

MEDIATING WITH EMOTIONAL INTELLIGENCE: THE INTERPLAY OF EMOTIONS AND RATIONAL DECISION MAKING

*Harold Coleman, Jr., Esq. and Matthew W. Argue, Esq.**

I. INTRODUCTION

The importance of Emotional Intelligence (“EI” or sometimes referred to as “EQ”) in corporate America simply cannot be ignored or overstated. Hundreds of articles have been written in various business and trade publications extolling the many benefits of EI, from increased profits to employee retention, to improved workplace environment. The popularity of EI and increased use of personality assessments for job candidates caused *Time Magazine* to coin a new term, “XO” (See “How High is Your XO?”, *Time Magazine*, June 22, 2015).

Part I of this series that appeared in Volume 70, Issue Number 3 of the *Journal*, introduced the topic of EI and its relevance to Corporate America and the legal profession. Now, in Part II, we will dive into the deep end of the pool, so to speak, by exploring some of the neuroscience behind how our emotions affect rational thought and decision making.

Understanding how EI works begins with learning about brain chemistry and function. EI deals with “emotions,” which can be hard to grasp and even harder to control at times. One way to view emotions is that they move us to action. Emotions create physiological

* **Harold Coleman, Jr., Esq.**, is Senior Vice President for Mediation at the American Arbitration Association (AAA) and Executive Director/Mediator for MEDIATION.org, a division of the AAA. Coleman also trains new AAA arbitrators and aspiring mediators in basic/advanced arbitration case management techniques and basic/advanced mediation skills. A former multi-disciplinary project manager and complex litigation attorney, Coleman has mediated and arbitrated multiplied hundreds of litigated and non-litigated disputes during a 28-year legal and ADR career. Contact information: ColemanH@mediation.org; 213.457.0353.

Matthew W. Argue is a full-time Construction Mediator for more than 10 years throughout Southern California. His principle office is in Los Angeles, CA. You may contact him at www.onemediator.net.

responses that can be measured in terms of neurological, muscular, respiratory, hormonal and respiratory changes.

Emotions are responsible for life's greatest joy and also its deepest sadness. Life without emotion is dull, empty and meaningless. For many, emotions are complex, mysterious and unknowable. However, times are rapidly changing, with new discoveries in brain science and new hope for both understanding and better control of our emotional responses towards life's circumstances and other people.

Combine the already difficult subject of EI with a lawyer's preconditioning and/or formal training to suppress their emotions in representing the interests of their client and we have a nearly perfect storm for fostering an entire profession with relatively low EI. Interestingly, this "practiced" emotional detachment lawyers learn in law school may have served the profession well in the past. But now, with over 95% of all cases resolving prior to trial, and the overwhelming preference of both lawyers and clients to engage in mediation, a different skill set is needed that appreciates the central role emotions play in decision making and conflict resolution.

In this article, we discuss how EI works, ways lawyers can learn to improve EI, and some common pitfalls that may be preventing lawyers from fully embracing EI concepts that can lead to increased productivity and client (and life) satisfaction.

II. THE EMOTIONAL BRAIN AND "EMOTIONAL HIJACKING"

Daniel Goleman's seminal title, *Emotional Intelligence: Why it Can Matter more than IQ*, describes the duality of our brain as "the thinking brain" and the "emotional brain."¹ The "thinking brain" is the seat of our reasoning, morality and self-control and commonly referred to as the neocortex. The "emotional brain" is the cradle of our emotions and commonly referred to as the "limbic system." Although the two brains work together, the "emotional brain" reacts more quickly, like a "first responder" in a crisis. The "thinking brain" assists by providing context and priority. However, for those who

¹ While some authors have disputed the idea of two separate brains, for the purposes of this article we will use this distinction. ("Critical Thinking and Emotional Intelligence," taken from *Inquiry: Critical Thinking Across the Disciplines*, Winter, 1996. Vol. XVI, No. 2, by Linda Elder; see <https://www.criticalthinking.org/pages/cognition-and-affect-critical-thinking-and-emotional-intelligence/485>.)

have not learned to regulate the quick response of the “emotional brain,” their immediate response can be misinformed, cause significant damage to self and relationships, and have unintended consequences that could be avoided or managed with tools available through EI training.

