

## Active Listening

Instruct the Instructor: Materials selected to inform instruction and research.

Leah Teague, *Civility Matters: Why Law Schools Must Teach Students to Disagree Without Being Disagreeable*, 76 *Baylor L. Rev.* 1 (2024), <https://plus.lexis.com/api/permalink/ea85838f-843c-4765-94fa-21c037ce3350/?context=1530671>.

- This article discusses how active listening should be taught and incorporated into law schools emphasizing civil discourse in legal education.

Robert Angelo Creo, *The Power of Silence, Pause, and Delay*, 40 *ALTS. TO HIGH COST LITIG.* 59 (2022), [https://www.westlaw.com/Document/I457db062c13311ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I457db062c13311ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- Social science researchers have contended that silence has highly significant communicative functions and that 93% of communication is nonverbal based upon our tone, volume, facial expressions, gestures, and posture.
- Effective communicators use silence in a constructive manner to move a conversation or an argument forward in a deliberate manner to realize goals including resolving conflict.

Robert Angelo Creo, *The Science of Hearing Effectively*, 40 *ALTS. TO HIGH COST LITIG.* 91 (2022), [https://www.westlaw.com/Document/I1fe6078b0d4011ed9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I1fe6078b0d4011ed9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This brief article describes the importance of active listening in the context of arbitration and provides an overview of the science behind active listening

Paula Schaefer, *Lawyers as Caregivers*, 12 *ST. MARY'S J. LEGAL MALPRACTICE. & ETHICS* 330 (2022), <https://heinonline.org/HOL/P?h=hein.journals/smjmale12&i=323>.

- This article argues that clients—much like patients in a healthcare setting—need their lawyers to be caregivers. The article opens by developing a definition of caregiving in medicine and law. It then turns to five key components of caregiving in medicine, explaining the substantial research that this care is crucial for patient satisfaction, trust, and healing.
- The article turns to the question of how law schools can better prepare students for the caregiving aspect of client representation. Finally, it concludes with thoughts on why an embrace of caregiving can separate good lawyers from great lawyers.

Heather Heavin & Michaela Keet, *Client-Centered Communication: How Effective Lawyering Requires Emotional Intelligence, Active Listening, and Client Choice*, 22 CARDOZO J. CONFLICT RESOL. 199 (2021), [https://www.westlaw.com/Document/If0a6c912934911ebbea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/If0a6c912934911ebbea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- The educational literature contains much advice for lawyers on the benefits of dispute resolution processes, how to select and navigate through them, but much less on how lawyers should guide clients through a decision-making process, and what skills or competencies a lawyer may need to develop in order to effectively assist clients in that decision-making process.
- This article breaks down how a lawyer might use client-centered listening and questioning techniques to gather information, and then how that lawyer might offer information, in return, with an emphasis on client choice. Finally, we emphasize the benefits of these skills to both the lawyer and the client as options are generated and decisions are made about whether and how to proceed with litigation or opt for other alternatives such as negotiated or mediated settlements.

Laila L. Hlass & Lindsay M. Harris, *Critical Interviewing*, 2021 UTAH L. REV. 683 (2021), [https://www.westlaw.com/Document/Id5e065bc3e0e11ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Id5e065bc3e0e11ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article seeks to expand critical lawyering theory, and in doing so, provides an example of a pedagogical approach to teaching "critical interviewing." Critical interviewing means using an intersectional lens to collaborate with clients, communities, interviewing partners, and interpreters in a legal interview.

Susan L. Brooks, *Listening and Relational Lawyering*, in HANDBOOK ON LISTENING (Worthington & Bodie eds., 2020).

