



Lee Burgess: Welcome back to the Law School Toolbox Podcast. Today we're talking about what we learned about relationships at the Wisdom 2.0 conference. 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 career related website, [CareerDicta](#). Alison also runs [The Girls Guide to Law School](#).

Lee Burgess: If you enjoy this show, please leave a review or rating on your favorite listening app. 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'd love to hear from you. And with that, let's get started.

Alison Monahan: Welcome back. Today we're talking about some of the things we learned about relationships at the Wisdom 2.0 conference, which we attended in March. We will actually have a few upcoming podcast episodes keying off of what we learned this weekend, which was great. And if you're curious about the Wisdom 2.0 conferences, [we'll link to them](#) in the show notes.

Alison Monahan: So, the first talk we attended was a panel with Dr. John Gottman, Dr. Julie Schwartz Gottman, Rachel Abrams, who is a doctor, and her husband, Doug Abrams. They've written a book together called "8 Dates", which we haven't read, but it sounds real interesting. Lee's going to read it on Amazon, soon.

Lee Burgess: It's coming. It was delayed.

Alison Monahan: Yeah. Because everybody bought one.

Lee Burgess: Everyone bought them, so I'm hoping it's in my postal box right now.

Alison Monahan: Yeah, so the talk was really interesting, and you may have heard about them. If you have ever done therapy, you've probably heard about the Gottmans, if you're talking about your relationships. I guess Malcolm Gladwell talked a little bit about it in "Blink". So Lee, tell us a little bit about that.

Lee Burgess: Yeah, so that was the first time I'd ever heard of the Gottmans. Gladwell talked about John Gottman specifically in his, really the cornerstone of what he has done in his research. He's a mathematician, so he's created these models that can be applied to psychology research, which is pretty interesting. And he can actually predict, whether or not, a couple will be successful with amazing accuracy, after watching them interact on a video. I think they have to be discussing conflict. And the accuracy is like 90%.

Alison Monahan: Yeah it's really crazy.



Lee Burgess: It's really crazy. And they have something called the Gottman Institute, their website is really fascinating, and something even called the Marriage Minute. They send out this little blurb each week about tips about relationships. I got one today.

Alison Monahan: Nice.

Lee Burgess: It was on how important hand holding is and the touch of somebody that you care about, like holding your hand, can lower your stress hormones.

Alison Monahan: Oh, I read this.

Lee Burgess: Yeah, they did this MRI test, and they had somebody holding a stranger's hand and somebody holding somebody they cared about hand, and your brain wave changes depending on who you're touching. But anyway, fascinating stuff. If you want their Marriage Minute, you can sign up for that for free on [their website](#).

Alison Monahan: Nice.

Lee Burgess: But anyway, back to what Gottman does when he looks at couples. When he's evaluating couples, he does this by looking at negative communication patterns that predict divorce. These are known in his research as the Four Horsemen of the Apocalypse.

Alison Monahan: Yes, every therapist loves these.

Lee Burgess: Yes.

Alison Monahan: If you ever do couples counseling, you'll probably hear about this-

Lee Burgess: Probably hear about the Four Horsemen, which are criticism, contempt, defensiveness, and stonewalling.

Alison Monahan: I mean just let's do those. I'm thinking, wow those sound like most lawyers, no?

Lee Burgess: No. And I found it interesting when we were reading more about the Gottmans after this talk, that contempt is the worst of all of them. They actually say that is the one that can be most destructive, because it means that you truly disrespect another person. Contempt has a profound effect on a couple, because couples who are contemptuous of each other, are even more likely to suffer from infectious illnesses, than couples who are not contemptuous of each other. So, I guess if you're in a relationship, be nice to each other, so you don't get sick.



Alison Monahan: No it's true. I've read that. You're better off being single than being in an unhappy relationship. I mean, the best idea is that you have a happy relationship, but if you don't have a happy relationship, you're physically better off being by yourself.

Lee Burgess: Yeah, which is crazy. But anyway, this is not a self-help relationship podcast. One of the things we wanted to talk about is, what can the lesson from the Gottmans work have to do with law school and lawyers? And we think that the lessons that they have learned about romantic couples can be applied to other important relationships, especially those in the workplace.

Lee Burgess: The first thing I thought about when we were talking about doing a podcast on this was, in their talk they actually talked about how relationships are something that we actually need. We need this personal connection with other people. And I think that sometimes we forget that.

