**Skills of Exceptional Lawyers – Social Intelligence and The Human Dimension**

Reading people, building trust, improving judgment, enhancing creativity, making good decisions, winning negotiations, managing people, time and your career, making connections, setting goals, investing in yourself, understanding your limits, dealing with stress, finding happiness in the law, having fun and being successful. Exceptional lawyers are good at these things. Experience and recent developments in the science and practice of Social Intelligence show that everyone can learn more about them and can get better at them.

Spring 2012

Course: 243.6 Three Units

Wednesdays 3:35 – 5:25 Main Session Mondays 3:35 – 5:25 One Hour Sections

 + One Half-day Weekend Workshop

First Class Session – One Hour starting at 3:35 on Monday, 9 January 2012

**Jeffrey Newman**, Instructor **Leslie Chin**, Instructor/Section Leader

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Goals

 Five years down the road, you may not remember the details of many of your law school courses, or of this course, but the take-away from this course you will retain is that you can and need to invest regularly in improving and maintaining your Human Dimension Skills. You can learn and improve these skills throughout your career. You can learn to partner with others to complement you where you are not as strong. You will be more successful, more satisfied, more effective and happier the more you continue to be aware of and invest in these skills.

Shorter Term Course Goals

 Learn of developments in Social Intelligence research and application, appreciate that there are learnable skills that you can get better at -- if you invest in them. Gain an appreciation of the need to be constantly aware of these human dimensions every day in every task, and find and use opportunities to practice and become more proficient in these skills. Leave the class with a vocabulary in this area, with an appreciation of the science, sources and kinds of life-long learning available in the area, and with as much introduction and “hands-on” experimenting as a 15-week course can offer in building these skills, self-investment habits and appreciation.

Course Work

 Readings and discussions will draw from research and writings in the areas of social intelligence, neuroscience, psychology, happiness studies, management, leadership, communications, conflict resolution and career development. Students will be expected to become conversant with the growing body of applicable scientific research and lay literature, as well as the available assessment and training tools in this area. Students will study a range of circumstances and opportunities for application of better Human Dimension Skills and ways in which these skills can provide better outcomes for those they work with and for themselves. Students will develop a personal plan, tailored to their own needs, for their continuing investment in keeping abreast of social intelligence developments and in maintaining and improving their Human Dimension Skills.

The course is discussion based, will use simulations, experimentation, observations, video assessment, readings, research and, if possible, advice from experienced lawyers, judges and entrepreneurs.

There will be one hour each week on Mondays for experiential work and exercises intended to help each student invest in the development of their own Human Dimension Skills.

Students will be assigned to Work Groups and will be expected to participate outside of class in the work of these groups.

There will be a half-day workshop, most likely on **SATURDAY APRIL 7** in which students will work on some of their Human Dimension Skills. Participation in this workshop cannot be made mandatory, but is very highly encouraged.

Grading

After law school you will be assessed by those you work with and for by the quality of your technical legal skills and by your Human Dimension Skills. But in this class you will be learning about, experimenting with and practicing these Human Dimension Skills so only you will assess the quality of your Human Dimension Skills.

Your grade in this class will be based on the following:

Class, Section, Group and Workshop Participation (25%) – this means you have not only show up for class but to participate and help yourself and your peers learn and practice – we will want to hear not only about your own work, but from you and from others about how you helped them as well.

Journal Writing (30%) – you will be asked to keep a journal with weekly entries that will be reviewed periodically and at the end of the course. Journal entries will not be long, but will be used by you to note your observations, thoughts and learning.

Final Project (45%) – your final project will be assigned midway through the course and will be due no later than 5:00 pm on May 10, 2011. Your final project will include a Personal Self-Investment Plan for further and continuing work on Human Dimension Skills, a Personal Assessment and Training guide of sources for your own continuing assessment and training in these skills and a paper or multimedia or video presentation.

There will be no final examination.

Enrollment Guaranty and Pledge of Confidentiality

Because this course requires both working with and learning from your peers and that you work in Work Groups and in a workshop, continuity and participation is important. So, we need to know by the second regular class meeting on Wednesday, January 18, 2012 just who will be permanently enrolled in the class.

Accordingly, if you want to be enrolled in this class you are highly encouraged to attend and sign the sign-in sheet at the first regular class meeting on Wednesday 11 January 2012 and you MUST ATTEND and sign the sign-in sheet for the second regular class meeting on Wednesday 18 January.

Those who are initially enrolled in the class will have until 9:00 pm on Wednesday 18 January 2012 to send me an email electing to drop the class. If you do not send this opt-out email you will not be allowed to drop the class later.

