



Podcast Episode #81: Emotional Intelligence for Lawyers

Lee Burgess: Welcome to the Law School Toolbox Podcast. Today, we're talking about emotional intelligence for lawyers. Your Law School Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We're here to demystify the law school and early legal career experience, so you'll be the best law student and lawyer you can be. We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the Catapult Conference. Alison also runs [The Girl's Guide to Law School](#). If you enjoy this show, please leave a review on iTunes. If you have any questions, don't hesitate to reach out to us. You can reach us via the contact form on [LawSchoolToolbox.com](#) and we love to hear from you. With that, let's get started.

Alison Monahan: Welcome back. Today, we're talking about something that's not really discussed all that often in law school which is emotional intelligence. Lee, why is this even important? I mean is this kind of a waste of time?

Lee Burgess: Well, it's funny. You and I had separate conversations with separate people about this issue within the last couple of days. I definitely think that means that it's probably important. I think a lot of people think that being a lawyer is really about just being a master of the law, but the practice of lawyering is really about people. I think this is something that's often times forgotten. Sure, if you practice corporate law, your clients really aren't people but you still have to deal with clients that work for that company and those still are people. It really is about people.

Alison Monahan: Yeah. There's no platonic ideal of the client. You might hear other people in the firm or opposing counsel, co-counselor say, "Well, the client wants this. It's like unless it's an individual, there's not one person. If the client, you're dealing with a bunch of competing needs and competing desires and that sort of thing too. I really think being able to manage those situations is a huge part of being a lawyer.

Lee Burgess: For sure. For sure. Let's think about the different ways that people really need their lawyers. I think people are going to look for you for guidance. This is really any sort of law you practice. A client is typically coming to a lawyer because they have a problem and they need guidance.

Alison Monahan: Right.

Lee Burgess: It's not always a crisis but it's often a crisis.



Alison Monahan: Well, it's typically something important or they wouldn't be bothering to pay a lawyer.

Lee Burgess: Right, that's true.

Alison Monahan: Yeah. I mean even if it's not an actual crisis situation. Think about if you're in a estate planning lawyer like that's hugely emotional for people. Like you're dealing with death, you're dealing a family relationships. Obviously, there's almost no type of law where you're not dealing with some sort of high-impact, high-stakes type of thing.

Lee Burgess: That's very true. I think another thing that people often forget is sometimes you're not just dealing with your one individual client. Like we mentioned in the corporate context, you get a lot of people that really make up the client, but let's say that you practice some sort of family law or criminal law or immigration, you're also typically working with an entire family that may be is in the middle of a crisis or is dealing with a challenging situation. You may not be representing off them but you're probably going to be interacting with a lot of different people, all of whom may be scared or need someone to really be their translator in dealing with a legal process because it's very frustrating when you're not comfortable with it.

Alison Monahan: Right. Rarely are people talking to a lawyer when they're their best.

Lee Burgess: True, it's true. Even if they're not in crisis, people are often making big life-changing decisions. Sure, if you do prenups for a living, maybe people aren't in crisis because they're happy to be getting married, but they're making big, big, big life-changing decisions about how they want to structure their marriage or their eventual end of the marriage if that is what happens and that's some serious stuff, guys. That's no joke.

Alison Monahan: That's going to be pretty emotional.

Lee Burgess: It's going to be emotional and challenging. I really think that we get so caught up in the law that often times we forget that we need to learn how to navigate what can be some really rough waters for our clients.

Alison Monahan: Yeah. I remember a friend of mine who practice family law and she said, "You know, it really mystifies me when people I work with tell me 'I just don't think I can keep doing this.' My clients are so emotional." She's like, "You're a family lawyer. What do you expect? Of course, they're emotional. What about this is surprising to you? You didn't know this when you signed up to do this type of



law?" Like, "Of course, you're spending your time being a therapist. This person's marriage is falling apart."

