



LEGALLY SPEAKING

Kristi Paulson

In many legal settings, the eyes have it

What lawyers, judges miss when they stop paying attention

By Kristi Paulson
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In courtrooms, mediation rooms, and chambers across the country, lawyers are trained to listen — to the words, the arguments, the evidence. But some of the most revealing messages in law aren't spoken at all. They're seen.

They flicker in the quick glance between opposing counsel, the blink that betrays stress, the quiet shift in a juror's gaze. They live in the eyes.

We like to believe persuasion is built on logic, reason, and eloquence.



DEPOSIT PHOTOS

Yet time and again, what we trust — what we truly believe — comes down to what we see.

The language we don't speak

Psychologists estimate that more than half of all human communication is nonverbal. Tone, posture, and facial expression shape how every message is received. Yet in law, we polish our words to perfection and often ignore the language of the body.

We rehearse openings and closings. We memorize statutes. We refine the order of our arguments and the cadence of our delivery. But rarely do we train ourselves to notice the flicker in a client's eyes, the micro-pause in a juror's expression, or the quiet shift of a witness who suddenly looks down.

When it comes to persuasion, we often overlook what's right in front of us. And yet, that's where truth hides. Jurors, judges, and clients constantly evaluate us — and one another — through cues that can't be captured in a transcript. They're reading our eyes even as we're reading theirs.

The power of presence

Eye contact builds connection, and connection builds credibility. Neuroscience confirms what instinct already knows: When two people meet each other's gaze, the brain's social circuitry lights up — the same network that fuels empathy

and trust. In plain terms: When we look someone in the eye, the brain decides, *this person matters*.

In mediation, that moment of eye contact can shift the entire tone of the room. A mediator who looks calmly and evenly at each participant signals neutrality and care. A lawyer who does the same — especially toward the opposing party — communicates respect, even across conflict.

Jurors notice eye contact, too. They remember the lawyer who looks at them as individuals, not as a faceless panel. And judges feel it as well. In appellate argument, the lawyer who avoids the bench's gaze appears uncertain; the one who meets it — steady, not defiant — commands the room without saying a word.

Presence isn't a matter of eloquence. It's a matter of attention.

What eyes reveal

Our eyes are remarkably honest. Pupil dilation, blink rate, and gaze direction all tell stories that words can't.

- Rapid blinking often signals stress or anxiety.
- Long, deliberate blinks can suggest dismissal—or disbelief.
- Averted eyes might reveal guilt, but just as easily reflection.
- A steady, unbroken gaze can project confidence — or confrontation.

Reading these cues requires care. The goal isn't to catch someone in a lie; it's to notice when the verbal and nonverbal stories drift out of sync. A client who says, "I'm fine with that settlement," but can't meet your eyes might not be fine at all. A witness who insists they are certain, but blinks rapidly may be struggling. And a juror who avoids your gaze could be signaling discomfort, not defiance.

Good lawyers don't treat those signals as evidence — they treat them as information. They adjust their tone, their pacing, their posture. They respond not just to words, but to what the eyes reveal.

When eyes contradict words

Every lawyer has seen it — the witness who says "yes" while shaking their head "no." The party who insists they want peace but can't stop glaring. The opposing counsel who claims to be open to compromise but checks their watch every 30 seconds.

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Those small contradictions reveal the tension between what people say and what they feel. For mediators and negotiators, they're not obstacles — they're invitations. The skilled communicator doesn't confront the inconsistency; they acknowledge the emotion beneath it. A quiet, "I can see this is difficult," can move a conversation further than any argument or demand ever could.

That's the art of seeing, not just hearing — and the difference between managing a conflict and transforming it.

The Zoom dilemma: Eyes through a screen

Of course, everything changes when the eyes are pixelated. Since the pandemic, much of the justice system has moved online. We've kept the work moving — but we've lost something subtle in the translation. Micro-expressions vanish into bandwidth. Delays distort tone. And that tiny square of self-view, meant to reassure us, quietly erodes the natural rhythm of eye contact. We start looking at ourselves instead of each other.

The result? Connection becomes harder to feel — and even harder to fake.

Still, with a little awareness, we can bring some of that presence back. Look at the camera, not the screen; that's where your audience's eyes are focused. Keep lighting at

eye level — shadows, however unintentional, can suggest concealment. Use smaller gestures; on screen, stillness reads as calm while big motions can look like chaos. And most importantly, pause. Silence feels longer online, but it gives others room to respond — and gives you a moment to read their reactions. Whether in person or on screen, communication still lives in the eyes.

The lawyer's gaze and emotional intelligence

The ability to read nonverbal cues — and to manage your own — is emotional intelligence in action. EQ isn't soft; it's strategic. It's the skill that builds rapport, diffuses tension, and helps people feel seen and understood.

A darting glance at opposing counsel's notes can reveal more than a page of argument. A client's eyes that suddenly well with tears can stop even the most seasoned advocate mid-sentence. And the juror who nods almost imperceptibly tells you your words found their mark.

When you learn to listen with your eyes, the entire room starts to speak.

The ethics of attention

There's an ethical dimension here, too. Competence, diligence, and communication — the pillars of our professional duty — all rest on one foundation: attentiveness.

When we stop seeing the human being behind the case, we begin to lose the moral center of our work. Clients and witnesses aren't case

files or exhibits; they're people navigating fear, loss, hope, and uncertainty. To truly see them — eyes and all — is to honor their humanity.

And in a profession often accused of being mechanical, that simple act of presence becomes something rare. Something radical.

Lessons for lawyers, judges, and mediators

If there's one skill that separates great communicators from the merely competent, it's the ability to see and to be seen. Presence begins in the eyes.

Here are five practical ways to strengthen it:

1. Make eye contact your default. Whether in conversation, argument, or mediation, meet the other person's gaze for a few seconds at a time. It signals confidence, sincerity, and respect.

2. Balance focus with observation. Eye contact shouldn't become a stare. Let your gaze move naturally—between faces, reactions, and the rhythm of the room.

3. Match your eyes to your message. When delivering empathy, soften your gaze. When asserting authority, steady it. When showing curiosity, widen it slightly. The eyes can mirror intent before words ever do.

4. Train your awareness. Practice by watching testimony with the sound off or joining a meeting with your camera muted. Notice how much you can still understand. The more you observe, the sharper your intuition becomes.

5. Respect differences. Not ev-

eryone experiences eye contact the same way. Cultural background, trauma, and neurodiversity all shape what gaze means. For some, direct eye contact feels confrontational; for others, it's connection. Adjust with empathy.

Seeing justice differently

If there's one skill that separates the good from the great, it isn't argumentation — it's awareness. The best lawyers, judges, and mediators don't just *speak* persuasively; they see persuasively.

In an age of constant distraction, when our attention is divided between screens, deadlines, and demands, presence has become a professional superpower. To truly see — to notice what others miss — is to practice justice at its most human level.

Because in the end, law is a conversation between people. And when it comes to communication, the eyes still have it.

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Kristi earned a law degree from the University of Minnesota Law School and holds a master's degree in communication. With a diverse background as a trial lawyer, mediator, and educator, she specializes in writing about communication skills, ethics, dispute resolution and trial techniques. To learn more, visit <https://powerhousemediation.com>.