



Kristi Paulson

LEGALLY SPEAKING

What spring can teach us about active listening

By Kristi Paulson
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Every spring has its own soundtrack. After a long Minnesota winter, birds return to the trees, children reappear in neighborhood parks, lawnmowers replace snowblowers, and windows open to conversations drifting in from outside. Spring encourages us to slow down just enough to notice what is happening around us. We become more aware of the sounds, activity, and interactions that might otherwise go unnoticed.

Lawyers and judges spend their careers surrounded by words. We listen to clients, witnesses, opposing counsel, colleagues, and litigants. Yet despite this constant engagement, active listening is a skill that often receives far less attention than speaking, arguing, persuading, and advocating.

The ability to listen effectively influences nearly every aspect of legal practice. It affects how we counsel clients, evaluate cases, negotiate settlements, examine witnesses, resolve disputes, and make decisions. Some of the most important information we receive is not in the words themselves. Clients reveal concerns that extend beyond their legal claims. A client may spend an hour discussing facts, documents, and legal positions only to return repeatedly to a concern about a business relationship, professional reputation, or future uncertainty. Parties state positions while leaving underlying priorities unstated. Judges often indicate areas of concern through the questions they ask during hearings or oral argument. Listening carefully allows us to move beyond the words and understand the motivations, priorities, and concerns that often influence outcomes.

Listening is different from hearing

Hearing is passive; listening is intentional. Listening well requires more than simply hearing what is said. It means paying attention not only to the words being spoken, but also to the concerns, motivations, assumptions, and priorities beneath them. It means resisting the urge to respond before fully understanding the message.

Consider mediation. A party may insist that a dispute is “only about the money,” yet experienced lawyers and mediators know that financial compensation is rarely the whole story. Concerns about reputation, re-



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lationships, accountability, fairness, or uncertainty about the future often drive decisions. When those concerns are identified and addressed, negotiations that appear stalled frequently become more productive.

The same principle applies in a complex civil matter involving multiple parties. One party may repeatedly return to contract provisions, deadlines, or who bears responsibility for a particular outcome. On the surface, the discussion appears to be about legal obligations or financial exposure. A closer look often reveals concerns about preserving important business relationships, protecting credibility, avoiding future conflict, or creating certainty moving forward. When those concerns are identified and addressed, parties are often better able to move from positions to solutions.

Active listening is just as important in everyday legal practice. Whether meeting with clients, preparing witnesses, negotiating settlements, or presenting arguments in court, lawyers often hear what is said without fully understanding the concerns beneath the words. Clients may tell us what they want without explaining why they want it. An opposing party's explanation may reveal concerns that were never reflected in the pleadings. A witness's answer may open a line of inquiry that counsel had not anticipated. In each instance, the lawyer who listens carefully gathers information that can shape strategy, advocacy, negotiation, and case evaluation.

That is what makes active listen-

ing such a valuable professional skill. It allows us to move beyond the surface of a conversation and uncover the information that really matters. Experienced lawyers, mediators, and judges know that some of the most important insights do not appear in the first statement made. They often emerge through careful observation, thoughtful questions, and the willingness to notice what lies beneath the words.

The importance of active listening

Active listening is a professional skill, not an innate talent. It is one of the most valuable tools lawyers and judges have because it improves the quality of the information we receive. At the same time, it is easy to let slip. Much like the sounds of spring can be overshadowed by road construction, traffic, or other competing noises, important information can get lost amid the demands of modern legal practice.

Most lawyers manage multiple cases, respond to a steady stream of emails, prepare for hearings, review documents, and meet with clients. Conversations can easily become transactional. We focus on identifying the issue, providing an answer, or moving to the next task. In the process, we risk overlooking details that may be just as important as the question itself.

The legal profession is built on facts, relationships, credibility, and decision-making. Each depends on our ability to understand what others are

communicating. Whether interviewing a client, preparing a witness, participating in mediation, hearing oral argument, or presiding over a settlement conference, the quality of our decisions often reflects the quality of the information we gather.

Clients rarely arrive with only legal problems. They also bring concerns about family relationships, business interests, finances, reputations, and future opportunities. Parties in a dispute often state positions while leaving underlying priorities unstated. Listening carefully helps us identify those concerns, ask better questions, and develop a more complete understanding of the issues before us.

Lawyers and judges who listen attentively are better equipped to make well-informed decisions. In many cases, the most important information does not come in the first statement. It emerges after trust has been established, thoughtful questions have been asked, and people feel that they have been heard.

How active listening makes us better advocates and counselors

Active listening strengthens advocacy and counseling by improving the accuracy of the information we receive, building trust, and enhancing problem-solving. Lawyers who

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listen closely are better able to anticipate opposing arguments, identify weaknesses in their own case, and develop solutions that address the real concerns of all parties. They are also better equipped to recognize opportunities that might otherwise be overlooked.

In court, a judge's questions often reveal the underlying issues or concerns that will influence the outcome. Lawyers who pay attention to these signals can adjust their arguments, clarify points, and focus on what truly matters to the decision-maker. Similarly, in client counseling, understanding a client's motivations, priorities, or concerns beyond the immediate legal question allows lawyers to provide guidance that aligns with broader objectives, not just the technical legal position.

For example, during settlement discussions, a party may assert a position that appears rigid. By listening beyond the words, a lawyer may uncover a more flexible interest, such as protecting a professional reputation, preserving a relationship, or avoiding prolonged

litigation. Recognizing these underlying interests allows lawyers to craft creative solutions, often reaching agreements more efficiently and with greater satisfaction for all involved.

Active listening also demonstrates engagement and respect. It signals to clients, colleagues, and opposing parties that their perspective is valued, which can make negotiations smoother, discussions more productive, and decision-making more informed.

Listening in practice: Five habits worth developing

Like advocacy, negotiation, and client counseling, active listening is a skill that improves with practice. The following habits can help lawyers become more effective listeners in their daily work.

Finish listening before formulating a response. Many of us begin preparing an answer before the speaker has finished their thought. Often, the most valuable insight emerges after someone has fully explained their concern.

Ask one additional question. A simple follow-up question often uncovers the concern driving a client's

decision, a witness's testimony, or a party's position.

Pay attention to repeated themes. People tend to return to the issues that matter most to them. Repeated references to fairness, reputation, cost, relationships, or uncertainty often reveal priorities that should not be overlooked.

Listen for interests, not positions. People often tell us what they want, but not necessarily why. Understanding the interests behind a position frequently creates opportunities for more effective advocacy, counseling, negotiation, and problem-solving.

Become comfortable with silence. Silence can feel uncomfortable in a profession that values quick thinking and immediate responses. Yet pauses often create space for reflection, clarification, and disclosure. Given time, people frequently share information they might not otherwise reveal.

A lesson from spring

Spring encourages us to slow down and pay attention. In a profession where our days are filled with deadlines, emails, hearings, meetings, and competing demands, that may be easier said than done. Yet

some of the most important information we receive comes from taking the time to listen carefully and intentionally.

Active listening is more than a communication skill. It is an information-gathering skill, a relationship-building skill, and ultimately a decision-making skill. It helps lawyers become more effective advocates, counselors, negotiators, and problem-solvers. It helps judges gain a fuller understanding of the matters before them. Most importantly, it ensures that the people we serve feel heard, understood, and respected.

In a profession built on communication, few skills are more valuable than the ability to listen with purpose and intention.

Kristi Paulson is the owner of PowerHouse Mediation and The Professional Education Group. 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>.