- Lee Burgess: Yeah. I think it's really true. If you have ever been a client of a lawyer because you have needed their help for something, I think that it is a very emotional place even if it's not something that's particularly emotional. Any time that we end up hiring counsel to help us with our business problem that you and I don't have expertise in, it can still be very frustrating and emotional because we don't have control over the situation. We just have to trust that somebody else knows what's going on.
- Alison Monahan: Right, exactly. We're talking about two lawyers hire another lawyer. We understand, at least, the basic lingo. We can do go basic research if we want to understand something better. Your clients can't necessarily do any of that.
- Lee Burgess: Yeah. I think it's a good exercise for every lawyer to have had to be a client at some point.
- Alison Monahan: Oh, absolutely.
- Lee Burgess: A bit of appreciation for what it's like to be on the other side of the table.
- Alison Monahan: I think read somewhere, I could be making this up, but I'm pretty sure I read it, that the people who are most likely to get sued for malpractice are not actually those who necessarily commit the largest mistakes. They're the ones with the least good emotional coping skills.
- Lee Burgess: Interesting.
- Alison Monahan: Your clients are not going to sue you necessarily because you made a mistake. They're going to sue you because really pissed them off.
- Lee Burgess: That's very interesting. I can see that being true, actually.
- Alison Monahan: Oh, yeah. Exactly. It's like somebody who takes responsibility and tries to make the situation better and owns it and is empathetic, like they're going to have a less, far less likely of being sued, I would think.
- Lee Burgess: The other thing I think that most law students forget when they're entering the profession is that the law is really about conflict. That most people-
- Alison Monahan: Well, parts of the law.



- Lee Burgess: Parts of the law, but-
- Alison Monahan: Litigation.
- Lee Burgess: Litigation, but any time you have two parties working on anything together, there's often times some sort of conflict.
- Alison Monahan: Yeah.
- Lee Burgess: Even if you have two parties negotiating a business contract, it's probably likely that they're not going to agree on everything. There are different levels of conflict, but-
- Alison Monahan: Yeah. I was having a conversation recently with someone who practices corporate law and I practice litigation and we were sort of talking about the differences. I guess, for me, like one of the real difference is is that there's a possibility, at least, in corporate law, of like a win-win solution whereas that's generally not going to be the outcome in litigation.
- Lee Burgess: I think that's true, but if you hate conflict at all, I think you need to start thinking about the different ways to cope with that reality because so much of your job is either trying to find that win-win situation to just spell the conflict or to shepherd your clients through the conflict so they can get out the other side, hopefully, as unscathed as possible.
- Alison Monahan: Right. I mean I think particularly for people who are interested in going in litigation, you really have to ask yourself, "Am I comfortable with ongoing conflict, ongoing conflict in my job on a daily basis?" If the answer is no, then this is really probably something you might need to reevaluate.
- Lee Burgess: I think that's true. I think when you think about conflict, you have to think about all the different types of conflict that can happen in the practice of law because you have conflicts between clients, again, your clients and somebody else, there are definitely conflicts with opposing counsel. I mean that's what a lot of lawyers talk about is having to just deal with the other lawyers can create a lot of conflict.
- Alison Monahan: Well, having co-counsel. I mean I used to do these enormous cases where there might be eight different defendants, all of whom had their own counsel, so half the time-
- Lee Burgess: Yup, I did those cases too.