A. The Emotional Brain

There are two important areas to understand in the “emotional brain.” The first is the amygdala, which Goleman refers to as the “seat of all passion.” He says that “...life without the amygdala is life stripped of personal meaning” (Goleman, page 15). Goleman references work by Joseph LeDoux, a neuroscientist at the Center for Neural Science at New York University, who reveals how the architecture of the brain gives the amygdala a privileged position as an emotional sentinel, **able to hijack the brain**. His research shows that sensory signals from eye or ear travel first in the brain to the Thalamus, and then -- across a single synapse -- to the amygdala; a second signal from the thalamus is routed to the neocortex – “the thinking brain.” **This branching allows the amygdala to respond before the neocortex...**” (emphasis added; Goleman, page 17). Thus, the amygdala can trigger an emotional response before the neocortex has fully understood what is happening.

The second area is the hippocampus. This is more involved in registering and making sense of perceptual patterns than with emotional reactions. While the hippocampus remembers “dry facts”, the amygdala retains the emotional flavor that goes with those facts (Goleman, page 20).

Do you ever feel like your emotions have a mind of their own? Well, that is actually true. The amygdala can hold “unconscious opinions” about past events that determine your initial reaction to a current event. These “unconscious opinions” are emotional memories stored in the amygdala. A major drawback of this system is that the “unconscious opinions” can be out-of-date. This supports the idea that first impressions are lasting ones. Similarly, negative emotions associated with a past event can be difficult to alter without rigorous and intentional effort to change the “unconscious opinion” to a different thought. Once again, Goleman’s description is helpful: “The amygdala arousal seems to imprint in memory most moments of emotional arousal with an added degree of strength -- that’s why we are more likely, for example, to remember where we went on a first date, or what we were doing when we heard the news that the space

Challenger had exploded. The more intense the amygdala arousal, the stronger the imprint” (Goleman, page 21.) This forceful imprinting of “unconscious opinions” at an early age helps to explain how our emotional response can be disproportional to the actual event. A helpful hint is that *when the emotional response is out of proportion to the actual event, then the emotional response is about **another time and another place** and not just about the actual event.*

When the “emotional brain” and “thinking brain” work well together, there is time for the neocortex to regulate (and sometimes temper) the emotional response. However, the neocortical response is **slower** in brain time than the emotional response because it involves more circuitry. As a result, it can also be more judicious and considered since more thought precedes feeling. Just as with the amygdala, absent the workings of the prefrontal lobe (neocortex), much of emotional life would fall away; lacking an understanding that something merits an emotional response, none comes (Goleman, page 25).

When the emotional response is not governed by the neocortical process – or the neocortical zones are “recruited” by the emotional brain as occurs during an real emergency “fight or flight” situation, at these moments the “thinking brain” is swamped by the “emotional brain.” One way the neocortex acts as an efficient manager of emotion – weighing reactions before acting – is by dampening the signals for activation sent out by the amygdala and other limbic centers (Goleman, page 26). Accordingly, an “emotional hijacking” involves two dynamics: triggering of the amygdala and failure to activate the neocortical process that usually keeps emotional responses in balance.

B. “Emotional Hijacking”

This is a process that often leads to a downward spiral of emotion. This makes rational thinking increasingly difficult and a person’s responses (and thoughts) can be governed more by passion than reason. Typically, a downward spiral of emotion starts with a “desire” for something or someone. Desires can be good, bad, or indifferent. The problem starts when a “desire” turns into a “demand.” From this point on, the downward spiral of emotion becomes a “brain hijacking” until arrested or redirected through intervention. The next step is a “demand” becomes “judging” another’s behavior – judgment requires consequences and a firm response. The final step from “judgment” is “punishment,” where the affected individual has become both judge and jury of the perceived offender.

