

**Professor Richard C. Reuben**  
**Emotional Intelligence in Law**  
**Fall 2019, Room 112**  
**Wednesday and Friday, 2-3:15 p.m.**  
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**Cell: 573-817-2900**

**Appointments: Schedule by email**

# **Emotional Intelligence in Law**

## **Preliminary Syllabus**

**Course Overview:** As in medicine, business, and the other professions, success in law requires much more than the ability to understand, apply, and articulate the law. It also requires the ability to perform in difficult, often high-pressure environments; to work effectively with others, including clients, colleagues, and staff; and to lead in situations of conflict and uncertainty. These tasks require a separate set of skills that have long been highly prized in the legal profession, but not formally taught in law schools or cultivated in practice. The thinking was that either you have these skills or you don't.

Ongoing research in psychology and business, however, has proven not only the importance of these skills to professional success, but also to personal happiness that can be so elusive in the professions – especially the legal profession. It has also confirmed that these skills are not simply innate, but can be learned, practiced, and perfected. These skills have come to be known as “emotional intelligence” or “emotional quotient (EQ),” and seen as a necessary complement to native intelligence (or “IQ”).

### **Learning Objectives and Outcomes**

In this course, you will:

- study the elements and structure of Emotional Intelligence and apply it to our work as legal professionals;
- Foster greater sense of self-awareness of our cognitive and emotional terrains, and the development of skills and strategies to manage them effectively;

- strengthen our awareness of ourselves in relationship to others, so that we can manage those relationships in ways that are constructive, productive, and authentic; and
- Gain the knowledge and skill to be effective, successful and happy in their work as legal professionals.

**Readings:** There is no law school text for this course. Instead, we will work with several books and readings that will be posted on the class TWEN site. The books are available through the bookstore. However, they are also readily available through half.com and other online book services. Cost will vary by condition preference, but the full set can easily be purchased in “new” or “like new” condition for under \$75 the last time I checked. Unless otherwise specified, assigned articles and chapters will be on the TWEN site.

### **Required Books**

- Daniel Goleman, Emotional Intelligence (1995, 10th Anniversary Edition 2005)
- Richard Lazarus and Bernice Lazarus, Passion and Reason (1994)
- Roger Fisher and Daniel Shapiro, Beyond Reason (2006)

### **Recommended Readings**

- Paul Eckman, Emotions Revealed (2003)
- Dale Carnegie, How To Win Friends and Influence People
- Daniel Goleman, Social Intelligence
- David Caruso and Peter Salovey, The Emotionally Intelligent Manager (2004)
- David Hoffman and Daniel Bowling, Bringing Peace Into the Room
- Jon Kabat Zinn, Full Catastrophe Living
- James E. Loehr, Stress for Success (1997)
- Mayer, et al., Selecting a Measure of Emotional Intelligence
- Conte, A Review and Critique of Emotional Intelligence Measures
- Doug Stone, Sheila Heen, and Bruce Patton, Difficult Conversations (2000, 10<sup>th</sup> Anniversary Edition 2010)

**Grading:** Grading will be based on weekly reflection papers (50 percent), a final reflection paper (20 percent) and class participation (30 percent). For the reflection papers, you will be required to turn in 8 reflection papers over the course of the 14-week semester, and may only turn in one per week. They should be 2-3 pages each, and reflect on the readings, class discussion, and, most importantly, the application of our materials for you outside of the classroom. This is your opportunity to internalize what these materials mean for you.

Reflection papers must be double-spaced, with single-inch margins, page numbered, in a Times Roman font, and turned in to me by email **before** class Tuesday. Please put “EIJournals” in the subject line, spelled exactly this way to facilitate proper routing. The final reflection paper will be

a comprehensive 10-15 page reflection on the course and its implications for you as a person and as a lawyer, legal education, and the legal profession.

