

# SOFT SKILLS FOR SUCCESS

## Introduction

Recent studies of American lawyers and their clients have revealed an interesting finding: lawyers and clients view lawyer effectiveness differently.

Whereas American lawyers ranked legal expertise and knowledge of the law as their most important competencies, their clients emphasized regular and prompt communication, listening skills and responsiveness as the top lawyer competencies.

The disconnect between American lawyers and their clients in perceiving lawyer effectiveness underscores the need for lawyers to be proficient in what is commonly referred to as “soft skills”. This problem – lawyers lacking soft skills – is what Randall Kiser, an internationally recognised authority on lawyer performance, seeks to address through his book *Soft Skills for the Effective Lawyer*.<sup>1</sup>

At first glance, the title of Kiser’s book may sound like another one of those “self-help” books that you commonly find in bookstores, promising readers how to be a better person in 30 days or some unique “system” that will phenomenally increase one’s effectiveness in life and at work.

But the book goes far beyond than just providing a self-help manual on soft skills for personal effectiveness. It is a comprehensive guide to almost every soft skill that concerns the practice of law, which is carefully synthesised by Kiser into a framework of six essential soft skills (more on this below).

Observing that soft skills are commonly disparaged and neglected by lawyers, Kiser makes the case that almost all successful professionals possess soft skills and that, contrary to popular belief, soft skills can be learnt. Indeed, he points out that while soft skills training has been integrated into the curriculum of American business and medical schools, American law schools have by and large resisted teaching soft skills.

## What Exactly Are Soft Skills?

Kiser does not provide an easy answer to this question. In the Introduction, he suggests that soft skills and hard skills have a symbiotic relationship and are sometimes indistinguishable. For example, attaining legal knowledge (hard skill) is of no value if it cannot be effectively communicated to the client (soft skill).

To overcome this conceptual difficulty, Kiser submits that soft skills focus more on practical intelligence, while hard skills target analytical intelligence (aka IQ).



Although practical intelligence includes what has become commonly known as “emotional intelligence”, it covers a wider skill-set which he synthesizes into six essential soft skills. These are: self-awareness, self-development, social proficiency, wisdom, leadership and professionalism.

Under each key soft skill, Kiser identifies a number of diverse component skills. For instance, the component skills of self-development include resilience, will power, optimism, curiosity and mindfulness. In essence, Kiser’s soft skills framework seeks to improve a lawyer’s ability to represent his or her client, and thereby increase lawyer effectiveness.

Instinctively, self-awareness, self-development, social proficiency and leadership should not be unfamiliar to most lawyers, and will be covered briefly below. What is of greater interest is Kiser’s reference to wisdom and professionalism, as they are not commonly perceived as soft skills.

### **Self-awareness and Self-development**

Kiser explains that self-awareness and self-development require lawyers to be alert to biases and distortions in evaluating their own performance, such as over-estimating one’s abilities (what he calls “omniscience”) and projecting an aggressive image without effectively solving the client’s problem.

At the same time, Kiser notes that various traits, attitudes and behaviours accelerate self-development, including resilience, will power and optimism. Indeed, the quality of lawyer resilience has come under the spotlight in a number of Singapore Law Gazette articles.<sup>2</sup> Kiser considers resilience as arguably the most important soft skill, although he recognises that lawyers “have notoriously low levels of resilience”.

### **Social Proficiency**

In contrast to the inward-looking skills of self-awareness and self-development, social proficiency is concerned with lawyers’ ability to understand and work with other people. While Kiser predictably discusses the established component skills of listening, communication, empathy and teamwork, he also highlights the increasing importance (and popularity) of applying storytelling techniques to litigation and even transactional matters, given the natural affinity that people have with “stories and anecdotes than facts and logic”.

### **Leadership**

One of the interesting insights from Kiser’s chapter on leadership is the six categories of leadership styles. The most effective style is what Kiser calls “visionary/authoritative”, whereby authoritative leaders steer people towards a common vision. On the other hand, the least effective styles, which are commonly associated with lawyers, are “pacesetting/heroic” and “directive/coercive”. The former involves the leader setting frustratingly high standards that their followers cannot achieve, while the latter relies on a top-down approach which stifles creativity and initiative.