- This chapter discusses the evolution of listening and highlights developments within and outside of legal education that are resulting in listening being viewed as a core competency.
- The chapter concludes with some thoughts about future directions for teaching listening within the legal field. Linda F. Smith, *Professional Identity Formation Through Pro Bono Revealed Through Conversation Analysis*, 68 CLEV. STATE. L. REV. 250 (2020), <https://www.westlaw.com/SharedLink/b602607708a94517be72888ba144e721?VR=3.0&RS=cblt1.0>.
- This article utilizes a data set of over forty student-client consultations at a pro bono brief advice project that have been recorded and transcribed. It uses conversation analysis to study the approaches students take in presenting themselves to clients.
- The article mines this rich data set to understand not only the inclinations of the students but also how law schools might best guide and assist students to reflect upon and develop their professional identities in the context of their volunteering.

Nan Cochran, Paul Charlton, Virginia Reed, Peter Thurber & Elliott Fisher, *Beyond Fight or Flight: The Need for Conflict Management Training in Medical Education*, 35 CONFLICT RESOL. Q. 393 (2018), <https://heinonline.org/HOL/P?h=hein.journals/cfltrq35&i=388>.

- This article provides an overview of medical literature surrounding conflict resolution and the importance of active listening.
- It describes the importance of active listening for conflict resolution in medical education.

Susan C. Wawrose, *A More Human Place: Using Core Counseling Skills to Transform Law School Relationships*, 55 WILLAMETTE L. REV. 133 (2018), [https://www.westlaw.com/Document/I2aef9300997411e9adfea82903531a62/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I2aef9300997411e9adfea82903531a62/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article argues that it is time for law faculty to consciously attend to helping students develop the skill of building strong, appropriate relationships in the law school setting.
- The article provides an overview of active listening and suggestions for exercising it in the law school context.

Susan Swaim Daicoff, *Lawyer, Form Thyself: Professional Identity Formation Strategies in Legal Education Through "Soft Skills" Training, Ethics, and Experiential Courses*, 27 REGENT U. L. REV. 205 (2015), [https://www.westlaw.com/Document/I8e4df142011d11e598db8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I8e4df142011d11e598db8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0). This article sets forth some of the author's strategies for developing one's self-awareness, values, preferences, preferred professional role, best practices, judgment, interpersonal skills, and professional communications skills in law school. Denitsa R. Mavrova Heinrich, *Teaching and Assessing Professional Communication Skills in Law School*, 91 N.D. L. REV. 99 (2015), [https://www.westlaw.com/Document/I23ef38bb2c5911e698dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I23ef38bb2c5911e698dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article argues law schools should embrace the new ABA standards, under which they are required to shift from teaching students how to think like lawyers toward assessing whether students are in fact learning how to be lawyers.
- This article uses an individual course developed to teach professional communication skills to illustrate how law schools can engage in small-scale experimentation of articulating learning outcomes and utilizing assessment tools, at the individual course level, all the while focusing on the central purpose of assessment -- the improvement of student learning.

Donald C. Peters & Martha M. Peters, *Using Psychological Type Theory to Help Law Students Develop Professional Identity*, 27 REGENT U. L. REV. 255, 290–94 (2014–2015), [https://www.westlaw.com/Document/I8e4df146011d11e598db8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I8e4df146011d11e598db8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article discusses the importance of using active listening responses to enhance the lawyer-client relationship and states that active listening responses supply the most effective way for lawyers to express empathy.
- The article also provides other research related to how active listening helps students in clinical courses and settings, and how active listening helps improve a lawyer's questioning skills.

Jonathan R. Cohen, *Open-Minded Listening*, 5 CHARLOTTE L. REV. 139 (2014), <https://heinonline.org/HOL/P?h=hein.journals/charlolwr5&i=143>.

- This article raises several questions about what it means to listen with an open mind and argues that a skillful listener will not be simply a critical listener but will have available a variety of listening modes and will carefully choose which mode is appropriate for the setting.

Robert A. Baruch Bush, *Mediation Skills and Client-Centered Lawyering: A New View of the Partnership*, 19 CLINICAL L. REV. 429 (2013), [https://www.westlaw.com/Document/I948226e1a40711e28578f7ccc38dcbee/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I948226e1a40711e28578f7ccc38dcbee/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article describes parallels between the skillset used in mediation and those skills beneficial to all lawyers and provides an overview of the benefits of active listening.