The results of a “brain hijacking” can be as simple as poor communication, misunderstandings, or conflicting agendas. However, it can also take more aggressive forms including sarcasm, criticism, demeaning, anger, yelling, withdrawal, or silence. It is not uncommon for an emotionally hijacked person to become hyper-critical and develop a practice of assuming the worst about others’ motives and intentions. This may lead people to grab evidence that supports their view and ignore any evidence that doesn’t support this view. The result is that the other person is in a “no-win” (you lose / I lose) situation. If the destructive pattern is not stopped, it can lead to feelings of being innocent or unappreciated victims, needing to develop “thick skin” and bury one’s emotions, or even worse, develop a defense mechanism that prevents others from getting close to us.

“Emotional Hijacking” leads to increased stress, higher levels of adrenaline and cortisol, strained breathing, high blood pressure and can even be life threatening. Other physical consequences include feelings of confusion, frustration, and being out-of-control. And, as these negative emotions intensify, the capacity for rational thinking diminishes dramatically.

“Flooding” is the sense of feeling incessantly swamped by our own or others’ emotions. As flooding occurs, it becomes increasingly difficult to recover from feeling hurt or angry. We lose hope for a positive resolution. We become uncaring or “hard hearted,” partly as protection and partly as punishment. We avoid the other person, spending more and more time apart. We eventually give up on our friendships, relatives, places of worship, jobs, or marriages (The downward spiral of emotion and results of flooding are taken from Ken Sande’s “Discovering Relational Wisdom – A Better Kind of Smart”; <http://rw360.org/discover-rw/>).

As Joseph LeDoux, the neuroscientist who discovered the amygdala’s hair-trigger role in emotional outbursts conjectures, “Once your emotional system learns something, it seems to never let it go. What therapy does is teach you to control it – it teaches your neocortex how to inhibit your amygdala. The propensity to act is suppressed, while your basic emotion about it remains in subdued form” (Goleman, page 213). The idea that we can learn to act and behave differently, more positively and less reactively, should be encouraging to all of us.

III. LEARNING EFFECTIVE STRATEGIES TO RESPOND TO STRONG EMOTIONS: ANGER, WORRY AND DEPRESSION

The benefits of increased EI are that we can learn to intercept emotional responses and, in some cases, retrain our emotional response to be healthier and avoid the awful consequences of acting out negative emotions. The intent of this article is not to give a comprehensive explanation of how to deal with “emotional hijacking” and “flooding.” It is, however, useful to highlight some of the research discussed in Goleman’s book and how to handle some of these difficult and, at times, debilitating emotions.

A. Anger

Anger seems to be the one of the most destructive and difficult emotions to control. Benjamin Franklin reminds us, “Anger is never without a reason, but seldom a good one.” University of Alabama psychologist Dolf Zillmann has taken precise measures of anger and the anatomy of rage. Zillmann notes that stress of all sorts creates adrenalcortical arousal, lowering the threshold for what provokes anger. Thus, someone who has had a hard day at work is especially vulnerable to becoming enraged later at home by something (Goleman, page 60).

Zillmann sees two main avenues for intervening with anger. One is to seize on and challenge the thought that triggers what he refers to as “anger surges.” Timing matters; the earlier in the anger cycle the more effective the intervention. Indeed, anger can be completely short-circuited if the mitigating information comes before the impulse is acted on (Goleman, page 62).

The second way of de-escalating anger is cooling off. This involves physiologically waiting out the adrenal surge in a setting where further triggers for rage are not likely to exist (Goleman, page 63). Some cooling off techniques are going for a drive, taking a long walk, exercising, and engaging in a positive distraction. Although distractions such as watching TV, movies, reading and the like all interfere with angry thoughts that stoke rage, the most effective distractions are ones that shifts one’s mood – an exciting sporting event, a funny movie, an uplifting book (A note of caution here: some distractions in themselves can perpetuate depression. Studies of heavy TV watchers have found that, after watching TV, they are generally more depressed than before!) (Goleman, page 73).

