

Teaching Relationship Skills (or “Teaching Emotional Intelligence” or “Teaching How to Deal Effectively with One’s Self and with Others)

Joshua D. Rosenberg, University of San Francisco School of Law

- I. Why teach these things in Law School: Relationship Skills are not exclusively within the domain of lawyers, so why teach them in law school?
 - A. Knowledge and use of these skills make one a better (more successful) lawyer and/or law student.
 1. The relationship between these skills and success in law (and in law school) has been demonstrated empirically (Freshman, Krieger, Goleman, Bradford).
 2. The relationship between these skills and success in specific areas is intuitively obvious. Consider their impact in: (1) Negotiation; (2) Mediation; (3) Securing, retaining and pleasing clients; (4) Managing working relationships with co-workers (senior attorneys, mentors, peers, support staff, etc); Effective leadership.
 - B. Knowledge and use of these skills make one a happier person, both at work (or school) and at home (again, this is both intuitively obvious and empirically demonstrated. See Goleman et al.)
 - C. The course itself need not be limited to lawyers. USF has opened the class to MBA students (before it became too popular with law students to accommodate anyone else). Beginning in 2006, Stanford University will offer the course (for 3 credit hours) to a combination of Law students, Engineering (Ph. D.) students and MBA students.
- II. What gets taught: What are these “Relationship Skills”?
 - A. Awareness
 1. Self-awareness:
 - a. Each participant becomes aware of her own feelings, thoughts, behaviors, and biases (cognitive and perceptual distortions, emotional tendencies and behavioral patterns).
 - b. Each participant learns to distinguish between her own thoughts and her emotions.
 2. Awareness of others: Each participant learns
 - a. How others react to her and to others.
 - b. How much she assumes (often incorrectly) about others, and how little she actually knows about others.
 - c. That she can know the actual behaviors of others, but that her attributions regarding the motivations, intentions, thoughts and feelings of others are no more than inferences and are often inaccurate.
 - d. To appreciate the complexity of motivations and emotional and cognitive reactions of others. (Failure to anticipate and to consider how others will react is often referred to as the biggest problem negotiators have. The “self-serving” bias, which

describes most people's tendencies to fail to attribute to others the same kinds of motivations, feelings, thoughts, capabilities and sensitivities that we attribute to ourselves is one of the most powerful and destructive of all cognitive biases so far studied.)

3. Awareness of Relationships and their Interdependence:
 - a. Self-fulfilling Prophecies: Participants learn how often we make judgments about others, act on those judgments in ways that trigger behaviors of others that accord with those initial (often erroneous) judgments, and take those reactions as confirmation of the validity of our initial judgments.
 - b. Reciprocity: Participants learn that people instinctively try to make others feel the way they feel in reaction to those others—anger begets anger, kindness begets kindness, etc.
 4. Awareness of behavioral options: Participants learn new ways to act. Overly compliant people learn how to be more assertive; overly aggressive people learn how to listen fully; passive-aggressive people learn how to communicate directly.
- B. Empathy/Concern/Interest in Oneself and Others: For almost everyone, learning and understanding feelings, wants, and thought processes leads to increased empathy and concern for oneself and others. The more participants become aware of their own emotions and needs, the more self-accepting they become. The more they become aware of the feelings and needs and reactions of others, the more empathic they become.
- C. Communication skills:
1. Listening: Reflective listening, active listening.
 2. Speaking: Participants learn how to attend to and articulate their own processes (perceptions, thoughts, feelings, wants) instead of labeling others. They learn how to give effective feedback.
 3. Synergy: Improved listening and speaking skills reinforce each other. The more one is able to listen, the more likely she is to be listened to. This is an example of reciprocity, see II(A)(3)(b).
 3. Congruent communication: Participants learn to communicate directly and clearly the same message with words that they communicate with body language and tone; and they learn to pay attention to and seek better understanding of incongruent messages sent by others.
- D. Problem-solving skills: Participants learn and practice problem-solving skills in real-time, real-life relationships. They learn how to deal effectively with difficult people, and how to deal with ordinary people in difficult situations.
- E. Valuing Relationships and Developing Effective Relationships: By using these skills and engaging in relevant self-disclosure, participants experience closer relationships, with more trust and intimacy, and begin to place greater value in the relationships formed in the class, and in relationships generally.