**Mindfulness Meditation:** In every class there will be a mindfulness meditation component. There are many different types of meditation, ranging from the religious or spiritual to the wholly secular. In this course, we will use secular meditation as a tool for cultivating the capacity to be in the present moment, to work effectively with distractions from focus, and to enhance the self and social awareness that lie at the heart of emotional intelligence. No prior meditation experience is required.

**Attendance and Participation:** Per ABA accreditation policy for all law school classes, class attendance is generally required, consistent with the Law School's general attendance policy posted on the Law School web site.

Attendance is especially important in this class because students will have a significant role in the development and teaching of this class. In particular, students will serve as facilitators for most class sessions, helping to facilitate discussion, develop exercises, or contribute in some other way to enhance student understanding and the tethering of the materials to the experience of their classmates.

I understand that things come up, and sometimes choices have to be made, so I don't require attendance or expect yours to be perfect -- although I do reserve the right to require attendance for a particular class, such as if we have a guest speaker.

You are adults and need to make your own decisions about your time. For this reason, I do not distinguish between excused and unexcused absences. Rather, you may miss 4 classes for any reason. If you miss one more, for any reason, you will be dropped from the course administratively without further notice. There will be no exceptions.

I will take attendance daily, and will treat representations of the attendance of another who is not present as an honor code violation.

**Class Communication:** I correspond with students by email, and use only university email addresses. Things do come up, so it is your responsibility to check your university account for up-to-date information.

**Facilitation Assignment:** Each student will be required to facilitate class discussion about one specific emotion, such as anger or joy. Please see the materials under "Facilitators" on the TWEN page for further details on this assignment.

**Confidentiality:** By its very nature, this class may be an intense and personal experience for many students. It is vital that everyone feel safe to speak openly and freely so that joint learning can occur. I ask that you join me in adopting a rule of confidentiality. There may, of course, be some felt need to process the experience with others outside of the class. But we can surely agree to

respect each other's privacy and dignity, and not to disclose any information when discussing this class that would identify particular students.

**Cancelled Classes and Make-Ups:** Please note the following schedule adjustments. All make-ups will be during the open hour reserved for make-up classes.

Cancelled:    Make-Up:

## **Schedule of Classes**

*Note: Chapter and/or page numbers are noted in parenthesis following the reading.*

### **Week 1. Orienting Toward Emotional Intelligence in Law**

Readings:    TWEN: Griswold, Law Schools and Human Relations  
                  ABA Hazelden Report (2016)  
                  ABA Task Force on Lawyer Well-Being (2017)  
                  Fontana, Mindfulness (skim)  
                  Reuben and Sheldon, Can Mindfulness Help Law Students (2019)

Skills: Mindfulness

### **Week 2. Intelligence and Emotional Intelligence**

Readings:    TWEN: Howard Gardner, Multiple Intelligences  
                  TWEN: Malcolm Gladwell, Outliers  
                  Daniel Goleman, Emotional Intelligence, Cost of Emotional Illiteracy (15)  
                  Daniel Goleman, Emotional Intelligence, When Dumb is Smart (3)  
                  Riskin et al, Listening

Skills: Listening

### **Week 3: What are emotions?**

Readings:    Daniel Goleman, Appendix A-B  
                  Richard Lazarus & Bernice Lazarus, Stress and Emotion (11)  
                  TWEN: Nigamananda Biswas, Positive Stress  
                  Fisher, Emotions Around the World  
                  Beck, Researchers Say there are Four Emotions  
                  The Seven Emotions: Facial Cues  
                  The Wheel of Emotions  
                  Riskin, et al. Questioning

Skills: Questioning

#### **Week 4. Emotion and the Brain**

Readings: Daniel Goleman, The Emotional Brain (Part One), Appendix C  
TWEN: Paul Ekman, When Do We Become Emotional, Emotions &  
Culture (2-3)  
Richard & Bernice Lazarus, How Biology and Culture Affect Emotion (9)  
TWEN: Daniel J. Siegel, Brain Basics  
MindTool Content Team, How to Be Assertive