Diane Tice, a psychologist at Case Western Reserve University, asked more than 400 men and woman about the strategies they used to escape foul moods, and how successful those tactics were for them (Goleman, page 58; 74-75). Some of the reported strategies include the following:

- Aerobic exercise is one of the most effective tactics for lifting mild depression, as well as other bad moods.
- A constructive approach to mood lifting is engineering a small triumph or easy success: tackling some long delayed chore around the house or getting to some other duty a person has been wanting to clear up.
- One of the most potent and, outside therapy, little used antidotes for depression is seeing things differently, or cognitive reframing. In other words, seeing the loss differently, in a more positive light, is an antidote to the sadness.
- Another effective strategy is helping others in need. Throwing oneself into volunteer work, such as coaching Little League, being a Big Brother, feeding the homeless, was one of the most powerful move changers.
- Praying, if one is spiritual, is generally viewed as being effective to adjust all moods, especially depression.

B. Worry

Worry, in a sense, is a rehearsal of what might go wrong and how to deal with it. The difficulty lies with chronic, repetitive worries, the kinds that recycle on and on and never get any nearer to a positive solution. Close analysis of chronic worry suggests that it has all the attributes of low-grade emotional hijacking: The worries seem to come from nowhere, generate uncontrollable amounts of anxiety, are impervious to reason, and lock the worrier into a single inflexible view of the worrisome topic (Goleman, page 65).

The one thing that chronic worriers cannot do is follow the advice they are often given... to “just stop worrying.” However, there are steps that can help even the most chronic worrier control the habit. The first is self-awareness, catching the worrisome episode as near the beginning as possible. Using this approach, subjects learn to monitor cues for anxiety, and especially to identify situations that trigger worry or the fleeting thoughts and images that initiate it, as well as the accompanying sensations of anxiety in the body (Goleman, page 68).

The second step is to learn relaxation methods that can be applied at the moment the worrying begins. The relaxation method, though, is not enough in itself. Worriers also need to actively challenge the worrisome thoughts; failing this, the worry spiral will keep coming back (Goleman, page 69).

The combination of mindfulness and healthy skepticism would, presumably, act as a break on the neural activation that underlies low-grade anxiety. At the same time, actively inducing a relaxed state counters the signals for anxiety the emotional brain is sending throughout the body (Goleman, page 69). Indeed, these strategies establish a train of mental activity that is incompatible with worry. When worry is allowed to repeat itself over and over unchallenged, it gains a persuasive power; challenging it by contemplating a range of equally plausible points of view keeps the one worrisome thought from being naively taken as true (Goleman, page 69).

C. Depression and EI

Goleman aptly says, “The very symptoms of depression bespeak of a life on hold.” Unfortunately, some of the strategies most often resorted to can backfire. One such strategy is simply staying alone, which is often appealing when people are feeling down; more often than not, however, it only adds a sense of loneliness and isolation to the sadness (Goleman, page 70).

Rumination can also make depression stronger by creating conditions that are, well, more depressing. Research shows that women are for more prone to ruminate when they are depressed than are men. And men may drown their depression in alcoholism, for which their rate is about twice that of women (Goleman, page 71).

People have what amounts to a set of bad-mood thoughts that come to mind more readily when they are feeling down. People who get depressed easily tend to create very strong networks of association between these thoughts, so that it is harder to suppress them once some kind of bad mood is evoked (Goleman, page 73).

EI Technique No. 1: Delayed Gratification

Neuroscience has answers to even our most debilitating emotions. One technique is delayed gratification. In the 1970’s Stanford University developed what became known as *THE MARSHMALLOW TEST*. This test was given to four-year-old children of Stanford faculty

and graduate students to determine if they could wait to have a marshmallow until after their parents returned from an errand. If he or she waits, then they received two marshmallows; if not, then only one.

Those who resisted temptation were, as adolescents, more socially competent: personally effective, self-assertive, and better able to cope with the frustrations of life. They embraced challenges and pursued them instead of giving up in the face of difficulties; they were self-reliant and confident, trustworthy and dependable, and they took initiative and plunged into projects (Goleman, page 81-82). Those who were not able to control themselves during the marshmallow test had a more troubled psychological portrait. In adolescence they were more likely to shy away from social contact, were stubborn, indecisive, easily upset by frustrations, thought of themselves as bad or unworthy, immobilized by stress, and mistrustful and resentful about not getting enough (Goleman, page 82).

