



How The Remote/Hybrid Work Environment Amplified the Generational Divide

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THE GENERATIONAL DISCONNECT BETWEEN LAW FIRM PARTNERS & ASSOCIATES

By: David B. Sarnoff, Esq., With Natalie Loeb, Gordon Loeb & David Robert

Editorial Note: We changed the names of those interviewed for this article to maintain their anonymity.

When I was a junior associate in the mid-1990s, partners and associates were able to connect over common life experiences, in how we grew up and began our careers. Even though many of the partners were more than 20 years my senior, we were all raised before the internet and cell phones, we were content with seven channels on television, we went to the movies and rode our bikes to the park. Despite the technology advancements in the 90s, many functions at our firm were still being done manually or with limited automation. I recall bates stamping documents by hand and researching caselaw in a physical library with the help of books (gasp!), digests, reporters and supplements.¹

Over twenty years later, law firm life has changed dramatically. We often hear from our leadership training clients about the generational disconnect between junior associates and partners, creating challenges to a productive workplace culture. The common threads in these stories include a lack of mutual understanding of each other's needs, how others communicate, give and receive feedback and collaborate. This may be the result of having fewer common life experiences than with the previous generation.

I spoke at length with an attorney, Michael, who has practiced law for over twenty-five years and was a partner at an AmLaw 100 firm. He recalled the excitement he felt after graduating from a prestigious law school and starting his career at a large New York

firm. From the first day on the job, he felt a deep sense of commitment to the firm and aspired to be a partner. He doesn't see the same commitment from the new generation of associates.

Michael discussed how when he was a junior associate the practice of law involved more human interaction, collaboration and mentoring. With respect to the law firm library culture, he said, "I would analogize it to the college experience. At the law library, there were always a group of young associates talking to one another at the reference desk or at each other's table." Practicing law was a social activity. "I think it built some esprit de corps," Michael added, and would lead to establishing relationships outside of work.

Document reviews, or due diligence trips, presented additional opportunities for attorneys to strengthen their bond. During the early part of Michael's career, he would frequently join junior and senior attorneys to off-site trips to review thousands of pages of documents that were stored in a warehouse. The document review in many respects was an opportunity to essentially live together in the same hotel, eat together at the same restaurants and engage in informal chit-chat that increased the degree of awareness and collaboration across the team. Although the document reviews could slip into the mundane, Michael appreciated the opportunity to connect with his peers. "Document review trips felt like being in the trenches," he recalled. "You got to know people better and there was that sense of shared experiences."

With the technological explosion in law over the past decade in

¹Bates stamping is the process of applying a set of identifying numbers to a document collection. When I was an associate, it was done with a hand-held device called a Bates Stamp.

e-discovery and artificial intelligence, there are fewer of these extended document review trips. “The law library has been rendered almost extinct,” Michael shared, underscoring the sentiment of many of his contemporaries. Millions of documents are now streamed through servers to an attorney’s desk and, in many ways, law can be practiced without ever leaving one’s office. That’s certainly inconsistent with how Michael was trained. “The practice of law has become a lonely experience,” Michael said. “I can go days without seeing an associate.”

Shawn, another seasoned partner I spoke with, shares some of Michael’s perspective. He sees erosion in the sense of urgency among junior associates, partly due to the changing dynamic between partners and associates. “Small firms are trying to take my clients and big firms are trying to take my clients,” Shawn said. “It is so hard to bring in business but so easy to lose a client when mistakes are made, or a client feels disrespected.”

Shawn sees a lack of understanding across the associate ranks of the practice of building and retaining strong client relationships. Practicing law isn’t always glamorous. The small transactional tasks can be just as important as the richer assignments, but associates don’t always share that same perspective. “When I give assignments, I’m occasionally greeted with an eye roll,” he shared. “Associates need to understand that each assignment, no matter how mundane, is critical to solidifying the firm/client relationship which helps grow more business and profitability.”

“I am still waiting to get a junior me as an associate,” Michael said, although he knows that is unlikely given the generational divide.

Not all partners see these emerging challenges as directly related to a generational gap. “I have never had to deal with so many spread sheets and reports,” said Cathryn, a partner who has been practicing law since the early 1990s. She points to a shift within her firm toward hyper examination of compensation, expenses, and investments. She describes the shift as the legal profession morphing into the legal business. She doesn’t think the generational gap is contributing to the firm’s challenges to the degree that others may assert. “The quality of the associates hasn’t changed in 15 years,” she said.

When reflecting on firm culture today, Cathryn offered some advice to both associates and partners. She advised associates to “align yourself with good lawyers and people who can give good guidance. Learn from firm leaders.” As for firm leadership, “if you want top talent, then understand top talent doesn’t want to work 24/7. Firms need to offer professional development so associates feel valued.”

Kim, an HR Director with many years of big law experience, couldn’t agree more. “A lot of things get blamed on the Millennial generation simply because they are young,” she said. “There is a lot of ageism against the younger associates.” And Kim doesn’t hold back on why



there might be challenges between partners and associates. “Millennials are less likely to take crap and they will express themselves. That is not something that generally happened 20 years ago.” Kim’s perspective hits a chord with many of the recruiters I spoke to as well. “Millennials demand more and if they are not heard they will move,” Kim said. “Because there is such a negative stereotype around Millennials, firms aren’t listening to what associates are saying and are dismissing their concerns.”

