EXCELLENCE UNDER PRESSURE

EXPLORING THE EMOTIONAL STRATEGIES EMPLOYED BY SOME OF GERMANY'S TOP LAWYERS TO NAVIGATE THE PANDEMIC

What can we learn from high-performing partners' use of emotional strategies to foster resilience within themselves and their people?

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Publisher: Legal Business World

Original Research (Ger): https://user-klocena.cld.bz/Hochleistung-unter-Druck/6/





EXECUTIVE Summary

Given the VUCA-world in which we live, emotional intelligence and resilience are essential skills for law-firm partners' success in navigating disruptive times. How do high performing partners use their emotional capital in order to foster their individual resilience, to motivate and support their people and to help their firm thrive, especially in highly challenging times? In order to answer these and further questions, the Bucerius Center on the Legal Profession conducted in-depth interviews in August and September 2020 with 14 of Germany's most successful lawyers. We wanted to examine the emotional strategies employed by such top performers in order to share best-practices used by partners in highly challenging times.

Our results demonstrate that top performers employ emotional strategies both intentionally and unintentionally. The partners tended towards rather diverse notions of emotional intelligence and resilience, and this resulted in diverging opinions on whether such competencies would be relevant to law firm success in the future, and whether there was scope was for making strategic use of emotional intelligence for organisational development.

As a result, we have developed a model of a four-dimensional partner which seeks to expand our understanding of emotional intelligence and resilience by combining the dimensions of cognitive behaviour (cognitive awareness and regulation), emotional behaviour (emotional awareness and regulation), physical behaviour (sport, nutrition, sleep) and motivational aspects (values, purpose, inner compass). Considering and further developing all four dimensions will enhance partners' individual resilience and emotionally intelligent behaviours and thus contribute to a healthy working environment and a successful law firm.

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1. Introduction

1.1 The need for resilience and emotional intelligence in the VUCA-world

According to the World Economic Forum, **resilience** "is not a luxury. It **is a 21**st **century imperative!**" This applies even more so in the current climate of high uncertainty, where there is a greater need for inexhaustible flexibility, and where professional service firms' leaders have to adapt to a new working reality, and strategically develop their people remotely, rather than onsite.

Similarly, **emotional intelligence** has recently received a lot of attention in the business world due to its impact on leadership effectiveness and performance. In addition to this, emotional intelligence is in the spotlight confronting the rise of artificial intelligence,¹ and the dynamics of the so-called VUCA-world.² Relational understanding and the capacity to build trust and empathize will be key differentiators when AI and machine learning take over more mundane tasks. In this context, the World Economic Forum has identified emotional intelligence as **one of the key skills for the 21**st **century**.

1.2 Top performers' use of resilience and emotional intelligence in challenging times

The strategic use of emotional intelligence and resilience skills is an opportunity for growth - both individually, and as an organization. The *strategic use* of emotional intelligence and resilience requires the leader's awareness that these skills can be developed at every age, and to make the development of resilience and emotional intelligence in their firm a strategic priority - for the effectiveness of their leadership, for the collaborative and innovative power of their teams, for everyone's job satisfaction and health, and for the bottom-line of their firm.

Time and time again, research has highlighted the strategic advantages of high performers' highly emotionally intelligent behaviour for their clients, their people and their firm: "Stars, with their talent for emotional sense making, are very effective at interacting with others, understanding them, and interpreting their behaviour ... Their ability to empathize, to put themselves in others' places, makes them highly

effective in situations of conflict... Stars are very astute at reading others, and subsequently critically analyse these feelings, thoughts, and the experience itself. By taking their time to reflect on the information provided, stars arrive at more thoughtful decisions." ³

- •In what ways do law firm leaders strategically use their resilience and emotional intelligence skills in highly challenging times?
- To what extent are law firm leaders aware of the enormous potential that comes with strategically developing their own and their people's resilience and emotional intelligence skills?
- How do law firm leaders perceive the future relevance of resilience and emotional intelligence for a firm's success?

These and other questions formed the starting point for the qualitative interview study we conducted in August and September 2020.

2. Core Concepts

2.1 Emotional Intelligence

In 1990, Yale researchers John D. Mayer and Peter Salovey published the first formal definition of emotional intelligence.⁴ Their findings were brought to the larger public by Daniel Goleman in his 1995 bestselling book "Emotional Intelligence: Why It Can Matter More than IQ". Mayer and Salovey's description of emotional intelligence provides the basis for our research:

"Emotional intelligence is a personal competence that involves the ability to perceive, appraise, and express emotions, the emotional facilitation of thinking, and the reflective regulation of emotions to promote emotional and intellectual growth." 5

Emotional intelligence includes recognizing your own and others' emotions, understanding how emotions affect your behaviour, and knowing the best strategies for understanding and managing your emotions and those of others in demanding situations.

Specifically, emotional intelligence consists of the following four core components: **Self-awareness** is the cornerstone of emotional intelligence. Without a healthy dose of self-awareness, it is almost impossible to be an effective leader. It essentially consists of two components: **internal self-awareness** helps us to understand ourselves, and **external self-awareness** helps us to understand how we are being perceived by others.⁶ Without recognizing our own emotions and their influence on our behaviour and without knowing how we are being seen by others, we will struggle to really understand and influence other peoples' thoughts, emotions and behaviour. *Eurich* and her team found that 95% of people think they are either somewhat or very self-aware, but only 10-15% of them actually are.⁷ Hence, there seems to be an enormous potential for individual and collective development in organizational settings if these competencies are effectively leveraged.

Self-management can be observed in leaders who don't let their occasional bad moods rule the day. Instead, they succeed in quickly understanding and effectively

regulating their emotions. These leaders have the capacity to not only quickly and accurately observe their thoughts and emotions but also to manage them in healthy ways - for themselves and those around them.

Social awareness includes the ability to sense other people's emotions. As a leader, showing empathy and showing that you care is key to effectively working with your people. Socially aware executives are able to focus on what happens in the "here and now" which enables them to read not only other people's emotions but also to immediately understand the impact of their words and actions on others. And they are flexible enough to adapt accordingly.

Relationship management refers to the leader's ability to influence other people's emotions, to communicate clearly and convincingly, to disarm conflicts, and to build strong personal bonds with his or her people.⁸

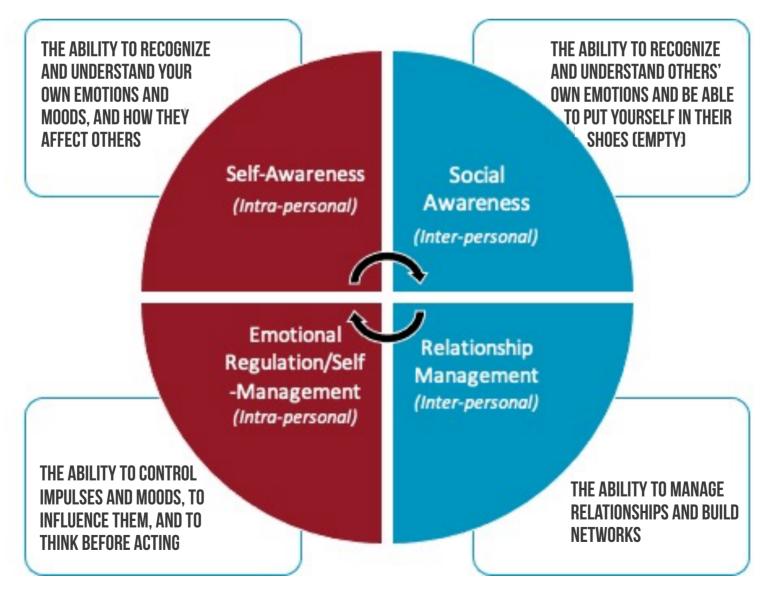


Figure 1. Competence clusters within the concept of emotional intelligence

Emotional intelligence enhances leadership effectiveness and performance

There is an immeasurable research base regarding the impact of emotional intelligence (or lack thereof) on business performance, leadership, the culture of the organization, and well-being of the people. One reason for the strong connection between emotional intelligence and effective leadership is that emotional intelligence can enhance the quality of business decisions. Historically, human thinking and feeling, intellect, and emotion have been considered to be fully separate entities, battling for control over the human mind. By now, we know that all of our conscious decisions imply emotional input, no matter how "rational" we think we are. The effects of emotion on the decisions we make can be either helpful or unhelpful, but they are neither good nor bad *per se*. However, the better we understand our emotions and manage their effects on our thinking and decision-making habits, the more consciously we can act. In the end, emotional skills are mental skills, like any other. They allow us to "think smarter, more creatively, and to get better results from ourselves and the people around us." 11

Morgan conducted interviews with over 140 CEOs and asked them about their assessment of the skills and mindsets future leaders will need.¹² With regard to emotional skills he states:

"The word "emotional" is rarely used in the same sentence as "leader," yet many of the CEOs I interviewed stated that empathy and self-awareness will be among the most crucial skills that leaders will have to possess by 2030. In a clearly technology-driven world it's the focus on human mindsets and skills that will perhaps be the most important. Ironically, though, it's often the human mindsets and skills that are prioritized and taught least of all." 13

Leaders who improve their self-awareness become better communicators and develop stronger interpersonal relationships at work and at home. Self-aware leaders have more engaged employees who are willing to work harder and are significantly more committed to the enterprise's mission.¹⁴

Muir (2007) states regarding teamwork in law firms: "Teams are more creative and productive when they achieve high levels of participation, cooperation and collaboration among their members. And at the heart of these conditions are

emotions - bringing emotions to the surface, understanding how they affect the team's work, and encouraging behaviour that builds relationships inside and outside the team. Consequently, team leaders with high emotional intelligence are most likely to achieve the most collaborative and productive results."15