Robert E. Lee Wright, *Mediator Listening Skills for All Attorneys*, MICH. BAR J., June 2010, at 32, <https://heinonline.org/HOL/P?h=hein.barjournals/micbj0089&i=1102>.

- This article discusses listening skills employed by mediators. It specifically discusses reflective listening and how paraphrasing what others say can help demonstrate you understand what they are saying.

Bobbi McAdoo, *Physicians: Listen Up and Take Your Communication Skills Training Seriously*, 29 HAMLINE. J. PUB. L. & POL'Y 287 (2008),

[https://www.westlaw.com/Document/I6dd8308a2c3011ddb892ead008c6b935/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cb1t1.0](https://www.westlaw.com/Document/I6dd8308a2c3011ddb892ead008c6b935/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cb1t1.0).

- This short essay will look at the broad institutional support now in place for communications skills training in the medical field. Then, the effect of mediation skills training will be examined for its role in changing the approach some lawyers take to conflict resolution and the practice of law.

Marjorie Maguire Shultz & Sheldon Zedeck, Final Report—Identification, Development and Validation of Predictors for Successful Lawyering (Sept. 2008) (unpublished manuscript), <https://perma.cc/C2QD-AENT>.

- This article details a study where respondents grouped communication skills as essential attributes of effective lawyers. Specifically, a lawyer's ability to listen was identified as one of the desired attributes of an attorney.

Marcus T. Boccaccini, Jennifer L. Boothbyaa & Stanley L. Brodsky, *Client-Relations Skills in Effective Lawyering: Attitudes of Criminal Defense Attorneys and Experienced Clients*, 26 L. & PSYCH. REV. 97 (2002), <https://heinonline.org/HOL/P?h=hein.journals/lpsyr26&i=101>.

- This article presents a study that assesses the perceptions of both criminal defendants and criminal defense attorneys concerning the value placed on client-relations skills and assesses whether attorneys who have received client-relations training place greater importance on these skills than attorneys who have not.

Gay Gellhorn, *Law and Language: An Empirically-Based Model for the Opening Moments of Client Interviews*, 4 CLINICAL L. REV. 321 (1998),

[https://www.westlaw.com/Document/Ic8e21fe123ef11dbbab99dfb880c57ae/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cb1t1.0](https://www.westlaw.com/Document/Ic8e21fe123ef11dbbab99dfb880c57ae/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cb1t1.0).

- This paper presents a model for lawyer-client interaction in the opening moments of an initial encounter, which modifies many of the traditional notions of active listening.

Linda F. Smith, *Interviewing Clients: A Linguistic Comparison of the "Traditional" Interview and the "Client-Centered" Interview*, 1 CLINICAL L. REV. 541 (1995),

[https://www.westlaw.com/Document/If27494c123de11dbbab99dfb880c57ae/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cb1t1.0](https://www.westlaw.com/Document/If27494c123de11dbbab99dfb880c57ae/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cb1t1.0).

- This article uses linguistic strategies, particularly linguistic indicia of power and dominance in conversations, to study the "client-centered" interview. The author compares the "client-centered" interview, as performed by law students, with the types of traditional interviews that have been criticized for attorney dominance.
- Certain techniques are shown to be crucially important to engaging in "client-centered" representation. Other techniques and models for the client-centered interview are shown to be in need of improvement.

Don Peters & Martha M. Peters, *Maybe That's Why I Do That: Psychological Type Theory, the Myers-Briggs Type Indicator, and Learning Legal Interviewing*, 35 N.Y.L. SCH. L. REV. 169 (1990),

[https://www.westlaw.com/Document/I2c8445714a4011dba16d88fb847e95e5/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cb1t1.0](https://www.westlaw.com/Document/I2c8445714a4011dba16d88fb847e95e5/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cb1t1.0).

