

The Formula for Success: EQ ≥ IQ

By Gabriella Kane | 5 July 2021

WHY IS A LAWYER LIKE A DENTIST?

It's not a trick question – both are professions where, in order to be successful, emotional intelligence is vital. A patient in need of root canal treatment will favour the dentist that welcomes them into the surgery and ensures they feel relaxed while the painful problem is treated. The deadpan dentist that gets to work straight away with their drill then files the patient out of the room to move onto the next poor soul in line is unlikely to be popular, even if they are cheaper.

“Like a visit to the dentist, no one wants to go to a lawyer,” says Shoosmiths commercial partner Tony Randle. “You only go to a lawyer when you need some work done; it's not an activity you book like the theatre or the cinema.”

EMOTIONAL INTELLIGENCE IS EQUAL TO OR GREATER THAN INTELLIGENCE QUOTIENT

Through Randle and fellow Shoosmiths commercial partner David Jackson's belief that clients want and deserve a better experience from their lawyers than they are currently getting, they have come to see that the future of lawyering is people focused. “EQ ≥ IQ: Emotional intelligence is equal to or greater than intelligence quotient” is the equation they propose will define the lawyers that excel as technology continues to infiltrate every aspect of working life. The human element reigns supreme. People matter.

In recent years Randle and Jackson have created and rolled out legal tech and innovation at Shoosmiths with the aim of doing things differently and simplifying in-house lawyers' lives. These include consultancy arm “Shoosmiths8 Connected Services”, which is made up of a suite of eight products such as Innovation Lab and Contract Lifecycle, and the “New How” campaign, which arose from the pandemic to help businesses work smarter, faster and better.

“Over the course of spending so much time developing innovation, what



Tony Randle

has become obvious to David and I is that emotional intelligence is becoming increasingly important to the role of lawyers,” says Randle. “As machines get more intelligent, our intelligence quotient is only going to get us so far – we will need to instead rely more on our emotional intelligence.”

WITH TECH BECOMING A LEVELLER, EQ SKILLS ARE THE DIFFERENTIATOR.

The EQ ≥ IQ concept was crystallised during a discussion at *The Lawyer's* Smarter Working Week, which included NatWest's head of outsourcing, technology & IP Kenny Robertson and Scania's head of legal and compliance Sarah Holford.

Robertson made the observation that lawyering is a contact sport: “Some lawyers are better than others at this, but I see emotional intelligence and empathy as only becoming more critical in the profession going forward.”

Emotional intelligence subsumes many people skills – communication, persuasion, negotiation, networking, resilience, relationship management and conflict management. The term that has been traditionally used to describe these has been “soft skills” and they have been treated by firms as almost a tick box training exercise. It is a term that Randle and Jackson are keen to expel. For them, it has an image problem; they can too often be seen as “lesser” skills to technical and academic expertise.

LEGAL THERAPISTS

“People talk about soft skills, but they're not soft,” argues Randle. “Some of the hardest skills you will ever have to master are “so-called” soft skills – dealing with and understanding people. We prefer people skills.”

One way that lawyers may perceive themselves is as legal therapists, a term posited by New York Times tech columnist Kevin Roose. “Good lawyers will become more like legal therapists – creating trust with clients and helping to solve their problems, rather than simply writing briefs and doing research,” Roose says.

A legal therapist conjures an image of someone with excellent listening and interpersonal skills, who is able to identify their client's individual needs and provide assistance towards solving their concerns. What is key is their interest in caring – a computer is no substitute for a listening ear. Fu-

ture lawyers will return to the role of “trusted advisers.”

“The narrative in the market is dominated by technology – how New Law entrants and artificial intelligence will disrupt our profession and how lawyers need to be able to adapt to using tech more,” states Jackson.

“Tech is having a disruptive effect, but in order for lawyers to maintain their relevance in light of this we need to amplify our emotional intelligence and people skills – the things that differentiate us from machines. Tech cannot provide the reassurance and bedside manner that a person can.”

Emotional intelligence doesn't come naturally to everyone, however. Randle remarks that it is not just junior lawyers that need training in EQ, but senior lawyers too.

“If ever a time had existed when our people skills have been tested, it has been in the last year and a half,” he continues. “Lockdown has revealed those that can truly understand and empathise with their people, and those that have failed.”

Randle and Jackson are clear that championing of EQ does not detract from the opportunities technology has opened up in the legal profession. They refer to the example of Microsoft's 2003 introduction of the spellcheck feature. Just a year previously dictionaries were still on desks for manual proof reading. Countless hours have been saved in the almost two decades since then. For them, the spell check has grown up, gone to university and got itself a law degree – AI-powered products such as Shoosmiths' Cia®. Tech's got a law degree and wants to help clients do more than highlight typos.

“It is about people and tech,” Randle states. “Tech gives us more time to develop the EQ skills we have failed to develop and prioritise in the past.”

The more mundane tasks tech liberates us from, the more time we have to give to clients on the emotional intelligence side. EQ-powered lawyers and AI-powered tech will transform the practice of law.”



David Jackson

EQ takes many forms in the practice of lawyering, distinguishing lawyers from highly tech-leveraged New Law businesses:

- Lawyers can read a situation – they know the signals someone is giving off by the position of their body, the roll of an eye, the turn of a head, the raising of the shoulders. “It's so important to read the room,” Randle says. “In the new hybrid world we will have physical meetings, but there will continue to be lots of video meetings. We have to learn how to pick up these signals from a two-dimensional screen.”
- They empathise, supporting, motivating and encouraging the client and taking the weight off their shoulders.
- They negotiate. A valuable lawyer looks to speed up the deal, not slow it down, and can read when to stick and when to move on. “A great lawyer knows when to bang the table, and when not to bang the table,” says Randle. Playing the card at the wrong time can lose you a career – or score you a checkmate. Machines will never be able to sense when the right time to strike is.
- They foster trust. New Law entrants do not have the same level of SRA regulation as traditional firms. “The legal profession has one hand behind its back because we have to comply with a lot of rules. But we think that can be a positive thing,” Randle states. “It distinguishes us from tech-driven New Law entrants. We're trustworthy by design.”

- They make it fun. Both lawyers and clients share not only in the thrill of a deal close, but in the relationships formed in the process. The client will always respond positively if they feel the lawyer is happy to be working with them.

Ultimately, lawyers that act and behave like robots will be replaced by robots. Jackson says that his head is now turned by people that have proven experience of people skills; when recruiting paralegals or trainees, he looks at those that have spent time in supermarkets stacking shelves or have served behind a bar.

“Interactions with humans where candidates have faced challenging situations is more impressive than candidates who relay their gap year travels,” Jackson states. Tech will not replace lawyers. But lawyers that use tech will replace lawyers that don't – and lawyers who combine EQ with tech will thrive above all.

The lawyer of the future knows how to leave a client with a smile on their face. And coming back for more.

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Tony Randle, Shoosmiths

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