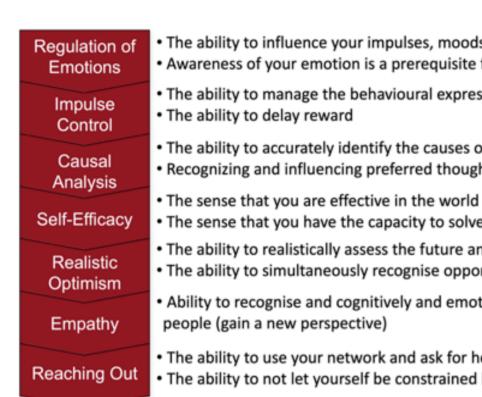
There is also evidence that self-aware leaders lead more profitable companies, and companies with large numbers of self-aware employees have better financial returns. ¹⁶ Boyatzis conducted a study with "outstanding partners" from a multinational consulting firm and focused on the leaders' cognitive and emotional competencies and their relative impact on the respective financial outcome. Boyatzis showed that the emotional intelligence competencies constituted most (i.e., 13/14) of the validated competencies predicting financial performance of the firm in the seven quarters following the competency assessment. ¹⁷

Goleman found that 67 percent of the abilities that characterize the best performers were emotional competencies. He summarises: "Compared to IQ and expertise, emotional competence mattered twice as much. This held true across all categories of jobs, and in all kinds of organizations in what set stars apart from the average." A meta-analysis – conducted on 43 studies to examine the relationship between emotional intelligence and a variety of work outcomes – showed a statistically significant correlation between measures of emotional intelligence and job performance. 19

2.2 Resilience

Resilience often becomes tangible in the face of adversity. It includes the adjustment to adversity, bouncing back, and potentially also thriving through adversity. ²⁰ In the workplace, resilience is defined as the "positive psychological capacity to rebound, to 'bounce back' from adversity, uncertainty, conflict, failure". ²¹ Resilient lawyers regularly cross-examine their own habitual thinking and seek to quickly assess which situations they can influence and where to focus their energy and time. ²²

A widely used model of resilience factors - originally developed by Reivich and Shatté (2002)²³ - comprises the following seven components:²⁴



- The ability to influence your impulses, moods and emotions in order to be able to act in a conscious way
- Awareness of your emotion is a prerequisite for being able to regulate emotion
- The ability to manage the behavioural expression of your emotions and thoughts
- The ability to accurately identify the causes of difficulties, resistance, and adversity
- · Recognizing and influencing preferred thought patterns and automatic emotions
- The sense that you have the capacity to solve problems, and succeed
- The ability to realistically assess the future and its potential challenges
- The ability to simultaneously recognise opportunities
- · Ability to recognise and cognitively and emotionally comprehend the emotional state of other
- The ability to use your network and ask for help to pursue new challenges and options
- The ability to not let yourself be constrained by perfectionism

Figure 2: Seven factors of resilience.

Resilience and emotional intelligence are highly interconnected: Emotional intelligence skills seem to be the antecedent to building resilience,²⁵ and they seem to facilitate resilience as well.²⁶ In particular, emotional intelligence buffers the effects of adverse and stressful events through emotional self-awareness, as well as emotion management.²⁷

3 Methodology

3.1 Research Strategy and Design

The current pandemic has put many businesses as well as individuals under pressure. Even at the outset of the pandemic, the World Health Organisation highlighted that the impact of the pandemic on people's mental health was "extremely concerning": As early as May, an increase in the symptoms of anxiety and depression had been recorded in many countries. We wanted to learn more about how law firm leaders perceived they had made use of their resilience and emotional intelligence skills in these highly challenging and stressful times in order to take care of themselves, their people and their firm. Our higher-order research objective therefore was to find out (1) how high performing legal professionals believed they used their resilience and emotional intelligence skills during the initial phases of the pandemic; and (2) what high performing legal professionals think about the importance of resilience and emotional intelligence for law firms' success in the future.

Given the self-reflective nature of the research topic, we conducted in depth-interviews as they allowed us to learn about the internal reflection processes on resilience and emotional intelligence of a small number of high performers. The goal was to learn more about the subjective reality of a highly selective group of participants. The aim of qualitative research is by definition not representational. We do not want and cannot make any generalized statements regarding the thought patterns, emotional intelligence or resilience strategies of high-performing law-firm partners in Germany.

The authors contacted 16 lawyers in Germany who were high performers according to one or more of the following rankings: Legal 500 (Leading Individuals), Chambers and Partners (Band 1, 2 and above), Juve (Führende Berater), Handelsblatt (Lawyer of the Year 2020). The sample was purposive in that only German law firm partners who were listed in the rankings were invited to participate. Of the lawyers invited to participate, 14 took part in the research, four of which were women.

The in-depth interviews were conducted with a semi-structured interview guideline that addressed key questions. The interview questions were reviewed and revised subsequent to a test interview carried out by the authors whilst designing the research project. The questions were a mixture of open-ended questions and scale questions, and the participants were asked to describe actual business situations in which they dealt with strong emotions, either their own or those of others involved. The interviews were carried out over a video-conference platform. Each interview took around one hour and was voice recorded. The authors ensured that research ethics were adhered to. Information was kept anonymously and confidentially. Each participant signed an information and consent form and was made aware that they could stop the voice recording at any time, choose not to answer a question, or drop out of the research altogether. No participant chose to do so.

3.2 Qualitative Data Analysis

The research project lent itself to a grounded theory approach to the data analysis²⁸ because it is exploratory in nature. This means we were able to develop a fit between the "reality" experienced by the participants and the theory which emerged: our theory is therefore grounded in that reality. The data was first disaggregated into units with the "theme", in other words, a single assertion about a subject, such as "what does an emotionally intelligent lawyer look like", formed the coding unit. A relationship between the themes was sought and explored. There were a great number of themes, therefore a conceptually clustered matrix was used to spot relations, make comparisons and contrast themes. Ten fundamental themes were arrived at. These themes and the relationships between them were then initially incorporated into a conceptual map (see Figure 3) and through the application of the emotional intelligence competence clusters (Mayer and Salovey) and the components of Reivich and Shatté's resilience model, we arrived at a framework for a "four dimensional partner".

Figure 3 on the next page shows an overview of the ten fundamental themes.

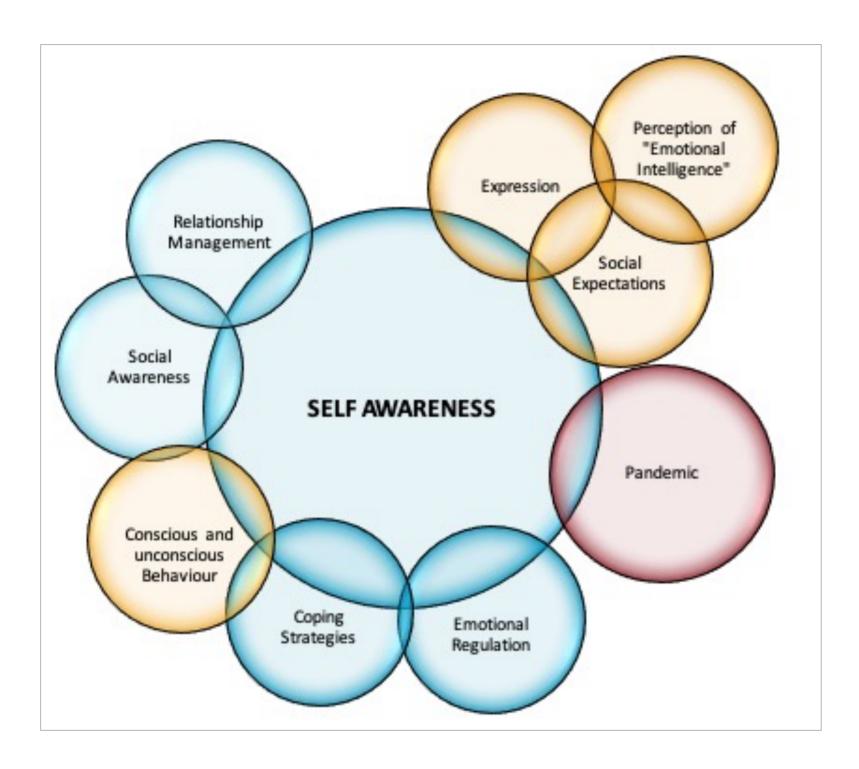


Figure 3. Ten fundamental themes that emerged from the in-depth interviews.

3.3 Research Limitations

In order to increase reliability, by decreasing observer bias, one of the authors conducted the interview, whilst the other author listened to the voice recording and summarised the interviews. Due to the richness of the ideas expressed by the participants and the network of influences between each idea, there is a risk that by boiling down the interviews to summarised transcripts and then to a digestible number of themes, important strands of thought are left out. Given however that the purpose of the research was not to produce a theory about which skills the "average"

top performer possessed, but to provide insights and tools for employing emotional strategies in high-stakes situations, the authors argue that the value of the research is not undermined.

Another limitation of the study is that we do not know how the participants actually behave in challenging business situations. We did not conduct any assessments such as the "Psychological Capital Assessment" or "360° assessments", which could have provided insights into actual behaviour. Neither did we ask employees about how they perceived the participants' behaviour. The goal of the qualitative interview study was to learn more about the inner theatre of the participants regarding their resilience and emotional intelligence skills in challenging times, and not to balance it with outside views.

Finally, another potential threat to the reliability of the project was subject bias - the lawyers may have answered according to social expectations because of the strong social desire to "answer correctly" ("social desirability bias"). The structure of the interview and the questions were therefore designed to encourage the participants to objectively reflect on their behaviour, without introducing the notion of a "right or wrong" response.

4. Findings

4.1 Divergent notions regarding the concepts of resilience and emotional intelligence

Participants were asked to describe what emotional intelligence and resilience meant to them. Figures 4 and 5 below illustrate that the participants (1) overall, had a heterogenous understanding of emotional intelligence and resilience; (2) perceived strong connections between the two concepts; and (3) made a strong association with *empathy*.

The dominant concept of empathy was detailed by participants in various accounts: "Empathy. You have to sharpen your senses, be more aware, more careful... understand that other people could be weighed down with their own problems".

"To have a feeling for how the other person is feeling, to treat the other person as a human being (not a means to an end). Be in the position to demonstrate to the other person that you respect them."

"For me, it is empathy. Someone who reacts appropriately...is friendly, helpful, people-management skills. Emotional intelligence is, in my view, extremely important in order to survive this crisis...!"

