

Want to Increase New Revenue at your Law Firm? Improve Your Cognitive Empathy

By [LawVision](#) on February 2, 2021

Recently, a client of mine (let's call her Barbara) created a diagram for a prospect (Gary). It included a decision tree and pros and cons for selecting Barbara as his lawyer, as well as pros and cons for other counsel he was considering. It was not self-serving in that it did not lead to the obvious conclusion that Barbara should be selected. But she was, in fact, selected. When I asked why she thought Gary chose her, Barbara explained that she had learned in discussions with Gary that he was a visual learner and had difficulty being decisive when faced with lots of complex details and factors. The diagram created a visual and simplified the process. Gary was swayed by her communication style even more than the sum of the pros and cons. In the end, the thing he valued most was the ability to work with someone that understood how he thought and how he liked to communicate.

Barbara's ability to see herself in Gary's shoes and communicate with him on his terms is called perspective-taking or cognitive empathy. According to Dr. Gillian Ku, Associate Professor of Organizational Behavior at the London Business School, cognitive empathy is the "active cognitive process of imagining the world from another's point of view." Cognitive empathy is not to be confused with **its close cousin, emotional empathy (physically feeling the same emotion as the other person)** and compassionate empathy (understanding a person's predicament and feeling for them to the point of having a desire to help them overcome their challenge). [Recent neuroscience research](#) indicates that emotional empathy occurs in a completely different part of the brain (interior frontal gyrus) as cognitive empathy (ventromedial prefrontal cortex).

As you might imagine, the ability to see the world through a prospective client's eyes and truly understand their world can help create solutions that serve clients well. A [recent Cambridge University study](#) suggests that higher cognitive empathy can increase sales volume and service quality.

The good news is that cognitive empathy can be learned. Through training and practice, you can increase your ability to step into your prospects' shoes and see the world from their perspective. Doing so will improve your ability to understand their challenges through their eyes and serve them better.

Here are some ideas for how to train yourself and your team to improve your cognitive empathy.

Formalize the process

Taking a casual approach will only get you so far. To really boost your cognitive empathy, use a structured approach to force you to stop and consider essential elements when meeting with clients and prospects. Rather than just trying to remember to be more open to seeing others from their perspective, use lists, meeting templates, and question plans to make the process systematic. Use structured debriefs after meetings to talk to colleagues about your prospect and get input from a variety of different people. Deploy the following techniques to make your efforts intentional and systematic.

Practice active listening

Classic active listening skills will help you slow down and focus on others rather than yourself. These include:

demonstrating concern; paraphrasing to show understanding; using nonverbal cues to show understanding –nodding, eye contact, and leaning forward; short verbal affirmations like “I see,” “I know,” “Sure,” “Thank you,” or “I understand;” asking open-ended questions; asking questions to seek clarification; waiting to disclose your opinion; and disclosing similar experiences to show understanding.

Ask “Why?”

Get to the bottom of statements you hear by asking for underlying reasons. Ask questions like: Why is that? Are you saying that because you are worried about X, or is there something else? Why do you think that is? Can you tell me more about that? How did that affect you?

Chuck the golden rule

You may have learned the “Golden Rule” as a youngster. It is a revered maxim found in most world religions and cultures that teaches us to treat others the way we would like to be treated ourselves. While it is an indisputable moral message and something the world needs now more than ever when it comes to increasing your understanding of others, it’s not enough. Take it one step further and attempt to treat others the way they would like to be treated. Move the maxim past your self-orientation and meet the other person on their turf.

Consider the other person’s past

Past experience, especially in formative years, can be instructive on a person’s world view. Learning more about a client’s or prospect’s past will help you step into their shoes. The circumstances of their upbringing, career path, and, where appropriate, information about their family and personal life can give you more insight into how and why they make decisions.

Know where information is sourced

Knowing about books, websites, news sources, and other people a person refers to for answers can shed light on how that person views the world. When in conversation you hear a new fact, don’t be afraid to ask for the source in a non-threatening way. Asking, “That is interesting; where did you hear that?” may reap valuable information about what kind of information guides a person’s thinking.

Practice cognitive empathy when attending meetings with prospects by making five lists:

1. Experiences that may have affected the other party’s lived experience and view of the world
2. Challenges they may be experiencing right now and their perspective on those challenges
3. How they may view you and your firm
4. Questions that will allow you to understand their perspective better and either refine or change your thinking
5. Your own biases that may cause you to make assumptions about others erroneously

Review the lists together with your team before the meeting and brainstorm ways to be better perspective-takers in the meeting, and debrief afterward.

Read fiction

Believe it or not, reading literary fiction (narratives that focus on in-depth portrayals of subjects’ inner feelings and

thoughts) leads to improved cognitive empathy. [Research shows](#) that

reading literary fiction led to better performance on tests measuring cognitive empathy. In theory, this comes from exposure to complex characters whose mindsets are understood by parsing through meaningful details and repeatedly learning about multiple complex characters from different backgrounds and varied reactions to the same event.

Be careful

Finally, while increasing your cognitive empathy can help you create better solutions for your clients and prospects, it can also be used in [less than honorable ways](#). After all, cognitive empathy is not really “empathy” in the classic sense we understand it. (see the description above of emotional and compassionate empathy). One can understand a person’s worldview or circumstances and leverage that to advantage without feeling for that person or caring about their well-being. When using and teaching others these concepts, be sure they are used for the benefit of others.