### **Wisdom**

Turning to the first of the remaining two more unusual key soft skills in Kiser’s framework, Kiser takes the view that lawyers need to be wise, in the sense of being able to provide clients with “objective evaluation, sound advice, and thoughtful strategies”, before they consider the matter from a partisan perspective or what he calls “to think like a lawyer”.

Wisdom is, of course, a difficult quality to define, and even more so to acquire. Kiser distinguishes wisdom from knowledge by noting that wise people “continually test the sources and ascertain the limits of their knowledge”.

He proposes seven elements of wisdom – perceptiveness, foresight, creativity, fairness, judgment, self-renewal and courage – as well as techniques and methods that lawyers can use to improve themselves for each element.

Of these, self-renewal would appear to be the most relevant to lawyers who lead hectic lives in the practice of law. Kiser believes that “self-renewal is a professional responsibility” and lawyers should take time off to reflect and find meaning in their practices.

Coincidentally, a similar point was made by former Attorney-General and Judge of Appeal V.K. Rajah in his commencement speech to NUS law graduates in 2017, where he advised the aspiring lawyers to be wise lawyers and not merely clever ones, and that lawyers need to find a larger purpose as the practice of law “should not be defined by just billing targets, profits and compensation”.<sup>3</sup>

### Professionalism

Kiser recognises that legal professionalism is often thought of in terms of ethical rules and malpractice standards. However, he advocates a broader approach premised on the notion that lawyers must “accept responsibility and promote accountability”, given their privilege to practise law and the fact that they serve not only their clients, but also the legal profession and society.

In particular, Kiser defines professionalism as five sets of duties owed to self, clients, other lawyers and judges, the legal profession and society. Many of these duties are in fact derived from common ethical requirements such as competence, civility and reporting misconduct, which may inadvertently reinforce the narrow outlook that compliance with ethical rules is sufficient.

Nevertheless, a closer examination suggests that the golden thread of Kiser’s professionalism framework is that lawyers should adopt a more service-oriented mindset not only towards their clients, but also to the legal profession and society through improving the delivery of legal services, mentoring other lawyers and providing pro bono services. At the end of the chapter,

Kiser makes this clear by favouring an outward-looking perspective on professionalism which considers that the practice of law cannot be detached from the society which it serves.

### Conclusion

Although *Soft Skills for the Effective Lawyer* is written from the perspective of the American legal profession, Kiser’s framework of essential soft skills is applicable to the practice of law in any jurisdiction. Some may query whether it is necessary for lawyers, in order to be successful, to learn and master any or all of the soft skills identified by Kiser. Perhaps the starting point is not whether lawyers must do so, but whether they can afford not to do so.

As Kiser observes in his concluding chapter, lawyers risk being disassociated at work if they ignore “the self-awareness, emotions, perceptions, and sensibilities that underpin soft skills” and fail to tap on their innate attributes to build a more satisfying legal practice.

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### Endnotes

1. Randall Kiser, *Soft Skills for the Effective Lawyer* (Cambridge: Cambridge University Press, 2017).
2. See e.g. Gregory Vijayendran, “The Resilient Lawyer”, *Singapore Law Gazette* (June 2017); Thio Shen Yi, SC, “A RoadMAP for Your Journey”, *Singapore Law Gazette* (August 2016); Alvin Chen, “Why a Resilient Professional Identity Matters”, *Keep Calm and Carry on Practising (A Special Supplement for Young Lawyers)* (2014).
3. Janice Tai, “Be wise people, not just smart lawyers: former Attorney-General V.K. Rajah tells NUS law graduates” *The Straits Times* (8 July 2017) <<https://www.straitstimes.com/singapore/court-s-crime/be-wise-people-not-just-smart-lawyers-former-attorney-general-v-k-rajah-tells>> (accessed 19 July 2018).