Whilst most of the participants were quick to associate emotional intelligence with empathy, few explicitly connected emotions, thoughts, decision-making, behaviour and overall effectiveness. One participant explicitly associated emotional intelligence with controlling and *using* emotions. The notion of emotional intelligence described by many participants leaves their opinion on the scope for making strategic use of emotional intelligence for individual and organisational development open.

Figure 4, on the next page, shows the main comments of participants regarding their understanding of the notion of emotional intelligence

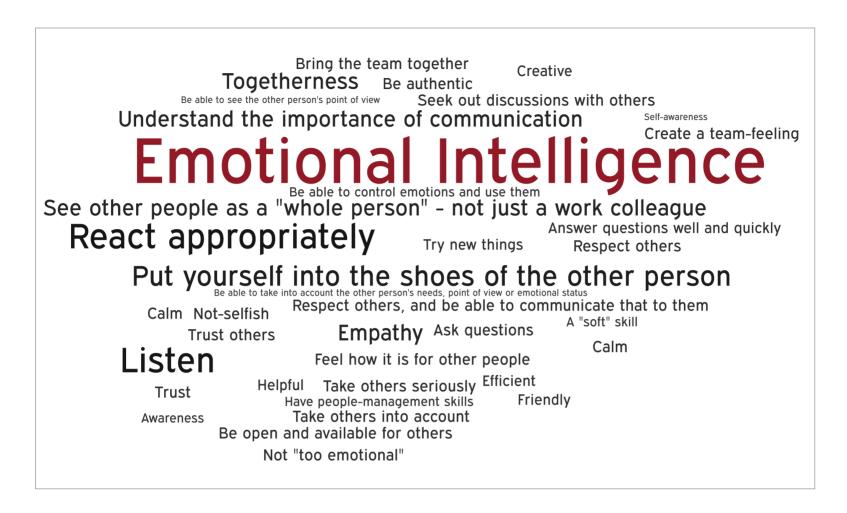


Figure 4. The concept of emotional intelligence as described by participants.

In describing resilience, the participants focussed on realistic optimism, perspective, inner-strength and bouncing back (see Figure 5 below). Interestingly, when discussing emotional intelligence, some of these resilience factors were also described: namely

• causal analysis (or "finding out why"):

"Put yourself in the shoes of the other person and ask yourself "why" - you can learn a lot by seeking out conversations with other people."

• **emotional regulation and self-efficacy** (the knowledge that, through your own actions, you are effective):

"I think the most important thing is inner calm and inner strength, to trust your own strength, so that in certain situations, you can stay calm, and complete things according to plan, and not fall into a panic."

• **realistic optimism** (considering challenges and opportunities; "seeing the glass as half-full, not half-empty"):

"Someone who is rich with ideas, in order to solve problems... how we can come back stronger from the crisis...someone who looks at the glass, and says that it is half-full, not half-empty"

"Stay happy, be open, don't close-up but communicate with other people. It is so important to be happy, to radiate a zest for life."

Figure 5 shows the main comments of participants regarding their understanding of the notion of resilience:

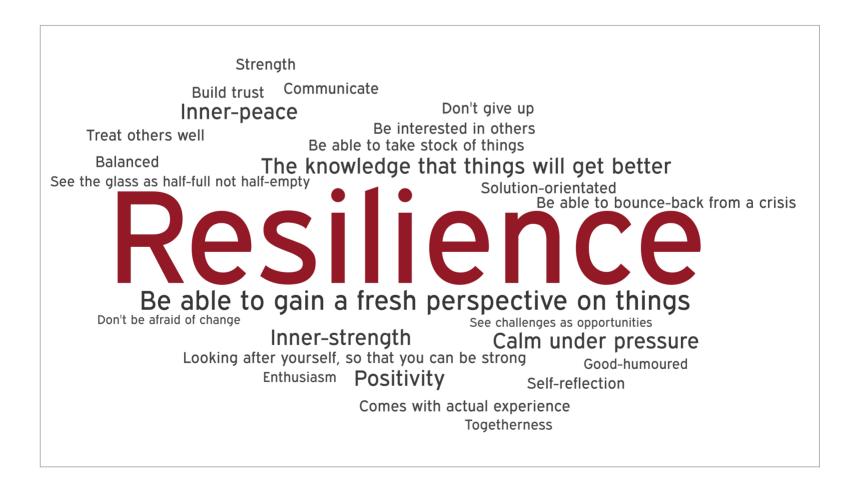


Figure 5. The concept of resilience as described by participants.

4.2 Self-awareness in practice

All participants described in very precise terms the emotions which they felt to be particularly present over the last few months. From Figure 6, it can be seen that whilst many felt negative emotions such as uncertainty, stress, and shock, many simultaneously felt positive emotions such as optimism, euphoria, and even felt emboldened by the challenges created by the pandemic. These positive emotions indicate that our sample group has a strong sense of self-efficacy and potency in the world, which is also a core factor of resilience.



Figure 6. Emotion clusters as perceived by participants over the last few months.

One could argue that a participant's statement about self-awareness can only ever be his or her own projection of whether they are self-aware, and that the interview-setting afforded them the opportunity to reflect and thus exhibit self-awareness. However, the participants described a number of situations which showed that almost all of our sample demonstrated a strong association with the emotional intelligence competence of **internal self-awareness**. Many described situations in

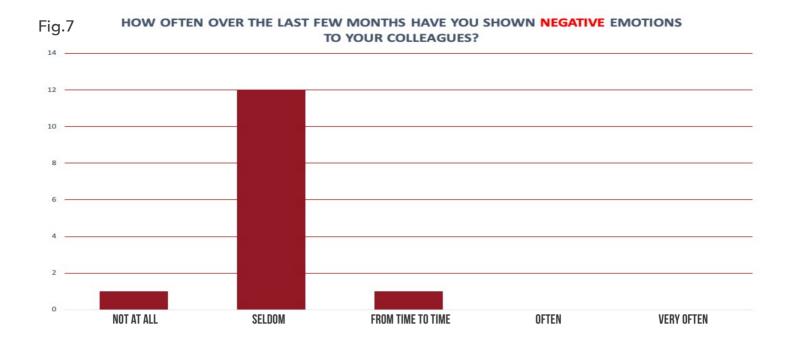
which they had reflected on something they had said (or failed to say) and how they had learnt from this interaction; others described how they were aware of the negative effects their emotions had on others and how they had taken action to become more skilled at self-awareness by attending courses, reading books or receiving coaching. Internal self-awareness could also be observed to the extent that the participants expressed the desire to improve their self-awareness and emotional regulation; "listen more"; "deal with stress better"; "not react so quickly". One participant claimed: "One can always improve... I want to be more self-aware." Some of the participants regularly took prolonged periods out of work, through sabbaticals or holidays, in order to allow themselves the space to reflect and become more self-aware. Another felt that the lock-down actually afforded the opportunity to become more self-aware.

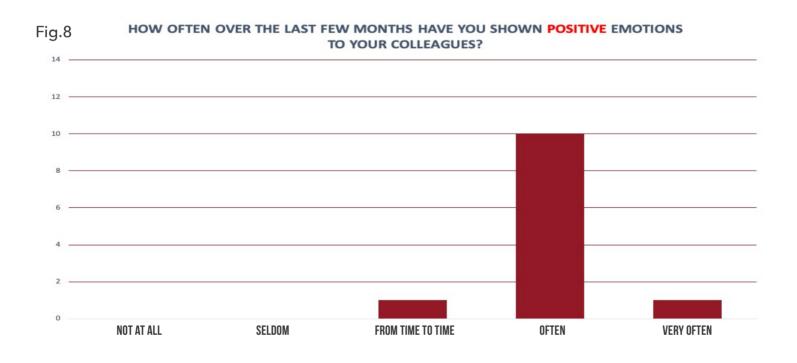
Regarding external self-awareness, overall, the participants felt that they had seldom shown negative emotions (Figure 7), and more often shown positive emotions, some participants did so more consciously than before the pandemic (Figure 8). Most of the participants assumed that this had been perceived by their people in the same way that they had intended it to. Furthermore, they were aware that their mood would have an effect on their colleagues and employees (Figure 9). Some participants were mindful of the difference between internal self-awareness and external self-awareness, giving examples of situations, in which they described a potential mismatch between how they thought they were interacting with their team members, and how the team members might potentially view the situation: "I wish that I had shown more positive emotions". One participant described how positive feedback from the team encourages one to continue showing positive emotions. One participant made the proposition that feedback from others would help to further improve emotional skills: "I want to know what I still need."

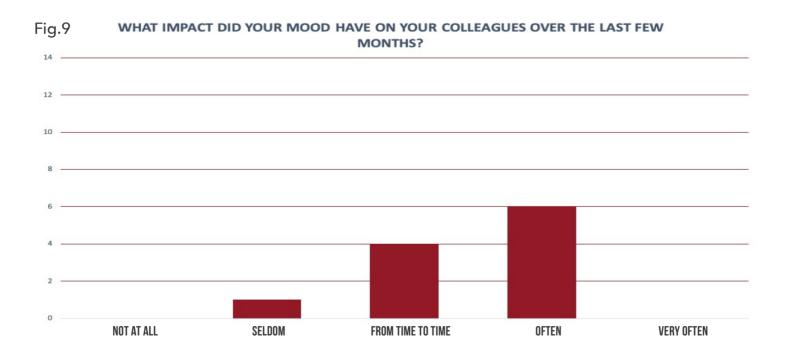
Figure 7. Self-assessment of showing of negative emotions towards others.

Figure 8. Self-assessment of showing of positive emotions towards others

Figure 9. Assumed impact of participants' moods on others.







4.3 Self-management in practice

Dealing with increased stress-levels

Overall, the participants found their emotional stress levels during the last few months to be slightly higher in comparison to the time before the pandemic (Figure 10).