Michael supports Kim’s call for action. “Leaders need to be responsive to needs and desires,” he said. “Young lawyers may want a lot of different things and that doesn’t make them bad or ineffective people.” Michael encourages partners to recognize that the conventional model has changed, and that firms can be trailblazers on Millennial engagement only if they are willing to change. But he knows that change at a typical law firm moves at a glacial pace. “Firms need to cultivate their second- and third-year associates,” Michael added.

Associates clearly offer a differing perspective on law firm life. “We work hard, bill big hours and make sacrifices to perform at a high level,” said Jennifer, an associate at a large firm. “No matter how much a firm will promote long-term growth opportunities and the chance to make partner, we obviously see that only a small number make it every year.” Jennifer shared many stories about the pressures of the associate role and why she feels somewhat cynical. “It’s just not an honest conversation and that is why some associates don’t aspire to partnership because they believe firms are not dedicated to their development as an attorney or leader.”

Other associates shared Jennifer’s perspective, particularly as it relates to partner expectations. “We are placed in a difficult situation where we are told we don’t take initiative and simply wait

to be given instructions,” Jennifer adds. “However, we are not permitted to act alone, and I can’t contact a client directly without running it through a senior associate or partner.”

Carla, a partner at a different firm, added yet another perspective on the changing times within the legal field. She said that while there still needs to be improvement in women leadership and partner development, it is much better than when she was coming up the ranks nearly thirty years ago. She describes the reaction from her firm leadership when she told the partners she was pregnant. “I felt as if I had to apologize, because some partners viewed it as a lack of seriousness in working toward partnership.”

It’s safe to state that the practice of law is being disrupted at a rapid pace. Clients are commoditizing services, competition to retain clients and talent is fierce, and there’s an awakening spreading across the industry to the acceptance that a firm’s legal expertise may not be enough. Perhaps the caliber and effectiveness of the internal relationships, particularly between partners and associates, may be the necessary focus for long-term firm success.

“Rather than focus on what separates us, maybe this is the right time to start a conversation about what unites us,” said David Robert, Chief Strategy Officer at Loeb Leadership Development Group. “People gravitate to the legal profession for a compelling reason. We may find that partners and associates have more in common than we think. Let’s start there.”

A mid-level associate, Stephanie, suggests some examples that could begin to build a bridge. “As a young associate, I feel that partners often underestimate the value of our presence during court proceedings, depositions, or any instances of client interaction. Even if we’re simply there to silently shadow, the opportunity alone allows us to absorb skills and techniques that we’re not exposed to through document review or legal research.” She continues, “the ability to shake hands and introduce ourselves to clients allows us to begin establishing relationships that will ideally strengthen the clients’ connection to the firm.”

Additionally, Stephanie offers other opportunities to connect, including, “professional development seminars, particularly “lunch and learn” discussions, with partners, are incredibly beneficial. Law school courses don’t address the true nuts and bolts of the industry or impart expertise that can only be gained through experience. The sheer wealth of knowledge and experience that partners possess, position them to be the ultimate educators for the next generation of lawyers,” she concluded.

Natalie Loeb, Founder and CEO of Loeb Leadership Development Group, sums it up this way, “approach your work with your colleagues, teammates, bosses, clients and direct reports with a sense of curiosity, a dose of empathy and a willingness to have a two-way discussion... and close the gap.”



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Coach's Counsel: Using Communication to Defeat Frustration

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Loeb Leadership

Coach's Counsel is a monthly column dedicated to helping legal professionals explore solutions to challenges on topics including leadership, collaboration, emotional intelligence, professional relationships, team management, effective communication, and increased self-awareness.

EXCELS: Executive Coaches Exploring Leadership Solutions

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Names and information will be kept confidential.



David Sarnoff, Esq., ACC



Natalie Loeb, MS

Dear Coaches:

I am a law firm partner, and we have an understanding at our firm that if you don't feel well, do not come into the office, especially during the COVID-19 pandemic. On a Sunday night, I received a text from an associate who said, "I am not feeling well, should I come in tomorrow?" I became extremely frustrated, especially because it was a text, but felt compelled to respond. Not how I want to spend my Sunday nights. How should I handle this matter?

— Do Not Disturb

David: Thank you for your question. While your inquiry is specific to this associate's situation, it may be symptomatic of other issues at your firm involving effective communication, mutually agreed upon expectations, accountability and feedback. If the "understanding" was communicated to all employees of the firm, then my reaction would have been to respond with something along the lines of: "As has been communicated by the leadership of the firm, please do not come to the office if you are not feeling well. I hope you feel better." However, you may want to have a subsequent meeting when the associate is feeling better to communicate your expectations if a similar event occurs in the future and that you may prefer an email to a text message, especially on a Sunday evening. Clearly and directly communicating your expectations is vital to minimizing any ambiguity or misunderstanding and lets the associate know exactly how you feel. It also gives clear guidance on how he/she should respond in the future.

This exercise can be applied to other aspects of the working relationship including giving assignments, delegating work and giving feedback. When you are clear and direct with your expectations, the associate will have a better understanding as to whether or not he/she has met expectations. It allows their response to be measured against expectations that you set forth and have been mutually agreed upon. When a partner's thoughts or direction are ambiguous, unclear or not communicated at all, that creates the perfect environment for misunderstanding, frustration and conflict.

