

**Professor Richard C. Reuben**  
**Emotional Intelligence in Law**  
**Fall 2021. Room 5**  
**Tuesday and Thursday 4:45-6:00 p.m.**  
**Email: [ReubenR@missouri.edu](mailto:ReubenR@missouri.edu)**  
**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 Canvas. 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 Canvas.

### **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 eight (8) reflection papers over the course of the 14-week semester, and may only turn in one per week. The First Day Assignment **does not** count for purposes of the required eight weekly papers.

**Reflection Papers:** These 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. There is more discussion of this under Student Resources on the course Canvas site.

Reflection papers must be double-spaced, with single-inch margins, page numbered, in a Times Roman font, and turned in on Canvas before class begins at 4:30 p.m. on Tuesday for it to count for that week. Papers turned in after class will be counted toward the next week.

**Final Reflection Paper:** This 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/or the legal profession. It is due by 11:59 p.m. on Stop Day, Monday, December 6, 2021. More information about the final reflection papers can be found on Canvas.

**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. I have spent countless hours teaching mindfulness online and it has worked out just fine.

**Class Attendance:** 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.

I ordinarily have a permissive but meaningful attendance policy on top of the ABA standards. However, in light of the pandemic and the need for extra precaution on matters of public health, I will simply say if you don't feel well, please don't come to class. I hope to be able to record the classes for those who can't attend, but that will depend upon factors beyond my control at this time.

**Mask Policy:** Per University policy, masks are required for admission into the classroom until at least Sept. 15. See Administrative Disclosures below.

If the University disbands its mask requirement, I will follow the CDC guidelines as they relate to Columbia at the time, and expect you to do the same. The rule of law depends on voluntary compliance with rules, regulatory guidance, democratic norms, and governmental institutions, and this principle will be honored in this class.

**Participation:** I value your class participation and therefore allocate 30 percent of your grade to participation. I am looking for your engagement, insight, sophistication, and other indicia of growing mastery. Please note that mere attendance is not participation for purposes of the class participation component of your grade.

I also want to acknowledge that that some of you may feel uncomfortable participating in class, even when you are prepared. Unfortunately, in our chosen profession we are often required to speak verbally, whether it is to a client, partner, or judge. Please use this class to help develop your skills, comfort, and confidence speaking like a lawyer. You will not be penalized for awkwardness, or even inaccuracy. This is a part of learning. You will only be penalized for lack of engagement.

On the other hand, you will, of course, be rewarded for the quality of your participation so it is worth your effort, before and during class. Finally, if you consider yourself an introvert, I highly recommend Heidi K. Brown, *The Introverted Lawyer* (2017). There are many introverted lawyers who are very successful. You can be one of them.

**Class Communication:** I will correspond with the class through Canvas Announcements, and with individual students by email to your university email address. Things do come up, so it is your responsibility to monitor these resources 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 Canvas 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.

# **Schedule of Classes**

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

## **Topic 1. Why Emotional Intelligence in Law?**

Readings: Canvas: 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)

## **Topic 2. Intelligence and Emotional Intelligence**

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

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

Readings: Daniel Goleman, Appendix A-B  
Richard Lazarus & Bernice Lazarus, Stress and Emotion (11)  
Canvas: 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

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

Readings: Daniel Goleman, The Emotional Brain (Part One), Appendix C  
Canvas: Paul Ekman, When Do We Become Emotional, Emotions &  
Culture (2-3)  
Richard & Bernice Lazarus, How Biology and Culture Affect Emotion (9)  
Canvas: Daniel J. Siegel, Brain Basics  
Reuben, Beyond Stress Reduction: Mindfulness as a Skill for  
Developing Professional Identity (2021)

## **Topic 5. The Negative Emotions**

Readings: Richard & Bernice Lazarus, Passion and Reason  
Nasty Emotions (Anger, Jealousy, Envy) (2)

Canvas: Daniel J. Siegel, Mindfulness  
Abrams, The Psychology of Hate  
Opatow. Hate, Conflict and Moral Exclusion  
Facilitator(s):

### **Topic 6. The Negative Emotions**

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

Facilitator(s):

### **Topic 7. Negative Emotions**

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

Canvas: Sheri Karabin, Shedding the Stigma of Mental Illness

Facilitator(s):

### **Topic 8. Positive Emotions**

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

Canvas: Emotional Competency  
Joy Cottrell, Joy and Happiness

Facilitator(s):

### **Topic 9. Positive Emotions**

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

Facilitator(s):

### **Topic 10. Managing our Emotions**

Readings: Daniel Goleman, Windows of Opportunity (Part Four)  
Richard & Bernice Lazarus, Coping and the Self-Management of  
Emotion (8)

Canvas: Goldstein, Liberating Emotions  
Len Riskin, The Contemplative Lawyer

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

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

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

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

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

### **Topic 14. TBD**

## **Administrative Disclosures**

### **Statement on Covid-19: Mask Requirement**

**The University of Missouri has temporarily reinstated our indoor masking requirements for the start of the fall 2021 semester:**

**As of Aug. 2**, all students, faculty, staff and visitors, regardless of vaccination status, will be required to wear a mask in classrooms, as well as meeting spaces where social distancing is not possible.