Alison Monahan: No, I think that's right. I mean, particularly sometimes people think, "Oh, I'm going to spend all my time at work, but I'm not really going to have a relationship with these people." I think that's completely wrong. I mean these are actually the people who you, you should kind of like them, A, and feel comfortable with them and feel like you might want to be in relationship with them. Which understandably, in some cases in working the legal profession, might not actually be true.

Lee Burgess: Yeah, and these relationships, even in the workplace, or any significant relationship or friendship that you have, they give us connections with other people. Those connections allow us to grow. Because when you're in a trusted relationship, you open yourself up to influence, and you can learn and grown from that influence. I think, maybe you don't want to open yourself up to every single person you meet in your workplace, but it's likely if you are investing in a firm, and you have bonded with some of your co-workers and maybe you have mentors and friends that you really rely on and talk about important things with, that these can be relationships that are very important to you.

Alison Monahan: Yeah, I mean I think ideally, at a minimum you've got mentors, hopefully sponsors, people that you can learn from as a young attorney. If you don't have that in a workplace, I think you kind of should question whether you should really be there, because it's kind of the point. At an early stage of your career, you need to be learning from the people around you and they need to be taking an interest in you and vice a versa.

Lee Burgess: And if you're working a lot, then you are typically working and playing with those people too.



- Alison Monahan: Right, you're spending most of your life with them so-
- Lee Burgess: Or if you travel. I know you traveled a lot for your litigation with-
- Alison Monahan: Oh yeah, we travel. Sometimes it was great, sometimes it was terrible. I mean the boss that I liked the best, occasionally would, if we were having a really rough deposition or something. I remember once at least she hired massage people to come to our hotel rooms and give us a massage. That was fantastic.
- Lee Burgess: Yeah. We have done a lot of reading and talk to a lot of people. I mean, don't you think lawyers are generally terrible at relationships?
- Alison Monahan: Well, I mean certainly they're regarded as being terrible partners in a lot of ways. We actually have a whole series on the [Law School Toolbox CareerDicta](#) site about this from a lawyer therapist. There are a number of lawyer therapists. All of them seem to think that lawyers have fairly consistent relationship problems, that go back to fairly consistent things that I think you can really put into this Four Horsemen framework, whether it's in the workplace, like why is the legal workplace so crazy? Why is so much bad behavior tolerated? Or people in personal relationships. A friend of mine in law school once had an idea that he wanted to rank like a law firm misery index. And he was going to find out the average number of divorces per partner. We're all like, "Wow, that a pretty good idea." He's like, " Because I know it's probably over one, but are we talking like two, three?" You could probably find some useful information out here.
- Lee Burgess: That's very true. I think that's really interesting. Yeah, I think that there's something about how the law teaches us to think and cope with difficult things. I know we were having lunch yesterday talking about this. How when you're in law school and when you're practicing law, you often times are dealing with emotionally challenging things. And law school doesn't really teach us how to cope with them. They kind of tell us that we're not supposed to be bothered by them.
- Alison Monahan: Right, that we're just supposed to focus on the logic, and ignore emotion, but the reality is in most legal context, emotion is kind of driving the show. I mean, even if you're going to be say an M&A lawyer, you might think, "Oh, this is all just business." But it's never just business. It's all about managing the people and the emotions and what people want and understanding what they want. I mean, any negotiation is basically understanding what the other party wants. Understanding what you can give them, what you can't give them. And then dealing with a lot of the emotional fallout from that. Basically saying, "Well, we can't give you what you want, but we still want to do this deal." These are



difficult conversations. I think most people have very little, if any, training in how to deal with this.

Lee Burgess: Yeah, and we've been reading some other work by a psychiatrist named Dan Siegel, that we'll talk about more in a future podcast. We also saw him at Wisdom 2.0, but one of the things that I've really appreciated from his work, that's kind of in the same space, is he talks a lot about the left brain, and the right brain and how we can really just end up only thinking in our logical brain. And not our emotional brain, our right brain. I feel like when I look at these Four Horsemen: criticism, contempt, divisiveness and stonewalling, this idea that this is the way that many lawyers are trained to deal with conflict. It's like introducing these elements into their relationships, that that is easier for lawyers because we are taught to be very left brained.