If because of classroom size constraints, we are required to have limit enrollment, students will be asked to submit a short statement, not more than a page, stating their reasons for wanting to be enrolled. This statement must be sent to me by email not later than 9:00 pm on Wednesday 18 January 2012 if there is a restriction imposed on class size. If choices have to be made from this list, they will be based on our subjective reading of the submitted statements and where that is not determinative, then in the order in which students appear on the registrar’s enrollment list. We will notify those initially selected from the waiting list by email by the evening of Thursday 19 January. Those initially taken from the waiting list will have until start of class on 20 January to drop the class by sending me an email electing to drop. If you do not send this opt-out email, you will not be allowed to drop the class later. Spots from any dropouts will then be filled from the waiting list until the class roster is completed.

We apologize in advance for this limited dropout procedure, but we need to be committed to working together and loss of continuity will hurt others as well as yourself. So we thank you for your understanding and for putting up with this added restriction.

Because in this class you will be working with others and you will, at times, be working on assessing your own strengths and weaknesses and your impact on others and because to be genuine in these assessments and trying new things you will have to work with other students, it will be essential that everyone in the class commit to a pledge of strict confidentiality about what is discussed of a personal nature – so that what happens in this class stays in this class (apologies to Las Vegas).

Introduction

Law school is primarily focused on teaching future lawyers to ‘think like lawyers’ and have a broad knowledge base of legal principles, laws and precedents, and therefore emphasizes issue spotting, rational thinking, research, clear writing and argumentation. However, studies have shown that proficiency, even excellence, in these skills is not sufficient and does not predict successful or satisfying legal careers. Rather these are necessary, but not sufficient, skills.

In work by Shultz and Zedeck, cited to all the Boalt faculty and the legal teaching community nationwide, they identified 26 “effectiveness factors” that help predict who will be an effective lawyer, and I believe you will find that in this class we will work on skills and insights related to the vast majority of them (see highlighted items).[[1]](#footnote-1)

The categories are: (1) Analysis and Reasoning, (2) Creativity/Innovation, (3) Problem Solving, (4) Practical Judgment, (5) Researching the Law, (6) Fact Finding, (7) Questioning and Interviewing, (8) Influencing and Advocating, (9) Writing, (10) Speaking, (11) Listening, (12) Strategic Planning, (13) Organizing and Managing One’s Own Work, (14) Organizing and Managing Others (Staff/Colleagues), (15) Negotiation Skills, (16) Ability to See the World through the Eyes of Others, (17) Networking and Business Development, (18) Providing Advice and Counsel & Building Relationships with Clients, (19) Developing Relationships within the Legal Profession, (20) Evaluation, Development, and Mentoring, (21) Passion and Engagement, (22) Diligence, (23) Integrity/Honesty, (24) Stress Management, (25) Community Involvement and Service, and (26) Self-Development.

 This class is intended to start students on a life-long learning process of developing these Social Intelligence and Human Dimension Skills that are the other – and overwhelmingly more difficult to learn aspect (because they require buying into their importance, committing with strong motivation to improve, and constant application, re-enforcement and learning over a lifetime and a career) – of what it takes to be both happier and more successful in your career.

It is NOT the expectation of this class that you will leave proficient at these skills. No 15-week small-unit class can do that. The expectation is that you will leave with your eyes more open, your antennae less wooden, your attentiveness to yourself and others a bit heightened, and most critically a vocabulary of the concepts at play here, a belief in the importance of these skills, a dedication to investing in them and an idea of how to do that – for the rest of your life. Along the way we hope to have some fun and generate enthusiasm for this endeavor.

We will approach these topics at the beginning by looking at developments in psychology, neuroscience and behavioral economics related to how people make decisions in real life in ways quite different from dry rational analysis. In the process we will look at studies of how memory works, how our memories and our guesses about both the odds of something happening and how much we might value things in the future are quite suspect, how reported ‘happiness’ and risk affect our willingness to even engage in decision making, and related topics. (Readings from *The Paradox of Choice* and *Stumbling on Happiness*)

From there we will continue with studies of emotions and how they are displayed on people’s faces and in their body language, voice, heart rate, perspiration and otherwise, how to recognize these emotions in yourself and in others, how emotions take hold of our brains and make our instantaneous behavioral decisions until sometimes they are overridden by other brain mechanisms. (Readings from *Emotions Revealed*)