If an associate returns an assignment that is incomplete or off the mark, the assigning partner bears responsibility as to whether the instructions given were clear, unambiguous and appropriate for the associate's skillset. It is also important that the partner provide ongoing feedback as to whether the associate is on the right track or if their work product is meeting expectations. Without thoughtful and meaningful feedback, it is difficult for the associate to grow and develop the skills that the partner is looking for the associate to possess. All too often, if an associate hands in a draft document that does not meet the partner's expectations, the associate may never receive another substantive assignment from that partner in the future. In my opinion, this is

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a disservice to the associate by not giving the direction and feedback that would help them improve their work product and provide an opportunity for professional growth and development.

All too often we hear from senior partners, “no one gave me feedback when I was an associate, and I figured it out.” This may be true; however, expecting your associates to do as you did may not be a best practice for building a high performing, collaborative work environment. Clearly communicating your expectations will remove guesswork from the equation and set you up to encounter less frustration (and fewer Sunday night texts) in the future.

Natalie: When I see this question, I have a question for you? How would you have preferred for this associate to handle this situation? Think that through, clarify what it would “look like” and then prepare to communicate that expectation directly to the associate in response to that text AND next time you meet to discuss work matters. For example, perhaps you prefer a brief email (rather than a text?) that says, “I do not feel well and will not be in the office tomorrow”.

If this is the case, it is crucial for you to set the clear expectation that you prefer an email over a text. It is also important to reconfirm the firm’s agreed-upon understanding to have those who feel unwell stay at home rather than be in the office.

To echo what Dave said earlier, this is all about communicating clear expectations in a timely manner. Once the associate is crystal clear on what’s expected, the associate can be held accountable for meeting this expectation moving forward.

Something to think about: We have all gone through a traumatic pandemic together (and it is not over yet). In my opinion, all communication about health issues requires a dose of humanity, empathy and concern—especially now. Ask yourself; what is the downside of showing those qualities? Probably nothing. What is the upside? The associate feeling “cared about.” The fact that this associate asked whether or not to come in tomorrow (ignoring the firm’s understanding) makes me wonder if the associate truly trusts whether the firm means what it says. The associate may be “testing this assumption” by sending you this text. It seems clear from your question that the firm does indeed mean what it says. That being the case, you can use this example as an opportunity to reconfirm the “understanding” as well as an opportunity to build some trust by delivering an answer with some concern and care.

Setting expectations and holding others accountable for meeting them does not have to be done without humanity, empathy or concern. For example, your responding text to this associate could look something like this: *“Thank you for letting me know. I hope you are feeling better soon. In the future, please correspond to me by email rather than*

text when you need to let me know you won't be in the office. (and if you prefer the associate lets you know on Monday morning, rather than Sunday evening, add that too). Please let me know who will be handling "x" while you are out. Get some rest. I look forward to seeing you back in the office when you are feeling better."

Sending that response is not the final step. As David mentioned above, you may want to have a subsequent conversation during a future work meeting when the associate is feeling better and returns to the office. Remember to remind the associate of the firm's view on staying home when one feels ill, and to reinforce your expectation on your preferred communication mode if and when the associate needs to be out again due to illness, especially if they feel unwell on a Sunday evening. Clearly and directly communicating your expectations with a sense of humanity, empathy and concern is vital to minimizing any ambiguity or misunderstanding and, at the same time, lets the associate know you care.

These days talent flows to where it feels valued and cared about.

Natalie Loeb, MS, is the founder and CEO of Loeb Leadership, a US-based woman-owned preeminent management and leadership development company with over 50 consultants across the globe. With more than 25 years of experience as an executive coach to influential lawyers and business leaders, Natalie is recognized as an innovator and expert in cultivating leadership within the legal profession. — *"I am committed to our mission: developing extraordinary inclusive leaders". — Natalie Loeb*

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Attorney Mentoring in the 21st Century

By: David B. Sarnoff, Esq., ACC, Natalie Loeb, M.S. & David Robert, MBA

To find someone who is willing to invest the time to be a mentor, offering career advice and teaching technical and practical skills can be challenging. For many junior attorneys, that challenge can seem insurmountable. Although there are several factors that contribute to the degree of difficulty, one common culprit might surprise you: technology. Smart devices and artificial intelligence have replaced in-person interactions with impersonal electronic communication, such as text, email and video conferencing.

In the past, the law library or due diligence trips created opportunities for attorneys to spend time together. The very nature of being in close proximity lent itself to fostering both formal and informal mentoring relationships. Now, those manual tasks are largely completed by accessing an online server from the comfort of one's office, thus reducing the opportunities for attorneys to spend time with each other in person. A further complication is the current pandemic, which pulled people out of corporate offices and relegated them to the isolation of a home office.

Although the legal industry has faced significant disruption over the past several years, the need for mentoring has remained unchanged. Mentoring continues to be a valuable tool to develop associates' competence at practicing law and an effective way to enhance leadership skills and self-awareness. Typically, mentoring pairs someone with more experience in a specific area or discipline with someone holding less experience (or a different perspective) who therefore is likely to have questions about their job or is in need of guidance or advice. Mentoring differs from sponsorship in that a sponsor is an active advocate for the career advancement of the person he/she is sponsoring. Oxford defines mentoring, in part, as "to advise or train someone, especially a younger colleague."