Skills: Asserting

#### **Week 5. The Negative Emotions**

Readings: Richard & Bernice Lazarus, Passion and Reason  
Nasty Emotions (Anger, Jealousy, Envy) (2)  
TWEN: Daniel J. Siegel, Mindfulness  
Abrams, The Psychology of Hate  
Opotow. Hate, Conflict and Moral Exclusion

Facilitator Anger:

Disgust:

Hate:

Jealousy & Envy:

#### **Week 6. The Negative Emotions**

Readings: Richard & Bernice Lazarus, Existential Emotions (Anxiety, Fright, Guilt,  
Shame) (3)

Facilitator Anxiety

Fright:

Guilt:

Shame:

Surprise:

## **Week 7. Negative Emotions**

Readings: Richard & Bernice Lazarus, Passion and Reason  
Emotions Provoked by Unfavorable Life Conditions (Relief, Hope  
Sadness, Depression) (4)

Facilitator Sadness:

Relief and Hope:

## **Week 8. Positive Emotions**

Readings: Richard & Bernice Lazarus, Passion and Reason  
Emotions Provoked by Favorable Life Conditions (Happiness,  
Pride, Love) (5)

TWEN: Emotional Competency, Joy  
Cottrell, Joy and Happiness

Facilitators: Happiness:

Pride:

Joy:

Love:

## **Week 9. Positive Emotions**

Readings: Lazarus & Lazarus, Empathic Emotions (Compassion, Gratitude) (6)  
Daniel Goleman, The Roots of Empathy (7)

Facilitator Compassion:

Gratitude

Equanimity:

## **Week 10. Managing our Emotions**

Readings: Daniel Goleman, Windows of Opportunity (Part Four)  
Richard & Bernice Lazarus, Coping and the Self-Management of

Emotion (8)  
TWEN: Goldstein, Liberating Emotions  
TWEN: Len Riskin, The Contemplative Lawyer

Skills: Looping

### **Week 11. Reading Emotions of Others**

Readings: Daniel Goleman, The Social Arts (8)  
TWEN: Riskin, et al., Dispute Resolution and Lawyers, Listening

### **Week 12. Managing Others with Emotional Intelligence**

Readings: Daniel Goleman, Managing With Heart (10)  
Roger Fisher and Daniel Shapiro, Beyond Reason, Chapters 1-7

Skills: ElderBerry Whine

### **Week 13. Managing Others with Emotional Intelligence**

Skills: Role Reversal

### **Week 14. TBD**

## **Administrative Disclosures**

### **Statement Regarding Americans With Disabilities Act**

If you need accommodations because of a disability, if you have emergency medical information to share or if you need special arrangements in case the building must be evacuated, you may contact me privately after class or in my office, however all requests for accommodations are handled by the Associate Dean for Academic affairs. To request academic accommodations (for example, a notetaker), students must also register with the Office of Disability Services, (<http://disabilityservices.missouri.edu>), S5 Memorial Union, 882-4696. It is the campus office

responsible for reviewing documentation provided by students requesting academic accommodations, and for accommodations planning in cooperation with students and instructors, as needed and consistent with course requirements. For other MU resources for students with disabilities, click on "Disability Resources" on the MU homepage.

### **Statement Regarding Academic Integrity**

Academic integrity is fundamental to the activities and principles of the School of Law. All members of the law school community must be confident that each person's work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The law school community regards breaches of the School of Law's Honor Code as extremely serious matters. In the event that you violate our Academic Integrity rules on any portion of the work required for this class, you may expect a failing grade in this course as well as possible disciplinary sanctions ranging from probation to expulsion. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, consult the course instructor.

### **Statement Regarding Intellectual Integrity**

The School of Law community welcomes intellectual diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean or Director of the Office of Student Rights and Responsibilities (<http://osrr.missouri.edu>). All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of this course.