Using these materials and insights, we will begin to look at developments in Social Intelligence studies, where emotional intelligence is thought of as how an individual recognizes and deals with his or her own emotions and stresses and social intelligence is thought of as the interaction at the neurological/physiological and emotional level between two or more people who are interacting. Here we will look at mechanisms that have evolved with humans and how they function in human interactions, both positively and negatively and how they affect our perceptions, our effectiveness, our happiness and our health. (Readings from Emotions *Revealed*, *Social Intelligence,* and *Happiness*)

Then, continuing our exploration of the science in these areas, we will start on the journey of beginning to implement our learning in trying on listening, speaking, feedback and other communication skills that require attentiveness to one’s own words, one’s own emotions, the words of another, the emotions that those words give rise to in ourselves, ways of checking in with the other person to be sure we ‘heard’ them accurately and they ‘heard’ us accurately, ways of ‘influencing’ others by our own listening, candor and attentiveness to ourselves and the mood and emotions of others. This will be our hardest work as it requires actually trying on new things that may require the development of new habits and thought patterns (and the change of old ones). We will continue this work throughout the semester, including working together in a half-day weekend workshop. (Readings from selected articles and instructor lectures/materials and from *Difficult Conversations*)

While continuing our exploration of the current literature and working on these ‘attentiveness’, ‘hearing’ and ‘influencing’ skills, we will also set about looking in more detail at how lawyers rate their satisfaction and what you can do to increase your personal satisfaction – particularly with caring and engagement, what lawyers actually do in their various venues and roles, how to assess the expectations of your workplace and also your own needs and taking responsibility for making them work together for you. (Readings from *Happiness* and *Stumbling on Happiness*)

We will finish the semester with a brief look at how one functions as a ‘trusted advisor’, manages your time and makes and maintains a network of friendships, acquaintanceships, peers and nodal sources of information, experience and referrals. (Readings from *The Trusted Advisor*)

To help with the hands-on learning aspects of this class you will be expected to observe and practice in daily life situations, to work in assigned small groups, to participate in your weekly section meeting, to attend a workshop, to help others and to keep a journal – where your participation, engagement, helpfulness to others and your journal will figure in your grade (as well as giving you help in learning for yourself).

Your final project will include a personal assessment of your Human Dimension Skills, the development of a personal self-investment plan and an exploration of available resources for further assessment and training, in addition to a substantive assignment.

Finally – A WARNING – This is an experimental class.

 It had never been attempted or taught in any major law school before last year. I have taught it only once and Leslie is for the first time working with me on this class. I am not an experienced law school professor, nor am I a psychologist, scientist, trained facilitator or expert in happiness studies. I am just an experienced relatively successful practicing lawyer who believes in the importance of these things. Leslie is an experienced business person and group facilitator, but she is not a lawyer.

So we will learn and experiment together. We may change the pacing, the readings, the exercises, even the scope of what we ultimately cover, as we work together to understand and improve. Your commitment, engagement, willingness to work hard, to help others, to give honest feedback and add your own intellect and skills to the class is what will make it a success – or a failure. It’s really your class and we together will do the best we can to make it worthwhile. Here’s wishing us all the best.

 Jeff Newman - Leslie Chin – Spring 2012

**Class Book List: Essential Skills of Exceptional Lawyers – Social Intelligence and the Human Dimension**

**Spring 2012 – Instructor: Jeffrey Newman *newmanj@fbm.com or newmanj-bl@berkeley.edu* -- Section Leader: Leslie Chin *leslie\_chin@msn.com***

*Readings have been chosen from readable entertaining sources, so while we will dip into a number of books, you will find them pleasant to read and with some luck even hard to put down. You will not be reading them to be tested on the material but rather to take on board the background, science, concepts and practices that you can put to work for yourself in your own personal and professional life.*

*Do not be put off by the long list of Required Books. We will read significant excerpts from all of the Required Books, but you will NOT be required to read all of these books in their entirety. The idea is for about the price of a standard law school textbook you can start a personal library of relatively current and accessible science and experience-based materials to which you can regularly refer for many years to come, and of course read in their entirety as you choose.*

*Reading assignments will not require the attention to detailed analysis common in more standard law school class, but you will be expected to become familiar with the insights in the assigned reading. So a few more pages to read, but better written, more entertaining and always for your personal edification and not testing.*

*Readings in the first half of the course will be longer than those in the latter half, as more time will be spent in the latter half on out of class experimentation, so do not be discouraged by the length of the reading list.*

*The Recommended Books are not required, but they may be referred to in class and they will in time make useful additions to your permanent personal library of sources of study and reference over the course of your continuing personal development.*

*Students will also be expected to start an electronic notebook (like Microsoft OneNote or Evernote) or a hardcopy paper notebook of related articles and notes, again for reference during the course and for your continuing personal investment and development.*