- Alison Monahan: Yeah. I mean you just spend half as much time like you spend a lot of your time just dealing with conflicts among your co-defendants about what the best path forward was much less dealing with opposing counsel.
- Lee Burgess: Sometimes, you will be appearing before a judge that maybe you don't have a great relationship with, so that is another form of conflict. Having the emotional intelligence to deal with these difficult situations, it's critical because no matter what type of law you're going to practice, you're going to find conflict somewhere, I think.
- Alison Monahan: Yeah, absolutely. I think of nothing else having more emotional intelligence and more emotional awareness of your own reactions and things like that can actually really benefit you in just reading a situation.
- Lee Burgess: Yeah, that's true.
- Alison Monahan: People say like, "Uh, it's going to make me soft if I understand my feelings." It's like no, you're going to realize what's actually going on in a group dynamic faster than anyone else does.
- Lee Burgess: Yeah. I think that that's really, really true. In some cases, like your friend who was ... Friends and family like I was saying, you end up kind of being a part-time therapist and a part-time lawyer. You're helping people make life decisions and major life choices. You have to be ready to cope with that or you need to reevaluate which area of law you want to go into if that's something you're interested in.
- Alison Monahan: Yeah. I think for a certain personality type, that can be a great fit. For other people, that would be an absolute hell.
- Lee Burgess: I was talking with another friend who used to do domestic violence investigations and prosecutions. She was talking about how many times she was just giving advice to her victims about how to handle restraining orders and how to communicate with different family members about the reality. I mean stuff that wasn't exactly on par with the legal work that she was doing but that's what her clients needed of her and that it was important to her to be able to be that kind of liaison with the system for her clients and she needed to have the skills to be able to have those conversations with her client and just not feel like saying, "Well, that's not really ..." Like, "Your case is over, so you need to go talk to somebody else." Who are they going talk to?
- Alison Monahan: Right. I think sometimes lawyers forget that we get so caught up in like the strategy or the law or the legal argument, but for people who are not used to



dealing with the legal system, even outside of some highly emotional context, even if it's just a litigation. Even if you're, say, doing an interview with a possible witness or something, for that person, this is a really stressful situation for them to be in. Even if they're on your team and on your side, they're still not happy about this doing these meetings. The more that you can acknowledge that and say, "Hey, I really appreciate you coming today." Like, "I recognized you're taking time out of your schedule. I'm going to keep this as brief as possible. You're not on trial" or whatever. Whatever you can say to the person to sort of empathize with their position and not just start being like, "Oh, well, we need you to testify about this or that." That's just not going to work well.

Lee Burgess: Yeah. I was in a law professor's office when he got a phone call about the fact that he had to testify at a trial related to some sort of private legal work that he did before he was a law professor and he wasn't a part of the action. He was just being called to be his witness and he went ghost white during this phone call. I remember, afterwards, then he said, "Oh, I have to go testify and it's just my worst nightmare." Of course, I'm sitting there thinking, "You're a law professor. You are partner at a large law firm." Like, "You've got skills, man."

Alison Monahan: Yeah, you have context.

Lee Burgess: Yeah, but it was just really interesting to me that this person who was so successful and had this persona to speak in front of people was very unnerved by being in this position that he wasn't used to and it was a great wake-up call that almost everybody is going to feel nervous and I hope that the lawyers who had to put him in that position were conscious of that because it probably helped the process and helped him be a better witness.

Alison Monahan: Yeah, absolutely. I think managing people's emotional conditions if you are coaching them for witness prep and things like that is a huge, huge part of what you ... That is your job, basically.

Lee Burgess: Yeah.

Alison Monahan: It's not just the legal stuff.

Lee Burgess: I think that's very true.

Alison Monahan: Because if your witness falls apart in the deposition, you have a serious legal problem.



- Lee Burgess: I think that's very true. Have empathy and compassion for what people are going through. I think it goes a long way if they realize that you're a human being and not just a lawyer.
- Alison Monahan: Well, I mean those are pretty much contradictory, right? Is that the whole point of being a lawyer like you don't have to be a human being anymore, you're a lawyer? I do think a lot of people think that. They think that, basically, to be a good lawyer you have to learn to tamp down all of your emotional reactions. You can show any emotions and things like that. Personally, I think that is just completely counterproductive.
- Lee Burgess: I think that is true.
- Alison Monahan: I mean this is a people business like you said earlier.
- Lee Burgess: Yeah. I mean you don't necessarily need to be an open book but I don't think you should turn off your emotions. I think that you need to be able to acknowledge your emotions and move past them at times because you may need to be the person that doesn't get to lose it, but-
- Alison Monahan: Yeah. I actually read an article earlier today where people who think that they've repressed their emotions and that they're not feeling them, if they do MRI's and things, they find out you're actually still experiencing them, you're just not consciously experiencing it, but you're still having the reaction. Whereas if you acknowledge what you're feeling like, "Wow, I feel very angry because of this email." Even just that, that labeling of "I feel angry because this person was rude to me on the phone" or "I'm sad that my client's dog died," whatever it is, that that labeling actually enables the emotion to pass.
- Lee Burgess: Interesting. Yeah, that's fascinating. Okay, so these skills sounds pretty important. What class do we take in law school to get these skills?
- Alison Monahan: Well, maybe look in the business schools. Maybe they have them.
- Lee Burgess: The psychology department of the undergrad?
- Alison Monahan: Yeah.
- Lee Burgess: I think, unfortunately, you guys, you're kind of on your own when gaining a lot of these skills and so we have a couple of suggestions about how to work on your emotional intelligence, but it's something that's probably going to be an ongoing activity, I guess, is to learn more about life as you move forward in life.



