



FLORIDA BAR NEWS

A CORE COMPONENT TO EFFECTIVE COMMUNICATION IS LISTENING

By Scott Rogers ▶ Special to the News ▶ Columns

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We lawyers play many roles in our interactions with clients. While we often regard ourselves as problem solvers, the attorney-client relationship is, first and foremost, a relationship. The road to solving a problem can take many paths, and the destination is not always knowable in advance. Circumstances change, facts can be misconstrued, and motivations and desires can be clouded, even with the best of

intentions. Ultimately, we do the best we can. Fundamental to the attorney-client relationship is communication, and one of the core components to effective communication is listening. This month's question comes from Michael, who grapples with the challenge of listening, notwithstanding a strong desire for the client to feel "heard." He writes:

I've been a real property attorney for almost 30 years and handle real estate transactions and disputes. Many times I meet with clients who are nervous, upset, and scared. Often in these preliminary meetings, I immediately know the issue and how best to resolve the dispute in the client's best interest. However, I struggle to let the client (or opposing counsel down the road) speak and get out all their feelings so they feel they are being heard. What tips or advice can you offer to help quiet my mind (and voice) long enough to let people feel "heard?" Thank you.

I posed Michael's question to Andrew Rock, a former shareholder with Carlton Fields and longtime mindfulness practitioner, who replies:

What a wonderful question, Michael! It shows a degree of self-knowledge and a level of care for your clients that are both admirable. Your struggle is one that most of us can identify with: allowing clients to tell their story and feel "heard," when we think we already know the issue and the solution and want to be efficient with our time, for our sake and the client's. I'll assume in my reply that, indeed, one knows how best to resolve the dispute, though it is worth reflecting on whether there are times when a solution can be refined and made even more effective by listening to more of what the client has to say.

There is only one way for someone to feel they have been heard, and that is to truly listen to what they have to say. Yet listening is a habit that few of us have cultivated. It involves paying attention with such interest that we are unlikely to be distracted by external events or our own thoughts, including judgments. Often our attention is split as we think about what we are going to say or do when the speaker "finally" stops telling us things we think we already know and understand, or turn our attention to something else entirely. But we know that when we do listen carefully while the client tells us what he or she wants to say, the client invariably believes we are the most brilliant lawyer ever, even — perhaps particularly — if we've hardly said a word. The reason they feel heard is because we were truly listening.

What is sometimes called "deep listening" is one of the most transformative of all mindfulness practices. It requires us to be completely present when another person is speaking, focused on really "hearing" the other person, not listening on autopilot while the "mother ship" of our mind is elsewhere. At first, the practice of deep listening can seem difficult, as old habits of inattention assert themselves. The mind wanders and our distractedness is noticeable. We feel impatience and, with it, the urge to interrupt. Mindfulness teacher, Pema Chödrön, offers the helpful instruction "Drop the story, feel the energy (in the body)," that can be practiced in the moment to ease a busy mind and impulse to interrupt, by becoming more present-moment oriented.

While mindfulness practices can help us detect mind wandering and be less reactive, in the moments that matter, it is our intention that can make all the difference, and I encourage you to continue to hold the intention for your client to feel truly heard. As long as the aspiration to truly listen is sincere and sustained, we will begin to notice these old habits when they manifest, and be better able to bring our attention back to what the client is saying. I have found that making eye contact, not interrupting, and taking notes to follow up, as needed, helps me to be present and alert, and demonstrates that I am listening carefully. A very pleasant surprise is how joyful listening to someone can become. It is a relief to drop the mental multitasking, which is seldom necessary or as productive as we like to think it is. There is a sense of calm and peace that comes with an undivided mind, and with the knowledge that we are more fully present with clients as they speak. As we have this positive experience more and more, truly listening starts to become our new norm.

Truly listening to someone is one of the most generous and nourishing things we can do for someone. And, like other generous acts, it fosters a sense of wellbeing in both the client and the lawyer who listens deeply. Being truly present and listening deeply becomes one of the most professionally and personally satisfying parts of our day.

Thank you, Michael, and happy listening!

As the importance of listening becomes of greater interest both within the legal profession and across society, the exploration of ways of listening effectively will grow — and mindful listening is one approach that can be helpful. I am grateful to Andrew for taking the time to offer such a helpful response. Andrew Rock is a retired attorney and former chair of the Health Law Section of The Florida Bar. He has been an active member of the Florida Community of Mindfulness for almost 15 years, where he has led workshops on meditation, mindfulness, and simple living. He and his wife, Nancy, live in Tampa and LaHave, Nova Scotia.

If you have a question about mindfulness and integrating it into the practice of law that you would like answered in this column, send it to srogers@law.miami.edu.



*Scott Rogers, M.S., J.D., is a nationally recognized leader in the area of mindfulness in law and founded and directs the University of Miami School of Law's Mindfulness in Law Program where he teaches mindful ethics, mindful leadership, mindfulness and negotiation, and mindfulness in law. He is the creator of Jurisight, one of the first CLE programs in the country to integrate mindfulness and neuroscience and conducts workshops and presentations on the role of mindfulness in legal education and across the legal profession. He is author of the recently released, "**The Mindful Law Student: A Mindfulness in Law Practice Guide**," written for all audiences.*