An ideal mentorship would consist of a desire from both the mentor and the mentee to initiate the relationship. In the absence of a formal mentoring program, in which mentors and mentees volunteer to participate, it is important to speak up about your desire to either mentor or be mentored. "This can be challenging for a junior associate," says Natalie Loeb, CEO of Loeb Leadership. "In some firm cultures, asking for help can be seen as a sign of weakness or vulnerability, but the risks of not doing it are too high." She adds, "this is where partners can play an important role in helping to form a mentoring culture, by proactively seeking associates to mentor."

According to Carla Harris, the author of *Expect to Win: 10 Proven Strategies for thriving in the workplace*, a mentor is the person you can tell "the good, the bad and the ugly to." You should feel comfortable sharing the intimate details of your career to this person, including goals and mistakes.

"By definition, it must be someone you can trust," Harris said. "Don't just say, 'Oh, she's been doing this 20 years; she'll be my mentor.' If she doesn't know you very well, she cannot be a great mentor to you. The mentoring job is tailored advice specifically to you and your career aspirations. If you don't believe that person has your best interests at heart 100 percent, they can't be your mentor."

Don't assume, however, that mentoring is reserved exclusively for junior talent. "No matter where you are in your career, mentorships are extremely valuable not only for professional development but also as a support system," says Jessica Hodkinson, Esq., General Counsel at Panasonic. "I think the keys to a successful and effective mentorship are mutual trust and open communication." Ms. Hodkinson reflected on an experience she had with a mentor. "When working at a law firm early in my career, I was fortunate to have a female senior partner provide guidance, create opportunities and show me that anything is possible – beyond what I could imagine," she added. "I've carried that with me and it is why I have been equally committed to giving back in my role as General Counsel at Panasonic."

Evan Weintraub, Esq., a partner at Wachtel Missry LLP, shared his personal experience in such a mentoring relationship. "Early in my career, one of the litigation partners took the time to meet with me to discuss each assignment in depth." Weintraub reflects back on that relationship with gratitude. "The partner talked to me about the case, the clients, the claims, the strategy going forward, and the next steps in the case, etc., so that I had a better understanding of what we were trying to accomplish and where my assignment fit in to the overall strategy."

Weintraub's mentoring relationship with that particular partner wasn't a one-directional transfer of knowledge. "At the conclusion of case discussions, he would ask me questions to ensure that I understood the issues, arguments, etc." Weintraub also found the mentorship experience provided space to enhance and develop interpersonal relationships. He recalls, "after a successful outcome in a case, that same partner took me and another associate out for a celebratory dinner where we learned another side of him (i.e., his background and non-legal interests) which resulted in a lively discussion about non-work topics."

"It really boils down to culture," says David Robert, Chief Talent Strategist at Loeb Leadership. "High-trust workplace cultures require alignment between organizational practices and people. Mentoring, when done correctly, can play an important role in demonstrating that you're serious about offering practices that develop and nurture talent." Although mentoring can serve as a great practice to reinforce a desired culture, be careful to avoid looking for an "off the shelf" solution. "That's the challenge of culture work," adds Robert. "Every firm is different and therefore must find an approach to people practices that reflect the firm's uniqueness. No two firms will approach mentoring the same way, nor should they."

This is not to suggest that firms can't learn from each other. Sharing best practices is encouraged, as the process is likely to spark ideas about what a mentoring program could look like at your firm. Below are some things to consider.

- Be mindful of the life experience of those being mentored. According to Diversity, Equity and Inclusion expert Joy Stephens, "it is imperative for a white mentor to learn as much as they can about diversity, equity and inclusion and cultural differences before trying to mentor a person of color because, without that understanding, the mentor could end up dismissing real concerns as trivial, misunderstanding cultural norms or trying to convince the mentee to assimilate to his/her style."

- Be open to leverage mentorships to elevate not only technical skills but leadership skills as well, such as executive presence, emotional intelligence and active listening. Demetria Johnson, Esq., Inclusion & Diversity Manager, Talent Acquisition Strategist at Gilead Sciences, says “as a mentor, I listen to “hear” when my mentee talks. I listen for the things they don’t say.” Then, “I share a few words of advice that have helped me.”
- Formally track who is being mentored to ensure that mentoring opportunities are open to everyone. If you see disparities, speak up. Your mentoring program should reinforce a culture of inclusion rather than being seen as a program of exclusivity.
- Make sure the objectives of your mentoring program are clearly articulated.
- Think outside the box. Ms. Hodkinson describes the innovative mentoring approach at Panasonic. “Through NJ LEEP, a college access and readiness program, and our diversity summer associate program, we offer ongoing mentoring and a glimpse into the day-to-day realities of an in-house legal department. Hosting these programs helps our attorneys build management and leadership skills, and reflects our core values including diversity, mentorship and contributing to society.”
- Balance the need to offer guidance and advice while not offering too much detail. According to Elliot Silverman, Esq., a retired litigator who practiced at large and mid-sized law firms, “the key to mentoring is the “Goldilocks” principle—you don’t want to do too much or too little.” He elaborates, “if you’re mentoring a young litigation associate who has never drafted a motion to dismiss a complaint, you can’t just throw the complaint at her and say, “draft a motion to dismiss.” She’ll feel lost, will flounder around wasting a lot of billable time, and wind up giving you a draft that will likely need significant revisions.”

In closing, there is no magic formula for establishing an impactful mentoring relationship. Motivation, curiosity and patience will serve you well as you navigate through the process. However, if both parties are committed, establish clear expectations, actively listen and demonstrate empathy, you are more likely to have a positive outcome.

