

Creating effective relationships

Sarah Martin
Coombs Martin

1. Introduction

A successful lawyer, today more than ever, needs to be talented at developing strong professional relationships. Whatever kind of lawyer you are and whatever position you hold in a firm, forging good sustainable relationships with clients and colleagues is fundamental to driving the success of your practice and your career.

Like other professionals, lawyers are trained to use their intelligence to become technical experts and to deliver a technical service. As many know to their benefit, developing and succeeding with clients and leading or managing others require a different kind of intelligence: the intelligence to understand and manage emotions, which lies at the core of good relationships.

Many senior lawyers throughout the world have spent their careers honing this intelligence through years of experience. In the rapidly changing landscape of legal practice, it is also one of the most important skills that they can develop and manage in younger lawyers within their firms.

In most parts of the world, legal professional training and development are still largely focused on the law and technical legal requirements, particularly at entry level. In the United Kingdom, legal professional training as a whole is under review, and there is a strong and welcome lobby for inclusion of a broader skillset. Good lawyers can no longer afford to rest on their technical laurels.

While formal professional training maintains its narrow focus, it is all the more important for law firm leaders to recognise the value of:

- using their own emotional intelligence to develop and manage the talent in their firms; and
- helping to develop the emotional intelligence of their colleagues.

2. Emotional intelligence

In essence, 'emotional intelligence' refers to our abilities to recognise and understand emotions in ourselves and others, and to use this awareness to make better decisions and manage our behaviour and relationships. In other words, it is about developing a good sense of how your actions are perceived and experienced by others and how you respond to their behaviour.

Recent developments in neuroscience have shown that in many situations our brains are wired to give emotions precedence. The limbic system where emotions are processed is the root from which our brain developed. Messages entering our brains

via our senses come through the limbic system. Emotional areas are interwoven into the neural circuits connected to the rational neocortex, so the brain’s first reaction to an event – particularly in high-stress situations – is going to be emotional.

Overview of the five components of emotional intelligence, D Goleman¹

	Definitions	Hallmarks
Self-awareness	Can recognise and understand one’s moods, emotions and drives, as well as the effects of these on others.	Self-confident. Realistic self-assessment. Self-deprecating sense of humour.
Self-regulation	Can control or redirect impulses and moods. Think before acting.	Trustworthiness. Integrity. Comfort with ambiguity. Openness to change.
Motivation	Passion for work goes beyond money or status. Goals pursued with energy and passion.	Strong drive to achieve. Optimism even in failure. Commitment to organisation.
Empathy	Can understand the emotional make-up of other people. Treat people according to their emotional reactions.	Expertise in building and retaining talent. Cross-cultural sensitivity Customer service.
Relationship management/ social skills	Managing relationships and building networks. Can find common ground and build rapport.	Effective in leading change. Persuasive. Builds and leads teams.

Although we all have emotional set points, it is possible to learn how to manage the reactions and thoughts that follow so that they do not become hijacked by emotional responses.

3. The importance of emotional intelligence

Recent studies suggest that there is a higher correlation between emotional intelligence and success than between intelligence quotient (IQ) and success. It seems that people who develop their emotional intelligence tend to be the highest performers and earners.²

The good news for talent management is that unlike IQ, which changes little from childhood, emotional intelligence can be learned over time and at any age. It takes time, effort and practice, but the investment can reap huge rewards for the individual and those who interact with him, including colleagues and clients.

Why is developing emotional intelligence particularly important for managing legal talent now?

3.1 The economic context

As the economic squeeze gets tighter, clients of law firms are becoming more demanding and competition for legal jobs is tougher. More than ever, lawyers in many jurisdictions are suffering from exhaustion, broken relationships and depression, and are turning to alcohol and drugs. Despite the financial rewards, the costs to health and happiness can be high. As a result, many talented lawyers are leaving the profession. Developing emotional intelligence is a foundation for the understanding and support required to manage and counter the effects of these demanding conditions. It also helps to build resilience.

3.2 The changing nature of the lawyer's role

Studies on motivation³ reveal that an individual's intrinsic motivation levels are significantly increased if he understands and buys in to the purpose of what he is doing and has a reasonable degree of autonomy in his work. Lawyers, in particular, tend to like autonomy and having a sense of the 'big picture'.

