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## **Emotional Intelligence: A Valuable Skill for Environmental Lawyers**

### **Introduction**

Emotional intelligence involves one's ability to manage themselves and their relationships effectively. Individuals with high levels of emotional intelligence can persuade, influence, and communicate proficiently.<sup>1</sup> Environmental law encompasses an extensive range of substantive, ideological, and procedural issues and crosses a wide range of practice areas. Environmental law is always changing and many environmental matters are subject to hot debate and highly emotionally charged.<sup>2</sup> Thus, emotional intelligence is a valuable tool in supporting the creative deal making environmental lawyers must often engage in.<sup>3</sup>

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<sup>1</sup> John E. Montgomery, *Incorporating Emotional Intelligence Concepts into Legal Education: Strengthening the Professionalism of Law Students*, 39 U. Tol. L. Rev. 323 (2008).

<sup>2</sup> Peter H. Huang, *International Environmental Law and Emotional Rational Choice*, 31 J. Legal Stud. 237 (2002).

<sup>3</sup> David J. Hayes, *The Environmental Law Field Is Changing - Celebrate!*, ABA Trends, January/February 2002.

First, this paper explains the conceptual framework and central concepts of emotional intelligence. Next, the role of the modern environmental lawyers in varying contexts is examined. Finally, the benefits of strengthened emotional intelligence in advancing the goals of environmental lawyers are considered. This paper concludes that emotional intelligence can resolve legal problems by carefully bearing in mind human desires, emotions, relationships, convictions, values, and morals.

## **I. Core Concepts of Emotional Intelligence**

Emotional intelligence refers to one's ability to recognize and regulate emotions in themselves and in others.<sup>4</sup> Several competencies are associated with emotional intelligence, which can be broken down into four main categories: self-management, social awareness, social skill, and self-awareness.<sup>5</sup>

Self-management entails self-control, trustworthiness, conscientiousness, adaptability, achievement orientation, and initiative.<sup>6</sup> Persons with strong self-management skills have the ability to control impulsive feelings and behaviors and manage their emotions in healthy ways. Self-management involves a consistent display of honesty and integrity, eagerness to seize opportunities, drive to meet internal standards of excellence.<sup>7</sup>

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<sup>4</sup> Lynne F. Maxwell, *Emotional Intelligence: What Works at Work*, 102 Law Libr. J. 155, 156 (2010).

<sup>5</sup> Bus. Counselor's Guide to Org. Mgmt. § 11:61.

<sup>6</sup> Robin Wellford Slocum, *An Inconvenient Truth: The Need to Educate Emotionally Competent Lawyers*, 45 Creighton L. Rev. 827 (2012).

<sup>7</sup> Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients*, 7 Harv. Negot. L. Rev. 1 (2002).

Social awareness involves empathy, organizational awareness, and service orientation.<sup>8</sup> Social awareness implies an understanding of the emotions, needs, and concerns of other people, as well as the ability to read the currents of organizational life and navigate politics. Individuals with keen social awareness have the ability to recognize and meet customers' needs. They can pick up on emotional cues, feel comfortable in social settings, and identify the power dynamics in a group or organization.

Social skill encompasses visionary leadership and influence, development of others, competent communication, conflict management, creation of bonds, and collaboration.<sup>9</sup> Social skill implicates aptitude in initiating new ideas and leading people in a new course. Those with heightened social skills can send clear and convincing messages, they bolster the abilities of others through feedback and direction, they effectively decelerate disagreements and coordinate resolutions, and they promote cooperation and team building. Additionally, social skills bolster cultivation and maintenance of a web of relationships.

Self-awareness consists of emotional self-awareness, accurate self-assessment, and self-confidence. Individuals who are self-aware recognize and understand their own emotions, including how they affect thoughts and behavior, and how they impact work performance and relationships.<sup>10</sup> Self-awareness involves realistic evaluation of your strengths and limitations with an overall positive sense of self-worth.

## **II. The Modern Environmental Lawyer**

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<sup>8</sup> Carrie Yang Costello, *The Professional Identity Crisis: Race, Class, Gender, and Success at Professional Schools* (2005).

<sup>9</sup> Kevin Carey, *A Little Respect*, 25 No. 6 Legal Mgmt. 88 (October/November 2006).

<sup>10</sup> Susan Swaim Daicoff, *Expanding the Lawyer's Toolkit of Skills and Competencies: Synthesizing Leadership, Professionalism, Emotional Intelligence, Conflict Resolution, and Comprehensive Law*, 52 Santa Clara L. Rev. 795, 817 (2012).

Environmental law comprises regulation of pollutants and natural resource conservation and distribution. Environmental law touches upon a wide variety of fields including agriculture, real estate, energy and land use. Contemporary environmental law has expanded to include international environmental governance, international trade, and environmental justice.<sup>11</sup> Environmental law encompasses an array of substantive legal and cultural issues and environmental lawyers engage in a variety of functions, including litigation, negotiation, administrative practice, lobbying, organizing, and advising.<sup>12</sup>

Many modern environmental lawyers devote their practice to counseling clients in obtaining approvals for industrial, commercial or public infrastructure projects. Such permits often require authorizations from multiple regulatory agencies at all levels of government.<sup>13</sup> They focus on the assessment, management and allocation of environmental risks and liabilities associated with certain projects. Environmental lawyers also advise clients on adhering to relevant environmental law regulations on a continual basis.