Alison Monahan: Some law schools are starting to have these classes. If they are, that's great and you should take them. We highly recommend it, but the reality is most of them are still, I would say, quite a long way behind the training on this one. I mean business schools, for quite a long time, have been asking these questions of their students have been training them for these situations and law schools just haven't really been doing that.

Lee Burgess: Yeah. One of the ways that Alison and I love to have learned things is we read books. I think that reading different books on anything really, on suffering, on overcoming, obstacles, on vulnerability, on dealing with emotions, I think that a lot of books can be really helpful because you can take nuggets off them that you really carry with you. We talk about her a lot but I've got to mention her again, Brene Brown. She's just so amazing, her TED Talks and her books. She talks a lot about being vulnerable. Some of the stuff, I think it was in her last book that I found really interesting was really identifying ... She talks about what we tell as our story about something.

When something happens, we create a backstory to kind of explain what's happening and that could be completely false and so really start unpacking that and trying to see why we're reacting to certain situations and make sure we're reading them correctly. I think a lot of these types of exercises can be really helpful when you're trying to figure out conversations between folks that could be very emotionally charged to be able to kind of strip things down and see what's the root of the conflict.

Alison Monahan: Well, also, particularly ... I mean, almost always, when you have a conflict, this legal conflict, you've got multiple sides of the same story, so being able to have that skillset of really taking a step back and listening to all of the different stories and all the different versions and then trying to piece together what actually really happened here. Not being of the viewpoint of like, "Well, my client said this and your client said that, but what really went on here?" I think is very valuable.

Lee Burgess: I think that is really valuable. I know both you and I have read, separately before we met, but read different books in Buddhism and Buddha's Teachings, especially around suffering and happiness. I guess those are two-

Alison Monahan: Two sides of the same coin.

Lee Burgess: Two sides of the same coin, but I think the Dalai Lama's books are really worthwhile. They're easy to digest. They can be kind of pleasant, recorded books if you like to listen to things in the car or on your phone when you're commuting to work, but I think you and I have both read when things fall apart.



- Alison Monahan: I prefer them.
- Lee Burgess: Yeah.
- Alison Monahan: Actually, I have read that one. I prefer *The Places That Scare You* but I think they're both good.
- Lee Burgess: Yeah.
- Alison Monahan: Very similar. Read one or the other. Don't do both. I've read them both. You can pick one.
- Lee Burgess: Yeah, but there's a lot of wisdom in there. If you're going through a challenging time, I think it can be a good time to explore some different readings and philosophies on how to overcome challenges and those learnings that you will take away will stay with you and you can offer that same guidance to other people when they are struggling. You can even take your own struggles as an opportunity to learn and move forward. I think that's why I originally started reading Buddha's Teachings, was kind of not really sure how to create my own happiness when I was young, in my 20s, and I wasn't sure what I wanted to do with my life. I still remember those readings when I talk to other people in their 20s who aren't really sure what to do with their lives.
- Alison Monahan: Yeah. I've given a lot of copies of *The Places That Scare You*. One of the things that I like about those type of books is that they're practical. They actually are practical, physical things that you can do, that you can do ... You can start to do and start to train yourself to do in an emotionally charged situation that enable you to be less reactive. I think you've given an example before from someone who teaches mindfulness who's a lawyer who says, "Just count to 10 before you send that email" or "Take three deep breaths before you answer the phone when you see that the number of someone you might be stressed out when you talk to."
- Lee Burgess: I think that's really true. One of the things about this current legal environment, because of technology, is everything is every immediate. The same lawyer was telling the story about how it used to be when somebody said something inflammatory, it was sent in a letter. The letter would be in your inbox and then you would choose when you would open the letters in your inbox and you see who it was from and then you would read the letter and you would be incredibly angry and then you would lay it to the side until you had time to draft the letter and then you would draft it and then you would edit it and then maybe you send it to your secretary who would print it out on the letterhead