Yet an overall sense of purpose and a fair degree of autonomy are increasingly rare experiences in legal practice, as it has become more specialised and commoditised in many jurisdictions. Individuals can end up having limited knowledge of the big picture and little scope to make decisions. In this environment, frustrations and tensions can build to a point where they boil over or simmer and create resentment and disengagement. Senior lawyers can bring their emotional intelligence to this problem, explaining the overall purpose of the work to their more junior colleagues, so that they have an appreciation of how they are contributing. They can also try to give junior lawyers more opportunities to participate in client interactions and face-to-face meetings.

As many observers of legal markets have commented,⁴ the legal profession is subject to unprecedented change from globalisation, the global economic downturn, rapid development of information technology and the liberalisation of law firm structures. Change on such scale creates greater complexity, uncertainty, ambiguity and anxiety. The shift to short-term performance and higher monetary rewards risks making relationships within firms more transactional and losing the 'give and take' of strong long-term bonds. If this continues, firms may become reluctant to invest in

1 Daniel Goleman (1996) *Emotional Intelligence*, (1998) *Working with Emotional Intelligence*, Bloomsbury.
 2 Daniel Goleman (1996) *Emotional Intelligence*, (1998) *Working with Emotional Intelligence*; Bloomsbury, T Bradberry and J Greaves (2012) *Leadership 2.0*, Talentsmart.
 3 Ryan, R M & Deci, E L (2000) "Self Determination Theory and the Facilitation of Intrinsic Motivation, Self Development and Well-Being", *American Psychologist* Vol55 no1, Jan 2000, Greaves.
 4 R Susskind (2013) *Tomorrow's Lawyers*, Oxford University Press.

and develop people over the longer term, and there will be more uncertainty for individuals over their legal careers. Firms may also find that they do not have the buy-in for implementing necessary changes. In these circumstances, it is all the more important to build mutual support and reduce uncertainties within the firm as much as possible.

3.3 Limitations of current legal training

Legal training is presently narrow – some would say that it is even worse than this. One observer⁵ contends: “Lawyers are trained to be aggressive, judgemental, intellectual, analytical and emotionally detached. This produces predictable emotional consequences for the legal practitioner: he or she will become depressed, anxious and angry a lot of the time.” This may be an extreme view, but it has some truth in it.

3.4 The legal ‘character’

Like any group of professionals, lawyers have differing personalities and traits. While not wishing to make generalisations about the character of lawyers, some similarities are worth exploring to appreciate the impact of developing emotional intelligence.

(a) *Being challenging*

As highly intelligent people, lawyers have an inbuilt talent for challenging, questioning and making clever points. Some may also feel the need to prove that they are right. Although this gives the immediate satisfaction of winning the argument, it can also destroy respect and trust, eroding the quality of the relationship. Legal talent management can help individuals to appreciate the impact of this approach on their clients, colleagues and leaders, and to understand how undermining trust with any of these groups will ultimately be counterproductive.

(b) *Quest for feedback*

Like many high achievers, lawyers often need the approbation of their clients and colleagues to maintain their self-esteem. In such a demanding environment, they need to know how they are performing and to feel supported by their leaders, knowing that if something goes well it will be recognised, and in circumstances where they need support, they will be sure to get it. They need specific, timely and actionable feedback from people they respect. Good emotional antennae are needed to find the fine balance between promoting confidence and giving the necessary support, so that individuals develop and do not crumble under pressure.

(c) *Need for challenge*

Lawyers, like other professionals, have a strong appetite for challenging work.⁶ One of my clients has spent his professional life working on international transactions and travelling constantly. In his spare time, he runs marathons and has climbed to

5 Martin Seligman (2003) *Authentic Happiness*, Nicholas Brearley Publishing.

6 Thomas J Delong, John J Gabarro, Robert J Lees (2007) *When Professionals Need to Lead*, Harvard Business School Press.

Everest base camp. He has a constant need for new challenges in and out of work. If you are challenge-driven, developing your emotional intelligence is particularly helpful for appreciating the impact that you have on others when you focus solely on achieving the task in hand. Developing self-awareness can also help you to work out how to stay motivated.

(d) *Fairness*

Lawyers, unsurprisingly, have a strong sense of the power of fairness. In any important firm decision, they will want to have their say. Significant emotional intelligence is required to create 'decision justice': taking time and care to explain things well, to listen and understand the different points of view and to communicate why the decision does or does not reflect the input. This emotionally intelligent approach allows you to build the long-term trust and mutual support required for future decisions.

