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The Power of Listening

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The most unexpected things happen when people truly listen to each other.

Listening is just as important a skill professionally, as it is personally.

The first part of listening involves simply not talking so much. We are so concerned with telling others about our or our client's priorities, that we forget that at least half of good communication involves listening. I particularly learned this in one of my most interesting mediations, when I had a sudden case of crippling laryngitis. I was quite amazed that with virtually no talking, coaching, or reframing of the message on my part, and with the help of the lawyers at the table, there were productive discussions about difficult issues that led to resolution. It was a good reminder that the mediator is not the one who should be doing the talking. Likewise, the best advocates listen to their clients and the other side.

Want to give listening a try? Here are some tips to help you and your clients in any type of negotiation:

- Listen at least ½ of the time (humans have 2 ears and 1 mouth for a reason)
- Use active listening techniques
- Acknowledge what you heard without judgment
- Explore the stated needs and interests of others with open ended questions
- Explore options with an open mind
- Agree to discuss as many options as possible, including payment of money (e.g., "we might disagree about the amount of money, but we can discuss money")

When you find yourself experiencing quiet time, reflect on your skills as a listener. The power of listening enables you to hear and understand what clients on both sides of the table need. And then the magic happens.

Caroline C. Vincent is an attorney mediator, neutral evaluator and arbitrator with ADR Services, Inc. in Los Angeles and Orange County, who has heard over 2000 disputes in her 25 year ADR career. She specializes in employment, complex torts, probate/elder abuse, insurance, professional liability and business and real estate disputes, including class and mass actions. Caroline is a 1978 graduate of the USC Gould School of Law where she served on Law Review, and teaches ADR Ethics. She is recognized in Super Lawyers for her expertise in ADR.