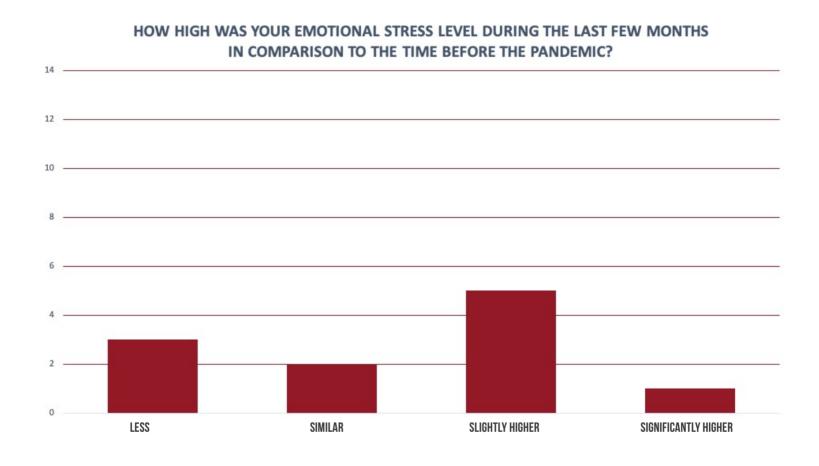


Figure 10. Self-assessment of emotional stress level over the last few months.

During the interviews, the participants shared their techniques for dealing with stress during the pandemic (see Figure 11). Many explained that they did not consider these activities as "techniques" as such, rather they had always engaged in these activities, and not necessarily with a conscious stress management focus. However, whilst almost all the participants already engaged in these activities prior to the pandemic, some spoke of an unconscious "need" to engage more in certain activities like sport, or being in the nature, whilst others talked of deliberately spending more time with family, as it has a positive effect on emotions and stress levels: "it gives me stability".

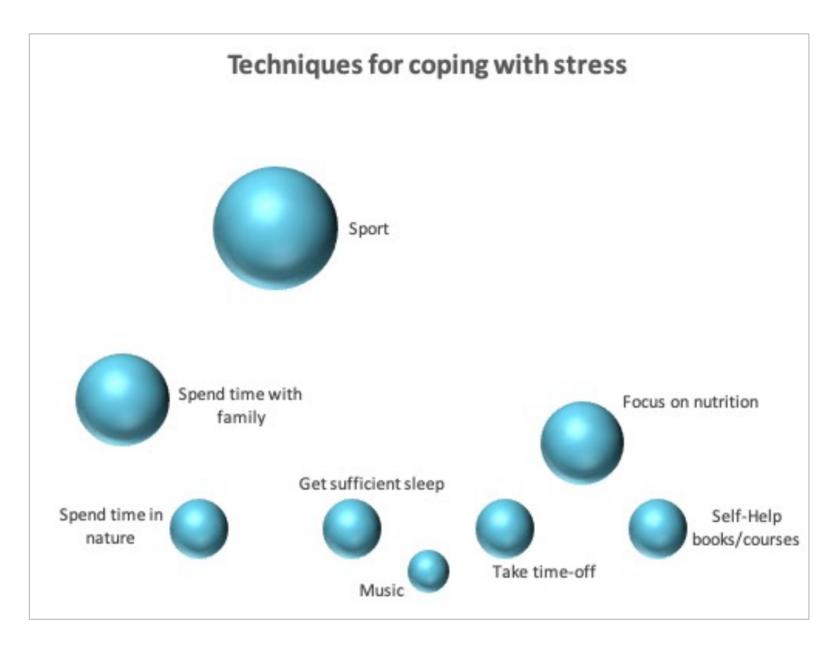


Figure 11. Stress-relief techniques adopted by participants.

Dealing with difficult emotions in a business conversation
In order to gain insights into the strategies adopted by our participants in managing their own emotions in business settings, we asked how they would deal with a hypothetical (but highly probable) situation in which participants would feel irritated

by a colleague during a video-conference call. The participants dealt with the situation in one of two ways:

- deferring the negative emotion through emotional suppression without subsequent regulation. Some of those who pushed the problem away, did so because they believed that they could not deal with the problem without "taking it personally", in other words, they knew that they found it difficult to regulate their emotions.
- 2. **active emotional regulation** either consciously or unconsciously, for example by creating "space" between the conflict and their reaction. For example, dealing with the problem on a one-to-one basis at a later point in time, or delegating the

problem. Some discussed the importance of "radiating calm" in stressful situations:

"I don't get cross. It is self-evident that I would not be annoyed by it. It would have to be very bad, otherwise I never get annoyed...I might find some things stupid, but I would never show it, or talk to my colleagues or team about it."

"I am an introverted person and stay calm. I take it with me, and wait until I can think about it and make a decision."

A minority of participants felt in full and conscious control of their emotions in the hypothetical conflict situation, to the extent that they "don't usually feel annoyed" or are able to solve problems by "finding out why". Others felt that they did not feel the need to "hide" emotions, and that if they were annoyed, they would say so: "I give in to the impulse...If I don't think the decision is correct, then I will say so...but "not to react"? That is not my style."

Methods for regulating emotions in the hypothetical situation included taking a deep breath, counting to ten, getting up and walking around, or thinking of something positive. However, few felt that they really took decisive and conscious steps to actively regulate their emotions and emotional expression during the situation. One participant reflected on a perceived need to become more versatile in emotional regulation: "I want to have more control over my own emotions...I am making progress...but I'm not quite there yet."

4.4 Social awareness and relationship management in practice

Nearly all participants described a number of situations with their work colleagues in which they were extremely empathetic and went to great lengths to ensure that their teams were looked after. Many discussed how they had experienced extreme feelings of empathy for colleagues who found the pandemic challenging. Through their narratives, the participants clearly demonstrated an aptitude for recognising and understanding others' emotions and being able to put themselves in the other person's shoes.

Our participants ensured that work was shared out fairly, according to an individual's capacity and personal situation. They sought to involve all members of staff (not just fee-earners). They were transparent and direct about the crisis, and tried to give their teams a sense of security and continuity by keeping the ball rolling and getting on with whatever work came in, thinking of new ways to contact clients, holding webinars etc. When a hybrid working model was introduced, some participants allowed their team to decide when to come back into the office. As one participant nicely put it: "We are a well-functioning team, which works closely together and has fun at work. Team members come to me when they have a problem. I seek a lot of openness and honesty in the team. I put myself into the shoes of the associate – as I was once an associate – I try to hold conversations at eye-level." A brief review of these activities indicates that our sample of top-performers sought to speak to the five social-emotional needs of their teams: Status, Certainty, Autonomy, Relatedness and Fairness, as outlined in the neurological model "SCARF"30, and explained in the first edition of the Bucerius Center on the Legal Profession's newsletter CLP InBrief.31

Many talked about trust, and not controlling the team, but "being understanding that work might not be delivered the next day". One participant gave an example of how they had succeeded in developing an environment of trust, such that team members felt comfortable about going to the partner with their mistakes.

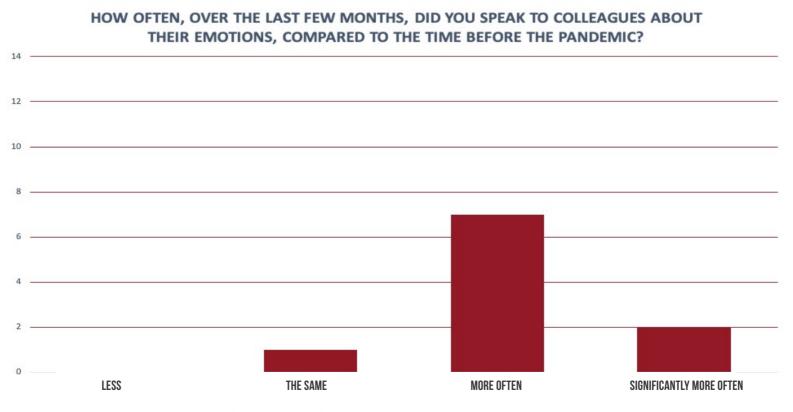


Figure 12. Emotions as an explicit topic in business

The participants felt that they spoke more often to their colleagues and clients (see Figures 12 and 13) about their emotions, and some argued that the pandemic had further deepened relationships with clients.

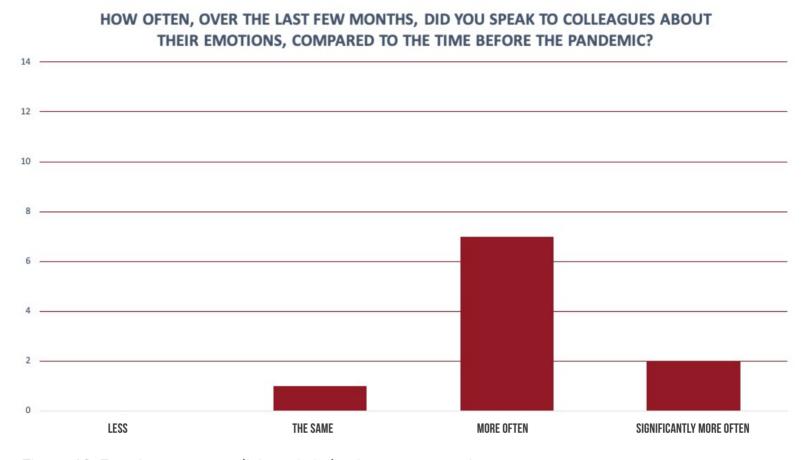


Figure 13. Emotions as an explicit topic in business conversations.

4.5 Emergence of a more rounded professional self-concept of law firm leaders?

Caring and the professional self-concept of law-firm leaders

All participants described how they had invested a significant amount of time into finding out what their colleagues' personal situations were like: did they have to care for an elderly relative, did they have small children at home, did they have adequate facilities for working, were they "at risk"? Furthermore, they talked to colleagues about personal matters. They communicated regularly in teams, as well as one-to-one, and even visiting (at a distance) colleagues who were living alone and delivering care packages. We asked participants to compare their behaviour during the first phase of the pandemic with their behaviour before this time. The results indicate that for most of the participants a shift might have taken place in the sense that they adopted a more rounded view of their leadership role with an enhanced

focus on **caring for their people**. Some participants stated that they had acted in a similar way before the pandemic and stressed that "looking after each other" was a fundamental part of their culture.