(e) *Tendency to search for the negative*

One of the reasons that lawyers are in the high-risk category for demoralisation, according to a leading psychologist, is that many have a natural tendency to look for the negatives. The legal mind that looks for problems and imagines the worst in order to protect against it is a wonderful talent as far as the client is concerned. As one major client said: "It's terrific working with Jim, because he does all my worrying for me." Emotional intelligence can help to prevent that mindset becoming pervasive in all aspects of life as explained in the work on motivation and learned flexible optimism.⁷

4. Developing emotional intelligence: the five components

4.1 Self-awareness

The starting point for understanding the impact that we have is to develop a good level of self-awareness. It takes time, honesty and courage – inevitably, we discover things that are unsettling – yet the benefits can be long term and widespread. First, we should focus on improving our own performance and interactions. Then, having experimented on ourselves, we can use this knowledge to enhance our skills of managing, developing and leading others.

Over several years, I have been asked by firms and individual lawyers to help them with different aspects of their professional relationships. The following case studies are drawn from this work and illustrate the development of different components of emotional intelligence. Names and other facts have been changed.

(a) *Case study*

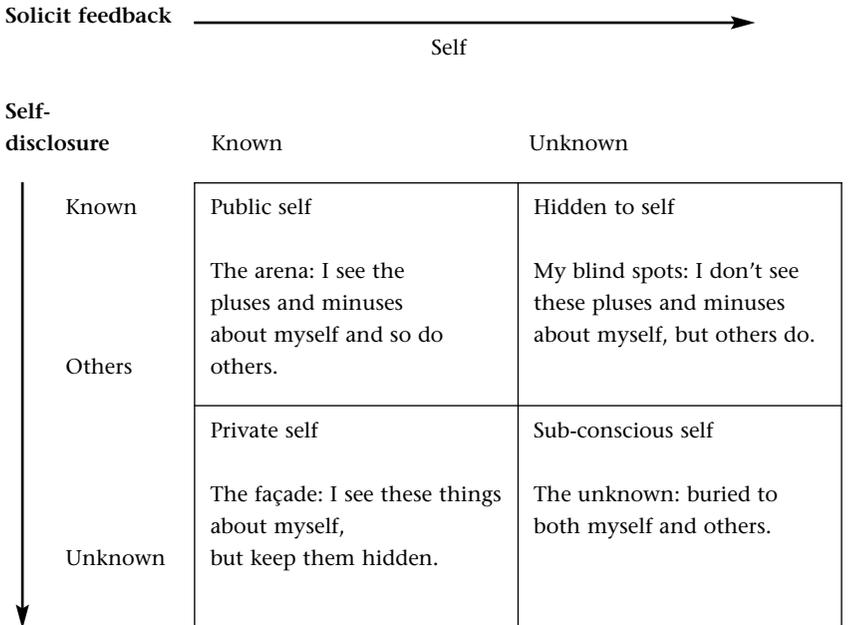
"Anyone can become angry – that is easy. But to be angry with the right person, to the right degree, at the right time, for the right purpose, and in the right way – that is not easy." Aristotle, *The Nicomachean Ethics*

7 Martin Seligman (1990) *Learned Optimism*, Pocket Books.

Caroline was a partner in a major firm. The quality of her relationships with her team had plummeted. She had worked in M&A for years and was successful, but she was burnt out by the highs and lows, did not enjoy going to work and felt under-appreciated and angry.

The benefits of increasing her self-awareness are set out as a starting point using the Johari window model below.

Johari window



Adapted from Luft, J (1970) Group Processes: An Introduction to Group Dynamics, Palo Alto, CA: National Press Books

The aim was to increase the size of the upper-left-hand box, called ‘the arena’, by seeking feedback and being as transparent as possible. In this way, we are operating with fewer blind spots and without wasting energy hiding behind a façade, making us more effective in building our relationships over the long term.

I collected anonymous 360-degree feedback from some of Caroline’s colleagues. There were strong themes. They sang her praises for conscientiousness, loyalty, authenticity and passion, but also mentioned volatility, mood swings and a propensity to wear her heart on her sleeve.

As part of the exercise Caroline shared her feedback from two psychometrics: MBTI and FIRO-B.

Of the many psychometric instruments designed to help increase self-awareness, MBTI is the most popular for raising awareness of overall personality, with over 2

million users each year. Based on the work of Jung and developed by Myers and Briggs, it looks at four dimensions of how people manage their energy, take in information, make decisions and explore or seek closure. It has its critics, but it works very well to show and develop appreciation of differences in personal preferences and approach. One of its major strengths is that it is non-judgemental and so easier to share results in order to appreciate differences.