EI Technique No. 2: Laugh a little!

Good moods, while they last, enhance the ability to think flexibly and with more complexity, thus making it easier to find solutions to problems, whether intellectual or interpersonal. This suggests that one way to help someone think about a problem is to tell them a joke. The intellectual benefits of a good laugh are most striking when it comes to solving a problem that demands a creative solution. Even mild mood changes can sway thinking. In making plans or decisions people in good moods have a perceptual basis that leads them to be more expansive and positive in their thinking (Goleman, page 85).

EI Technique No. 3: Hope Reigns Supreme

College students were posed the following hypothetical situation: Although you set your goal at getting a B, when your first exam score, worth 30% of your grade, is returned, you receive a D. It is now one week after you have learned about the D grade. What do you do? Hope made all the difference. The response among students with high levels of hope was to work harder and think of a range of things they might try to bolster their final grade. Students with moderate levels of hope thought of several ways by which they might up their grade, but had far less determination to pursue them (Goleman, page 86).

C.R. Snyder, a University of Kansas psychologist who conducted this study, compared the actual academic performance of freshmen students in terms of high/low on hope. He discovered that hope was a

far better predictor of first semester grades than were the scores on the SAT, a test supposedly able to predict how students would fare in college. Again, given roughly the same range of intellectual abilities, emotional aptitude makes the critical difference. Snyder's explanation: students with high hope set themselves higher goals and know how to work hard to attain them (Goleman, page 86).

Hope, in a technical sense, is more than the sunny view that everything will turn out all right. Snyder defines it with more specificity as "believing you have both the will and the way to accomplish your goals, whatever they may be." From the perspective of EI, having hope means that one will not give into overwhelming anxiety, a defeatist attitude, or depression in the face of difficult challenges or setbacks. Indeed, people who are hopeful evidence less depression than others as they maneuver through life in pursuit of their goals, are less anxious in general, and have fewer emotional distresses (Goleman, page 87).

IV. CAN LAWYERS LEARN NEW TRICKS?

At this point, we hope your interest is piqued enough to want to learn how to improve your EI. In this section, we discuss the neurology of learning so that you can start to incorporate EI into your law practice to achieve better and more satisfying results for your clients and even have some fun! (Parts taken from *The Neuroscience of Learning*, by Britt Andreatta, PhD. Full course transcript available at www.lynda.com)

A. First, Change Your Mindset

Dr. Britt Andreatta describes two mindsets [based on the work of Dr. Carol Dweck]. One type is really helpful for learning and one is not so helpful. **The first type of mindset is a fixed mindset.** It is the belief that the way you are is innately set and cannot change.

In contrast, a **growth mindset** is the idea that "I can get better." I can learn, I can change, I can improve. And in fact, research on the brain has shown that we can improve EI. The brain is incredibly elastic, so even if you have been bad at math your entire life, if you put enough energy into it and you get the right kind of instruction, you can become great at math. Therefore, the growth mindset is, "I can get better, I can get better." Organizations that are embracing a growth mindset are creating a culture of continuous improvement.

The mantra of the growth mindset is the word “yet.” “I don’t know how to do it yet.” “I’m not good at it yet, but I can be.” Let’s embrace the yet, and figure out where it is that you want to go.

B. Learn to FOCUS

Dan Goleman’s new book is called *Focus* and highlights the importance of “turning on” the hippocampus. Remember that the hippocampus and amygdala work together to provide meaning to emotions. The hippocampus is like the “data drive” that records and remembers events. When you focus, the hippocampus is “turned on” and recording events for future recall. But, there is a problem. The hippocampus can only stay focused for 20 minutes at a time. So, when designing learning programs, it is important to break them into 15-20 minute “chunks.”

Multi-tasking is the opposite of “focus.” Although people think they are doing a good job when multi-tasking, when we look at how much they actually retained, it turns out to be not much. We are overconfident with multi-tasking. There are holes. People fail to read every word of that email correctly; the result is misunderstanding or gaps in information. People do not hear every word of a presentation and miss parts of what is said. Dr. Britt Andreatta describes this not as multi-tasking, but “switch-tasking.” In reality, people can only “focus” on one thing at a time, and she has renamed it “Swiss Tasking.” In other words, what we really do when doing two things is put a lot of holes in both things (as in Swiss cheese)!