Furthermore, a few participants openly admitted that there is a risk of "going back to normal" as soon as the acute danger is perceived to have passed. A few participants stated that the original daily team meetings had been reduced to once a week. This was not necessarily a strategic decision, but came from an impression that it was "no longer necessary" to meet virtually every day. We understand this and other statements to be an indication that most of our participants felt there was a huge opportunity to deepen relationships by looking beyond the "working relationship", and gaining a more differentiated view of the whole person. At the same time, it became clear that due to time pressure and the day-to-day business focus, some of the participants suspected that this mental, emotional, and behavioural expansion of their leadership role might not last for long.

Whilst many participants indicated that they actually spoke about their emotions more often during the pandemic, some of the participants' reflections in relation to how they manage their emotions revealed a connection between emotional expression and societal "norms" which affect whether or not it is acceptable to show or even talk about emotions. A few participants felt that in their role as leader, they should not show their emotions: "I don't speak about my own emotions at work: my colleagues expect security, stability, clear leadership". The perceived need to lead by example and guide others was clear as most of the participants actually worked (under hygiene rules) in the office during the pandemic, in order to demonstrate that there was normality amidst the "chaos": "I wanted to show [the team] that there was someone on board...who stands at the helm...and watches out that the ship doesn't sink."

At the same time, one participant said that one of the advantages of the pandemic was that people were able to talk more freely about their emotions instead of hiding them: "I see it as extremely positive, that people are able to talk about their mental health...it was the first time, that people said to me, "I had a bad day". That is something positive to come out of the crisis, that one can suddenly talk about things like resilience and openly discuss them."

For some participants, there appeared to be a conflict between the desire to be an authentic leader and show their emotions, including difficult and painful ones, and at the same time the perceived risk of frightening or destabilising their people by doing so.

We deduct from the interviews that many participants were highly aware of the need to lead in a much more relational way than some of them had done before. In this regard, for some, the perception of the professional role of law firm partner changed with the start of the pandemic. At the same time, some participants mentioned that they regularly tended to struggle with adequately balancing when and how to show emotions within their leadership role.

Perceived need for leaders to have more time to reflect

The participants reflected deeply on their skills (or perceived lack thereof) in the realm of emotional intelligence and resilience. Many participants explained that they did not typically reflect consciously on their emotions before acting, and some "confessed" that they had not thought about the topic much before. Some said they had not "learned" to work effectively with their emotions but did so intuitively, and not necessarily as effectively as they would have liked:

"Much of what I do is intuitive, but if you practise it -it is perhaps more systematic, and better.."

"In the end, I can do it well, but it is quite an effort...I would like to be able to do some things with ease."

After having described concrete situations in which they had tried to make use of their own emotions and those of others, some of our participants noted that in hindsight, their behaviour had not been as helpful as they would have wished it to be.

We firmly believe that the faster and more unpredictably the world and the business world turn, the stronger the need becomes for leaders to have regular quality

reflection time. A good starting point for deeper reflection on leadership could be the "four-dimensional partner" framework developed as a result of our research and described below (Chapter 5.2). The model takes a more rounded view of the professional role of law-firm partners and takes into consideration the cognitive, emotional, and behavioural dimensions our participants focused on during the interviews.

It might be valuable not only for law-firm partners but legal professionals in general to take the time to reflect on how they perceive their professional role, which part of their personality they include and which part they exclude, in order to strengthen their own resilience.

4.6 Future relevance of resilience and emotional intelligence for law firms' success

Although overall, the participants were convinced that emotional intelligence and resilience would gain importance in the future, they held very diverse views on the relevance of emotional intelligence and resilience for organisational success.

For some it was about attracting talent: "lawyers want to work for a firm in which they feel comfortable". For others it was about building better relationships with clients ("the clients must want to work with us, have fun with us"); building better teams; and being a good team player:

"For lawyers it is critical. We no longer care about the lawyer who can walk on water, if he or she isn't a team player."

In discussing the relevance of the skills, it boiled down to "empathy": "To be able to get on with people, to know what is important to them, how one communicates with them. That is what determines success in the end". One participant highlighted the importance of creating an organisation with partners who possessed these skills - rather than an organisation with partners who only possessed excellent client books: "...the whole organisation can spoil what one partner has achieved - therefore firms must choose partners who have these [emotional intelligence and resilience] skills."

Others felt that emotional intelligence would gain importance but it was not

something which could be learnt. One participant claimed that the reality in law firms was still that there was no strong focus on leaders' resilience and emotional intelligence as "... the economic success of the firm is still more important than emotional intelligence and resilience".

Although empirically there is a strong connection between emotional intelligence, resilience and economic success on an individual and firm level, the views expressed by many of our participants would indicate that this is not yet fully recognized in law firms.

5. Key interpretations and a framework for leveraging emotional intelligence and resilience skills

5.1 Key interpretations from the interviews

Competencies people want to improve most are self-awareness and emotion regulation

In general terms, we have seen that participants deeply reflected on their leadership behaviour with regard to emotional intelligence and resilience over the last few months. Most of them showed high levels of internal self-awareness as well as awareness of the need to take care of their people. Regarding emotion regulation strategies, most participants referred to only one or two strategies.

Our results show that **suppression** of emotions is more common than active emotion **regulation**. Rarely did participants describe internal cognitive processes that could be attributed to active emotion regulation. The constant suppression of the emotional reaction is associated with a multitude of detrimental physiological, emotional and cognitive effects while the active and effective regulation of our automatic thoughts and emotions enables us to be the chief character in our personal and professional life. As some participants explicitly wished to become more self-aware and to perform emotion regulation more virtuously, we have come to the conclusion that further developing self-awareness and emotion regulation could take leaders' performance to an even higher level. This is especially the case, as we inferred from the situations that our participants described to us that many already possessed high levels of effective social awareness and relationship management.

"Emotional intelligence" seems "fluffy" - strategic potential is only partly realised Some of our participants were quick to associate emotional intelligence with "being nice", and perceived the concept as being rather "fluffy". Therefore, honing the development of emotional intelligence and resilience skills within a firm seems to present a huge opportunity - on an individual, as well as an organizational

performance level. A very recent study focussed on the effects of emotion management training for a virtual team.³² The intervention resulted in higher motivation and engagement, better co-operation, better knowledge-sharing behaviour, less destructive team conflicts and improved solutions to the posed problems, and therefore better overall team performance.

While some of our participants suspected that emotional intelligence skills cannot be developed and are part of a person's "personality", there are in fact various effective ways to improve and leverage these skills for the benefit of everyone working in the firm, for talent recruitment, for professional client relationships, and for competitive advantage. Besides, a firm that leverages emotional intelligence competencies, will be a much healthier one, with mentally and physically fit lawyers. Given the elevated international research endeavours in this regard, 33 we assume that the question of how to create "healthier organizations" and "healthier lawyers" will be of heightened relevance in the future.

Hidden risks - "Business as usual" as a potential trap

Our participants demonstrated high levels of empathy and, during the initial phase of the pandemic, they worked extremely hard to take care of their people through one-on-one calls, team activities or (socially distanced) meetings. Through pandemic-fatigue, or hybrid working models, there is a risk that nurturing these relationships will become less pressing as the current situation becomes our "everyday normal". Although all of the participants visibly enjoyed additional time with their family, and the opportunity to get enough rest, and not be on the move all the time, most of them admitted that there was already a slight decrease in the intensity with which they focused on those energy resources.

Two participants explicitly stated that the daily calls they had instituted for their team at the outset of the pandemic have been gradually reduced since the beginning of the summer, and on enquiry, indicated that it had not been a clear strategic decision, but rather that it did not seem to be necessary any longer. These comments induced us to wonder: How many of us still ask our colleagues how they are coping with the restrictions? How many of us continue to prioritise the team, with its respective skills, challenges and requirements? Based on our participants' reflections, we foresee the risk that some partners' attention to their emotions, as well as a focus on

relationships and methods for energy renewal and for stress-relief, might soon take a back seat in the "new normal", thus leading to a restricted level of potency on an individual and organizational level.

Furthermore, whilst many participants were delighted to see that the move to video-conferencing went very smoothly, one risk might be that law-firm leaders focus predominantly on technical support (which platforms to use; how to keep in touch via additional apps) for getting work done, while a lesser focus is put on social-emotional learning processes amongst team members. A few participants mentioned this risk, and wondered how relationship building and learning might take place in virtual teams. Professor Petriglieri from INSEAD Business School claims that in this regard, we still have a long way to go: We have to learn how to relate to each other in a virtual or hybrid working environment, how to build relationships with people we have never physically met before, how to train and develop more junior lawyers, how to learn from the experience of others.³⁴

5.2 The four-dimensional partner - A framework for future leaders in law firms

If we assume that the VUCA-world will stay VUCA for quite some time, or even become more VUCA, the following questions come to mind:

- -How can law-firm leaders prepare themselves for leading their firm in continuously turbulent times?
- -How can they foster their resilience and emotional intelligence muscles?
- -How can they remind themselves of the experiences they have had over recent months, and fully leverage their experiences for themselves, their people and their firm?

Participants said that they rediscovered energy sources that they had not taken full advantage of prior to the Covid 19-pandemic. These energy sources fell into the physical, emotional and cognitive domains. In order to concisely aggregate the key findings from the interviews, we developed a framework of a "four-dimensional partner" to help law firm leaders focus on and remind themselves of their sources of emotional intelligence and resilience. All dimensions have been explicitly described by the participants. Nevertheless, we assume that some dimensions might be forgotten under the strain of day-to-day business challenges. The framework can

help to refocus energy on the core pillars that are the foundation for a cognitively, emotionally, physically stable leadership behaviour and a resource-oriented mindset. We assert that the more conscious we are with regard to our cognitive, emotional, motivational and physical status, the more successful we will be in effectively influencing and managing each of those four dimensions, and the more cognitively, emotionally, physically and motivationally stable we will be, especially in highly turbulent times.