Alison Monahan: Yeah, absolutely. And I think sometimes people think that's what clients are looking for in certain contexts. I mean, the classic divorce lawyers. I want somebody who's going to be a real bulldog on my behalf. It's interesting, I was on a mailing list of people and someone actually said that. And various other people who had the experience of going through different types of divorces kind of wrote in and said, you know, you really need to think about whether this is what you want. And I think lawyers think that's what people want, but I'm not sure that's what really serves them, necessarily.

Lee Burgess: I think that's true, because you have to look at a bigger picture. Like litigation isn't all it's cracked up to be.

Alison Monahan: No, I had a theory even in commercial litigation cases, that literally only crazy people went to trial, because why would you? There's basically very few reasons in commercial cases to actually go to trial. So, there had to be really like people stuff going on in order for this trial to be happening. It very rarely had much of anything to do with the underlying issues, or the money involved. It was just like both sides are basically being controlled by crazy people and that is why we are at this trial.

Lee Burgess: Yeah. I think that the nature of the profession is that we typically sit in conflict. Very few people call a lawyer because everything is going great. Right?

Alison Monahan: Exactly. Yeah, you don't get called in because everything is going well.

Lee Burgess: Right and so since pretty much most of our interactions are going to be based on conflict, I think this idea of the techniques that we can use communicating with each other, and being better communicators within conflict, is what makes this idea of looking at interpersonal relationships that may be romantic and personal and the lessons that we can learn to apply those to different



relationships. And there are people who are working on this idea. I think especially in the mindfulness community. In the legal profession, people are talking about, "Hey, if we are kinder people, if we are less combative, if we come with an open heart, if we can be a little bit compassionate, then we can change the legal profession and maybe reduce our confrontations, so they are less hostile and being more thoughtful"

- Lee Burgess: I took a mindfulness in lawyering course with Judy Cohen who runs a company called Warrior One, and one of the things she said, which I thought was very interesting, as a lawyer who's a few generations in front of us, she was saying how technology has made being a mindful lawyer so much more difficult. Because pre email, if you got a nasty letter or something from opposing counsel, you would get the letter, it would have been in your inbox. You take out the letter, you read it, you get really angry. Maybe you dictate a response, or maybe you draft a quick response, and then you hand it to your assistant or secretary. Then maybe they type it up and put it on letterhead or then they give it back to you to proof, and then you sign it and then you put it in the envelope and then you have it mailed. There are a lot of steps in that communication.
- Alison Monahan: They can think, "Is this the letter I really want to send?"
- Lee Burgess: Exactly.
- Alison Monahan: Is this actually going to help the situation?
- Lee Burgess: Right. So you know, maybe that initial draft, you get it back from your secretary, and you're like, "Maybe I went a little-"
- Alison Monahan: "Maybe we can take out some of this language."
- Lee Burgess: "Maybe there's some contempt in there. Maybe I don't need that contempt in there."
- Alison Monahan: "Maybe, we're stone walling them."
- Lee Burgess: Right, exactly. Or you know, you're more likely to get a voice mail when you would call somebody's office, because people didn't have cellphones and so often times-
- Alison Monahan: Or you would get literally their secretary, who's going to be polite to you even if the person that they're being polite on behalf of, doesn't really like you very much.



Lee Burgess: Exactly. So I think it's interesting that technology has really made it harder for us to self-regulate around this kind of communication, and I think it has created an opportunity, maybe, for us to fall into these traps, so that our work relationships are more like having an argument with a significant other, where you're sitting down, and you're just like not even thinking. You're just responding back to each other.

Alison Monahan: Or you're just like texting or what's apping, and you're basically, like now that you can respond from your phone, basically lawyers are responding like that. You know, I think we probably all have stories of either things we've done or things we've seen, where it was not necessarily what should have happened. Whether it was just a "reply all", that shouldn't have gone. I mean I have a situation when I was working the partner accidentally "replied all" to a judge saying how stupid she was-

Lee Burgess: Oops.

Alison Monahan: Oopsy.

Lee Burgess: Oopsies.

Alison Monahan: Yeah, didn't go well in that case. You know that's one of those things where obviously that was not a letter that ever would have gone out. Someone would have caught this.

Lee Burgess: Yeah, it's not like the CC would have gone into an envelope, and then-

Alison Monahan: And the secretary's like, "Do you want to send this?"

Lee Burgess: I think as young lawyers, many of whom have never worked in an office environment, without email, without texting, without cellphones, I think you want to think about how you can be a bit more conscious of how you communicate especially within conflict. And then how you communicate with your peers, to maybe create more trusting and vulnerable and honest relationships.