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The Case for Active Listening

By Natalie W. Loeb, MS and David B. Sarnoff, Esq.

Yes, we're connected more than we ever have been by technology, but are we connected as human beings?

It's simple but not easy. Living in the midst of an on-going pandemic, the transition to remote work and living with restrictions, there is no doubt that the secret to our success lies in the success of our ability to effectively communicate. One of the highest skills to possess during these times is to genuinely and actively listen to each other. Active listening is a strong interpersonal skill. When done well, it proves our humanity, it builds trust, enhances relationships, offers empathy, compassion and makes those being truly listened to feel valued and important. It also offers the opportunity to gain new knowledge, perspective and information to help us grow personally, in business and to practice self-management. When we are truly actively listening, we suspend judgement and leave space for the speaker to continue. We use both non-verbal and verbal expressions to demonstrate we are receiving information and interested in what the speaker has to say. We are extinguishing random

thoughts that come into our minds, so we can intently listen and give the speaker our full attention. Active listening is hard work. It is strenuous and requires intention, effort and focus. However, at a time, when many of us are feeling disconnected, isolated and lonely, active listening is the human gift we can choose to give to others. When done well, your hard work will pay off in numerous ways.

How to actively listen:

Active listening is a commitment to intentionally listen to the speaker with both your ears, eyes and body. It requires asking questions to clarify assumptions and demonstrating interest by testing your understanding with the speaker to confirm you heard what the speaker intended to share with you. When you are practicing active listening, you are not waiting for a chance to jump in and speak. Instead you are trying to understand fully. It's not unusual to find ourselves waiting to speak when a good response comes to mind while another person is speaking and we feel eager for them to stop talking so we can express our point. In fact, when we notice this happening and resist the impulse to interrupt, we know we are practicing active listening. More than ever, human beings are striving to be heard and understood. Problems occur when more than one person in a conversation wants to be heard at the same time. When people are interrupting each other, feelings of frustration grow. If one feels they are not being heard, you will notice stress levels increase and a breakdown in communication. Those breakdowns in communication can lead to a number of unfortunate outcomes, including straining professional relationships.



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Active listening in and of itself communicates to another person that they are valued and respected. Imagine if someone comes to you to seek advice or share an experience for your feedback. How do you think that person would feel if in the middle of what they are saying, you decided to send a text or check emails? It is a safe bet that the other person would feel disrespected and not heard. It is imperative while active listening to be present, focused on the speaker and maintain comfortable eye contact. As stated earlier, active listening is a physical activity and requires practice to increase proficiency and ability.

It is particularly important, as an attorney, to actively listen for multiple reasons. Firstly, being an active listener builds trust amongst members of your team and encourages them to communicate ideas, their challenges and feedback. It also models the way for others in your firm to practice active listening, raising their level of listening. Typically in a high stress work environment such as a law firm, many people tend to listen for the least amount of information they need to try to complete a task, in order to be able to move on to the next task. This is not the most productive way to practice, because by practicing active listening, you may identify a deeper level of understanding that may raise the caliber of your work product.

An example of this is when a litigator conducts a deposition. Litigators are typically trained to never ask a question they don't know the answer to. While that may be solid advice, attorneys tend to focus only on the questions they prepared and may not listen deeply to the responses of the witness, potentially creating other lines of questioning. Active listening would not only focus on the specific words the witness was saying, but also on how they were saying these words. Are they sweating, is their volume elevated, are they touching their face while they are speaking, are all observations that should be noticed. It also requires an attorney to focus on what the witness is not saying, and if they are uneasy and nervous. Active listening taps into our intuition

and experiences to focus completely on the verbal and non-verbal responses from a witness and have an heightened sense of what is actually being communicated.

Similarly, when presenting an argument in front of a judge, active listening is just as important as the legal research supporting your brief. Often times during oral argument, an attorney is typically hyper focused on their argument and how they will use the facts of the case to support their legal citations, a judge will interrupt with questions. For many attorneys, this can be unnerving and if you do not put your thoughts on hold and focus on what the judge is saying, you may fumble in your reply. How many times have you heard a judge say to an attorney, "you did not answer my question."

When a person is performing actively listening at a high level, they do not focus on their own thoughts or responses in their head, however, they are focused on the person who is speaking. Your awareness is tuned into the expressions, emotions and communication being transmitted from the person speaking to you. In order to do this, it requires a mindshift from wanting to reply immediately with only your reply and thoughts to focusing on how to flesh out more from the person who is speaking. This skill will in most cases provide a deeper understanding of the person who is speaking and their thoughts, aspirations and in some cases their competency.

Active listening is an important life skill to not only cultivate and nurture personal and familial relationships but can be an effective tool to building a high trust workplace in your professional life. Attorneys who elevate their active listening skills will also raise their emotional intelligence skills, self-awareness and how they show up and are perceived by their colleagues.

Below are some strategies and practices to help you raise your active listening abilities. The more you practice them, the better your listening skills will be.