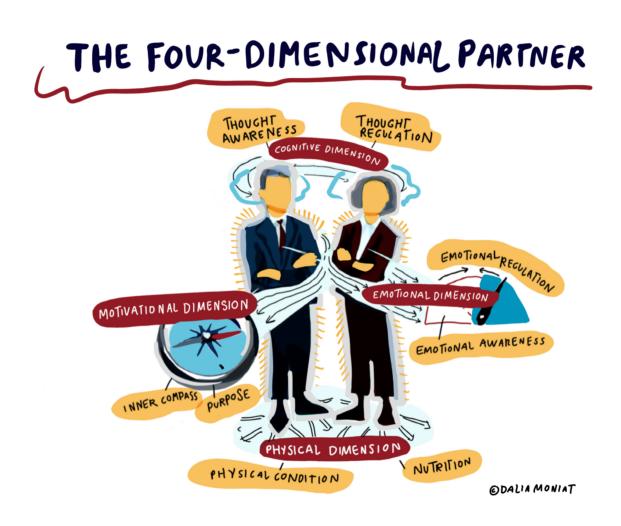


Figure 14. The four-dimensional partner - A framework for future leaders in law firms.

The four dimensions are outlined below:

Dimension One: Cognition

"Much of what I do is intuitive, but if you practise it -it is perhaps more systematic, and better..."

One participant explained that one doesn't think tend to about things in advance, you don't ask yourself "how will I deal with the problem?". Thus, many participants explained that they acted rather "intuitively" and commented that they did not consciously think about how they acted. For example, they did not *knowingly* do

more sport, or spend time with their family in order to relieve the additional stress brought on by the pandemic, but "just did it".

Our mental strength depends on perceiving our thoughts and hence being cognitively self-aware. This includes perceiving conscious thoughts as well as "automatic thoughts" and judgements that we tend to make constantly throughout the day, often without realizing it. Automatic thoughts influence our emotions and we need to actively regulate those thoughts when we want to improve our emotions. Therefore, self-awareness of our thought patterns is a prerequisite for change in the cognitive and emotional arena, which has many levels. First of all, our cognitive focus can be either internal or external. An internal cognitive focus can best be thought of as having a conversation with ourselves. Throughout the day, we engage in either constructive or destructive self-talk. When our focus is internal, we are aware of the fact that we are thinking. An external cognitive focus prompts us to look at what is happening around us what people are saying, the noises around us etc.. The attention is on what is going on and not what we are thinking. Our mind is always busy in one of these two foci and we cannot focus on both at the same time.³⁵ With some deliberate practice we can switch between them on purpose and quickly. If we combine the two types of focus with the different ways of focusing - which are either helpful or harmful - you arrive at a set of four distinct states of mind:36

HELPFUL	THINKING	ENGAGED
HARMFUL	CRITICAL	AUTOPILOT
	INTERNAL	EXTERNAL

Figure 15. Four distinct states of our mind.

The **autopilot** allows us to take cognitive shortcuts which can be useful when brushing our teeth, but detrimental when listening to a client explaining his or her situation, as in autopilot mode we tend to respond in pre-programmed ways. The **critical** state of mind is one where we hear an inner voice like a sports commentator commenting on everything we do, usually in a non-supportive way like "Why do I always get upset so quickly?"; "I will never get over my procrastination"; "I should have started with the task earlier - loser." This state of mind can be described best as

the "you are your own worst enemy"-mindset. The **thinking** state of mind is activated when you actively analyse your thoughts, when you are ...

- weighing up different options
- deciding how to proceed in a given situation
- working your way through a complex problem
- reflecting on past experiences you had in order to learn from them
- making sense of a confusing situation
- correcting mistakes.

This state of mind is one that should be activated when you do a comprehensive causal analysis (finding out why) which is a resilience factor. The **engaged** state of mind can be best described as a state of flow where you are completely absorbed in a task and performing at your best. The more self-aware we are the better we become at quickly realising whether we are in a helpful or harmful state of mind. The ideal state of mind switches between thinking and engaged - whatever the situation demands of you.³⁷

Our participants succeeded in having helpful, instead of harmful, states of mind. They were in the engaged and thinking state of mind and this, according to our assumption, is one of the factors that made them more resilient in dealing with the consequences of the pandemic for their business. They were able to run a **thorough causal analysis** without getting caught by fear and panic. They were able to see opportunity amidst the difficult situation and expressed **realistic optimism** towards their colleagues and employees – they held an optimistic view without denying the challenges that lay ahead. Participants also seemed to come to the conclusion that there were things they could do to improve the situation, that they were not victims, but that it lay within their power to take action. These descriptions point to high levels of perceived **self-efficacy**.

One risk we see for leaders in organizations over the next couple of months is that the autopilot might kick in. Therefore, in order to capitalise on the effort made at the beginning of the pandemic to build teams and foster resilience, law firm leaders need to realise when they are switching to automatic mode, and then quickly move to thinking and engaged states of mind.

Dimension Two: Emotion

"I think the most important thing is inner calm and inner strength, to trust your own strength, so that in certain situations, you can stay calm, and complete things according to plan, and not fall into a panic."

Our emotional strength stems from a strong emotional self-awareness regarding our automatic emotional reactions, especially in challenging situations and our capacity to actively and effectively regulate the emotions that are causing strong, and at times impulsive, reactions. Gradually, we enhance our emotional agility,³⁸ and become increasingly flexible in adapting our behavioural response.

In addition to emotional self-awareness and self-management, the social awareness of the emotions and emotional needs of others, as well as the management of social relations, are part of the emotional dimension. We heard from our participants that they all focused strongly on keeping and deepening their professional relationships with their employees by taking care of their needs as much as possible, by being present and reassuring them that things will improve. According to the descriptions of many of our participants, during the pandemic relationships were characterized by a higher degree of understanding than before the pandemic. People became more visible as "a person": whether that person lived alone, or with a partner, had children or parents to look after, was deeply affected by the pandemic, or someone who seemed to be less emotionally affected by the uncertainty of the situation. This "people focus" was strongly emphasized by many participants.

Will it last? The more we perceive the current situation as "normal", the greater the risk that the strong focus on the emotional connection to other people gradually becomes less important, and there is no further visible need to focus on others in a "whole person" sense. Furthermore, the mind trap of autopilot inevitably leads to a decline in empathic listening.

Dimension Three: Body

In addition to healthy nutrition, the third dimension includes physical strength, flexibility and endurance. Physical exhaustion -especially due to sleep deprivation-influences cognition, impairs judgement and decision-making and leads to

emotional instability. We have summarised just a few findings from the extensive body of research on this topic:

- Sleep is strongly intertwined with brain health. As the researcher Veasey put it: "We've always assumed full recovery of cognition following short- and long-term sleep loss. But some of the research in humans has shown that attention span and several other aspects of cognition may not normalize even with three days of recovery sleep, raising the question of lasting injury in the brain." ³⁹
- Twenty-four hours without sleep is the equivalent of a blood alcohol level of 0.1 percent (1.0 per mill).⁴⁰
- Sleep deprivation results in higher levels of cortisol, a stress hormone, on the next day.⁴¹
- In the USA, \$63 billion of productivity are lost every year due to sleep deprivation.⁴²

We have focussed on the health aspects explicitly mentioned by the participants of our study. At the same time, we are very well aware of the enormous dormant potential that lies in putting the topic onstage with a more holistic focus on mental health and lawyer well-being.⁴³

Every emotion is accompanied by a physical reaction pattern which we are rarely fully aware of. But this gives us the opportunity to influence our emotional and cognitive state through our body. This is why some of our participants rightly described their strategy of taking a few deep breaths before responding in an emotionally-loaded situation. The slow breathing triggers the parasympathetic nervous system that leads, amongst other things, to a deceleration of the pulse.⁴⁴

Physical exercise reduces not only physical, but also cognitive and emotional stress, which impairs the immune function. Regular exercise builds up your physical immune system, but moreover, it strengthens your resilience.⁴⁵

Dimension Four: Motivation

The participants in our study indicated that they had reprioritised their lives and drew a lot of personal fulfillment from spending more time with their family, and focussing on recreational activities (sports, healthy nutrition, sleep...). So, it seems that an **inner compass** helped them to clearly prioritize what was important to them.

A broader topic that the participants' descriptions allude to is that of **purpose and meaning**. We would like to draw attention to the question of purpose in two regards:

Considering the strong link between purpose and the organization's strategy,⁴⁶ we believe it is advisable to take a closer look at the impact a strong purpose might have at the organizational performance level. Secondly, many surveys on employee engagement have shown time and again the importance of a clear, strong and common purpose for the motivation and engagement as well as performance of employees.⁴⁷ As engagement fuels organizational performance and becomes even more important during times of economic turbulence and massive disruption, we hypothesize that in the current situation, law firms that succeed in leveraging the power of a common purpose will have a strong competitive advantage, as their people are the heart and soul of the organization.

Our inner compass helps us to decide what to prioritize and what to focus on - in business and in private life. The focus we choose helps us to decide:

- whether and how much we want to focus on our cognitive, emotional and physical health, on our relationships, on the things that give us joy and meaning in life
- what we want to think and feel in any given situation
- how we want to act and show up in any given situation
- what goals we want to pursue and what goals we can, or want to, let go of.

The four dimensions are key sources of personal and professional power and all of them are strongly interconnected. There is an especially strong connection between cognition, emotion and the physical arena which reciprocally influence each other, often without us knowing what came first. The internal compass channels the direction of our energy and has the potential to guide our daily activities if we consciously notice and act in accordance with its signals.

It is essential to continuously refine these dimensions, in order to fully live up to our potential. How did we learn to think like a lawyer? Probably by training, on a regular basis over the course of a prolonged period of time. The same strategy holds true for our mental and emotional resilience muscles. If we want to become better at perceiving our automatic thought patterns, our internal critique, our strong

emotional reactions in certain situations, we have to practice as often as possible. Otherwise, we might have difficulties in quickly accessing and making effective use of the techniques when we urgently need them.

"The first layer of skills a good leader must master are internal: managing himself or herself as an individual human being. This includes physical health, emotional balance, self-knowledge – everything that you bring along with you to each meeting, each decision, each public event. A lot of leaders are tempted to ignore or deemphasize this most basic layer but they do so at their peril."⁴⁸

6. Final Remarks

In addition to lawyers' **deep legal knowledge**, we claim there is an increasing demand for lawyers' **deep human knowledge**. This has been very apparent since the beginning of the Covid 19-pandemic, and all of our participants – either consciously or unconsciously – tapped into their emotional intelligence resources to support their people as best they could.

