



Nancy J. Diehl

# Hear Ye, Hear Ye— Listen Up

**L**isten. It seems so easy to just listen. Then why is it so difficult? We don't listen because we are usually preoccupied with something else—thinking we already know where the story is going, listening in our own head to our next comment or question, plotting our winning strategy, or dreaming of our next vacation. Listening is one of a lawyer's most important skills, but rarely do we actively cultivate this ability. And the emphasis in law school is on other communication skills, such as writing and speaking. However, sometimes the nature of our work shouts at us to improve our listening capacity.

I spent many years in the Prosecutor's Office working with children 12 and under where there was an allegation of sexual or physical abuse. I discovered early on that I needed to let the children do the talking, to carefully listen to what they had to say, and give them a full opportunity to speak without interruption. When you ask the right questions, ones that do not call for a yes, no, or very short answer, it is remarkable the detailed information you receive. Psychiatrist, Dr. Karl Menninger said, "Listening is a magnetic and strange thing, a creative force. The friends who listen to us are the ones we move toward. When we are listened to, it creates us, makes us unfold and expand." Through the children, I learned about the great and powerful tool of listening.

Of course, listening to children has an added dimension than listening to adults. Because children perform differently at each developmental level, you must be careful not to misinterpret or jump to conclusions about what they are saying. There is an amusing story that illustrates the importance of listening and giving someone the opportunity to fully explain.

*There was a Michigan teacher who was helping one of her kindergarten students put on his boots. He asked for help and she could see why. Even with her pulling and him pushing, the little boots still didn't want to go on. Finally, when the second boot was on, she had worked up a sweat. She almost cried when the little boy said, "Teacher, they're on the wrong feet."*

*"It is the province of  
knowledge to speak.  
And it is the privilege  
of wisdom to listen."*

— Oliver Wendell Holmes

*She looked and sure enough, they were. It wasn't any easier pulling the boots off than it was putting them on. She managed to keep her cool as together they worked to get the boots*

*back on—this time on the right feet. He then announced, "These aren't my boots." She bit her tongue rather than get right in his face and scream, "Why didn't you say so?" like she wanted to. And, once again she struggled to help him pull the ill-fitting boots off his little feet. No sooner had they got the boots off and he said, "They're my brother's boots. My Mom made me wear 'em." Now she didn't know if she should laugh or cry. But, she mustered up the grace and courage she had left to wrestle the boots on his feet again. Helping him into his coat, she asked, "Now, where are your mittens?" He said, "I stuffed 'em in the toes of my boots...." Her trial begins next month.*

If only the teacher had taken a little more time at the front end and let the child explain! As Attorneys and Counselors (or a teacher in Michigan), giving good advice and making good decisions depends on receiving full and complete information. Oliver Wendell Holmes said, "It is the province of knowledge to speak. And it is the privilege of wisdom to listen." So, hear ye, hear ye—listen up! ♦