

## Collaborating with Listening in Mind

By Anita Dorczak



*Bzz!Bzz! Imagine you are a fly on the wall in a lawyer's office and what unfolds below you is a collaborative meeting:*

*The husband, a perfusionist, is in his late forties, sitting on my left side looking at the table in front of him. Across from him is his wife, a nurse, about the same age looking nervously around the room. This is their first appearance at the collaborative stage. It is 3:00 p.m., Participation Agreement was signed, goals explored and noted, among them there appears a division of their property, including his pension.*

*"But you said you would not touch my pension and now..." he says, in an assertive, rising voice with a piercing look in his eyes. She retorts immediately, "...my lawyer said I should ask for all..." to which her lawyer interrupts with "...just what you are entitled to...". In response the husband jumps in and says "...but she is not entitled..." and the wife's lawyer chimes in "...it remains to be decided..."*

Sounds familiar? Interruptions! Ugh! So frequent; in particular in our profession. It only takes 7 seconds (!) before a lawyer interrupts a client during a first meeting. How can we resolve conflict if we interrupt one another so frequently? The answer is we must listen to one another!

So what does "listening" mean anyway? It is usually viewed as a passive act, just a small part of human communication. As lawyers we focus on speaking and persuasive arguments. Listening training is not required at most universities or continuing education programs. Listening, however, is different from hearing. Hearing is a passive process, a reception of sounds, but listening is an active process which involves verbal and nonverbal messages and attaches meaning to sound. Listening scholars have, for years, debated the definition of listening and finally came to a conclusion in the last decade of the 20<sup>th</sup> century to define listening as "the process of receiving, constructing meaning from, and responding to spoken and/or non-verbal messages" (Emmert, 1994). You might be surprised as listening researchers have developed manifold models of listening which is perceived as one of the most complex of all human behaviours. It can be learned and yes, taught.

Listening scholars have made remarkable progress in developing listening scholarship and deepening our knowledge and understanding of listening in human communication. But did you know that:

1. Less than 2% of people have had any formal education in how to listen;
2. We spend an average 11.97 hours daily on listening related activities;
3. We remember on average 7 items in a linear one-way listening task;
4. On average, viewers who just watched and listening to the evening news could only recall about 18% of the content;
5. Spoken words only account for 30-35% of the meaning;
6. Facials expressions and the tone of voice convey more information;
7. We listen at a rate of up to 450 words per minutes; we talk at a rate of about 125-175 words per minutes.

Why should we all care about our listening skills? Several years ago, the ABA Section of Dispute Resolution conducted a study to determine what attributes our clients were looking for in a lawyer and the results were surprising. It was not a fair price or a quality legal product. It turned out that the most important attributes were (1) a lawyer who listens, (2) who cares and (3) who returns telephone calls (which, of course, circles back to listening to the client!).

A lot of disputes stem from the breakdown of communication. Effective communication is the key to conflict resolution and listening lies at the core of any meaningful exchange. As John Marshall, Chief of Justice of the US Supreme Court (1801-1835) once said, "To listen well is as powerful a means of communication and influence as to talk well". So next time you have a collaborative meeting, collaborate with listening in mind!

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