Alison Monahan: Yeah and sometimes I think when people are listening to us they hear things like vulnerable, and they're like "No, I don't want to be vulnerable as a lawyer, that's the last thing that I want to be." And I think there is some of this training around you have to suppress any sort of emotional reaction to things. You have to be that logical person. You have to be a certain way. You have to not be vulnerable. I think the reality is the most effective attorneys are often people who have the most emotional intelligence, because that's what helps them understand other people. And yeah, maybe they go in to court and they put on their bulldog face,



but behind the scenes you can hang out with them and have a drink and coffee. They're fine people. They understand other people. I think it's this balance. Obviously you can't go into a very combative courtroom situation and be like, "Well, let's all just talk about our feelings." You've got your role, but I think behind that role there's a lot more leeway than people sort of realize.

Lee Burgess: I think that's true. I was also reading Brené Browns latest book, "Dare to Lead." If you're listening to this, and you're like, "Vulnerability, no, I don't do that."

Alison Monahan: Yeah, she has a great one, a bunch of lawyer friends have read them and really found it life changing, which I think was the "Gifts of Imperfection." An earlier classic Brené work.

Lee Burgess: Really, you can just pick up a Brené book-

Alison Monahan: You can pick any of them, there all basically-

Lee Burgess: -your type talk. She's got her own language. You've got to rumble. You've got to do all this stuff, but I think that there is a lot of power in the way she even talks about herself. I think that we've seen her speak in person. We've listened to her Ted Talks, we've read her books. When she talks about vulnerability, and then uses examples for herself about how she needs to come with vulnerability and openness, you see that it's not weakness.

Alison Monahan: Right, exactly, which I think people sometimes confuse.

Lee Burgess: Right. And that it's not admitting that you're incompetent, or it's being self-deprecating. It's a very specific thing. So, if that idea interests you, we can link to some of [Brené's work](#), but its worth time investigating this idea of what does it mean to be vulnerable in a non-negative way.

Alison Monahan: Her point is sort of vulnerability leads to courage, and courage leads to you being able to take the action that you need to take. Which is kind of the opposite of what happens with a lot of attorneys, where they kind of get paralyzed in these negative states of depression and anxiety and they're actually not able to take the actions that they need to want to take. So, yeah it kind of flips that on its head, and you sort of realize that the reason that you're in that state is that you're unwilling or unable to be vulnerable.

Lee Burgess: Right in "Dare to Lead" in which I kind of like, and I think is an interesting book for anyone, even lawyers who think they might work with a team, which I think this is another area where our legal education fails us, is that lawyers are typically managers.



- Alison Monahan: Almost always working in a team. Whether its the manager or the managee.
- Lee Burgess: And typically have not had a lot of education around how to work with teams.
- Alison Monahan: True.
- Lee Burgess: That she talks about vulnerability in the context of how to create important interpersonal dynamics within a team and move your team forward. And also make a culture, so that your team can come to you with difficult conversations. Even criticisms about you. And you being able to openly listen to them.
- Alison Monahan: Yeah, which I think is another thing that is really overlooked in a lot of legal contexts, because the idea that you would go to someone and tell them, "I think we're making a mistake here," which I did on numerous occasions, because I'm an opinionated person who figured that they're actually paying me for my opinion, but it was really shocking to people. Not in a bad way. But I remember once I had our local counsel sent me a private email. I'm like, "Wow, I'm really impressed that you sent that email saying you think we shouldn't do this to the whole team." And I'm like, "Well, that's what I'm paid for."
- Lee Burgess: Right. I'm paid to think.
- Alison Monahan: He's like, "Yeah, but most people wouldn't have sent that." In the end that's actually valuable feedback. I mean maybe people don't love it at the time, but it is your job to be the one who's like, "You know what? I'm closer to the situation, and I think we're about to make a big mistake here."
- Lee Burgess: Right and if you are thoughtful about your communication style, you have a higher likelihood of that being received in a good way.
- Alison Monahan: Right I mean you can be like, "No, were not doing this."
- Lee Burgess: You can't be like a petulant child.
- Alison Monahan: Yeah, I think learning how to frame these difficult insights or conversations or whatever it is, is actually just going to make you probably more successful as an attorney and also more successful as a human being.
- Lee Burgess: One of the stories that Bené Brown tells in "Dare to Lead" is one of the terms that she uses, when you need to have a difficult conversation, she calls it a rumble. And so she was talking about her team that works for her and couple of the leaders on her team came to her and were basically, "We need to rumble with you." Which I actually thought is kind of brilliant in a way, because going



back to what the Gottman's were saying, "It's always dangerous when somebody says we need to talk." But it's a way of saying, "We need to talk, get ready, because somethings coming."