- This article describes a pilot study investigating the value of using psychological type theory to enhance learning legal interviewing skills in a clinical setting.
- The article maps Myers-Briggs personality indicator to strengths in active listening.

*Legal Interviewing and Counseling Bibliography*, 18 CREIGHTON L. REV. 1503 (1984), <https://heinonline.org/HOL/P?h=hein.journals/creigh18&i=1517>.

- This bibliography compiles literature dealing with legal interviewing and counseling. It is limited specifically to materials on that topic.

For the Students: Articles tailored to the law student that can be assigned as reading material prior to class.

Rebecca Iannantuoni, Emily B. Rock, Abbe R. Gluck, *The Synergy of Legal and Medical Palliative Care: Challenges and Opportunities in Palliative MLP and the Yale Experience*, 51 J.L. Med. & Ethics 824 (2023), [https://www.westlaw.com/Document/I2ac24e9ce5e611ee8921fbef1a541940/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I2ac24e9ce5e611ee8921fbef1a541940/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article discusses how active listening is a core skill for legal professionals and is paramount in a Palliative Care and Medical-Legal Partnership.

Robert Angelo Creo, *More Tips, Suggestions, and Techniques for Effective Listening and Hearing in Mediation*, 40 ALTS. TO HIGH COST LITIG. 123 (2022),

[https://www.westlaw.com/Document/I334ee8db395b11ed9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I334ee8db395b11ed9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This brief article describes the importance of active listening in the context of arbitration and provides anecdotes from practice to illustrate that importance.

James H. Fierberg, *Strength in Silence: A Retired Legal Professor Offers a Lesson on the Artful Pause*, ABA J., June–July 2021, at 28, <https://heinonline.org/HOL/Ph=hein.journals/abaj107&i=182>.

- In law school, lawyers are taught to be erudite and to articulate with piercing logic, and that surely is important in the right setting. But it is likely that no one ever taught you about the enormous value of listening and not speaking.
- If you fail to take advantage of silence, you might lose out on two critical advantages. First, you miss the opportunity to observe the valuable verbal and nonverbal leaks that silence inevitably forces your opponent to make. Second, you obliterate the ability to seize upon the risk adversity the great majority of people possess.

Susie Salmon, *Listen Like a Lawyer*, ARIZ. ATT'Y, Nov. 2016, at 12, <https://heinonline.org/HOL/P?h=hein.barjournals/azatt0053&i=150>.

- This brief article describes the importance of listening to good legal writing and advocacy. It suggests several tips for budding lawyers to develop their listening skills.

Harvey M. Shrage, *Using an Arbitration Simulation to Teach Critical Skills*, 13 ATL. L.J. 191 (2011), <https://heinonline.org/HOL/P?h=hein.journals/atlanic13&i=199>.

- This article describes an arbitration exercise that provides students with an opportunity to learn about the arbitration process, reinforces arbitration principles, and improves a student's active listening (among other critical skills).

*Listening: The Art of Advocacy*, FINDLAW (Mar. 26, 2008), <https://perma.cc/R2DH-M87N>.

- This brief article provides examples of when active listening is necessary in an advocacy or trial setting.
- The article aims to demonstrate the importance of active listening as a core lawyering skill.

Mark Weisberg & Jean Koh Peters, *Experiments in Listening*, 57 J. LEGAL EDUC. 427 (2007), [https://www.westlaw.com/Document/I75d0508b055811dd86d5f687b7443f19/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I75d0508b055811dd86d5f687b7443f19/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- In this essay the authors invite you to reflect on your experiences of listening and to look with fresh eyes at how you might use those experiences to improve how you listen and are listened to.

Neil Hamilton & Andy Pieper, *Listening from Within and Client Relationships*, MINN. LAW. (Dec. 19, 2006), [perma.cc/6GDX-JVCE](https://perma.cc/6GDX-JVCE).

- Listening can enhance and support other attributes and skills for lawyers, such as the attorney's ability to understand adversaries and influence others. Through active listening, an attorney can ascertain and understand what is important to the decision maker or adversary in a negotiation. Listening allows attorneys to advocate, negotiate, and solve problems for the client. R.