C. “Chunking” and the Importance of Habit

A habit is a relatively permanent pattern of behavior that allows you to navigate life. The capacity for habitual behavior is indispensable. Interestingly, experts have found that 40% of our actions are guided by habits rather than deliberate decisions (*See, e.g., Do You Want to Change Your Habits*, by Ken Sande, from RW360.org; <http://rw360.org/2015/12/28/changing-habits-part-1/>).

For example, when you first learn how to type or tie a shoe or drive a car, it’s hard work. There are so many little steps to remember. But after you learn, it becomes habitual. That means it is quite literally “in your body” (or “muscle memory”) at the level of your neural pathways. Neurologists call this process where the brain converts a sequence of actions into routine activity “chunking.” Habits are enormously freeing.

They are what allows your body to be driving your car while your mind is planning next week's schedule (Taken from "Can Neuroscience Help Us Disciple Anyone?" by John Ortberg, *Leadership Journal*; <http://rw360.org/wp-content/uploads/2014/08/Can-Neuroscience-Help-Us-Disciple-Anyone-Leadership-Journal.pdf>).

Habits get into our neural pathways. Developing new habits is a way to re-program neural pathways. Simply knowing that you have low EI is not enough to rewire those neural pathways. This shows that people will not be changed by simply hearing about EI concepts. The information has to be translated into action so that it becomes second nature. The reason that 12-step programs are so successful is that they take into account that will power is not enough. What is required is a new set of habits that allows new pathways to develop. This becomes the "new normal" and explains why EI, as opposed to IQ, can grow and improve with time and effort.

D. Habit Training

Dr. Britt Andreatta describes a three-step process to developing a new habit: Cue • Routine • Reward. Driving a car is a good example. Think about how much cognitive energy it took to drive a car the first time. With the mirrors, the seat, the wheel, the location of other cars, how fast or how slow you are going. It took a lot of cognitive space. Eventually, all this activity becomes second nature, which means the cognitive work is moved from the upper to the lower part of the brain. So, the "cue" is getting in the car and turning it on. Next, there is a routine – the series of behaviors that has been learned that is called driving. And there's a reward. I got to where I was going. I now have freedom. In order to develop a habit, I need all three. *You can change a bad habit by keeping the cue and reward but changing the routine.* Another key is to use "baby steps"; break the habit into small parts and do not try to do too much in the beginning. Habit change builds momentum, so the "small victories" are huge. Also, being consistent for 21 days is a time-proven strategy.

E. Good Coaching Works

The most compelling demonstration comes from neuropsychological studies highlighting the "plasticity" of the social brain. These studies suggest that, with adequate training, people can become more pro-social, altruistic, and compassionate. And there's a bonus: research also shows that the benefits of EQ-coaching are not just confined to

the workplace — they produce higher levels of happiness, mental and physical health, improved social and marital relationships, and decrease levels of cortisol (the stress hormone) (Taken from the *Harvard Business Review*: “How to Improve Emotional Intelligence”; <https://hbr.org/2013/05/can-you-really-improve-your-em>).

While many ingredients are required for a good coaching program, the most important aspect of effective EQ-coaching is giving people **accurate feedback**. Most of us are generally unaware of how others see us. This is especially true for managers. “It is remarkable how many smart, highly motivated, and apparently responsible people rarely pause to contemplate their own behaviors.”

Some people are more coachable than others. Even the best coach and coaching methods will fail with certain clients. But, EQ may enhance coachability — clients with better people skills, more empathy, and greater self-awareness are better equipped to improve. On the other hand, if you are sensitive to criticism, insecure, and worry about failure (all characteristics of people with a lower EQ), you should be more willing to change.

F. Following Effective Learning Strategies

For those who are willing to change, we can look to neuroscience for proven learning strategies. The first is hooking onto an existing memory. This is called “schema” and is a way to organize and simplify the world around us. We use them to classify things (e.g., lawyers generally are sticklers for detail), forecast what may happen (it’s a cloudy day, so I need an umbrella), and even remember and recall things as a way to “encode” memories. This is a powerful tool; when we hook onto something that already exists it becomes *almost unforgettable*.

