



Listen Like a Lawyer

Wait ... why is a column called *The Legal Word* lecturing me about the importance of listening? Because good listening is a prerequisite for good legal writing and for good lawyering and advocacy in general.

I spend a lot of space in this column discussing the nuts and bolts of writing, from grammar and style to structure to technique. But our overall guideposts in improving our writing—accuracy, brevity, and clarity—address more than commas and passive voice. We cannot deliver accurate, clear, effective advocacy for a client without listening carefully to our clients’ version of the facts, or without understanding our client’s fears, goals, and desires. We cannot effectively respond to opposing parties if we substitute our preconceptions about their assertions and arguments for the type of careful listening required to gain a full appreciation of their positions. And we cannot address a court’s questions or assuage its concerns if we’re too busy anticipating what those concerns are to really hear them.

How do we become better listeners? Fortunately for all of us, Professor Jennifer Murphy Romig at Emory University School of Law maintains a blog called *Listen Like a Lawyer*,¹ where she collects and discusses research, articles, checklists, and other resources to help lawyers, law professors, and law students to improve their listening skills.

Despite the temptation to constantly critique the abysmal listening skills many in the legal profession demonstrate—she quotes a commenter who writes, “Your blog is called *Listen Like a Lawyer*? Oh, so you mean poorly and with preconceived ideas?”—Professor Romig takes a constructive approach, preferring to highlight examples of effective listening and tools for those who want to become better listeners. Don’t worry: She still includes a handful of horror stories for those of us who savor the occasional frisson of *schadenfreude*.

Ever have a summer associate or junior attorney who delivered less-than-helpful work product because he misunderstood the instructions? Under “Listening Resources,” a drop-down menu at the top of the page,

Romig provides her “Listening Checklist for Taking a New Assignment,” a bulleted list of key information attorneys receiving assignments should make sure that they obtain. Romig’s checklist includes basic questions like “who is the client?” and “when is the assignment due?” But it also covers important concerns that might escape a novice attorney, like “who will read the final work product?” and “how does this assignment fit into the overall client representation?”

Romig reinforces and elaborates on this checklist in her recent post, “Listening for Summer Associates” (June 1, 2016). There, she offers a few key pieces of advice that I particularly like:

- Quoting *The Vault*’s excellent “Acing Your Law Firm Summer: Handling Work Assignments,” Romig repeats the advice I always give my students: “Bring a pad and pen to this meeting. Bring a pad and pen to this meeting. Bring a pad and pen to this meeting.”
- Because juggling note-taking, questioning, and thinking is a tricky skill to master, Romig advises attorneys to review their assignment-question checklist before the meeting.

This way, the junior attorney has a better chance of recognizing that key information is missing and asking good follow-up questions.

- Especially if the assignment is complex and significant, Romig advises sending a follow-up email confirming the details. As attorneys advance, or with routine assignments, this step is less necessary. Even so, most of us have worked for that one supervising attorney (or client) who always seems to change the rules midway through the game. Having that email in your back pocket isn’t a bad thing.

The listening-resources menu also includes a checklist for listening analytically, including tips for before, during, and after the session.

Listen Like a Lawyer also addresses other issues relevant to effective listening and modern law practice, like cross-cultural communication. How can you understand your client’s needs if you don’t understand her context? How can you reach a satisfactory settlement or achieve a win-win deal if you misapprehend the other side’s true goals because of your own culturally informed assumptions? Professor Romig’s February 5, 2016 post links us to Susan Bryant’s landmark 2001 publication “Five Habits: Building Cross-Cultural Competence in Lawyers.”

Finally, if you just click on the listening-resources button without waiting for the drop-down menu, you’ll get a list of books, articles, and other helpful materials.

I will caution you, though, that *Listen Like a Lawyer* is addictive. No sooner are you wondering what Prince and *The People v. OJ Simpson* can teach us about good listening than you find you have spent hours reading post after post and linked article after linked article. It’s not quite a McSweeney’s-level² non-billable time-suck—and the time spent is certainly still productive—but the recovering civil litigator in me feels compelled to provide the warning label.

Enjoy!

endnotes

1. listenlikealawyer.com
2. www.mcsweeneys.net/ Sorry.



Susie Salmon

Susie Salmon is Assistant Director of Legal Writing and Associate Clinical Professor of Law at The University of Arizona, James E. Rogers College of Law. Before joining Arizona Law, she spent nine years as a commercial litigator at large firms in Tucson and Los Angeles.