and then give it back to you where you would read it again and then you would sign it before you would send it back.

Those are a lot of opportunities for you to cool off and evaluate and almost be mindful about what was happening versus now, when you get something inflammatory in your email, you get angry-

Alison Monahan: On your phone.

Lee Burgess: Or on your phone, you get angry and you immediately shoot back whatever thought comes to mind, most of the time and that tends to escalate things.

Alison Monahan: Yeah. I think there's sort of like breakpoints where you might be ready to send off a nasty email and maybe you say to yourself, "You know what, maybe I should just go have a coffee and then when I come back, I can look at this email and see if it's really exactly what I think would be productive to say" and maybe by the time you walk around the block and have a coffee, you think, "You know, this might just be making the situation a little worse."

Lee Burgess: Yeah.

Alison Monahan: "So maybe I should do something differently."

Lee Burgess: I was watching a show that came out on HBO a little while ago called the Divorce or I think it's just Divorce with Sarah Jessica Parker in it and what was interesting about the storyline ... Do not give it away, but one of the things I found interesting was the little things people can do to just escalate a situation without intending to do it. From a lawyer's perspective as I'm watching this, this is not really about the lawyer perspective at all, but there are, of course, lawyers in it. It's called Divorce. From the lawyer perspective, that's what I found interesting, is how fast something can spin into something that wasn't intended by little, maybe unintentional actions to create a new reality. I think that that's something that you have to be really conscious of in a legal context is when these little escalations start taking something that should have been very small and maybe should have been dismissed and turn it into something that's very, very big.

Alison Monahan: Right. I'm sure we've all done that in our personal lives, some super minor detail and then suddenly, you're in like a three-day fight and no one could even remember what started it. Then you look back and you're like, "Did we really have that huge argument over this one stupid thing?" but court cases start that way.



Lee Burgess: Yeah, for sure. Especially if you're emotionally charged about something else. Major litigation have started over a little things that probably should never been litigated. I think it happens all the time.

Alison Monahan: Yeah. I remember like I was doing a case and we had a settlement meeting and it was one of those situations where I was just sitting there watching they spiral out of control, on both sides. This case clearly should settle. Everybody was basically knew the number they should be settling for and it just blew up in like minutes until I think the plaintiff ... One of the plaintiffs was sobbing. It was a patent case. One of the plaintiffs is sobbing, runs out of the room saying, "I'm never going to settle." Lead counsel is banging his fist on the table and yelling, "Get the fuck out of my office." You got the general counsels there screaming and you're just like, "What just happened?"

Lee Burgess: Yeah, it is crazy. Yeah. It's really bizarre what can happen. It's been very interesting because I read a lot of parenting books now that I have a toddler and one of the things that I find interesting about the parenting books is they really recommend you to choose your words carefully which I think it's something that as adults, we are really bad about because we forget that words can really have meaning. One thing that I heard before and I've read before but it's come up a lot around working with young children is how the term, but, can negate something that you've already said. For example, "I really appreciate that you did that but I don't like apples after dinner." It doesn't matter that ... All you would have heard from that is "I don't like apples after dinner." The compliment I gave you is gone but it's just totally negated it.