Some environmental lawyers work for federal administrative agencies. They participate in program development and ensure enforcement of environmental regulations through mechanisms such as litigation.<sup>14</sup> Consequently, many lawyers primarily defend

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<sup>11</sup> Lisa Heinzerling, *New Directions in Environmental Law: A Climate of Possibility*, 35 Harv. Envtl. L. Rev. 263, 272 (2011).

<sup>12</sup> 4C N.Y.Prac., Com. Litig. in New York State Courts § 105:1 (3d ed.).

<sup>13</sup> Michael Robinson-Dorn, *Teaching Environmental Law in the Era of Climate Change: A Few Whats, Whys, and Hows*, 82 Wash. L. Rev. 619 (2007).

<sup>14</sup> Jeffrey Rudd, *Restructuring America's Government to Create Sustainable Development*, 30 Wm. & Mary Envtl. L. & Pol'y Rev. 371 (2006).

individuals and industrial, commercial, and public entities in environmental litigation.<sup>15</sup>

A number of practitioners work for specific industries or environmental advocacy organizations, dedicating their practice to shaping policy, administrative rulemaking, and associated regulatory matters.<sup>16</sup>

### **III. The Role of Emotional Intelligence in Environmental Lawyering**

Contemporary environmental issues have become increasingly complex, compelling environmental lawyers to collaborate with a broad range of professionals working on multidisciplinary problems such as climate change and energy policy.<sup>17</sup> Environmental values and standards are often in conflict with traditional industrial interests. However, collaborative endeavors between interested parties have the potential to stimulate creative and valuable solutions to specific environmental problems in spite of incompatible fundamental values.<sup>18</sup> The ability to manage oneself and one's relationships effectively, the core skills associated with emotional intelligence, is crucial in fostering cooperation in the environmental arena.

First, in order to induce collaborative problem solving and progressive outcomes, environmental lawyers must often draw public attention to specific issues and projects through the media.<sup>19</sup> The ability to send clear and convincing messages intrinsic to

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<sup>15</sup> Eric J. Murdock, Andrew J. Turner, *How "Extraordinary" Is Injunctive Relief in Environmental Litigation? A Practitioner's Perspective*, 42 *Env'tl. L. Rep. News & Analysis* 10464 (2012).

<sup>16</sup> Keith W. Rizzardi, *The Duty to Advise the Lorax: Environmental Advocacy and the Risk of Reform*, 37 *Wm. & Mary Env'tl. L. & Pol'y Rev.* 25 (2012).

<sup>17</sup> Bradley C. Karkkainen, *Environmental Lawyering in the Age of Collaboration*, 2002 *Wis. L. Rev.* 555 (2002).

<sup>18</sup> Jesse Newmark, *Legal Aid Affairs: Collaborating with Local Governments on the Side*, *B.U. Pub. Int. L.J.* 195 (2012).

<sup>19</sup> Zygmunt J.B. Plater, *Law, Media, & Environmental Policy: A Fundamental Linkage in Sustainable Democratic Governance*, 33 *BC Env'tl Aff L Rev* 511 (2006).

emotional intelligence is key in shaping public perceptions, and subsequently influencing outcomes in the governance process. Environmental lawyers with high levels of emotional intelligence are capable of discerning prevailing community ethics and framing environmental issues as fundamental to such values.<sup>20</sup>

Next, once involved parties have gathered, the environmental lawyer will have to understand the entire relationship between the contracting parties, and the environmental objectives of each in order to facilitate compromise solutions with legally enforceable consequences.<sup>21</sup> Lawyers with high levels of emotional intelligence can distinguish the primary needs of involved parties and will have better success at coordinating resolutions and promoting cooperation and teamwork.<sup>22</sup>

### ***Conclusion***

Collaborative efforts to solve environmental conundrums are one of the results of the constant innovation, reform, and reinvention present in the sphere of environmental law. As environmental law and the underlying ethics and concerns surrounding it evolve, environmental lawyers must possess the ability to appreciate and help provide answers to multi-scalar, highly uncertain, non-linear problems. Key components of emotional intelligence, specifically adaptability, initiative, social awareness, and social skill, are valuable tools to environmental lawyers contemplating such issues.

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<sup>20</sup> 2 L. of Toxic Torts § 16:10 (2013).

<sup>21</sup> Jonathan P. Scoll, *The "Green" Supply Chain: A New Role for Lawyers?*, Nat. Resources & Env't 55 (Winter 2011),

<sup>22</sup> Orly Lobel, *The Renew Deal: The Fall of Regulation and the Rise of Governance in Contemporary Legal Thought*, 89 Minn. L. Rev. 342 (2004).