Alison Monahan: Right, this is going to be a hard conversation.

Lee Burgess: Right, exactly. And then she's like, okay, and what they were presenting her is that she is really bad at setting deadlines and timelines for projects. And so, she's always over optimistic and then she sets these really aggressive goals, and her team can never meet the goals, and everybody's falling behind, and everybody's working too much. Everybody's stressed and unhappy. They're like, "We need to work on goal setting, you're not very good at estimating how long projects will take." It was interesting for her in the book to talk about how that made her feel, and then also how she had to be open to that difficult conversation. Instead of like going back to the Four Horsemen, getting defensive, or shutting down, like having an actual dialogue, and they were like, "Somebody else should work on timelines."

Alison Monahan: Right, which completely makes sense. That's probably just not her skill set. I mean I remember early on at one point, you took the check book away from me.

Lee Burgess: I did take the checkbook away from you.

Alison Monahan: I had not paid some bills, and you're like, "You know what, you have a lot of great qualities. Paying bills on time is not one of them. So I'm going to take this over." I was just like, "Oh, that is such a relief."

Lee Burgess: I know.

Alison Monahan: Because I know I'm bad at that.

Lee Burgess: But you're good at a lot of things that I'm not good at. That's the beauty of a partnership, any sort of partnership. And I think people think that work partnerships, you can't acknowledge stuff like that. That you're like, "This shouldn't be my responsibility. Somebody else should be better at this." You know, you don't want to go in to a job situation to your supervisor and basically be like, "I'm bad at this."

Alison Monahan: Well, you kind of can be.

Lee Burgess: You can be or if you're on a team, you can be thoughtful about who should take certain responsibilities.



Alison Monahan: Yeah, I mean I definitely had conversations with some of my bosses. I'm like, "You know what? I don't think that we're using my skill set in a way that makes the most sense and the most value, because what you have me doing is, I'm not good at. I don't want to be doing. I'm angry about doing it. Yeah I understand it needs to be done, but maybe I'm not the most appropriate person to do this. I have higher value skills I can offer you." And after a moment of kind of "Oh, wait, what, you're telling me you're not going to do doc review?" There was this moment of, "Actually, you know what? You're completely right about that." I was like, "I could either be writing this brief, or I could be doing doc review. Which of these is more replaceable?" I think that is a conversation you have to approach carefully, but you definitely can have that type of conversation and advocate for yourself.

Lee Burgess: So, I think if you're listening to this conversation, and you're thinking, "Wow, maybe I am combative, or defensive, or stonewalling," which is basically just shut down during difficult conversations, then maybe you want to go to therapy or maybe you want to start educating yourself on these different communication styles. I have learned a lot in my many years on the world, it seems like many more, by just reading and learning from these different perspectives of how different people think we build positive relationships, by how our brains work. Again, we had this very interesting lunch yesterday where we talked about all this stuff, but we were just talking about how in our own lives we have learned more about how we react to situations, how our childhood has led us to react in certain situations. How we can change how we react to certain situations, and I think there's this idea that you're kind of stuck where you are. You know. If you're somebody who gets very defensive and that's how you deal with conflict, that's how you are and that's not true.

Alison Monahan: No. I mean speaking from personal experience, I know you definitely, these are skills that you can learn. For me I used to be one of those people who just was very conflict adverse. I mean ironic, I became a lawyer. I think that actually weirdly happens to a lot of litigators I know. No one ever asks you do you like conflict? And yeah, I was one of the people who would just never say anything until it suddenly blew up and then of course you're having this massively out scaled reaction to something that's really not a big deal, that no one's understanding. You really have to kind of train yourself to speak up earlier. But that's doable. You can do that. You can learn to do that.

Lee Burgess: And I thought that was one of the interesting points that the Gottman's made. They talk about conflict as a regrettable event, which I thought was a good way of phrasing. And they were saying regrettable events will happen. You are never going to eliminate conflict. The only thing that you really can change is how that it is resolved. It's that resolution that's the most important.



Alison Monahan: Well, another interesting point they made was that some enormous percentage of conflict at least in relationships, romantic relationships, is actually never resolved.

