LEGALLY SPEAKING

Kristi Paulson

A communication reset for legal profession

By Kristi Paulson
Special to Minnesota Lawyer

DEPOSIT PHOTOS

January arrives with a sense of possibility that is often tempered by fatigue. The calendar turns, inboxes refill, and lawyers and judges alike feel the familiar pressure to begin the year with renewed focus and better habits. The professional conversation tends to center on resolutions, what we should do more of, less of, or differently. For many in the legal profession, however, January is less about reinvention and more about recovery after a year marked by urgency, volume, and emotionally charged work.

Rather than approaching the New Year as an opportunity to fix what is broken, January can instead serve as a reset for how we communicate. Communication habits, like any professional skill, are shaped by repetition and stress. Over time, efficiency crowds out curiosity, tone hardens, and assumptions quietly replace listening. A communication reset does not ask lawyers or judges to change who they are. It asks them to become more intentional about how words, pauses, and listening shape outcomes in everyday professional moments.

Over years of practice as a trial lawyer, mediator, and educator, and through service in ethics-focused roles, I have seen that professional frustration is rarely rooted in a lack of legal knowledge. More often, it stems from communication fatigue. Clients feel unheard even after lengthy meetings. Lawyers talk past one another in emails that grow longer and sharper with each exchange. Hearings conclude with technically sound rulings, yet parties leave unsure of what happens next. Communication is not ancillary to the work of lawyers and judges. It is central to it. January offers a natural moment to recalibrate those habits, not by starting over, but by refining skills already in use.

Replacing reactivity with the pause

Legal training rewards speed, decisiveness, and confident response, but reactivity often undermines those very goals. A communication reset begins with the intentional pause. For lawyers, this may mean waiting before responding to a late-night email from opposing counsel that feels unnecessarily aggressive or taking a breath before correcting a client who insists on an unrealistic outcome. That brief pause allows the lawyer to separate emotion from strategy and to respond in a way that advances the case rather than the conflict.

For judges, the pause often appears in quieter ways. Allowing counsel to complete an argument before redirecting, reviewing notes for a moment before ruling from the bench, or pausing to clarify what relief is being requested signals control rather than hesitation. For lawyers, that same pause may occur at counsel table or the podium, choosing to listen fully to a question before answering, resisting the urge to interrupt opposing counsel, or taking a moment to refine an argument rather than reacting defensively. These moments of restraint, on both sides of the bench, frequently result in more precise rulings, clearer advocacy, fewer follow-up questions, and a calmer courtroom dynamic. The pause is not about slowing justice; it is about improving its clarity.

Asking better questions

Some of the most productive moments in legal settings begin not with answers, but with questions. When lawyers assume they understand the source of a client's frustration, they often address the wrong problem. A client may insist they are upset about cost when, in reality, they are anxious about timing, public exposure, or loss of control. Asking what feels most urgent or most uncertain shifts the conversation from explanation to strategy.

Judges use this skill daily, often without labeling it as such. A single clarifying question during a hearing can narrow issues, reveal what truly matters to the parties, or expose a misunderstanding that written submissions failed to address. Lawyers engage in the same practice when they pause to ask a client what outcome matters most, clarify a judge's question before launching into argument, or probe an opposing position to identify where resolution is possible. Even when the legal outcome remains unchanged, thoughtful questions from both the bench and the bar increase trust in the process and reduce post-hearing or post-meeting confusion. Parties are more likely to accept outcomes they understand, even when those outcomes are not what they hoped.

Listening to understand, not to fix

Lawyers are trained problem-solvers, and judges are tasked with resolution, but not every communication moment calls for an immediate fix. Clients frequently repeat the same concern not because they failed to understand the answer, but because they do not yet feel understood. A lawyer who slows down long enough to accurately reflect what they are hearing often finds that the conversation moves forward more efficiently and with less resistance.

I once observed a mediation where both sides were deeply entrenched, and the lawyers were doing exactly what they had been trained to do: advocating forcefully and efficiently. The turning point did not come from a new argument or legal analysis. It came when one lawyer paused, summarized the other side's concern more accurately than they had articulated it themselves, and then stopped talking. The room shifted. The tone softened. The parties moved forward, not because the law had changed, but because someone finally felt

Legally Speaking | Page 17

8th Circuit, per curiam) Appealed filed from her personal relationship with duty. Western District of Missouri, Bough, J.

Legally Speaking

Continued from page 1

understood. That moment took less than a minute, yet it changed the entire trajectory of the day.

The same dynamic plays out in courtrooms, particularly with self-represented litigants. Interrupting to correct terminology or redirect too quickly can increase frustration rather than efficiency. Listening to understand, rather than listening to respond, allows speakers to settle and often surfaces the real issue beneath the words. Paradoxically, this approach saves time by reducing repeated explanations and unnecessary filings.

Cleaning up the ending

Many legal conversations falter not at the beginning, but at the end. A client meeting concludes without clarity about next steps. A hearing ends, yet parties leave uncertain about deadlines or expectations. An email exchange trails off without resolution, only to resurface weeks later as confusion or conflict. A mediation ends with an agreement, yet without a clear roadmap for implementation, enforcement, or what happens if the plan falters.

A communication reset includes greater attention to how conversations close. Lawyers who summarize decisions, confirm deadlines, and outline next steps reduce client anxiety and limit follow-up communications. Judges who clearly articulate timelines, filing expectations, or the scope of a ruling help parties move forward with confidence. These moments of clarity are small investments that prevent larger problems later.

Paying attention to tone

Tone shapes how communication is received long before content is analyzed. A technically accurate email can inflame a dispute if it reads as dismissive or curt. A well-reasoned ruling can undermine confidence if delivered with visible impatience. January offers an opportunity to become more intentional about tone, particularly after a demanding year.

This does not require softening substance or avoiding firmness. It requires aligning delivery with purpose. When tone supports clarity rather than frustration, communication becomes more effective and less exhausting for everyone involved, including the speaker.

New Year, New You without the resolutions

Perhaps the most useful way to think about the New Year is not as a mandate to become someone different, but as an opportunity to practice familiar skills with renewed intention. Communication lends itself to this kind of restart because it operates in small, repeatable moments throughout the day.

Rather than resolutions, lawyers and judges might consider selecting one communication practice to focus on this year. That practice might be pausing before responding to difficult messages, asking one better question in meetings or hearings, listening without immediately moving to fix, closing conversations with clearer summaries, or paying closer attention to tone in written communication. None of these practices alters the substance of legal work. Each, however, has the potential to change how that work is experienced by clients, litigants, colleagues, and the courts.

In that sense, New Year, New You is not about reinvention. It is about refinement. Small, skill-based communication choices, applied consistently, restore clarity, reduce friction, and often bring renewed energy to legal practice. Sometimes, that reset is enough to make the New Year, and the work we do within it, feel genuinely new.