

by Stephen Seckler and Adam Narva

Meditation, Mediation, Marketing, and Medication

Last year, I attended a workshop on stress management for lawyers. At the session, the presenter relayed the following anecdote.

She had recently resigned from the partnership of a large firm in order to pursue her interest in helping lawyers manage stress. But prior to leaving her firm, she had put together a meditation series for lawyers. Shortly before the first session was set to start, she received a phone call from one of her colleagues. He wanted to know where the mediation series was taking place.

It was humorous that a lawyer would confuse meditation with mediation. After all, mediation is about resolving conflict. Meditation is about inward focus. As I pondered the two, however, I began to see a relationship.

Then I began to think about some of my other interests: marketing and medication. After some thought, I realized that all of these words are linked by a common concept: good listening.

In prior columns, I have talked about the importance of being a good listener (“Questions to Ask When It Is Time to Listen,” Oct. 1, 2001). In this article, I would like to suggest a number of ways to hone your listening skills. Because I am not a psychologist, I have also invited guest columnist Adam Narva, a lawyer turned psychologist, to share his insights.

Developing Your Listening Through Training

During law school, most of us received little training in client counseling. We learned little about working effectively with opposing counsel or managing support staff.

All three of these activities are critically important to the practice of law and involve, in part, the ability to be a great listener. Instead, the focus of our legal education was on analytical skills like research, writing, issue-spotting, and oral advocacy.

While this may leave you thinking that “listening” is a life skill that you learned in elementary school, in truth, active listening is a complex skill that is difficult to master. With rare exceptions, most of us who graduate law school have a lot to learn about this subject.

Mediation training is one way to bridge the skills gap. A good mediation course will devote significant time to active listening skills. Mediators learn that active listening can help parties to move beyond conflict and look

for solutions.

If you do decide to get some training as a mediator, be sure to find a course that provides you ample opportunity to practice the skills involved in mediation. Mediation—like examining a witness, drafting a settlement agreement, or organizing a closing—is a skill that is best learned by doing.

Hearing a lecture on mediation or watching a demonstration can make you aware of the skills you need to develop. To incorporate these skills into your own tool bag, you need to practice the skill.

A good course in marketing professional services is another way to hone your listening skills. In law school, the emphasis is on presentation skills. If you find a good workshop on marketing, you will learn that selling professional services has much more to do with your ears than your mouth.

If you learn to be a better listener and ask better questions, you will uncover needs that you can service (e.g., If you ask a lot of questions about a client's business and demonstrate a genuine interest in his/her industry, you are more likely to identify additional legal issues that need to be addressed.).

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If you have never had hands-on training in mediation or marketing, resist the temptation to think that a workshop on either subject would be a waste of time. The skills involved may seem simple enough, but both involve a lot of subtlety.

Recognizing Obstacles to Effective Listening

If you understand what it takes to be a good listener and you have had ample opportunity to practice active listening techniques (e.g., paraphrasing, asking open-ended questions, using body language), there are still reasons why you might not be an effective listener.

If you are in a crowded restaurant with poor acoustics, it might be hard to have a conversation. The noise around you might make it hard to hear what someone right next to you is saying. But “noise” inside your head can also affect listening. Thoughts that intrude into your consciousness can make it difficult to stay in the present and hear what is going on right now.

Internal “noise” can come in a variety of forms:

* Strong emotional reactions to events at work. The client says he needs to take action immediately. *(I have three other pressing client matters on my plate. How can I handle another?) The client's position is completely unreasonable. (I'll look like a fool if I take this position.)*

* Everyday intrusions that have ripple effects in the mind. *There's that sore leg (arm/throat/head) again. (What's wrong?) What were our kids talking about this morning? (Are they okay?) Can I really afford that car/house/school? (Now what?)*

* Discomfort or dislike about what you're doing. The noise might be almost this clear: *I really don't like representing you, or I basically don't like this firm, or I really can't stand getting assignments from you!*

* Anxiety about appearing incompetent. You don't completely understand what you're hearing, but you need—right now—to look or feel like you do understand. You need to appear that you are in complete control and you don't want to ask the client to explain.

* General anxiety. You can't link it to anything specific, but you feel nervous, anxious, or uneasy. Some people and some situations seem to evoke the feeling more than others, but it's difficult to know more about it.

As thoughts like these intrude into your mind, it is a lot harder to listen. If you are too preoccupied with these distractions, your ability to focus on the present is compromised. It takes a lot of energy to keep this noise in check. It is therefore a good investment of your time to find ways to manage the noise.

Overcoming the Obstacles to Good Listening

Exercise, meditation, or other stress management techniques like yoga can help manage the stress of legal practice and lower the noise that might otherwise compromise your effectiveness.

The bottom line is that it pays to take care of yourself. Without exercise or some other activity that gives you a genuine break from work, you are compromising your ability to listen (and ultimately you are compromising your effectiveness as a professional service provider).

In the short term, you may be able to manage the “background noise” that comes with a high-pressure job without resorting to exercise. But if you do not take the time to calm some of this noise, eventually it will interfere with your ability to focus.

If any of this sounds too warm and fuzzy, then you can think of it as properly maintaining your professional equipment—your mind.

Getting Help

When exercise or stress management techniques fail to keep your equipment running well (i.e., when the “noise” becomes too great for you to be an effective lawyer), then you need to consult with a mental health professional.

Similarly, if your need to be in control is an overwhelming force in your life, psychological help may be in order. If general anxiety seems to be the problem, you may even be a good candidate for medication, particularly if you have already tried exercise and psychotherapy.

These days most psychotherapy and psychoanalysis is conducted by psychologists (Ph.D.s) and social workers (LICSWs). Some psychiatrists (M.D.s) still practice psychotherapy, but psychiatry is moving further away from psychology in favor of pharmacology.

The best way to find a professional who can help you is to get a referral from your doctor or someone you trust.

Conclusion

Listening is a critical skill for a lawyer. Listening helps you to understand the underlying basis of your client’s position. Listening helps you to find compromises that are acceptable to opposing counsel. Listening enables you to address the concerns of your subordinates so they remain motivated.

If you have ever been accused of being a poor listener or if you find yourself arguing frequently with other lawyers, perhaps it is time to take action.

Decide whether you need to develop your listening skills or simply remove some of the obstacles that stand in the way of your being a better listener. Then get some training, manage your stress with better living, or seek out psychological help.

The investment you make now will pay off in more satisfied clients, more repeat business, and, overall, more fulfillment at work.