FIRO-B was developed by Schutz from research on interpersonal relations and conflict, to help submarine crews work together for long periods. It identifies how you tend to behave towards others and how you want them to behave towards you. It provides information about three fundamental dimensions of interpersonal needs – inclusion, control and affection – and the extent to which we differ in how much we want and how much we signal we want. It is particularly good for raising self-awareness when working with teams.

Caroline's MBTI feedback showed that she had a 'feeling preference' in taking decisions. Her FIRO-B showed that she wanted and expressed a high level of affection.

After discussing the combined feedback, Caroline appreciated that she had a blind spot about the overt intensity of her emotions. She began to see what a destabilising effect her behaviour was having on her colleagues by creating volatility, uncertainty and emotional exhaustion. This made them more anxious, guarded and unlikely to appreciate her positive behaviour. It seriously affected her gravitas. With this in mind, she became strongly motivated to work on a plan to channel her emotions for the benefit of herself and her team, enabling them to flourish in a more predictable environment.

(b) *Improving self-awareness*

As obvious as it may sound, simply asking people to think about self-awareness is a good starting place. They can note strong reactions and triggers, try to work out what is happening and why and look for patterns. Recognising feelings as they happen can reduce the chance of them reappearing uninvited.

As we have seen, objective constructive feedback is powerful. It is usually difficult to get, particularly for those higher up in the firm. Asking a trusted colleague for open and honest feedback can work. In practice, anonymous 360-degree feedback from several colleagues is more helpful and will include a mix of positive and negative comments.

I always encourage lawyers to concentrate on the positive feedback first, but this is not always straightforward. We are all programmed to seek out the negative or problematic and work on it. Lawyers excel at this through a natural disposition enhanced by years of training and practice. So seeing the positive comments first, resisting the urge to flip the page and taking the time to digest them is an essential part of setting the context for the areas that need work.

Psychometric instruments are widely used and helpful if they are employed with a purpose and the feedback is fully discussed. Other useful tests are the highly regarded personality instrument NEO, which includes a dimension on neuroticism, and the Hogan Development Survey, which highlights aspects of your personality that can derail your progress and leadership capabilities.

The critical thing to remember on developing self-awareness is that it is far from a linear process and many mistakes give useful information about what to do differently. It is difficult to start noticing things of which we were previously unaware and which we do not particularly like.

4.2 Self-regulation

Self-regulation is more than managing emotional outbursts. It involves regulating our responses and tendencies over time into desired reactions and behaviour. To achieve this, the individual has to put his immediate needs on hold and think of the impact on others and of longer-term, more important goals. It is also about achieving balance and reducing volatility and over the long term it builds resilience.

(a) *Case study*

Nicola was a lawyer with an international firm. A highly intelligent woman in her mid-forties who rose rapidly through the firm, she was known for her ability to win business with her quick solutions-based approach. Nicola also had a reputation for intimidating others intellectually.

The senior partner was concerned that this attitude was limiting both a very talented lawyer and the rest of her colleagues, who were afraid to venture their views. It was my role to help Nicola to improve her relationships with her colleagues and develop her team.

I began by seeking feedback with an anonymous 360-degree process. Hearing different viewpoints was essential to gain Nicola's attention, to help her understand how others experienced her and to recognise blind spots. She found some of the feedback difficult to accept. Her peers at times experienced her as scary, dismissive, often interrupting, not listening and dogmatic, with a strong need to be right. She recognised the comments from her partners and knew that she had to improve if she were to advance in the firm. She saw how her need to demonstrate her intellectual capacity was destroying trust with her colleagues. This realisation was critical for developing the motivation to change, the humility to recognise that her current ways were counter-productive and the determination to practise on the job in the coming months.

Nicola developed a practical plan focused on areas for change, and created a safe practice zone with feedback from a trusted colleague. She started with the perceived lack of listening and managing her need to be right. She practised trying to wait until the other person had finished his point, avoiding interruptions and listening carefully to gain a deeper understanding. She started with one colleague and explained to him what she was doing and why. She then asked others to remind her if she interrupted. She knew that giving full attention and listening would show respect and build trust, her underlying goal.