We do this all the time. I do this all the time and never think about it. We do it with our significant others, we do it with random people on the street, but it is well-researched that something as little as using the word, but, can really hurt somebody's feelings and you may think that you are giving someone a compliment but you are completely negating it. Little things like this, just paying attention to what you say and being deliberate with some of your speech even can make a huge difference. Opening yourself up to learn lessons from other parts of your life that you could weave into the business as well, I think, is really important.

Alison Monahan: No, I've read that as well like replacing but with and and suddenly the entire sort of emotional tenor of what you're saying changes.

Lee Burgess: Mm-hmm.



Alison Monahan: You might say someone, even on your team, like, "Well, I like the argument that you made here, but I think we should move it to a different page" versus "I like the argument here and I think we should move it somewhere else."

Lee Burgess: Yeah, it's a huge difference.

Alison Monahan: Totally simple thing but it makes a huge difference.

Lee Burgess: It does make a huge difference. Think about, for our clients, how big of a difference that could sound. I think it's a very, very big deal. Starting to learn a little bit about how your language can even influence folks is really important.

Plenty of books you can read and you can definitely look into classes either at the business school if you're in law school, some undergraduate classes in psychology could be really be interesting if you were into psychology major. I was a psychology major in undergrad so I took a lot of psychology classes. One that I think a lot of people ignore that I think has a lot of value if you plan on managing people or working in an organization is organizational psychology where it teaches you a lot about how people work together in teams, how to lead people with just what organizational structures, how they have the power to really shape how people feel and act in their jobs. It's pretty fascinating stuff. If you find it fascinating like I do, I would recommend checking out some stuff at organizational psychology and leadership.

Alison Monahan: Yeah. I think that's extremely valuable skillset to have as an attorney and something that most attorneys are not that interested in. If you are someone who's interested, you could end up being a leader in whatever organization you're in because you actually do know how to manage people.

Lee Burgess: Yeah. Yeah. I think that that is really worthwhile. Again, looking for opportunities to gain these skills, maybe it's going to a leadership conference or maybe there's certain seminars on leadership or managing people available either through your bar association or through business schools, whatever they might be, it could really change your career path if you are able to gain some of these skills because you're just going to function better in the law firm marketplace.

Alison Monahan: Yeah, absolutely. I think even simple stuff like listening. Lawyers think that they're great listeners but most of them really aren't.

Lee Burgess: Yeah. This one is a big one, I really, really think. Listening is such an underrated skill and any time I have been in a class or at a talk and they do a listening exercise, I'm always reminded at times how a poor listener I can be. I hate to say



it. I try and be a really good listener but we all have our moments. That doesn't just mean like looking at your phone while somebody is talking to you which is a horrible thing to do while trying to listen to someone. There's an interesting article that will link in the show notes about this, but we're often trying to think ahead of what we're going to say when somebody is talking to us and that means we're not listening.

Alison Monahan: Right.

Lee Burgess: There are exercises you can do to become a better listener and if you can think about anyone that you know who's amazing listener, so I have a friend works as a chaplain and they are highly trained listeners. They listen to people talk to them about some of the most jaunting stuff like death in life. She's an incredible listener. I can talk to her about anything and I feel so heard. It's amazing. It really is.

Alison Monahan: That's a really valuable thing to make someone experience. Everybody wants to feel like they're being heard and if they go and see their lawyer and they feel like their lawyer hasn't listened to them, they're not going to like you very much.

Lee Burgess: It can be tough because lawyers like to take notes, lawyers like to do other things while talking to someone, but you have to find that personal balance of what will feel authentic to you, but being a very good listener and really making someone feel heard and making your client feel that you are valuing the time they're spending with you is going to go a long way to building trust and probably just having a better client relationship going forward.

Alison Monahan: Right. Sometimes, I think lawyers think, "Oh. Well, if I really listened to them then I have to agree with what they're saying" and that's not the case. Your client might be telling you like what a great case they have and you're like, "Well, actually, you don't really," but you have to explain that in a way that makes it clear that you really did listen and you heard them and you are now ... You're the one who's job it is to tell them actually why they're unlikely to succeed based on your legal knowledge.