- 1** Choose to actively listen and provide your full attention.
- 2** Set any distractions aside and give your full attention to the speaker.
- 3** Use your eye contact, body language and short non-verbals to show you are paying and attention. These efforts will also help you to remain engaged in the conversation.
- 4** Pay attention to the speaker's verbal and non-verbal messaging. Speed and tone of voice; along with body language clues can provide valuable additional information to you in addition to the words being used. Identifying emotions being expressed along with the words will show the speaker you are connecting, interested and value their input. This leads to building trust, enhancing relationships and improved productivity and outcomes.
- 5** Ask thoughtful clarifying questions to demonstrate you are "hearing" the speaker and want to learn more. Open-ended questions that begin with "What?" and "How?" can prompt new details about what you are really trying to understand. There's also a place for closed questions (questions requiring a one-word answer to help you gather some facts.)
- 6** Be mindful and strategic about the question types you choose to help you focus on understanding the speaker and gaining information. A closed question can help you paraphrase what you think you understand and give the speaker the opportunity to correct your understanding.
- 7** Suspend judgement and put your desire to be heard and understood on the back burner.

- 8** Be patient with yourself as you practice. This is not the natural way in which we communicate with others—especially in a disagreement. It won't go perfectly, and that's fine.

For a free listening quiz on the Psychology Today website to evaluate your listening skills click here <https://www.psychologytoday.com/us/tests/personality/listening-skills-test>

Authors



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David B. Sarnoff, Esq., is an executive coach and leadership trainer with Loeb Leadership. As a former attorney, experienced executive search consultant, business owner, and former board of education president, David is uniquely qualified and experienced to understand the mindset, demands and challenges of corporate executives, attorneys, managers and individual contributors.





Active Listening for Lawyers

By Tricia Fratto, Esq. and A. Jonathan Trafimow, Esq.

For our purposes, active listening for lawyers involves more than simply being able to accurately report back what another person in a conversation has said, although it certainly includes that. Active listening also involves communication while still primarily receiving information, through body language, encouragement/demonstrated interest, appropriate questions and other forms of engagement. Active listening offers value to lawyers who understand it at all phases of the attorney-client relationship.

While every lawyer does business development in their own way, we have found that active listening is a critical skill. In our experience, many business generators nurture relationships in their social networks; indeed, for some, there is no sharp demarcation between “business relationships” and their social network. Many business generators understand that those in their networks will tend to refer clients to lawyers they trust, not just to be competent and ethical, but to have the interest (and ability) to truly understand what matters to them and who they are. Active listening engenders trust; trust leads to introductions; introductions lead to business. And, active listening during the initial conversations with the prospective client may

persuade them that you are connecting with them and their legal concerns.

Following client engagement, lawyers are called upon to apply active listening in a variety of situations. Active listening is critical to truly understanding a client’s motivation and ultimate goals to help guide them to a successful outcome. Lawyers may also be called upon to conduct internal investigations, depositions, or other witness interviews. While this is the place we find that our active listening skills really shine, we have learned to be cautious about falling into the trap of rushing to judgment. People may be nervous, uncomfortable, or even defensive but not, at the same, time “guilty” or able to provide information that helps an investigation. Rephrasing and repeating questions and paying close attention to changes in demeanor or comfort, are much more productive than thinking a particular eye shift or other “tell” acts as a lie detector.

Business development is not the only skill needed in the law firm setting, and for attorneys working “in-house” for companies or non-profit organizations or in other legal settings, it may not be an important skill at all. For most of us, however, active listening is critical to building

successful relationships with people at all levels in your organization. This applies to work you may do on committees within your organization to teams assembled to work on complex matters to interactions with managers and staff. Understanding their stresses and pressures may help you successfully navigate challenging workplace situations.

Active listening can communicate to everyone in the workplace that they are being heard, understood and valued.

We end, perhaps a bit whimsically, by considering whether active listening can help attorneys in private practice get their invoices paid. In our experience, when clients question an invoice it is because there is a problem, even if that problem has nothing to do with the satisfaction with the legal services you and your colleagues provided. The challenges of running certain businesses during the COVID-19 pandemic, for example, could provide unusual challenges to a client in connection with paying for their legal services. Active listening may turn what could have been a negative conversation with a frustrated client into a positive moment of understanding, with a commitment towards working with your client through a challenging moment for them.

From the first introduction through the entire life-cycle of a client engagement and beyond, active listening skills enhance a lawyer's business, client, and colleague relationships. We hope that this discussion encourages lawyers to develop strong active listening skills and consistently focus on applying these skills to every interaction.





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Body Language of Listeners

Body Language of Listeners

A simple article for the beginners: How your body language shows that you are listening

The strategic use of body language plays a key role in effective communication. Here are seven ways to show that you are listening:

1. Look Like You're Listening

If you want people to give you their ideas, don't multi-task while they do! Avoid the temptation to check your text messages, check your watch, or check out how the other participants are reacting. Instead, focus on those who are speaking by turning your head and torso to face them directly and by making eye contact. Leaning forward is another nonverbal way to show you're engaged and paying attention. It's important to listen to people — it's just as important to make sure that they know you are listening.

2. Use Your Head

To encourage a team member to expand on their comments, nod your head using clusters of three nods at regular intervals. I've found that people will talk much more than usual when the listener nods in this manner. Head tilting is another signal that you are interested, curious and involved. The head tilt is a universal gesture of *giving the other person an ear*.

3. Open Your Body

We reveal a lot about our attitudes, emotions and motives by the way we hold our bodies, especially when using closed or open postures.

In the ultimate closed body posture, arms are folded, legs are crossed and the torso or legs are turned away. Rounding the upper body and hiding hands are closed signals that may also represent feelings of vulnerability or depression.