She focused on how to recognise, acknowledge and use the valuable contributions of others. She put aside her embarrassment about praising people for their ideas and was genuine and specific in recognising their value. She resisted the temptation to try to 'trump' them. If she had things to add, she found positive ways to do so. Her aim now was not to show them she was smart (which they knew), but to encourage the

smartest bits of them and build their trust. She saw that focusing on flaws in the ideas of others can invoke self-doubt, is intimidating and destroys trust.

I asked her to make notes about how this felt, what she noticed, heard and learned and the impact she saw on others, emphasising the importance of recognising her emotions about these changes.

After six months, we took additional feedback from her peers. They reported that Nicola was no longer belittling people with her intellect, but listening more carefully and interrupting less. She had learned to value their contributions and no longer felt a need to outplay them. She became more relaxed, continued to build trust and was seen as a much more effective and successful partner in the business.

What is happening here and why does it take so long? Recent developments in neuroscience have helped us to understand this a little better. The neocortex, which learns technical skills and cognitive abilities, gains knowledge quickly. The development of emotional intelligence involves the emotional centres of the brain as well as the neocortex. These seem to need to unlearn old habits and learn new ones through repetition and practice over time, in order to develop new neural pathways that become ingrained habits. During this time, numerous relapses into the original default behaviour are likely to occur, until the new one takes over as the default option.

(b) *Improving self-regulation*

Through self-awareness, we start to identify what we are trying to manage. In practice, it is best to choose one or two things to focus on at a time. The aim is to recognise trigger signs and then practise remaining objectives, taking control of our inner voice and modelling the behaviour we would like to see in our colleagues. Sharing goals with a trusted colleague, as Nicola did, helps to hold us to account and improves our chances of success.

Increased self-awareness also helps us to assess our energy levels and take time to recharge physically and emotionally, exercising self-regulation to avoid falling prey to the prevalent burn-out. It can help to shake off anxiety and irritability and to build resilience.

Self-regulation applies to positive as well as negative emotions. Being overexuberant and overenthusiastic can overwhelm colleagues, while overconfidence and excessive optimism can impair sound decision making.

4.3 Motivation

We hear so much about how lawyers are suffering from disillusionment, fatigue and lack of motivation.

Having a passion for what you do and are trying to achieve is an important part of the emotional skillset for any partner in a law firm in order to win clients and do a good job for them. Equally, it inspires younger lawyers and helps them in turn to develop their own passion for their work.

Part of developing emotional intelligence is to become aware of your own strengths and those of colleagues. Law firms make sound investments when they take the time to discover the particular strengths and passions of their individual

lawyers. This is not just about technical expertise, but natural talents as diverse as networking, courage and creativity. A whole body of research demonstrates the increased motivation, energy and performance levels that occur when people are playing to their strengths. Looking at individual roles and, where possible, reshaping these to facilitate tapping these strengths will lead to greater satisfaction and lessen the unhappy and disillusioned exodus of young talent.

4.4 Empathy

Empathy is at the centre of social awareness – it is the ability to pick up what is happening for another person and put yourself in his shoes. It is the capacity to understand what he is feeling, even if you do not feel it yourself, and to resist the tendency to project your own emotions onto others. It involves developing highly attuned antennae to gather critical information.

(a) Case study

George was, in the words of his senior partner, “a fantastic lawyer”. The main challenge for George was how to manage himself and his people. He headed up a significant department in the firm and I worked with him to develop his management and leadership of the group.

We started with self-awareness. George already knew that he needed to manage his time better, have more structure in his department, delegate more effectively, relinquish some control and run a more organised office. These were some of the goals he set for the coaching. He had tried to achieve some of these before, but to no avail. People thought that he had lost his motivation, but in reality he was frustrated.

It was here that I saw the full power of 360-degree feedback to invoke natural empathy. His colleagues’ comments fell into clear themes: praise for the creation of a successful department, his innovative legal and client-facing skills, passion and high standards. As he anticipated, the challenges arose in management of himself and the department: taking on too much work, perfectionism, lack of willingness to delegate, cancelling meetings at the last minute, a fire-fighting approach and a lack of respect for procedures. The chaos made it difficult for others to become involved.

George’s motivation to change was rooted in his empathy and deep respect for his team. His reaction to the honest and open comments that they had made was, “I see that some people suffer more than I had realised; it needs sorting out.”

