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Expert Advice

Anger: A Frontal Approach

How to stay calm and prevail instead of losing out to anger.

by Russell E. Haddleton and Joseph A. Shrand | June 2014

"Lawyers are men who hire out their words and anger." So said Horace, the Roman poet, 2,000 years ago. Today, lawyers face an epidemic of incivility contaminating a collegial and cooperative - if competitive - profession.

In an effort to stem the tide, the California Supreme Court has approved a revised oath of admission whereby new attorneys commit to conducting themselves "at all times with dignity, courtesy, and integrity." (See Cal. Rules of Court 9.4 [effective May 23, 2014].)

The new oath will help, but incivility will continue to crop up in highly charged atmospheres. The truth is, an angry lawyer is an ineffective advocate. Here are seven guidelines for managing someone else's anger - and on occasion your own - for better outcomes all around:

Recognize rage.

Anger occurs in an ancient part of your brain: the limbic system responsible for impulses and emotions. When you are angry, your body prepares for battle, engaging the "fight" branch of the "fight or flight" instinct. Muscles tighten. Breathing gets shallow. Faces redden. Brow muscles move inward and downward. But right behind your forehead is the thinking part of your brain, the prefrontal cortex. The PFC analyzes information, makes a plan, executes the plan, and anticipates the consequence of that action - all crucial to winning a case. Recognition of anger is a thinking function. By shifting from limbic impulses to the thinking PFC, you begin to control the emotion and wonder why you are angry in the first place: What about the situation would you like to see change?

Envision envy.

People get angry when they feel at a disadvantage and want to level the playing field. Does your opponent have a better legal argument than you do? Jealousy of a talented adversary can cloud vision and ignite anger.

Sense suspicion.

The courtroom is a giant chessboard. You may get suspicious of your opponent's moves, but incivility may give your suspicion away.

So far, we've listed tools for gaining awareness of anger. Use the following approaches to defuse anger in yourself, your opponent, the judge, jurors, or a witness.

Project peace.

Our brains have cells called mirror neurons: They can "mirror" a behavior observed in someone else. An angry lawyer therefore can produce an angry jury, but a calm one can influence the jury to use the much calmer, frontal brain. By projecting peace, you may also begin to stimulate mirror neurons in your uncivil opponent, and the trial itself can become more frontal and not as limbic.

Engage empathy.

Human beings want to feel valued by other human beings, and empathy is a prefrontal cortex function. The justice system itself is a manifestation of one party's claim to have been injured and disrespected, and a verdict is a way of re-establishing that value. A display of empathy begins to calm anger, in your opponent and everyone else in the courtroom. Empathy is a foundation for moving forward.

Communicate clearly.

This is what lawyers do best. Using language, we can discuss why another person is angry. The exercise engages both the PFC and the limbic system, but the former remains in control.

Trade thanks.

Ninety percent of the time, in our culture when you say "thank you" to someone, that person replies, "you're welcome." (Or at least, "no problem.") This is civility. The person is no longer angry, envious, or suspicious. Instead, he or she is peaceful, appreciates your empathy and communication, and welcomes you into their world. In this way, you can transform someone's anger and incivility into respect.

The acronym these seven guidelines create (with all due apologies to the one and only Aretha Franklin) is ***R-E-S-P-E-C-T***.

Respect puts attorneys at an advantage, for it frees advocates to use reason and common sense as persuasive levers. An angry, uncivil lawyer is limbic, emotional, and impulsive. But you can use your prefrontal cortex instead! Witnesses will be calmer, and the judge and jury more able to render a verdict based on thoughtful PFC reflection rather than on rash reaction.

Our judicial system is designed to foster respect for the individual, and simultaneously to build acceptance of the rule of law. Lawyers who are attentive to the seven suggestions offered here will be better advocates, and in turn they will enable the profession to be more humane.

Russell E. Haddleton is a lawyer in Boston who specializes in estate planning. Joseph A. Shrand, MD, is the author of Outsmarting Anger: 7 Strategies for Defusing Our Most Dangerous Emotion.

Civility Resources

The State Bar is serious about the level of decorum among California's lawyers: Its published guidelines remind us, "The dignity, decorum and courtesy that have traditionally characterized the courts and legal profession of civilized nations are not empty formalities. They are essential to an atmosphere that promotes justice and to an attorney's responsibility for the fair and impartial administration of justice." (See California Attorney Guidelines of Civility & Professionalism § 1, available as part of the Civility Toolbox offered at <http://ethics.calbar.ca.gov> .) To earn special MCLE credit for studying this topic, see "[The Teeth Behind Civility](#)" in *California Lawyer's* November 2012 issue, online at www.callawyer.com.

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