

# Chicago Daily Law Bulletin®

Volume 158, No. 160

## Attorneys see benefits of active listening

Last month, I attended an event put on by the Coalition of Women's Initiatives in Law Firms with a panel of in-house attorneys. During the presentation about demonstrating the value of legal departments, Audrey H. Rubin, COO of Aon's law department, spoke at length about the importance of active listening and how it can help both in-house and firm attorneys improve their performance. While I believe myself to be a good listener, both in my professional and personal interactions, I decided to delve further into how I could become a more active listener.

As a litigator for the past 18 years, I know that listening is an important skill in depositions, court appearances and client meetings. I need to be able to understand what is being said and also assess the credibility of the person making the statements, often quickly and in a high pressure situation. How can active listening help?

Put yourself in a position to be able to listen. The first step in active listening is actually focusing on what is being said. In court or in depositions, I often see an inexperienced opposing counsel looking down at their notes, while a judge or witness is speaking. Those attorneys seem to be thinking only about what they will say next, not how to react to what the judge or witness is actually saying. I always face and look directly at the judge or witness when he or she is speaking. In doing so, I can assess what they are saying as well as observe any nonverbal cues. Judges and witnesses communicate a great deal through facial expressions and hand gestures. A judge may show skepticism about a position articulated during an argument



*Margo Wolf O'Donnell is a shareholder in the litigation and employment practice groups at Vedder, Price P.C. She successfully represents clients at all stages of litigation and regularly acts as a business advisor on the prevention of litigation. She is a past recipient of Law Bulletin's "40 Lawyers Under 40" publication and Leading Lawyer Network recognized her as one of the "100 Leading Women Lawyers in Illinois."*

with a frown or scowl. A witness who squirms and seems uncomfortable may not be so confident in the truth of what they are saying.

Try to tune out any distractions. While I have notes with me at court or depositions, I try to keep their use to a minimum. I look down at them only briefly and when needed and I try to limit my own note-taking. Ignoring irrelevant comments from opposing counsel intended only for distraction is also important. I remember at one of my first depositions, the opposing counsel decided to object to the

**“The first step in active listening is actually focusing on what is being said.”**

vast majority of my questions; he knew that I had just graduated from law school. His objections were unfounded, we ended up calling the judge and the objections stopped. Throughout that deposition, however, I kept my focus and did not allow the opposing counsel to distract me from my purpose, which was to question the witness. I never had a deposition with that many objections again, but what I learned from that experience was how to focus and listen, even in the presence of an obstreperous attorney on the other side.

Demonstrate that you were listening. After carefully listening to what a judge or witness has said to you, the next step is to show your understanding of what was said. Demonstrating your comprehension involves paraphrasing statements, essentially parroting back what you believe was said. By articulating what was just said to you, you establish a rapport with the judge or witness and also confirm what the speaker actually intended to convey to you.

Incorporate the information into your argument or line of questioning. After confirming your understanding of what was said, make sure to incorporate that information into your argument or your next line of questioning. A thorough knowledge of the case allows you to change course if needed based on what the judge or the other side has just told you.

Allowing yourself to comprehend the position of a judge or opposing party helps you to better advocate for your own position. In a world filled with distractions, it is the exceptional and skilled attorney who can carefully and actively listen and use that listening skill to their client's advantage.