

## Trust Account Management & Litigation Support Services

### Harness the Power of Active Listening

By Kimberly Alford Rice

All too often we read studies which report clients' pet peeve with their counsel is not listening to them. Or, cited another way, clients frequently do not feel heard.

Given the sometimes intimate nature of an attorney-client relationship, neither party wants to maintain a connection and/or continue doing business with someone if she does not feel heard and valued. That does not even address the negative messaging being relayed through constant interruptions in the speaking exchange or the inaccurate inferences being drawn from a distracted or neglectful listener.

Given that listening is such an integral part of the communication process, it is essential that we analyze the listening process and how to harness the power of active listening for the sake of developing stronger relationships.

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Fact: an untrained listener is likely to retain about 50 percent of a conversation shortly after it is finished. The retention rate drops to 25 percent merely 48 hours later. An untrained listener's recall of a conversation more than a couple of days ago will almost always be incomplete and usually inaccurate. It is no wonder, then, that miscommunications and disagreements ensue so frequently.

These facts may beg the question — how do we manage to deliver extraordinary client service and superior work product if we remember so little?

#### Listening vs. Hearing

Listening is a learned behavior. From the time we are born, we hear many sounds and noises around us. As we begin to develop listening skills, we learn how to interpret what we hear and assign meaning to sounds. Listening is not an innate talent, but something we develop out of practice.

One of the basic problems we face is taking for granted the powers we have. We think because we have a brain, we

can think. Because we have ears, we can listen. Not so.

More often than not, we do not listen effectively. Because we live in a very noisy world, we can be overwhelmed by all the sounds. The good news is we also have the ability to interpret the noises, but what we actually do is a completely different question.

Let us learn how to move beyond merely hearing the words people utter to embracing and processing more completely the full message a speaker is attempting to communicate, verbally and nonverbally.

#### What Is Active Listening?

Actively listening is a method of listening and responding to another person which improves mutual understanding. It is an essential aspect of effective communications between one or more people and involves a very human process. Moreover, active listening is a method by which to elicit information and emotions from a speaker, thereby gaining intimacy with him/her. As an active listener, you are an active participant in the communications process, which is vital if you want to be productive in all pursuits.

Clearly, to be an effective professional services provider, we need to develop and nurture as sophisticated listening skills as possible. Understanding the components of active listening will advance that

effort.

Four components of active listening: (1) Clarifying involves asking for more information and requesting the speaker elaborate upon a statement he made; (2) Paraphrasing is best understood as repeating another's message in your own words to confirm that "message sent is message received." This act ensures everyone is on the same page; (3) Reflecting includes restating or clarifying the underlying feelings that are attached to the speaker's communication. That is to say, to reflect would be to ask someone to clarify her anger over what you are speaking about. By doing so is to encourage your speaking partner to greater awareness of the feelings she is expressing either verbally or nonverbally; and (4) Summarizing is the act of reviewing and recapping major points of a discussion/presentation.

Taking deliberate steps to incorporate the actions above into your daily communications with clients and colleagues will further your understanding and engagement in the communication process, and lead to greater awareness and sense of collaboration.

Below are five impediments to effective listening:

**1. Considerable effort required.** An active listener has increased blood pressure, higher pulse rate and more perspiration. Like learning to jog, one must begin gradually and work up to integrate these new behaviors into your daily routine. Doing so is as much a state of mind as a physical activity. The more you improve, the ever-increasing benefits will become clear.

**2. Enormous competition for attention.** In no time in history has there ever been more stimuli competing for our attention than in this 24/7 world of endless media cycles. It is challenging to segregate our listening from information overload. All the more reason to tweak our active listening skills and develop the necessary discipline to hear what is truly important.

**3. "Know it all" attitude.** You know the type of listener who thinks he knows what you are going to say before you even say it. Check yourself from being this person. Though you may know well the substance of what is being discussed, do not assume a full understanding whereby you feel compelled to interrupt. For courtesy's sake, hear others out. You may actually learn something new.

**4. The speed gap.** Scientifically, there is a time difference between the pace at which we speak and how fast we listen. The average person speaks between 135-175 words per minute, though she can comprehend between 400-500 words per minute. In short, there is plenty of time to jump to conclusions, daydream or plan your reply. Avoid the temptation for your mind to wander. In those precious seconds or minutes, you may miss a few points which may be critical to your client relationship or new business development opportunity.

**5. Don't know how:** As initially stated, most lawyers have had no formal training in how to actively listen, so it is no great surprise that listening effectively is the most neglected and least understood of all aspects of communication. By taking a few thoughtful steps, however, you can introduce new actions to improve and with practice become a strong, active listener.

#### Steps To Become an Effective Listener

**Concentrate.** Focus your attention on the speaker only by blocking out distractions such as noise, lights, things going on around you, extreme temps, etc. Empty yourself of "mind clutter."

**Speaker.** Avoid becoming distracted by some physical characteristic of the speaker, such as his dress, presentation style, mannerisms, accent or grooming.

**Examine motives.** Are you open to new ideas/information? It can be instructive to weigh what is being discussed against any personal value and belief system. Check any judgments at the door.

**Acknowledge.** Active listeners show interest and attention both verbally and nonverbally.

**Research and respond.** Gather and observe information about speaker. Ask questions and give feedback.

**Exercise emotional control.** Address highly-charged messages in a thoughtful manner. Wait until the entire message is received before reacting.

**Sense nonverbal message.** Be aware of what a speaker is saying/not saying with his body language and gestures

**Structure and organize information as it is received.** It can be a productive use of the time gap between speaking and hearing speeds.

**Indexing.** Outlining what a speaker says dramatically increases comprehension and recall. Listen for "for example," or "let me elaborate on that," and you will know that a rationale, a subpoint or a supporting point is likely to follow.

**Sequencing.** Listen for an order or priority. This technique is important when order is crucial

Business development is a process of actively, intentionally and strategically building relationships that lead to new work. If you listen to be heard as a part of building business relationships, you will be heard and business development efforts will be more successful more often.

A general misconception is that if you are not speaking, you are not convincing someone to retain you. A shift in thinking is necessary to understand that asking thoughtful questions and active listening are more powerful than talking. It places you in a position to learn what clients are thinking and clients will make a decision to engage you based more on what they are thinking than on what you are saying.

Ultimately, active listening is one of the greatest gifts you can give yourself and others, in the furthering of all relationships. ■