**Required Books**

***Social Intelligence: Beyond IQ, Beyond Emotional Intelligence: The New Science of Human Relationships*** by Daniel Goleman (ISBN 978-0-553-38449-9) Bantam

***Emotions Revealed: Recognizing Faces and Feelings to Improve Communication and Emotional Life*** (Second Edition) by Paul Ekman (ISBN 978-0-8050-8339-2) Holt Paperbacks

***Stumbling on Happiness***by Daniel Gilbert(12th Printing Edition) (ISBN 978-1-4000-7742-7)

***Happiness: Unlocking the Mysteries of Psychological Wealth*** by Ed Diener and Robert Biswas-Diener (ISBN 978-1-4051-4661-6)Wiley-Blackwell

***Difficult Conversations: How to Discuss What Matters Most*** by Douglas Stone, Bruce Patton, Sheila Heen, Roger Fisher (Foreword) (10th Anniversary Updated Edition, November 2010) (ISBN 978-0-1431-1844-2) Penguin Non-Classic

***The Trusted Advisor*** by David H. Maister, Robert Galford, Charles Green (ISBN 978-0-7432-0776-8) Free Press

***Paradox of Choice: Why More is Less*** by Barry Schwartz (ISBN 978-978-0-0600-0569-6) Harper Perennial

**Recommended Additions to Your Human Dimensions Library**

***The 7 Habits of Highly Effective People*** by Stephen R. Covey, a former BYU organizational behavior and business management professor turned management guru, has sold more than 15 million copies of this book – a popularly written hortatory and ‘how to’ guide to managing yourself to develop and implement habits of personal vision, leadership and management as well as working with others, communicating with empathy, working cooperatively and taking good care of yourself

***Authentic Happiness*** by Martin E. P. Seligman, a University of Pennsylvania psychology professor, who along with Gilbert and Diener is among the leading lights of happiness research, and who is the founder of the Positive Psychology field and author of more than 20 books and close to 200 articles – in this book describes studies that show that happiness can be improved by investing in human traits we all have like kindness, humor, creativity, optimism and generosity

***Blink: The Power of Thinking without Thinking*** by Malcolm Gladwell, a best-selling writer – an exploration of the powers of rapid cognition and the ways we can learn to control the environment in which we use it, where Gladwell explores the parts of our minds that function beneath or at the edge of our consciousness and then bubble up to our more regulated thought and decision making processes and how remarkable, subtle, good and yet subject to mistake these rapid fire processes are

***Verbal Judo: The Gentle Art of Persuasion*** by George J. Thompson and Jerry B. Jenkins – Thompson is a former police officer with a Ph.D. who trains police and others in dealing with difficult situations and in this short ‘how to’ book of anecdotes and examples he deals with how to receive and deflect insults, how to apologize, how to discipline, how to praise, how to listen better, how to be heard better, how to develop and use empathy and how to avoid saying things you should never say

***How to Win Friends and Influence People*** by Dale Carnegie – this book written in 1937 is timeless and despite all the science that has been developed and all the others have written is still the classic on what the flyleaf rightly describes as ‘the fine art of getting along with people: How you can make people like you instantly? How you can persuade people to agree with you? How you can speak frankly without giving offense? The ability to read others and successfully navigate any social situation is critically important to those who want to get a job, keep a job, or simply expand their social network.’

***The Wisdom of Crowds: Why the Many Are Smarter than the Few and How Collective Wisdom Shapes Business, Economies, Societies, and Nations*** by James Surowiecki, a *New Yorker* staff writer – short but fact filled view of the notion that large groups of people are smarter than the brightest individual at problem solving, innovating, making decisions and even guessing about the future, and therefore why being inclusive of people’s views works even when you think you know better

***The Numbers Game: The Commonsense Guide to Understanding Numbers in the News, in Politics and in Life (***in the UK ***The Tiger that Isn’t)***by Michael Blastland and Andrew Dilnot, an Oxford don and a writer-broadcaster who developed the BBC radio show *More or Less* – another short readable book about the ways we read and misread, estimate and misestimate, think about and make mistakes about, numbers, statistics and the way things are presented to us

***Conceptual Blockbusting: a Guide to Better Ideas*** by James L. Adams (ISBN: 0-7382-0537-0) *preview available on Google Scholar* – very short but timeless book about the thinking process, with examples of different ways of approaching problems and thinking about them creatively and getting around perceptual, cultural, emotional, intellectual and other blocks to thinking and problem solving

***Telling Lies: Clues to Deceit in the Marketplace, Politics, and Marriage*** by Paul Ekman, professor emeritus UCSF and leading authority on facial, voice and other body cues to emotions and their use in understanding truth telling – a detailed book with a great deal of information about lying and lie detection and how it is used and can be misused

***The Social Animal: The Hidden Sources of Love, Character and Achievement*** by David Brooks, columnist for the NY Times and PBS NewsHour commentator, who here writes on developments of science in understanding the influences on our motivations and behaviors that lie beneath our regular conscious understanding but nonetheless dominate our achievement, success and happiness in surprising ways.