In open and receptive body postures, legs are uncrossed, and arms are open with palms exposed or resting comfortably on the desk or conference table. If the arms are relaxed at the sides of the body while standing, this is also generally a sign of openness, accessibility, and an overall willingness to listen and interact.

To show that you are receptive to other people's ideas, uncross your arms and legs. Put your feet flat on the floor and use open palm gestures (which is a body language display inviting others into the conversation).

To encourage a team member to expand on their comments, nod your head using clusters of three nods at regular intervals. I've found that people will talk much more than usual when the listener nods in this manner. Head tilting is another signal that you are interested, curious and involved. The head tilt is a universal gesture of *giving the other person an ear*.

4. Remove Barriers

Physical obstructions are especially detrimental to looking open and receptive. Take away anything that blocks your view or forms a barrier between you and the rest of the team. Even at a coffee break, be aware that you may create a barrier by holding your cup and saucer in a way that seems deliberately to block your body or distance you from others. A successful senior executive told me he could evaluate his team's comfort by how

high they held their coffee cups. It was his observation that the more insecure individuals felt, the higher they held their coffee. People with their hands held at waist level were more comfortable than those with hands chest high.

5. Activate Your Smile Power

A genuine smile not only stimulates your own sense of well-being, it also tells those around you that you are approachable, cooperative, and trustworthy. A genuine smile comes on slowly, crinkles the eyes, lights up the face, and fades away slowly. Most importantly, smiling directly influences how other people respond to you. When you smile at someone, they almost always smile in return. And, because facial expressions trigger corresponding feelings, the smile you get back actually changes that person's emotional state in a positive way.

6. Lean In

Leaning is another way your body indicates your emotions. Leaning backward usually signals feelings of dislike or negativity. It's a hardwired response from the limbic brain; we subconsciously try to distance ourselves from anything unpleasant or dangerous. In a seated conversation, leaning backward can also communicate dominance or disinterest.

Positive attitudes toward others tend to be accompanied by leaning forward – especially when sitting down. When two people like each other, you'll see them both lean in. Research also shows that individuals who lean forward tend to increase the verbal output of the person they're speaking with

7. Mirror Expressions and Postures

When a business colleague mirrors your body language, it's his or her way of non-verbally saying that they like or agree with you. When done with intent, mirroring can be an important part of listening (this time listening to what the other person's body is telling you). Mirroring starts by observing a person's facial and physical gestures and then subtly taking on the same expressions and postures.

Building positive business relationships takes more than inclusive body language and good listening skills. But don't underestimate the impact of these behaviors. They can either support or sabotage your efforts.

Carol Kinsey Goman

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Coach's Counsel: Partners, How Patient Are You?

Natalie Loeb

David B. Sarnoff, Esq., ACC

Loeb Leadership

Coach's Counsel is a monthly column dedicated to helping legal professionals explore solutions to challenges on topics including leadership, collaboration, emotional intelligence, professional relationships, team management, effective communication, and increased self-awareness.

EXCELS: Executive Coaches Exploring Leadership Solutions

Have a question for our Coaches? Write to us anonymously using [this form](#), and our coaches will respond in an upcoming issue of the *PLI Chronicle: Insights and Perspectives for the Legal Community*.



David Sarnoff, Esq., ACC



Natalie Loeb, MS

Dear Coaches:

I'm a new associate and, like many others, have mostly been working remotely because of the pandemic. The partner I report to has been very short with me and often declines requests for video calls to review assignments. Instead, the partner assigns it to associates more senior to me who already know how to perform the work. I fear I'm missing out on learning and developmental opportunities as a result of remote/hybrid work. How do you suggest I approach the partner about my concerns?

—Passed Over in the Pandemic

David: Thank you for this question—you are certainly not alone. Over the last two years of the pandemic, there has been a widening gap in training and mentoring for associates, particularly first and second-year associates. In the fall of 2021, I had a conversation with a senior HR professional at a well-known law firm. I asked her what impact she believes the pandemic has had on the development of junior associates. She said that it has had a “dramatic impact.” She continued, “Remote work has impacted the learning and development of junior associates similar to how remote learning has impacted students in kindergarten.” I thought that was a powerful statement. She also said, “If a junior associate did not have the courage to raise their hand and speak up and advocate for themselves, they got lost in the flow.”

With respect to your specific question, one potential solution is to schedule a call with your partner and have a frank and honest discussion about the impact that the remote working environment is having on your skill development and seeking solutions that can provide the oversight and mentoring that would address this challenge. In preparation for the call, I suggest you offer a plan to the partner such as having regularly scheduled check-ins to discuss challenges and progress on assignments. Conveying a significant interest in the practice area, willingness to invest the time, and commitment to building the necessary skills may also influence the partner's behavior. If the partner is not willing to commit to this track, another possible solution is to seek peer feedback from more senior associates who have successfully worked with this partner and seek their feedback and input on your work product.

I think it is worthwhile to discuss the broader issue of feedback in the legal profession. Just a few short years ago, most would have thought it unthinkable for the entire legal profession to function in a largely remote and hybrid format. In my opinion, the operations of the practice of law have changed more in the past two years than in the prior fifty years. While the ever-increasing use of technology has been eroding opportunities to interact in-person, the pandemic has caused a massive shift to remote working. The legal profession as a whole and law firm partners specifically have not been widely known for giving effective feedback to associates. This has only been

Partners, How Patient Are You?

exacerbated by remote and hybrid work environments. In fact, we have seen a sharp increase in the demand of law firms requesting training for giving and receiving effective feedback because of an awareness that ineffective feedback is impacting associate development and attrition. Prior to the pandemic, a partner would ask associates to attend a client conference call or a negotiation, where they could listen and observe without being noticed. Now, if a partner tries to do that on a Zoom call, the associates are typically visible, and the client may become concerned about being billed more.