III. How Can These Skills Be Learned?

- A. Practice, practice, practice: Reading and studying are not enough. There are literally 1,000s of self-help books that describe and urge these skills. Instead, like learning a musical instrument, or dance, or sports, learning takes practice, feedback, and more practice.
- B. How? What does the class ultimately look like: Participants use the communication skills to communicate with each other clearly, honestly, and directly. They communicate their own reactions to each other and to what is going on in the class in real time: one person's own *self*-disclosure (of her thoughts, feelings, etc., in response to another's actions) serves as *feedback* to others (as the others learn the reactions that their behavior has precipitated). As this occurs, participants learn how much they have assumed about others and how little they actually knew about others. They learn about their differences as well as their similarities; and as they get to know each other, they begin to empathize with and to value each other. They form important and honest relationships, work through real conflicts in real time, and help each other improve. They form intimate, helping, and lasting relationships, and by doing so learn how to form and maintain such relationships in the future.
- C. The process: how do participants reach that stage?
 - 1. What we explicitly teach
 - a. Listening
 - b. Paying attention to, differentiating, and articulating feelings.
 - c. Giving feedback as self-disclosure: learn to use "I statements."
 - i. Specific actions I perceived (described as they might be caught by a video camera--no judgments, conclusions or attributions, just factual description of specific behaviors).
 - ii. My thoughts, attributions, and judgments about the behaviors (set forth as *my internal processes*, not as a description of "reality").
 - iii. My feelings.
 - iv. What I want.
 - 2. How we initially teach it: Readings, short lectures, lots of short in-class exercises, practice in small groups using relationships outside the class as examples.
 - 3. Benefits of this basic learning: Asking people to give feedback as clear "I statements" encourages, and often requires, that participants do the following:
 - a. Differentiate between the specific behaviors of others that the participant perceives that actually occur "out there" (what one can see or hear) and the participant's own internal processes (the thoughts, feelings, and attributions that one creates in response to one's perceptions).

- b. Take responsibility for the attributions the participant makes about others (“XYZ happened so I think you are insensitive” as opposed to “you are insensitive because you don’t understand”).
 - c. Take ownership of and responsibility for one’s feelings (“I am angry” as opposed to “you are insensitive”).
 - d. Learn to express feelings clearly and directly (“I am angry” instead of “you are arrogant”).
 - e. Learn to be aware of and to articulate what one wants (“I want you to let me finish” instead of “You are a jerk for interrupting me”). Being able to identify and articulate what I want is basic to assertion (not aggression, but assertion: aggression is what lawyers are accused of having too much of; assertion is the skill and ability that is most closely related to absence of depression—learning to know what I want and to ask for it in a clear way).
4. What we explicitly ask of participants:
- a. Participate
 - b. Pay attention to what is going on here and now
 - c. Speak for yourself (use “I statements”)
 - d. If you are concerned about others, let them know
 - e. Speak honestly
 - f. Maintain confidentiality
 - g. Take some risks
 - h. Keep a journal
5. Establishing the environment where this learning can occur
- a. Small groups--most of the learning takes place in groups of 8-12 students and one or two facilitators.
 - b. No desks, no computers, no notebooks. Seats are arranged in a circle.
 - c. Safety:
 - i. Explicit agreements re confidentiality.
 - ii. Participants are made aware of the goals and expectations of the class.
 - iii. Facilitators support (and where necessary, protect) participants.
 - d. Modeling: Facilitators demonstrate the techniques by engaging in real time using the communication models.
 - e. Reinforcement/encouragement: Facilitators reinforce, encourage and show appreciation for participants who take risks by speaking honestly and directly. Facilitators encourage people to check out their assumptions (about others and about how others perceive them) with others (If A says “people think I talk too much,” she might be encouraged to specify who she believes thinks that, and then to find out if it is true).
 - f. Framing/reframing: Facilitators help participants to frame statements clearly; to make statements specific and personal rather than general (“I” or “you” as opposed to “some people”);

to reframe questions as statements (“When you did X, I felt annoyed,” as opposed to “Why did you do X?”).

- g. Directing attention: At the individual level, facilitators may point out what is missing from communications (for example, emotional content). At the group level, facilitators may point out patterns of interaction, as well as what kinds of interactions seem to attract the most attention and result in the most learning.
- h. Class exercises to stimulate or provoke reactions: Participants are occasionally asked to participate in exercises designed to encourage interaction and reactions to other participants.
- i. Time: The class meets for an extra 3 hours per week (6:30-9:30 one night a week, in addition to two 1.5 hour sessions) and for a full weekend towards the end of the class.

IV. How Can Law Schools Offer this Class?

- A. Faculty need not be limited to full time law professors: Therapists, group leaders, management consultants and others in every area of the country are skilled at teaching these skills and are interested in working with law professors for little or no pay.
- B. Law Professors can teach these skills as well as anyone else: Training in this format is readily available (and a great experience).
- C. Materials are available: Lectures, exercises, sample syllabi, guidelines for facilitators, etc., are all readily available to anyone interested.