As many of our participants mentioned that they would love to learn more about how to actually grow their emotional intelligence and resilience muscles, we would like to include some practical suggestions regarding the key areas of emotional intelligence - which forms the basis for resilience - in the **Appendix**.

We would not want to end this article without once again thanking all the participants in this study for their kindness, for their time, for their openness to reflect on and answer our questions, to share their beliefs, their thoughts and emotions with us, and thereby to contribute tremendously to shedding more light on this important leadership topic for law firm leaders.

Thank you!

APPENDIX "How to" – Strengthen your emotional intelligence and resilience muscles with microhabits

As many of our participants mentioned that they would love to learn more about how to actually grow their emotional intelligence and resilience muscles, we would like to include some practical suggestions regarding the key areas of emotional intelligence. These suggestions are by no means exhaustive, but ones which might resonate with you.

The power of micro-habits - don't wait until you feel motivated

Just imagine for a second that you want to get in better physical shape. How do you go about it? An important misunderstanding about behavioural change is that we believe we need to feel motivated to do something different from before in order to change. Unfortunately, if you wait until you feel motivated to do sport, you might never start: There will always be something else which demands your immediate attention. Relieve your brain from the task of having to decide on whether you feel motivated. Instead, build a micro-habit and design a tiny process that does not require you to decide, but just gets you started. If you want to get in better shape and do sport every day, leave out your sports clothes in the evening, put the alarm-clock on, and when it rings in the morning, don't ask yourself whether you feel like jogging (the chances are, you do not), remove the blanket, get up, put you sports clothes on and get going. The fun, or at least pride in having achieved your goal, will eventually be realised, but motivation is not the driver here.

The same strategy of working micro-habits into your day applies to growing your cognitive and emotional resilience muscles. If you want to become better at perceiving your automatic thought patterns, your internal critique, your strong emotional reactions in certain situations, then you should practise as often as possible. Otherwise, you will have difficulty in quickly accessing and making effective use of the techniques when you urgently need them.

Micro-habits for growth in the cognitive and emotional dimensions
As our study focused on emotional intelligence and resilience strategies employed by high-performing partners, we will focus on those dimensions. The habits for these two dimensions have one thing in common: they part from the notion that we are fully responsible for what and how we think and feel: They make us aware of the opportunities that lie ahead of us, they refuse to let us feel sorry for ourselves and blame others for how we feel: "To become proficient in personal mastery, you have to realize that no one or no situation can upset you ... Every bout of impatience, frustration, or anger is self-generated ... You need to own your reactions and make yourself accountable for every emotion, feeling and thought you have. Please understand this. Nobody ever upsets you. You upset yourself."⁴⁹

Self-awareness

A quick self-assessment

If you want to, you can begin with a very short self-assessment of how self-aware you believe vourself to be at the moment.

Answer the following questions and give yourself a maximum of **5 points** for each statement if you think that this applies absolutely to you, and accordingly **0 points** if you think it does not apply to you at all:

- -I am able to accurately recognize my own emotions.
- -I am aware of the causes and consequences of my own feelings.
- -I am skilled at expressing a full range of emotions.
- -I have a refined emotion vocabulary.
- -I am skilled at managing my own emotions.
- -I am skilled at perceiving others' emotions.
- -I am skilled at helping others manage their emotions.

After having completed this tiny exercise, you might have a better grasp of the areas where you might further leverage your cognitive and emotional muscles.⁵⁰

Cognitive and emotional check-in

You can use these questions whenever you perceive that you start to ruminate, that you feel tense or stressed, or when you perceive an emotion that you cannot immediately make sense of:

- -What am I thinking?
- -What am I feeling?
- -What do I want to happen now?
- -How am I getting in my own way?
- -What do I need to do differently now?

Advantages of the technique:

- -Helps you when you feel triggered by shifting your cognitive focus from the emotional center in your brain to the prefrontal cortex, responsible for logic and rational information processing
- -Helps you to identify your habitual patterns of thinking, feeling and acting
- -Focuses your mind on what is happening in the present, as that is the only moment you are able to influence

Listen to your automatic thoughts

Ask yourself some of these questions when you perceive that you are talking to yourself:

- -How are you talking to yourself? (examples: "This is not working"; "Why do I always wait so long?"; "I am a procrastinator and this will not change"; "Why does nobody else in this firm think about this too?"; "Why do I always have to solve problems for others"; "Why can't he / she simply change? Then I would have a better life."; "Why do I have to get so angry because of this little stupid incident? I am so angry at myself because I am angry with that person and this makes me even more angry at myself and the person who made me so angry!" etc.)
- -How positive (or negative) is your self-talk?
- -In which situations is your self-talk particularly stressful for you?
- -What else could you tell yourself in such a situation?
- -How can you check-in with yourself more often throughout the day in order to perceive your internal chatter more clearly and subsequently consciously alter your internal talk?

Boost your internal self-awareness

We often ask ourselves "why" we are feeling a specific emotion in an attempt to practise introspection or self-reflection. Unfortunately, the answer to "why" is usually in our unconscious, which means we don't really know why we feel a certain way, but we make up reasons that we then use to justify our feelings, behaviours, or actions. Focus on "what" instead of "why". Instead of saying "Why did I decide to hire that person?" you could ask "What can I do differently to make a better decision in the future?" The focus on "what" helps you to develop a stronger future-orientated approach, detaches you from a potential blame game, and drives you towards a more effective and conscious response.⁵¹

Boost your external self-awareness

External self-awareness is the understanding of how other people perceive us. In order to enhance your external self-awareness, a very effective way is to get candid feedback from others whom you trust and whom you believe to care enough about you to actually give you honest feedback.

You can ask how people perceive you in situations that are especially important to you and where you are not certain that you are being seen the way you would like to be seen. Tell people that you need their honest opinion and don't forget to thank people, even, and especially so, if the feedback was painful.

Emotion regulation

Short term regulation through "STOP": Four steps towards more emotional flexibility 52

STOP – Interrupt what you are doing at that moment (if possible)

TAKE A DEEP BREATH – Use your body as an instrument that provides information to your brain that you are calming down

OBSERVE – What are you thinking? What are you feeling? Label your thoughts and emotions and don't stop at the first word. This detracts neural power from the amygdala in your brain that basically acts as a very loud alarm-clock and activates the prefrontal cortex that helps you to begin to think more objectively.

PROCEED – Continue with what you had done before, in a calmer way.

Medium term regulation: Six steps toward more emotional flexibility

- 1. Recognize your (automatic) thoughts and emotions
- 2. Precisely label your emotions
- 3. Accept (automatic) thoughts and emotions as something that is present and at the same time not something that defines your whole reality. Rather, thoughts and emotions can be treated as just another strand of information
- 4. Investigate the reasons for strong emotional reactions and find patterns
- 5. Check reality: is your first hypothesis the right one? Really? Might other hypotheses be valid as well?
- 6. Act in accordance with your personal values.

Social awareness & Relationship management

Empathy check-in

You can use this quick check-list before you meet with your team, before an important client meeting, when dealing with conflicts with colleagues etc.:

- -What might they be thinking?
- -What might they be feeling?
- -What might they want?
- -In what way might I get in their way or they get in their own way?
- -How can I best contribute to the upcoming situation?
- -How can I support?
- -How do I want to show up?
- -How do I want to feel, think and act?

These questions help you to focus on the perspective of others and think through a variety of options before you actually enter the situation. It prevents you from jumping to conclusions too quickly in "emotional situations". Since you have thought them through beforehand, it immunizes you cognitively and emotionally.

Listen – fully and with interest and curiosity – and don't check your e-mails while you are at it!

