

Talent management: Sustainable growth

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Feeling decisions

Rachel Brushfield of Energise explores the importance of emotional intelligence in law firms

The ability to build and sustain relationships with clients and colleagues across the business is crucial in any people business, including law firms. Emotional intelligence (EI) can facilitate a productive and profitable practice and boost performance in the workplace. It is a must-have skill for lawyers responsible for supervising others and is critical in leaders.

In a collaborative business which partnerships are, the ability to build rapport and create good relationships with others is greater than in many other business models.

Clients want lawyers who can listen well, understand what they want and hear their concerns. People work with people they like, so EI is fundamental to winning, keeping and attracting new clients.

Poor EI on the part of managers can make people feel misunderstood, ignored and insignificant, which reduces their energy levels and desire to work hard, be proactive and give more than they have to. This therefore has a huge potential impact on fee earning.

Over time, poor EI can cause clients to switch to other law firms and employees to leave for firms with a more supportive culture.

Improving EI

Human beings are fundamentally emotional creatures, but the law prides itself on being a thinking profession. Training to be a lawyer emphasises the importance of facts, evidence and logic and keeping emotions under control.

However, people have emotional, psychological and physiological responses to issues, as well as rational/intellectual ones. Ironically, suppressing emotions causes them to build up and, with stress or pressure a catalyst, to flood out as anger.

Men consistently score higher on suppressing emotions, which research shows detrimentally affects cognitive functioning. They experience emotions physically through a higher pulse, perspiration rate and blood pressure.


Scientific research shows that the best analyses and decisions are made when people engage their emotions as well as their intellects. Damage to the part of the brain relating to emotions impairs rational decision making.

Emotional competency can be summarised as:

1. **self-awareness:** emotional self-awareness, accurate self-assessment and self confidence;
2. **self-management:** self-control, adaptability, conscientiousness, trustworthiness, initiative and the drive to achieve;
3. **social awareness:** empathy, service orientation and organisational awareness; and
4. **social skills:** leadership, cultivating the development of others, influence, being a change catalyst, communication, conflict management, building bonds, teamwork and collaboration.

In some law firms, emotional competencies are defined, measured and tracked, while in others, EI ability is more informally reviewed through:

- 360-degree appraisals, which give lawyers feedback on their emotional as well as technical competencies, with resulting development objectives and support;
- psychometric tests such as Myers Briggs and Insight, which provide self-awareness of personality types and communication preferences;
- neuro-linguistic programming, which enables an understanding of how to deal with people with different dominant senses;
- private sector assessment centres, which measure and evaluate the communication, sensitivity, initiative and interpersonal skills of candidates;
- partner development and talent management programmes; and
- coaching, along with informal peer-to-peer conversations.

An abstract painting featuring a dense school of fish in various colors including red, orange, yellow, and teal, swimming in a dark, textured background.

“The best analyses and decisions are made when people engage their emotions as well as their intellects”

POSITIVE EI BEHAVIOURS

- ✓ Building rapport well with others and finding common ground.
- ✓ Making time for someone to feel heard.
- ✓ Acknowledging unique qualities, feelings or contributions.
- ✓ Attentive listening, taking in body language and tone of voice.
- ✓ Empathy – seeing a situation through someone else's eyes.
- ✓ Smiling genuinely.
- ✓ Matching and mirroring the other person's body language.
- ✓ Verbally checking feelings (e.g. “So, are you feeling frustrated?”).
- ✓ Responding to and anticipating shifting moods.
- ✓ Showing an interest in someone's life outside of work.
- ✓ Negotiating for a win/win rather than a win/lose outcome.
- ✓ Engaging others to feel positive in taking action.
- ✓ Remaining unflustered when challenged.
- ✓ Articulating expressing your own feelings.
- ✓ Being open minded and interested in other peoples' perspectives.
- ✓ Asking questions that you don't know the answer to.
- ✓ Apologising to others if you have behaved inappropriately.
- ✓ Taking time to process feelings and manage difficult emotions.
- ✓ Being sensitive to how the way you express yourself affects others.
- ✓ Being aware of your own emotional state and possible triggers.
- ✓ Matching tasks and time management to your emotional state.



“Firms with teams that have high EI are more likely to succeed, resulting in greater productivity, profitability and fulfilment”

Improving EI takes considerable time and effort and needs to be experiential. Beliefs drive behaviour and habits, and automatic responses can be embedded over many years.

Under stress, even after much development, individuals' default behaviours are exhibited. New neural pathways take time to be created and the specific neural circuits that govern emotional competencies like confidence and empathy are especially difficult to modify.

Sometimes, explaining to an individual what is required by giving specific examples of behaviours and their impact can achieve better results.

Human capital measures such as sickness and absence, grievances, employee turnover as well as exit interviews can provide useful clues about the emotional intelligence of teams and leaders. However, EI can be hard to measure, as disgruntled staff may leave rather than confide in HR.

Engaging lawyers

The best way to engage lawyers in EI is not to use the phrase emotional intelligence, as many think it is soft or fluffy.

Emotional competencies account for two thirds of the distinctive characteristics of top performers. Highlighting the benefits of developing emotional competencies – such as winning clients, maximising fee earning, saving recruitment costs and building both the individual's and the firm's reputation – can make it clear to lawyers what is in it for them.

Emotional intelligence is often undervalued, misunderstood or discouraged in law firms. But, how people feel affects what they do and how they act, so EI is a must-have, not an optional extra.

DEMONSTRATING EMOTIONAL INTELLIGENCE

Good

- ✓ Noticing an associate has become withdrawn over time and taking time to find out why.
- ✓ Making a frantically-busy secretary a cup of tea.
- ✓ Referring a piece of work you have won to a colleague because she has a better personality fit to build long-term business for the firm.
- ✓ Taking a client out to lunch without charging him, and focusing on understanding the client's needs to create a long-term relationship.
- ✓ Taking on the workload of an associate for the day so that he can support his partner who is facing bereavement.
- ✓ Picking up on unexpressed client needs and probing for them, rather than sticking to the explicit agenda.

Poor

- ✗ Putting Post-it notes on the back of office doors to tell team members that they have been made redundant, without discussion.
- ✗ Ignoring a direct report when she comes into your office and asks you a question.
- ✗ Not picking up on facial expressions that indicate a client is bored by you.
- ✗ Shouting at an office junior because you are stressed.
- ✗ Being disrespectful to a client within her hearing range.

With law firms feeling the heat of increased competition, developing emotional competencies can make a real difference. Firms with teams that have high EI are more likely to succeed, resulting in greater productivity, profitability and fulfilment. ^{mp}

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Endnote

For further information, see *Talent Management for Lawyers*, Rachel Brushfield, Ark Group, 2012