



The Power of Empathy

BY KENDRA BRODIN ON JANUARY 15, 2021



Empathy has true power, despite the fact that some in our legal profession may consider empathy to be unimportant, “soft and squishy,” or unaligned with the persona of a tough-minded, take-no-prisoners attorney. Rather, many studies have proven that organizations with empathetic leadership and cultures experience greater productivity, greater motivation, reduced attrition, and increased employee engagement, not to mention healthier bottom lines.

As attorneys, now is the time to understand what empathy is, why it matters, and how to use it to improve our professional and personal lives. We are living through trying times, and perhaps one positive outcome of the challenges we are facing at home, at work, and in our world is an increased sense of empathy, as we have an opportunity to see and appreciate the humanity in one another.

By understanding the powerful impact of empathy, we can build empathetic mindsets and, by doing so, we can increase the health and well-being of our law firms, our colleagues, and ourselves.

As the Dalai Lama says, “Empathy is the most precious human quality.”

What is empathy?

Empathy is the ability to sense, understand, and relate to the experiences, thoughts, and feelings of others. A person with high levels of empathy can easily comprehend a situation or perspective from another’s point of view and can react with compassion and understanding. Empathy is a central component of emotional intelligence and effective leadership.

As lawyers, sometimes it can feel challenging for us to empathize with one another, as we are trained to “poke holes” in someone else’s position as opposed to attempting to relate to it. We are, by nature, a cynical group, and we are hyper-focused on our own results, work product, and achievements, sometimes at the expense of connecting and empathizing with others.

Despite that nature, we can build our empathy skills by slowing down, understanding the importance of empathy, and taking time to identify and appreciate the viewpoints, wants and needs of others, even if they may not be obvious or consistent with ours.

Why does empathy matter?

Empathy has a “touch-feely” quality that cannot be measured. Rather, empathy is a skill that should be required at all levels of law firms. A 2019 Workplace Empathy Study showed that 90% of employees believe that empathy is important in the workplace, and 80% would leave an employer who they don’t believe is empathetic. In our law firms, the personal and professional connections we build using empathy create deeper employee engagement and loyalty, as well as improved performance, productivity, sense of belonging and client service.

Empathy Increases Productivity and Performance

The Center for Creative Leadership (CCL) analyzed data from 6,731 managers in 38 countries and found that better workplace empathy positively correlates to better job performance. Likewise, according to Helen Riess, M.D., associate professor of psychiatry at Harvard Medical School and author of *The Empathy Effect: Seven Neuroscience-Based Keys for Transforming the Way We Live, Love, Work, and Connect Across Differences*, “One of the biggest mistakes that leaders can make is to assume that a lack of productivity or a lack of engagement is due to not caring about the work, or a lack of understanding the importance of a job.” Using empathy, Riess explains, allows managers to pinpoint specific productivity issues and help employees thrive in their roles. The 2020 State of Workplace Empathy Study by Businessolver found that 82% of CEOs agreed that an empathetic workplace has a positive impact on business performance, motivating workers, and increasing productivity.

Empathy Decreases Attrition

CCL also found that organizations with empathetic cultures have higher employee engagement, satisfaction, and retention. On the flip side, organizations that don’t have a culture of empathy or empathetic leadership are at a competitive disadvantage, experiencing greater attrition as employees are looking for places to work where they feel valued and understood. The Businessolver 2020 State of Workplace Empathy study found that 83% of Gen Z employees and 75% of all employees would choose an empathetic employer over an employer offering a slightly higher salary. 83% of employees would consider leaving their current organization for a similar role at a more empathetic organization.

Empathy Builds Diversity, Inclusion, and Belonging

One of the deepest struggles diverse attorneys express about their law firms is that they don’t feel they can truly be authentically themselves. In an effort to “fit in,” diverse attorneys feel they need to act like those in the majority and hide their true selves. When law firms can build cultures of empathy, diverse attorneys can feel seen, heard, and appreciated for who they are, what they contribute, and their unique perspectives. This will lead to greater job satisfaction, engagement, and retention of diverse attorneys.

Empathy Drives Client Satisfaction and Retention

When the firm’s culture is empathetic and when lawyers build their own empathy skills, those lawyers are not only better colleagues that improve the culture inside the firm, but empathetic attorneys also provide better client service. Empathetic attorneys anticipate client needs, concerns, and frustrations and can serve their clients at a deeper level, which increases client loyalty.