Notes

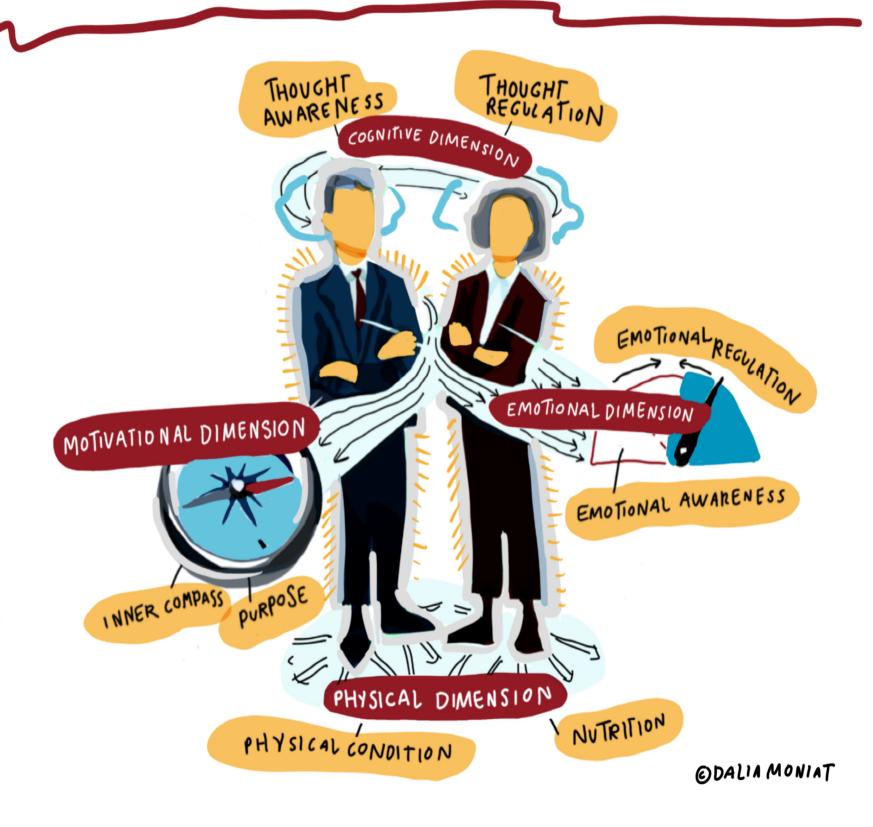
- [1] Crummenerl, C.; Buvat, J.; Sengupta, A. et al. (2019). Emotional intelligence- the essential skillset for the age of Al. Capgemini Research Institute.
- [2] VUCA is an acronym for Volatility, Uncertainty, Complexity and Ambiguity
- [3] Kets de Vries, M. F. R. (2012). STAR PERFORMERS: Paradoxes wrapped up in enigmas. Organizational Dynamics No. 41, pp. 173-182, 178/179.
- [4] Salovey, P. & Mayer, J. D. (1990). Emotional Intelligence. Imagination, Cognition and Personality Vol. 9 (3), pp. 185-211.
- [5] Mayer, J. D., & Salovey, P. (1997). What is emotional intelligence? P. Salovey & D. Sluyter (Eds.). Emotional development and emotional intelligence: Educational implications (pp. 3-31). New York: Basic Books; Holtz, K.; Orengo Castella, V.; Zornoza Abad, A. et al. (2020). Virtual Team Functioning: Modelling the Affective and Cognitive Effects of an Emotional Management Intervention. Group Dynamics: Theory, Research, and Practice Vol. 24 (3), pp. 153-167.
- [6] Morgan, J. (2020). The Future Leader: 9 Skills and Mindsets to succeed in the next decade. Wiley: New Jersey, p. 200.
- [7] Eurich, T. (2018). Insight: How to succeed by seeing yourself clearly. Pan Books: London.
- [8] Goleman, D.; Boyatzis, R.; McKee, A. (2013). Primal Leadership: Unleashing the Power of Emotional Intelligence. Harvard Business Review Press: Boston.
- [9] Reich, J. F. (2019). Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being. Georgetown Law Faculty Publications; Buchanan, B.; Coyle, J. C.; Brafford, A. et al. (2017). The Path to Lawyer Well Being: National Task Force on Lawyer Well-Being Report.
- [10] Damasio, A. R. (1994). Descartes' Error: Emotion, Reason and the Human Brain. Penguin: London; Lehrer, J. (2009). The Decisive Moment: How the Brain Makes Up Its Mind. Houghton Mifflin: Boston.
- [11] Brackett, M. (2019). Permission to Feel, p. 52. Quercus Editions: London.
- [12] Morgan, J. (2020). The Future Leader: 9 Skills and mindsets to succeed in the next decade. Wiley: New Jersey.
- [13] Morgan, J. (2020). The Future Leader: 9 Skills and Mindsets to succeed in the next decade. Wiley: New Jersey, p. 198.

- [14] Eurich, T. (2018). Insight: How to succeed by seeing yourself clearly. Pan Books: London.
- [15] Muir, R. (2007). The importance of emotional intelligence in law firm partners. Legal Practice Magazine No. 60; Kelton, C. C. (2015). Clients want results, lawyers need emotional intelligence. Cleveland State Law Review Vol. 63 (2), pp. 459-494. [16] Eurich, T. (2018). Insight: How to succeed by seeing yourself clearly. Pan Books: London.
- [17] Boyatzis, R. E. (2006). Using tipping points of emotional intelligence and cognitive competencies to predict financial performance of leaders. Psicothema 18, pp. 124-31.
- [18] Goleman, D. (2004). Working with Emotional Intelligence. Bantam Books: New York, p. 31.
- [19] O'Boyle, E. H.; Humphrey, R. H.; Pollack, J. M. et al. (2011). The relation between emotional intelligence and job performance: A meta-analysis. Journal of Organizational Behavior Vol. 32, pp. 788-818.
- [20] Rook, C.; Smith, L.; Johnstone, J. et al. (2018): Reconceptualising workplace resilience A cross-disciplinary perspective. Anales de psicología Vol. 34 (2), pp. 332-339.
- [21] Luthans, F. (2002). The need for and meaning of positive organizational behavior. Journal of Organizational Behavior Vol. 23, pp. 695-706 (702).
- [22] Davis-Laack, P. (2017). What resilient lawyers do differently. Forbes, 26. Sept. 2017.
- [23] Reivich, K.; Shatté, A. (2002). The resilience factor. 7 essential skills for overcoming life's inevitable obstacles. Broadway Books: New York.
- [24] Jackson, R.; Watkin, C. (2004). The resilience inventory: Seven essential skills for overcoming life's obstacles and determining happiness. Selection & Development Review Vol. 20 (6), pp. 13-17.
- [25] Brackett, M. (2019). Permission to Feel. Quercus: London; Magnano, P.; Craparo; G. and Paolillo, A. (2016). Resilience and Emotional Intelligence: which role in achievement motivation. International Journal of Psychological Research Vol. 9 (1), pp. 9-20.
- [26] Schneider, T. R.; Lyons, J. B.; Khazon, S. (2013). Emotional intelligence and resilience. Personality and Individual Differences Vol. 55 (8), pp. 909-914; Tugade, M. M.; Fredrickson, B. L.; Barrett, L. F. (2004). Psychological resilience and positive emotional granularity. Journal of Personality Vol. 72, pp. 1161-1190.

- [27] Salovey, P.; Bedell, B.; Detweiler, J. et al. (1999). Coping intelligently: Emotional intelligence and the coping process. C. R. Snyder (Ed.). Coping: The psychology of what works, pp. 141-164. Oxford University Press: New York.
- [28] Strauss, A. L.; Corbin, L., (1990). Basics of qualitative research: grounded theory procedures and techniques. Sage: Newbury Park, CA.
- [29] Luthans, F.; Youssef-Morgan, C. M.; Avolio, B. J. (2015). Psychological Capital and Beyond. Oxford University Press: New York.
- [30] Rock, D. (2012). A brain-based model for collaborating with and influencing others. Neuro Leadership Journal, No. 1/2008.
- [31] Bucerius Center on the Legal Profession InBrief Edition 1
- [32] Holtz, K.; Orengo Castella, V.; Zornoza Abad, A. et. Al. (2020). Virtual Team Functioning: Modelling the Affective and Cognitive Effects of an Emotional Management Intervention. Group Dynamics: Theory, Research, and Practice Vol. 24 (3), pp. 153-167.
- [33] Buchanan, B.; Coyle, J. C.; Brafford, A. et al. (2017). The Path to Lawyer Well Being: National Task Force on Lawyer Well-Being Report; Reich, J. F. (2019). Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being. Georgetown Law Faculty Publications.
- [34] Peshkam, A.; Petriglieri, G. (2020). Keep Your People Learning When You Go Virtual. Harvard Business Review 04/2020. See also publications by Bucerius Center on the Legal Profession on this topic: <u>Zukunft der Arbeit</u> and <u>Wir müssen unsere Hände zeigen</u>
- [35] Bailey, S.; Black, O. (2014). Mind Gym. Achieve more by thinking differently. Harper Collins: New York.
- [36] Bailey, S.; Black, O. (2014). Mind Gym. Achieve more by thinking differently. Harper Collins: New York.
- [37] Bailey, S.; Black, O. (2014). Mind Gym. Achieve more by thinking differently. Harper Collins: New York.
- [38] David, S. (2016). Emotional Agility. Get unstuck, embrace change, and thrive in work and life. Penguin: New York.
- [39] Veasey, S. (2014). Press Release: Penn Medicine Researchers Show How Lost Sleep Leads to Lost Neurons. Perelman School of Medicine/ University of Pennsylvania, March 18, 2014.
- [40] Fryer, B. (2006). Sleep Deficit: The Performance Killer. Harvard Business Review 10/2006.

- [41] Leproult, R.; Copinschi, G.; Buxton, O. et al. (1999). Sleep loss results in an elevation of cortisol levels the next evening. Sleep Vol. 20 (10), pp. 865-870.
- [42] Kessler, R. C.; Berglund, P. A.; Coulouvrat, C. et al. (2011). Insomnia and the performance of US workers: Results from the America insomnia survey. Sleep Vol. 34 (9), pp. 1161-1171.
- [43] For a recent informative article in this respect, we recommend Reich, J. F. (2019). Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being. Georgetown Law Faculty Publications.
- [44] Servan-Schreiber, D. (2015). Die neue Medizin der Emotionen. Kunstmann: München.
- [45] Robson, S. (2014). Physical Fitness and Resilience A Review of Relevant Constructs, Measures, and Links to Well-Being. Rand: Santa Monica, CA.
- [46] Malnight, T. W.; Buche, I.; Dhanaraj, C. (2019). Put purpose at the core of your strategy. Harvard Business Review 09/2019.
- [47] Gallup Report (2020). Employee Engagement and Performance: Latest Insights from the World's Largest Study. Gallup: Washington D.C.
- [48] Hans Vestberg, CEO of Verizon Communications, an American multinational telecommunications conglomerate with over 152,000 employees around the world; quote from Morgan, J. (2020). The Future Leader: 9 Skills and Mindsets to succeed in the next decade. Wiley: New Jersey, p. 202.
- [49] Barrett, R. (2010). The New Leadership Paradigm, p. 151.
- [50] Adapted from Brackett, M. (2019). Permission to Feel. Quercus Editions: London.
- [51] Eurich, T. (2018). Insight: How to succeed by seeing yourself clearly. Pan Books: London.
- [52] Stahl, B. & Goldstein, E. (2010). A Mindfulness-Based Stress Reduction Workbook. Oakland. CA: New Harbinger Publications, pp. 60-61"

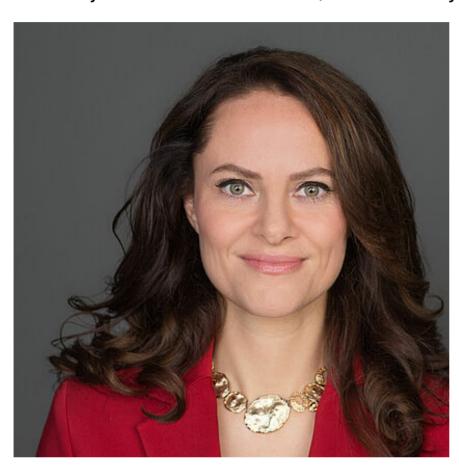
THE FOUR-DIMENSIONAL PARTNER



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