Lee Burgess: Learning how to use different techniques to really engage someone in that conversation. If you are listening intently to a client using the techniques, sometimes, if repeating back to them what they have said, so you are sure you understand what they were saying and they feel that they have been heard. Then if you disagree with them, there's no like, "No, no. You didn't hear me." It's like, "No, I heard you."



Alison Monahan: Right. "As I heard you say, this is your understanding of what happened. Well, based on that, there are four things we have to show for you to succeed in this case and it doesn't sound to me like you're going to be able to show point number three. Let me explain it to you."

Lee Burgess: Yeah. That's going to make a client feel very heard and that your advice is very thoughtful, so-

Alison Monahan: It's just like you don't have a case, sorry.

Lee Burgess: Right. Yeah, but just being dismissive. I think lawyers, because have very busy brains, can often times come off as very dismissive when we don't intend to.

Alison Monahan: For sure.

Lee Burgess: Yeah. Interesting work is being done in the mindfulness for lawyer space that I think really helps with not only emotional intelligence but just how we deal with the conflicts as lawyers. One of our friends and a mentor of mine who's been doing this work for quite a while is named Judi Cohen. She offers mindfulness training for lawyers and law students and her company is called Warrior One Lawyers. I think it's WarriorOne.com. We will link to it in the podcast notes.

Alison Monahan: You took a class with her, right?

Lee Burgess: I did. I actually took one of her Mindfulness for Lawyers classes and it was really interesting. It was a series of classes. You got CLE credit for it which was great, but-

Alison Monahan: Woo hoo!

Lee Burgess: I know, exactly. We were just talking about CLE the other day, but you ... Basically, when we did this weekly classes and each one had a different theme around my infamous, but what I found the most fascinating because a lot of the themes were things that I had already been introduced to was just listening to the practicing lawyers in the room because most people in the room were practicing lawyers, talking about how mindfulness and implementing mindfulness practices into their daily lives was really changing how they worked. There were criminal lawyers in that room who talked about how meditating every day really allowed them to help control stress and focus better. They would start their day with a daily meditation. Family lawyers were in the room. Some of them talked about doing mindfulness practices before picking up the phone, especially with caller ID when they would see a high-conflict opposing counsel on the phone, but to do a mindfulness exercise to try and make sure



that they didn't pick up the phone angry because we all know that feeling, you see the phone and then like-

Alison Monahan: Oh.

Lee Burgess: Yeah, your blood pressure surges.

Alison Monahan: "I can't believe I have to talk to this person" and you're like, "Hello?"

Lee Burgess: Yeah. If you pick up the phone all amped up ... I don't know why it's surprising to anyone but that phone call is awful and it's going to feel awful. Other things that are often discussed in the mindfulness community is love and kindness meditation, sending kindness out into the world, doing gratitude meditations and that has been shown to make us happier people. It turns out that science actually backs it up. We're going to link to an article in the show notes that talks about this, that just doing gratitude everyday literally changes the chemicals in your brain in the same way that antidepressants do.

Alison Monahan: Yeah. I found that fascinating like serotonin and dopamine, the exact channels, the things like Prozac are hitting. You can basically make those more favorable yourself just by doing certain gratitude type of meditations or-

Lee Burgess: Yeah.

Alison Monahan: I mean that's crazy.

Lee Burgess: Yup. There is that moment if you've ever done any sort of gratitude work or you and I have both practice yoga. One of my favorite yoga teachers always ends class with kind of a moment of gratitude and every time you do it, even though I do it with most of my yoga practices on a consistent basis, I do have that moment where I'm like, "Yeah, I do live a truly blessed life. Let me think for a minute about what is missed less in my life." Even if I've had a rotten day or if I've just come from a tough meeting or whatever might have happened, you do kind of have the moment, you're like, "Yeah, you're right. I do."

Alison Monahan: Like, "Actually, I am kind of one of the luckiest people to ever walk the earth."