Hal Rittler Jr. & Patricia A. Wilson, *Developing the Fine Art of Listening*, 64 TEX. BAR J. 897 (2001), <https://heinonline.org/HOL/P?h=hein.barjournals/nwjrylr0045&i=218>.

- This article describes active listening in terms of three guiding principles: Rapport, Respect, and Relationship.

Valerie McNaughton, *Active Listening: Applying Mediation Skills in the Courtroom*, JUDGES' J., Spring 1999, at 23, <https://heinonline.org/HOL/P?h=hein.journals/judgej38&i=71>.

- This brief article explains the value of active listening to a judge, both in court proceedings and communication with court staff. It ends with several suggestions for judges to improve active listening.

John L. Barkai, *How to Develop the Skill of Active Listening*, 30 PRAC. L. 73 (June 1984), <https://heinonline.org/HOL/P?h=hein.ali/praclaw0030&i=361>.

- Active listening requires that an attorney listen carefully to his client's story and respond in a way that makes the client feel that he has been understood. This ensures the client is less likely to omit important facts or view the lawyer as a hostile interrogator.
- This article describes how lawyers can use active listening effectively in interviewing and counseling situations.

John Barkai, *Active Listening*, 20 TRIAL 66 (1984), <https://perma.cc/CJQ2-V3TW>.

- Active listening is an effective, easily learned skill for improving interviews with clients. Used effectively, active listening will enable lawyers to discover more facts in interviews, prepare stronger cases, and build better rapport with clients.
- This article describes how lawyers can use active listening effectively.

**Classroom Focus: Lesson plans and curriculum for use in doctrinal courses or experiential learning.**

Marni Goldstein Caputo, Kathleen Luz, *Beyond "Hard" Skills: Teaching Outward- and Inward-Facing Character-Based Skills to 1Ls in Light of ABA Standard 303(b)(3)'s Professional Identity Requirement*, 89 Brook. L. Rev. 809 (2024),

[https://www.westlaw.com/Document/I4a224c1414e611ef8921fbef1a541940/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I4a224c1414e611ef8921fbef1a541940/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article emphasizes the importance of integrating instruction on professional identity formation early in the first year of law school. The article argues that teaching skills, such as active listening, in 1L Lawyering Skills courses are ideal because they use multiple assessments focused on fictitious fact patterns.

Lindsey P. Gustafson, Aric Short, & Neil W. Hamilton, *Teaching and Assessing Active Listening as a Foundational Skill for Lawyers as Leaders, Counselors, Negotiators, and Advocates*, 62 SANTA CLARA L. REV. 1 (2022),

[https://www.westlaw.com/Document/I53bb29cefc2f11ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I53bb29cefc2f11ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article describes the Active Listening Milestone rubric, which is based on a stage-development model for competency-based education for law students. The article breaks the Active Listening Milestone into four sub-competencies, with the goal of moving learners from students to competent practitioners.
- The article includes supplementary material including samples of the active listening rubric and provides stages of development for each sub-competency.

Justin R. Blount, *An Experiential Contract Negotiation Exercise for Business Law Students*, 36 J. LEGAL STUD. EDUC. 103 (2019), <https://heinonline.org/HOL/P?h=hein.journals/jlse36&i=105>.

- This article presents a contract negotiation exercise designed for use in an undergraduate Business Law or Legal Environment of Business course.
- The exercise requires students to integrate and apply contract law learned in class to read and understand a basic services contract. Additionally, the exercise provides students with the opportunity to develop their negotiation and interpersonal communication skills in a very realistic setting.

Eric J. Gouvin, Katherine M. Koops, James E. Moliterno, Carol E. Morgan & Carol D. Newman, *Teaching Communication Skills in Transactional Simulations*, 20 TRANSACTIONS: TENN J. BUS. L. 429 (2018), [https://www.westlaw.com/Document/Ic8dfe3163bc611e9adfea82903531a62/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Ic8dfe3163bc611e9adfea82903531a62/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article describes the role of communication exercises in transactional law education and provides several examples of such exercises.
- The article discusses exercises focusing on oral communication skills, including listening, interviewing, counseling, negotiation, and presentations.