Leaders in the profession are becoming increasingly aware that partners need to be more mindful about how they delegate work, provide effective feedback and monitor progress on assignments. If associates do not receive oversight, effective feedback and development opportunities, it will negatively impact their ability to learn and hone needed skills for a strong foundation to practice law. It is also a business imperative to make associates feel valued, invested in and properly trained, otherwise they may consider seeking training at another law firm.

Natalie: Let me begin with saying, I echo everything David said. Seeking feedback when it is not offered or provided enough is necessary for career growth and is a skill utilized by effective leaders at all levels.

Here's more to think about. As coaches, one of our responsibilities is to challenge the thinking of our "coachees." Sometimes when a situation is "reframed," allowing for a shift in perception, we find another way of handling it. It seems pretty clear you are eager to grow and develop into a great lawyer, and you recognize that your partner has years of experience and a wealth of knowledge to tap into. You mention that the partner is very short with you and often declines your request for video calls. Consider the questions below:

- Why might this be?
- Was this the partner's pattern of behavior prior to the pandemic? If so, was it consistent virtually or when in the office?
- If you were onboarded during the pandemic and don't know the answer to the previous question, who could you ask to find out?

If this is a fairly consistent pattern of behavior for this partner, David's advice about scheduling a call with your partner to discuss the impact of working remotely on your skill development and devise a plan that will provide you with the necessary oversight and mentoring is an excellent first option. "Run that play" and see what happens. It may very well open up the communication required between you and the partner to

establish a pattern of work being assigned to you along with feedback via more frequent zoom calls.

Another “play to run” from the leadership playbook is below.

Ask yourself, “Did this behavior come to the surface as a result of remote work? Might this partner be struggling with remote work and having difficulty settling into zoom calls and remote leadership?” This partner wouldn’t be alone if that was indeed the case. Some partners are better at managing stress than others. Some are more adaptable than others. And some have life priorities and home lives that are more challenging than others.

By asking yourself these questions, you are entering into what we call in the leadership world “managing up.” High performers take the initiative to consider the context of their boss’s world by asking, “What kinds of issues are they handling that may be impacting how they are communicating to me?” Sometimes a shift in perception can help you to see this behavior differently and ease into a different emotion and therefore a different action or behavior. One of my favorite stories, made famous by Dr. Stephen Covey, Ph.D’s book, *The Seven Habits of Highly Effective People*, is a well-known story about an incident on a subway...and a shift in perception:

I was riding a subway on Sunday morning in New York. People were sitting quietly, reading papers, or resting with eyes closed. It was a peaceful scene. Then a man and his children entered the subway car. The man sat next to me and closed his eyes, apparently oblivious to his children, who were yelling, throwing things, even grabbing people’s papers.

I couldn’t believe he could be so insensitive. Eventually, with what I felt was unusual patience, I turned and said, “Sir, your children are disturbing people. I wonder if you couldn’t control them a little more?”

The man lifted his gaze as if he saw the situation for the first time. “Oh, you’re right,” he said softly, “I guess I should do something about it. We just came from the hospital where their mother died about an hour ago. I don’t know what to think, and I guess they don’t know how to handle it either.”

Suddenly, I saw things differently. And because I saw differently, I felt differently. I behaved differently. My irritation vanished. I didn’t have to worry about controlling my attitude or my behavior. My heart filled with compassion. “Your wife just died? Oh, I’m so sorry. Can you tell me about it? What can I do to help?” Everything changed in an instant.

Partners, How Patient Are You?

On March 11, 2020, everything seemed to change in an instant. The World Health Organization (WHO) declared the Covid-19 outbreak a pandemic. Just as the pandemic has had a dramatic impact on junior associates, it has also had a dramatic impact on partners and law firm leaders. We must acknowledge that these times have affected people, including partners, in such different ways. Handling ourselves and each other during this unsettling time requires some self-compassion and empathy for others. All of us, at every level of the organization, can practice empathy and compassion. We live in a world today where empathy, listening, and compassion go a long way. It is yet to be seen if these behaviors will remain highly valued in our law firms in 5-10 years, but I am betting they will be. Perhaps next time you find yourself on one of those infrequent zoom calls with your partner, run this play: say, “Before we dig in, I’m wondering how you and your family are?” Stop there, listen and follow the partner’s lead on how the conversation proceeds.

Just as leadership and partners acknowledge that they need to adapt to leading associates differently during the pandemic, associates may need to adapt and learn to be more assertive (e.g., initiate conversations with their partners and seek feedback from more senior associates). While we don’t anticipate the pandemic to go on forever, some form of hybrid work may persist once we emerge on the other side, and learning to take initiative can be a beneficial skill for associates’ careers.

Natalie Loeb, MS, is the founder and CEO of Loeb Leadership, a US-based woman-owned preeminent management and leadership development company with over 50 consultants across the globe. With more than 25 years of experience as an executive coach to influential lawyers and business leaders, Natalie is recognized as an innovator and expert in cultivating leadership within the legal profession. — *“I am committed to our mission: developing extraordinary inclusive leaders.” — Natalie Loeb*

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