Lee Burgess: 67%.

Alison Monahan: Yeah, 67% is what they call perpetual conflict. So, it may also be you encounter these type of things in the work situation, too. Like someone has to do document review, that's just the way it is. But the way that you talk about and think about these things, like you can live with the conflict, as long as it's kind of handled properly.

Lee Burgess: And that if some damage is done in the conflict, you can still repair. And they were even talking about the importance of if you have children, modeling how you repair a conflict in front of them, because if you don't show children how conflict is repaired, their cortisol levels don't go down. They remain stressed, seeing the conflict. It's like even children need that resolution. So even in a workplace, if there's been conflict, you've gotten into an argument with the boss, you've made a huge mistake, things aren't going well, whatever it might be, you can come to the resolution with a different perspective than I think just the conflict.

Alison Monahan: Yeah and I think some matters are typical in the legal situations in the workplace is that the people above you get away with some pretty terrible behavior and never actually make amends for it. And I think that is one of those things that can be really draining for people. It can really cause people to leave. If you are in a managerial position, you need to think about how you are managing conflict with your team. If you're throwing erasers at people and never apologizing, they're probably not going to keep working for you.

Lee Burgess: It's true. Yeah. So, let's talk about some of the things that we have learned both through these talks, and some of the stuff that we've been reading. If you're connecting to an individual, and it's important to think about how you talk to that person, so when conflict arises, like what should be some of the things that people should start thinking about doing to start resolving the conflict in a more positive way.

Alison Monahan: I think a lot of these apply to just for any difficult situation. We mentioned earlier, a lot of the times when you're an attorney, maybe it could be your pro bono work or could be if you're doing public interest work, or just generally doing your work, you're probably going to encounter people who are talking about things that are difficult for them. So, I think the number one thing is really just try to be present and to be a really good listener. Which is difficult for attorneys, because they're always thinking about what they want to say in



response, or what argument they want to make. But really I think for a lot of these things, the most important thing is just to feel like somebody is actually listening to you.

Lee Burgess: Yeah, when I took that Essential Mindfulness for Lawyers course, one of the exercises we did was we had to just listen to someone talk for two or three minutes, without responding.

Alison Monahan: Yeah, I've done that exercise. It's really interesting.

Lee Burgess: It's really hard.

Alison Monahan: No, I did it was like a meditation group or something at this workspace we're in, and yeah it was like not very long. Like a minute or two, and the person was just supposed to tell you about something about their day, and it's very difficult to just sit there and not ask them questions, and not respond, and just say, okay, uh huh, yeah. It's really hard.

Lee Burgess: Or do, isn't it called reflective listening, where you repeat back what you've heard?

Alison Monahan: Yes Lee, what I hear you saying is-

Lee Burgess: That's also a hard exercise if you've never done it.

Alison Monahan: And that's a really important one actually for lawyers because you actually do need to make sure that you've heard what you think you've heard. Say you're doing an intake interview or even in a deposition or something like that. You want to actually be clear on what the other person is saying to you.

Lee Burgess: It's so true. So these again are skills that can be practiced.

Alison Monahan: Oh for sure.

Lee Burgess: And learning how to be present. Learning how to listen carefully. And even one of the other things that we've been talking about in this other research we've been reading by this guy Dan Siegel, he even talks about using your other senses to really try, and you're not just listening with your eyes or your ears. Of course, you're not listening with your eyes, but listening with your ears, but you're observing somebody's mannerisms, facial expressions. You're trying to sense their energy. You're trying to kind of really take in with your whole body what the experience is, and I think with clients, especially if you're trying to decide if somebody is telling the truth, are they leaving things out? I think that by



practicing using a lot of these senses, you can learn a lot more. But you have to be aware of yourself before you can be aware of other people.

Alison Monahan: Yeah, I think that's absolutely correct. And yeah, a lot of this just takes time, too. You have an important conversation you probably don't want to schedule it at the very end of the day for 15 minutes. Have that conversation when people are fresh and make sure you have enough time for it. So, I mean lawyers are very time oriented, but even too making clear to people, even if it is just five or ten minutes, "Hey, there's something important I need to talk to you about, do you have five or ten minutes?" At least framing it for them, so they know, okay, this is not just like somebody coming to chat.

Lee Burgess: Right. Also, I have seen some research where walking with somebody and doing walking difficult conversations can be very productive, if you have that opportunity. Moving your body can help you manage your emotions a little bit better, and you don't have to look at a person.

