18th camel!

PRINCIPLES OF AGREEMENTS

- The Past Can't be Changed - Focus on Future
- Any Resolution is a Gamble - for All Parties.



Questions?

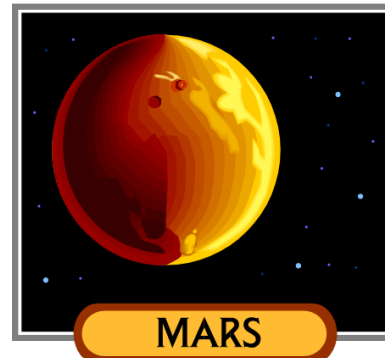
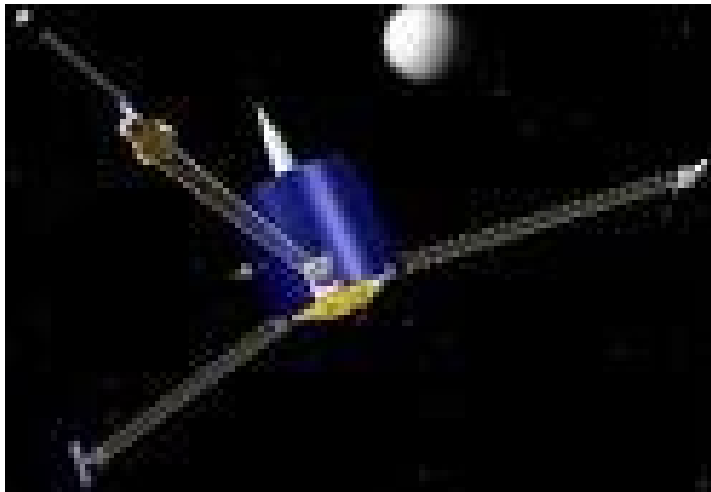
Donald R. Doerres, II

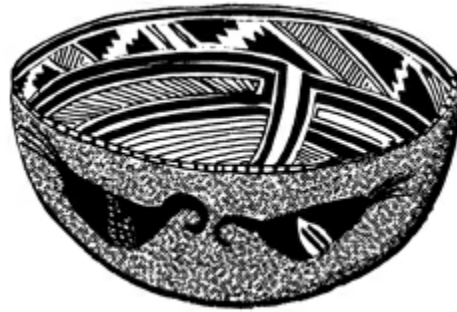
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SEVEN STEPS TO SOLUTION

1. Find the time and place to talk

The Meeting

- Invitation to meet
- Securing a location
- Eliminate distractions
- Environmental factors
- Ensure timing is right

SEVEN STEPS TO SOLUTION

2. Decide upon ground rules

Sample Ground Rules

- Be respectful of one another
- No personal attacks
- Do not interrupt
- Try to understand the other's point of view
- Confidentiality
- No reloading

SEVEN STEPS TO SOLUTION

3. Listen to each other

SEVEN STEPS TO SOLUTION

4. Ascertain interest and core value involved

Focus on Interests

- Interests = Needs + Core Values
- Wants vs. Needs
- The story of the orange
- Reframing
 - Change the game by changing the frame
 - Change perception to see new possibilities

SEVEN STEPS TO SOLUTION

5. Identify common goals

SEVEN STEPS TO SOLUTION

6. Explore options

SEVEN STEPS TO SOLUTION

7. Make a plan for the future