Lee Burgess: Yeah. I'm glad-

Alison Monahan: Yeah. I know.

Lee Burgess: It's just a good reminder.



- Alison Monahan: Really won the lottery at birth there.
- Lee Burgess: Some folks even ... I think there are apps that do this too, but put reminders on their phones to do a gratitude exercise periodically throughout the day or just send love and kindness to people who are walking down the streets or what's even harder is to send love and kindness to the people in the phone who are driving you crazy when you have to have that dialog with them. It is really fascinating. Go ahead.
- Alison Monahan: Some of it can also be sort of reframing, so rather than "Oh, my God. This person is such a pain every time I talk to them." You start thinking "Well, you know, they're probably suffering something in their life and that's why they're behaving this way."
- Lee Burgess: Yup. I think it's really true.
- Alison Monahan: Simple shift, you don't know which one is more accurate. Maybe they are just a jerk. I don't know, but maybe there's something going on and that's why they're behaving like a jerk all the time.
- Lee Burgess: Yeah. Regardless, I think the mindfulness space is doing some really interesting work with the legal profession and if your school is not having a dialog around mindfulness, there are plenty of people in the greater community that are. Another person that you can check out is [Jeena Cho](#) who we also know she has a new book out called The Anxious Lawyer which talks about setting up a mindfulness practice and something like that can walk you through the process. There are a lot of opportunities to learn these skills, but even if you're not necessarily going to sit on the meditation cushion and meditate everyday, I think that these lessons that come out of mindfulness can be brought through your daily life and create some more positive outcomes for you, both in your personal space and in your professional space.
- Alison Monahan: Right, because I think the reality is people might be resistant to sort of this hippie stuff, whatever, like "I don't want to think about my feelings," but the reality is if you don't have the skills to manage the stress and pressure of the legal profession which you're almost certainly going to experience, it's going to end up coming out in different ways, whether it's burnout, whether it's substance abuse problems which are rampant in the legal profession, or just a general unhappiness and a desire to like, "I just have to get out of the law." You don't have to reach that point. There are ways that you can set those kind of breakpoints before you reach the point of being burned out, drinking too much, doing what who knows what.



People act out in a lot of different ways if they are managing their feelings in a different ways. I think you can almost look at this as like brain exercise just like you would exercise your body. If you sit around and eat crappy food and work 14 hours a day and never exercise, you're going to see physical result to that pretty quickly. You might not see the results on a mental or emotional level as quickly, but you're seeing the same thing unless you're exercising these skills.

Lee Burgess: I think that that's really true. I also think one other space that ... You don't necessarily have to go out and get a therapist just so you can gain emotional intelligence, but I think the process if you are in a place that you are looking for guidance of working with a therapist, somebody who is actually trained in helping you cope with some things going on in your life, you can learn valuable lessons there too that make you have a higher emotional intelligence for dealing with other folks when they're suffering. I think the interesting thing about emotional intelligence is you can continue to work on it throughout your life, but to start your professional life, I think you can do a few things in the next year too to really give yourself a better, let's say, toolbox of skills and to pull from when needed.

Alison Monahan: Yeah. Speaking of therapist, there are actually lots of lawyer turned therapist out there. One that comes to mind is Will Meyerhofer who writes a column for Above the Law, but there are people who've been through what you've gone through and come out the other side and are there to help you.

Lee Burgess: Yeah.

Alison Monahan: If you are struggling, there definitely are ways that you can manage this struggle and figure out something that makes you happier.

Lee Burgess: Yup, I agree. Well, with that, I think we're out of time. If you enjoyed this episode of the Law School Toolbox Podcast, please take a second to leave a review and rating on iTunes. We'd really appreciate it and be sure to subscribe so you don't miss anything. If you have any questions or comments, please don't hesitate to reach out to Lee or Alison at lee@lawschooltoolbox.com or alison@lawschooltoolbox.com or you can always contact us via our website contact form at LawSchoolToolbox.com. Thanks for listening and we'll talk soon.