Empathy increases the bottom line

According to Harvard Business Review’s 2016 Empathy Index, the companies at the top of the list as the most empathetic—Facebook, Google, LinkedIn, Netflix and Unilever—are the leaders in their categories, showing that it’s not just empathetic individuals who are the most successful, but also the most empathetic organizations. Additionally, according to a Harvard Business Review article by empathy expert Belinda Parmar, “The top 10 companies in the Global Empathy Index 2015 increased in value more than twice as much as the bottom 10, and generated 50% more earnings (defined by market capitalization). In our work with clients, we have found a correlation as high as 80% between departments with higher empathy and those with high performers.”

How to show empathy

Showing empathy doesn’t mean you need to let poor performance slide or constantly agree with everyone. Instead, demonstrating empathy simply means you “walk in another’s shoes” for enough time to see their perspective or point of view. Having done this, you can respond with greater emotional intelligence and maturity, rather than approaching interactions with judgment, frustration, and closed-mindedness.

Here are a few tips to increase your empathy and model it for others in your law firm:

1. Prioritize empathy

To build a culture of empathy and validate its importance to your employees, law firm, and clients, your leaders must lead with empathy and expect it from others. It’s no longer enough to simply expect high-caliber legal analysis, writing, and advocacy while ignoring deficiencies in emotional intelligence and empathy. In today’s legal landscape, understanding and developing our employees and building a culture where people want to work is as important as the more quantifiable and objective skills we have historically valued. At all levels of our firms, we must reiterate that paying attention to the needs of others creates empathy and engagement, and empathetic workplaces have a competitive advantage in a variety of ways.

2. Watch for symptoms before issues arise

When you approach others with empathy, you can perceive symptoms of deeper issues before things really “go off the rails.” For example, in today’s challenging world filled with angst, confusion, worry, and intense stress and pressure, overwhelm and burnout are two very real risks in our colleagues. Many people are working harder than ever, and struggling to balance work and home life demands. Empathetic leaders can see the signs of overwork and burnout before they turn into attrition and disengagement. To do this, simply check in with your colleagues for a few minutes on a regular basis, gently probe to see how they are doing instead of letting them off the hook when they say “I’m fine,” show that you empathize and understand their struggles, and, where possible, brainstorm solutions.

3. Ask better questions

When you ask thoughtful questions, you are better able to dig down to the root of your colleague’s challenges and understand their experience. Instead of saying “How are you?” you could ask “I noticed that you were quiet during that meeting when I knew you had something to say. Could you tell me your concerns so I can understand?” This shows your colleague that you noticed them (which they will appreciate), that you care enough to ask, and that you want to help.

4. Listen deeply and seek to understand

If you can communicate to your colleagues that you understand and appreciate their unique aspirations and challenges, and that you want to help them reach their goals, their engagement, commitment, and work performance will skyrocket. It’s hard to have face-to-face conversations while working remotely, but try to have video calls as often as possible (as opposed to phone calls), so you can see body language and facial expressions. When you are having a conversation, listen deeply to what is being said and also take time to read between the lines to what is unsaid. Don’t focus on what you are doing to say next, but listen to what the other person is saying and to what values, goals, frustrations, and fears are behind their words.

5. Practice, practice, practice

The Businessolver study showed that 80% of employees would be interested in participating in a variety of empathy skills trainings. Empathy is a leadership skill that can be learned and is one of the most important skills a leader can possess. Like any skill, it takes time and practice to build. Practice understanding another person’s perspective without jumping to conclusions. Practice asking deep questions to get to the root of the issues you are perceiving. Practice saying “I understand” and meaning it when a colleague opens up to you. When you can, affect positive change in your legal organization that addresses the root challenges people are expressing. Eventually, you will develop greater empathy and, with it, the respect and appreciation of others. You will be a part of the solution in creating an empathetic, compassionate workplace and law firm where everyone can thrive.

Don’t Forget Self-Empathy!

Not only should we be more empathetic with others, but we also should also be compassionate with ourselves. Studies show that you increase your chances of success as well as improve your mental health when you are more gentle and self-compassionate after making a mistake, missing a deadline, or otherwise messing up. Instead of beating yourself up (which we attorneys love to do to ourselves), think about how you would respond to a colleague or even a child who made a mistake. You’d suggest they look for the lesson in the mistake so they don’t repeat it. You’d tell them to make amends to anyone who suffered because of their error. Then you’d tell them they are still a valuable, intelligent, and capable person. The more empathy and self-compassion you have for yourself, the more you can have for others.

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