Alison Monahan: Right you're side by side. You're on the same team. Which is like glaring at each other across the desk.

Lee Burgess: From where somebody is from a position of power, behind the big desk and you're in a different situation.

Alison Monahan: Yes. I think a lot of that just even thinking and somebody might say, "Oh that wouldn't make any difference." But if you think about these power dynamics and things like that, you start to understand you can control the room. I read a chain email the other day from a venture capitalist who was talking about how to set up a networking dinner. His advice was so specific. It was, "You need to sit here. This is the way you organize the chairs. These things really make a difference, so if you're not paying attention to them, you're kind of missing out on opportunities."

Lee Burgess: One of the other things that the Gottmans' talked about, which I think is a good rule of thumb that often times we all ignore, this has probably been pointed out to most of us, is how you talk about needs. I liked this idea if you need something, you want to present it as a positive need. "I need help with this." "I need you to do this for me," instead of a negative need, which is, "I wish you would stop doing this." I think as a manager, that's something I try and be conscious of. Because if you're trying to set someone up for success, I also learn how to do this with my children, you want to tell them of the behavior that you want to be a repeatable behavior. But if you don't tell them what you want, then people are just guessing. So, if you're telling somebody, "I want you to stop doing this." Then they're like, "Well, what should I do instead?"



- Alison Monahan: Right, "There's an infinite universe of other things I could do, would you prefer any one of those things."
- Lee Burgess: Right. Is it, "Do you just want trial and error 'til I get it right?" I don't know that, that's true. You know little things like this, and how you frame your language can really change the outcome of a conflicted session.
- Alison Monahan: Right and I think this is a situation where if you're the underling in that scenario, you can use reflective listening back to your boss and say, "Well, what I hear you saying you need from me is, x, y, and z, is that accurate?" And they might not even have directly said that, but at least then they're thinking, "Oh, yeah what do I need. Oh, okay no. I need you to do this other thing instead."
- Lee Burgess: Yeah. So you know if some of this stuff, and some of these exercises were interesting to you, you can definitely learn more about them on the internet or in books. But it can be an interesting exercise for study groups to do together, if you want to work on these interpersonal skills. If you have a group of friends at school, and you want to do reflective listening exercises, or you want to do these listening meditations that we've been talking about, or you want to practice how to change up language, I don't think you have to necessarily go to therapy. It is helpful though.
- Alison Monahan: I use a lot of therapy techniques with bosses for sure.
- Lee Burgess: Oh, yeah. Therapy's great and if you have access to that, we're big fans of that. But I think there are lots of things even with your peers that I think you can practice.
- Alison Monahan: Yeah, just how you would phrase certain things, or even after the fact, you know not mulling things over forever, but hey you know I had this conversation it didn't go well, can you think of a different way I could have done this. Becoming cognizant of that, I think can be helpful going forward.
- Lee Burgess: Yeah, and you know sort of going back to the Gottman's work, this idea of the Four Horsemen of the Apocalypse. The things that we do that are incredibly damaging to each other, you just probably want to practice staying away from. Sometimes you know-
- Alison Monahan: Definitely catch yourself from doing them.
- Lee Burgess: Catch yourself, and if you get angry and are caught on a bad day, and you're tired and you've been working a lot, I think it's really easy to fall into these negative habits. We've all done it. I don't think anyone has not had a regrettable incident-



- Alison Monahan: But you have to repair.
- Lee Burgess: But you have to repair and so try, and avoid these things, but if nothing else try, and at least be on the lookout for them so you can repair if they start happening.
- Alison Monahan: And I think as quickly as possible too. You find yourself saying something like, "The sooner the better." Just take a deep breath, take a step back and say, "You know what? I realize that did not come out very nicely. I apologize for that, let's move on."
- Lee Burgess: Right. And I think especially in the world of email, you've got to be a little more careful about stuff like this because things can be misconstrued.
- Alison Monahan: And they're there forever. So be careful what you write.
- Lee Burgess: Yeah, maybe it's better to take that walking lunch discussion.
- Alison Monahan: Yeah, after you've done doc review, you never look at email the same way again.
- Lee Burgess: So true.
- Alison Monahan: Alright, unfortunately with that we are out of time. If you enjoyed this episode of [Law School Toolbox Podcast](#), please take a second to leave a review and rating on your favorite listening app, because we would 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.

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