Appreciative inquiry is a learning technique that asks people to focus on positive experiences and times when they performed well. By focusing on what worked well in the past, the brain focuses on these positive experiences and then finds ways of intentionally creating more of what’s right in one’s world. “Appreciation is a process of affirmation. Unlike criticism, which is based on skepticism and doubt... appreciation is based on belief, trust and conviction. The act of affirmation forms the foundation from which vital comprehension can develop” (Taken from “Appreciative Inquiry in Organizational Life,” by David L. Cooperrider and Suresh Srivastva;

http://www.margieharley.com/home/wpcontent/uploads/file/APPRECIATIVE_INQUIRY_IN_Organizational-life.pdf).

Acronyms or “word play” are fantastic learning devices because they basically take a lot of information and package it into some little thing that you can remember. And then when you pull it out, you just have to unlock the letters. They’re largely an outgrowth of the military-industrial complex, and continue to proliferate in conjunction with the spread of ever-more-sophisticated technologies. As work environments become more complex and the pace of change in society quickens, humans look for ways to more speedily access and learn new information. Acronyms are a proven method for simplifying and memorizing information (*See, e.g., “A Guide to UAE (Using Acronyms Effectively,”* by Dan Spira; <http://danspira.com/2010/01/13/a-guide-to-uae-using-acronyms-effectively/>).

An “aha” learning moment occurs when something sinks in and a person can begin to use the new information, like new and improved software on a computer. It is also possible to design moments of insight for people. Using Bloom’s hierarchy of six cognitive levels of learning and/or Kolb’s experiential learning theory -- including concept, experience and reflection – it’s possible to tap into different parts of the brain and learning styles. Using several different learning methods increases the likelihood of an “aha” moment.

Allowing people time for quiet and reflection enhances learning. This is also a key EI skill to build into one’s daily schedule... a time for thinking and problem-solving. We actually know that when the active brain is trying to solve a problem it sometimes needs to back away from the problem for real insight.

Learning in a group, also known as “social learning” or “collaborative learning,” causes part of the brain to turn on simply because one is with others. Group socialization can create positive emotions that promote learning. Feelings tap into our amygdala. And, as we have seen in this article, the amygdala plays a key role in memory.

There are many, many more learning strategies to help with improving EI. The critical decision point is *actively desiring to improve this area of life and following a plan that is systematic and provides for accountability through accurate feedback.*

G. Avoiding Common Ego Traps

As we conclude this article on interplay of emotions and rational thought/decision making, it would seem appropriate to ever so briefly mention some common ego traps for corporate executive types that also might be relevant for lawyers wanting to become EI savvy (“8 Common Ego Traps [for CEO’s] That Could Be Holding You Back,” from *EGO vs. EQ: How Top Leaders Beat 8 Ego Traps with Emotional Intelligence*, by Jen Shirkani, <http://www.businessinsider.com.au/8-common-ego-traps-leadership-jen-shirkani-2013-10>).

- Trap #1: Ignoring feedback you do not like
- Trap #2: Believing your technical skills are enough
- Trap #3: Only surrounding yourself with people who think like you do
- Trap #4: Not letting go of control
- Trap #5: Being blind to your downstream impact
- Trap #6: Underestimating how much you are being watched
- Trap #7: Losing touch with the frontline experience
- Trap #8: Relapsing back to your old ways.

The cited *Business Insider* article concludes with the following admonition: “In order to succeed as a CEO it is important to avoid falling into these common ego traps. Hard skills are not enough to keep CEOs from falling into one of these ego traps that will result in employee disengagement, lowered morale, increased turnover, or decreased motivation.”

V. CONCLUSION

We hope that your interest in EI was stimulated by this article about the involved but thought-provoking neuroscience underlying EI. But, this is only the “tip of the iceberg” for learning and mastering EI. The next segment in this 3-part series will focus on the application of specific EI principles to the Mediation setting. Stay tuned!