Jennifer Romig, *Listening Skills in the Law School Classroom*, LISTEN LIKE A LAWYER (Aug. 23, 2017), <https://perma.cc/KER5-8UEX>.

- This brief article suggests five ways to teach listening skills in the law school classroom. The article suggests power point techniques, a classroom “five second rule”, and mock client interviews, among other curriculum adjustments

Susan L. Brooks, *Using a Communication Perspective to Teach Relational Lawyering*, 15 NEV. L.J. 477 (2015), [https://www.westlaw.com/Document/I276805de900611e598dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I276805de900611e598dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article describes a communication perspective, and it demonstrates how to use communication as a vehicle for teaching relational skills in several different contexts, including dedicated courses and pervasively throughout law schools.

Tenielle Fordyce-Ruff, *Teaching Active Listening: Flipping Roles in Client Interviewing*, 22 PERSPECTIVE: TEACHING LEGAL RES. & WRITING 131 (2014), [https://www.westlaw.com/Document/I8ea02ee452c311e498db8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I8ea02ee452c311e498db8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This brief article describes a method of teaching active listening and empathy, wherein students begin by role playing as clients in a mock fact pattern.



V. Pualani Enos & Lois H. Kanter, *Who's Listening? Introducing Students to Client-Centered, Client-Empowering, and Multidisciplinary Problem-Solving in A Clinical Setting*, 9 CLINICAL L. REV. 83 (2002), [https://www.westlaw.com/Document/I59aa36d15a8111dbbd2dfa5ce1d08a25/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I59aa36d15a8111dbbd2dfa5ce1d08a25/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article describes the Boston Medical Center Domestic Violence Project, an interdisciplinary clinical experience for first year students. It discusses several ways that developing students' listening skills and enhancing their interviewing skills addresses some of the obstacles to problem-solving and prepares students for building client-centered advocacy skills.

Clark D. Cunningham, *Evaluating Effective Lawyer-Client Communication: An International Project Moving from Research to Reform*, 67 FORDHAM L. REV. 1959 (1999), <https://heinonline.org/HOL/P?h=hein.journals/flr67&i=1975>.

- This article suggests a simple, standardized client evaluation form should be developed and implemented in law school clinics to provide feedback on lawyer-client communication.
- The appendix contains a proposed evaluation questionnaire.

John Barkai, *Teaching Negotiation and ADR: The Savvy Samurai Meets the Devil*, 75 NEB. L. REV. 704 (1996), <https://heinonline.org/HOL/P?h=hein.journals/nebklr75&i=714>.

- This article will discuss an experiential learning approach to teaching negotiation and ADR skills with an emphasis on communication skills.

Don Peters, *Mapping, Modeling, and Critiquing: Facilitating Learning Negotiation, Mediation, Interviewing, and Counseling*, 48 FLA. L. REV. 875 (1996), [https://www.westlaw.com/Document/I514b6291643911dbbe1cf2d29fe2afe6/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I514b6291643911dbbe1cf2d29fe2afe6/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This essay outlines ways for law schools to incorporate soft skills such as information gathering and active listening into their curriculum.
- It also provides a template curriculum for developing active listening skills in the context of mediation.

John Barkai, *The Lecture-in-Disguise*, 19 N.M. L. REV. 117 (1989), <https://heinonline.org/HOL/P?h=hein.journals/nmlr19&i=125>.

- The Lecture-in-Disguise is a team-teaching technique which uses a simulation to present class material and promote active listening skills. John Barkai has used the technique while teaching evidence, criminal procedure, and legal writing. He suggests how the technique may be used in a lawyering skills course.
- The appendix contains an example of a "Lecture-in-Disguise" used on the first day of a clinical course.