This set him on the road to practical solutions, including recruiting an excellent personal assistant, ruthless tidying of his office, setting up regular meetings and asking others to take him to task if he tried to cancel them, delegating routine and administrative tasks and developing techniques for delegation of more complex matters. George was able to free up more time to spend on his award-winning legal work and start mentoring junior lawyers to explore creative solutions that met clients’ changing needs. His team had less ambiguity to manage and felt more respected.

(b) Developing empathy

Learning to appreciate the differences of others requires listening and observation to tune into how they may be seeing things. Research shows⁸ that in appreciation of a

message, words account for only about 7%, tone of voice accounts for about 38% and body language accounts for about 55%. So, while lawyers are experts of the written word, they must also develop keen powers of listening and observation – the foundation skills for empathy. Experience and intuition then help to build the ability to recognise the different emotions that everyone brings to the workplace.

‘Careful listening’ inevitably means to stop talking, anticipating, interrupting. It requires practice, as seen in section 4.2(a). Practising empathy also involves developing objective observation, trying to see others’ emotions while staying neutral and picking up on different moods and energy levels. The more time invested in getting to know clients or colleagues, the easier it becomes to appreciate how they see things and to adjust your responses and behaviour accordingly. MBTI is an excellent psychometric for appreciating how people see, approach and respond to things differently.

4.5 Relationship management

Clients often state that they consider technical expertise as a basic requirement and that they select their lawyers on the basis of personal qualities and relationships. As one private equity client puts it, “You may as well choose someone you get on with, as you have got to spend a lot of time with them.”

Lawyers who are willing to invest time listening carefully and understanding their clients’ challenges, standing in their clients’ shoes and owning their legal issues with passion have a much better chance of winning and retaining business. This means making time for face-to-face meetings regardless of location, maintaining regular contact and alerting clients to interesting trends and developments. It involves building a deep knowledge of clients and developing a personal consistency over time.

(a) *Developing relationship management with clients*

Talent management has an important role to play in encouraging a change of mindset from the transactional, chargeable-hour, short-term approach, to one of long-term relationships. This involves a renewed focus on developing empathy with clients, understanding the environment that they operate in internally and externally, thinking about the drivers of their profitability and growth, listening to what is concerning them, thinking about their organisational structures and decision making. This is the world of the in-house lawyer, with a talent set that should be of fundamental interest to the independent lawyer who wants to create enduring client relationships. At the heart of this talent lie the fundamentals of emotional intelligence: self-awareness, listening skills, awareness of others, motivation and empathy.

These skills are best learned from an experienced lawyer and law firms can enhance their talent by treating this as an essential element of on-the-job training. There are stories of young lawyers who have not yet met a client, despite being in their second or third year of work. They need to see and hear first hand what it takes

to understand and engage in a client's issues and develop a passion to take on their work. Likewise, they should be able to understand how experienced lawyers develop and maintain networks and how to put their energies into forging their own.

(b) *Developing relationship management with colleagues*

Engaging our awareness to manage interactions successfully and build positive long-term relationships applies equally outside and inside the firm. Investing time to find common ground and build rapport will help to sustain relationships through trickier times.

Whether we are working with individuals or leading teams, most relationships are built on reciprocity and collaboration. Empathy includes understanding what is important to others and what you have that they may value. Thanks, recognition, praise and challenging work are all often underestimated in this context. Lawyers place a high value on genuine praise from someone whom they respect. Celebrating successes even in tough times reinforces the effect.

Listening skills are central to effective relationships – concentrating on hearing everything that is being communicated before responding, noticing silences and looking for the important non-verbal signals. Listening with full attention and genuine interest in what the other person is saying demonstrates respect. It will help you to identify your colleagues' strengths and harness them to increase motivation.

As we have seen, feedback is vital and has most impact when it is concise, clear and given as soon as possible. Constructive and balanced feedback meets a strong desire in lawyers to develop. It is most effective when it is as factual as possible and the intention is to benefit the learning of the recipient, rather than to be critical or demonstrate superior knowledge. Using a style of "It would be even better if..." can make it more readily accepted.

Relationship management inevitably includes handling difficult conversations. Many lawyers shy away from these, and conflicts at work tend to fester. Tackling tough conversations is a separate topic, but if an interaction is going to be tough, it is best to start with self-awareness and a good understanding of the other person's position.

Finally, it is important for leaders to model – as consistently as possible – the skills and behaviour that they wish to see in others. Remembering that only about 7% of communication is through words, it is best to have face-to-face interaction whenever possible.