***Influence: The Psychology of Persuasion*** by Robert B. Cialdini, professor at Arizona State University with chairs in both marketing and psychology, writes about the science and methods of why people say ‘yes’ and what motivates people to actually change behavior is a classic in both psychology and marketing and has lessons for lawyers as well.

***Predictably Irrational: The Hidden Forces That Shape Our Decision****s* by Dan Ariely, professor of behavioral economics at MIT working in the MIT Media Lab and the Sloan School of Management, writes tellingly about the common ways in which almost all of us make regularly irrational decisions and how to think more clearly about these processes and gain insights to using them to make better decisions and better understand the decisions of others.

***Making Sense of People: Decoding the Mysteries of Personality*** by Samuel Barondes, professor of neurobiology and psychiatry at UCSF – a short readable book with his own classification of personality types and ways we can think about understanding our own and others personalities and their influences on us based on current research.

*We will discuss and add to the list of Recommended Books and items for your Article Notebook over the course of the semester*.

**Jeffrey P. Newman**

Jeffrey Newman is a senior partner at Farella Braun + Martel in San Francisco. During his career he has been a leader in the firm’s efforts in many areas – business planning, transactions, finance, insolvency workouts, real estate, tax, employment, and wine, agriculture and agricultural processing. He has served on the firm’s executive committee, as chair of its business practice and as a supervisor and mentor of many of its lawyers. He has worked with individuals, entrepreneurs, small and large businesses, non-profits, domestic and foreign clientele and on matters involving people of modest means to multi-billions and on every continent, in addition to work on education reform, assistance to the indigent and early dispute resolution.

His varied experiences include serving as the CEO of a Silicon Valley technology start up and as President of the Hess Collection Winery, as a Board of Directors member for many companies, as a faculty member working on World Bank-sponsored eco-development training in the Ukraine, teaching graduate students at Renmin University in Beijing, work on environmental issues in India and water delivery in Uzbekistan, advising the government of Belarus on ecotourism, and on creation of structures for collective farmers in Ghana and China. He has also lead Congressional election campaigns, been an advance man for a Presidential and a Senatorial campaign and run for public office.

After graduating from Boalt, he worked in the Poverty Program (Office of Economic Opportunity) in the Johnson Administration, was the senior Washington aide to Congressman Jeffery Cohelan (Democrat – Berkeley/Oakland), and then went to Ghana where he worked with the Attorney General of Ghana and as Senior Advisor to the Ghana Law Reform Commission, helping develop legislation for marriage and divorce, real property, an evidence code and others laws, and taught at the law school at the University of Ghana. He also teaches at UC Berkeley Law School (Boalt Hall).

EDUCATION

A.B. Stanford University (1963)

J.D. UC Berkeley (Boalt Hall) (1966)

**Leslie C. Chin**

Leslie Chin teaches interpersonal dynamics and skills at the Stanford Graduate School of Business and USF Law School through facilitating small groups and coaching students in real-time interactions. She has been a coach for the following MBA and Executive Education courses: Advanced Interpersonal Dynamics, High Performance Leadership, Global Trip Leadership and the Advanced Leadership Program for Asian-American Executives. In addition to small group facilitation, she conducts 150-person retreats at top tier colleges on topics of social change and justice. Her private group facilitation practice includes women’s leadership and grief support groups.

Leslie managed a variety of human services for fifteen years. She founded and ran a $10M regional office and launched a European office for the nation’s largest work-life balance consulting and services firm. She managed Human Resources for Citibank’s National Customer Services Division, including succession planning, staff relations and management development. She set-up and managed out-processing and transit operations for Cuban refugees arriving on the 1980 Mariel boat lift and Southeast Asian political refugees immigrating to the U.S. after the Vietnam War.

EDUCATION

Stanford University, BS Mathematical Sciences with distinction (1979)

Stanford Graduate School of Business, MBA (1984)

Institute of Transpersonal Psychology, MA (2004)

Member, National Training Labs Institute

1. See M. Shultz and S. Zedeck, Identification, Development and Validation of Predictors for Successful Lawyering (2008). [↑](#footnote-ref-1)