For the remaining indoor spaces on campus, if you are not fully vaccinated, you are required to wear a mask. Even if you are fully vaccinated, the university recommends wearing a mask in these other indoor spaces, which is aligned with latest CDC recommendations.

This temporary requirement will be reviewed by Sept. 15.

### **Immunocompromised individuals:**

If you are immunocompromised or have a weakened immune system, it is recommended that you continue to socially distance and wear a mask when in close contact with others you do not live with or interact with on a regular basis, even if fully vaccinated.

### **All MU community members:**

- Vaccination is now readily available to the vast majority of the general public in Missouri and is an important step in reducing the spread of COVID-19.
- Individuals who live, work, learn or visit the university will not be asked about their vaccination status.
- If you have a medical condition that requires an accommodation, students can contact the Disability Center, and employees can contact the Office of Accessibility and ADA.
- All Mizzou community members should continue to monitor symptoms daily, practice hand hygiene and stay home if ill.

University officials will continue to monitor the situation and make any necessary changes to health and safety policies. Our campus community may need to continue to adjust social distancing and face covering requirements in the future as the public health situation dictates.

### **Statement on COVID-19: Decreasing the Risk of COVID-19 in Classrooms and Labs**

If you have tested positive for COVID-19 or have been identified as someone who needs to quarantine, do not attend class in person until the mandated period for isolation or quarantine has passed. Your instructor will work with you on arrangements to access class material while you are in isolation or quarantine.

Additionally, if you are experiencing any COVID-related symptoms, or are otherwise feeling unwell, do not attend in-person classes and contact your health care provider and/or student health immediately. COVID symptoms include: fever greater than 100.4 or chills; cough, shortness of breath or difficulty breathing; fatigue; unexplained muscle or body aches; headache; new loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; diarrhea.

Instructors or students with concerns about how a student is following any University-mandated COVID-19 policies and protocols should report those concerns to the Office of the Dean of Students. Concerns can be documented on a [COVID Safety Measures Reporting Form](#).

Please note that sub-groups of students may have specific needs during COVID or online learning. One group is international students, who may be participating in class from their home countries and in different time zones. The instructor may be able to make reasonable accommodations to support the success of international students currently living in time zones that differ significantly from that of Columbia, MO. International students are expected to consult with their instructor about possible accommodations as soon as possible after the start of the course.

Please consult [Show Me Renewal](#) for further guidelines. This statement will be updated as information changes.

*Last updated June 29, 2021*

### **Statement on Recording of Class**

University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in Section 200.015 of the Collected Rules and Regulations. In this class, students may make audio or video recordings of course activity unless specifically prohibited by the faculty member. However, the redistribution of audio or video recordings of statements or comments from the course to individuals who are not students in the course is prohibited without the express permission of the faculty member and of any students who are recorded. Students found to have violated this policy are subject to discipline in accordance with provisions of [section 200.020](#) of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

### **Statement Regarding Mental Health**

The University of Missouri is committed to supporting student well-being through an integrated network of care, with a wide range of services to help students succeed. The MU Counseling Center offers professional mental health care, and can help you find the best approach to treatment based on your needs. Call to make an appointment at 573-882-6601. Any student in crisis may call or go to the MU Counseling Center between 8:00 – 5:00 M-F. After hours phone support is available at 573-882-6601.

Visit our website at <https://wellbeing.missouri.edu> to take an online mental health screening, find out about workshops and resources that can help you thrive, or learn how to support a friend. Download Sanvello, a phone app that teaches skills and strategies to help you maintain good mental health. Log in with your Mizzou e-mail to unlock all the tools available through Sanvello at no cost to you.

### **Statement Regarding Americans with Disabilities Act**

If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please let me know as soon as possible. This sample statement is posted on the web at: <http://provost.missouri.edu/faculty/syllabus.html> and at <http://disabilityservices.missouri.edu/faculty/syllabus.php>.

If disability-related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please register with the Office of Disability Services (<http://disabilityservices.missouri.edu>), S5 Memorial Union, 573- 882-4696, and then notify me of your eligibility for reasonable accommodations. For other MU resources for students with disabilities, click on "Disability Resources" on the MU homepage.

### **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 Intellectual Pluralism**

The Law School community welcomes intellectual diversity and respects student rights. Students who have questions or concerns regarding the atmosphere in this class (including respect for

diverse opinions) may contact the Dean's Office, the Director of the Office of Students Rights and Responsibilities <http://osrr.missouri.edu/> or the MU Equity Office ([equity@missouri.edu](mailto:equity@missouri.edu)). All students will have the opportunity to submit an anonymous evaluation of the instructor(s) at the end of the course.

### **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.

### **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 Academic Dishonesty**

Academic integrity is fundamental to the activities and principles of a university. All members of the academic 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 academic community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including failing the course for any violation, to 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.