

Raffi Kodikian to Lawyers: Increase Emotional Intelligence to Avoid Malpractice Suits

Clients need to feel supported, heard, and represented, notes Raffi Kodikian regarding professional liability.

SAN FRANCISCO, CA, UNITED STATES, March 10, 2022 /EINPresswire.com/ -- When lawyers make mistakes, they can face litigation from their clients. Not all cases are hard-and-fast errors, unethical behavior or unprofessional conduct. After nearly two decades of offering lawyers professional liability coverage, [Raffi Kodikian](#) knows the ropes of malpractice. In recent comments, he explained how emotional awareness can play a crucial role in reducing the risk of malpractice suits.

"In some cases, the frustration of the client stems from their personal perspective of being poorly represented and not necessarily on the representation itself," he notes. "Many of these judgments are going to have a huge impact on the life of your client. They want to know their case is being taken seriously and they can trust you to get them the best outcome possible."

How Emotion Should Play into Client/Lawyer Relationship

Not all emotion is good emotion, says Kodikian. Lawyers must be careful to have emotional intelligence in what they display for their clients. As professionals, lawyers have to know what emotions will cause a problem and which one will strengthen the relationship in a professional way.

Providing expressive support and emotionally intelligent responses is not a new concept for lawyers. More than two decades ago, the book *Practicing Therapeutic Jurisprudence: Law as a Helping Profession* was written. Chapter 13 covers "Love, Hate, and Other Emotional Interference in the Lawyer/Client Relationship."

However, Raffi Kodikian believes there are still too many lawyers neglecting this side of their practice, opening themselves up to lawsuits in the process. "Lawyers often become calloused to the majority of cases because it is their daily experience," he says. "When you see so many cases that have the same struggles and messes, it's hard to keep in mind that this is a central moment in someone's life. You can't properly navigate an emotionally charged situation without any emotion of your own. The client should feel that you understand—they are not looking for their representation to be an impartial party. When you add the element of compassion, empathy or

frustration on their behalf, then they do feel like you are going to do what you can to fight for their case."

Emotional Intelligence Prevents Emotionally Reactive Decision Making

In the book *Beyond Right and Wrong: The Power of Effective Decision Making for Attorneys and Clients*, the author Randall Kiser examines how psychological impact on professional behavior is a large part of the attorney's role.

Kodikian says this expresses how subconscious cognitive bias can cause poor decision-making on the part of the attorney. "Emotional intelligence isn't about just 'feeling' what the client feels—it's a mindful choice to bring the right emotion to the table at the right time," he notes. "When you are deliberate about this approach, you can connect with your client without falling into an irrational behavior."

The American Bar Association also stated, "There are very few downsides to becoming more emotionally intelligent, even for the militantly rational like some lawyers. ...Real downsides, however, are associated with incomplete or unbalanced emotional intelligence."

A Lack of Emotion Increases the Risk of Malpractice

[Kodikian notes the question](#) that may come up is, "Will emotion really reduce the chances of malpractice?" He explains that many lawyers tend to think a stoic and rational approach helps them make the most logical decisions for the good of the case. However, this approach often causes more problems than it solves. He notes several common issues occur when emotion isn't part of the equation.

Poor attention to detail. Without feeling emotionally connected to the client and their case, a lawyer will struggle to really pay attention and read between the lines. It's much more likely that important details slip between the cracks when a lawyer is not emotionally invested, says Kodikian.

Lack of communication. A lawyer's communication isn't as intuitive when they are emotionally withdrawn. One big part of a lawyer's job is to keep their client in the loop, says Kodikian. They need to know which details are important for the client to hear.

Inability to understand how emotion is driving the client's decision-making. If a lawyer is experiencing an emotional connection to the case and client, they will have a much clearer view of what is driving the client. Anxiety, stress, anger—these are valid emotions that many clients face and can become the driving force behind their decisions. Kodikian says the emotionally intelligent lawyer will recognize what is occurring and help the client navigate those emotions in order to make a balanced decision.

Being caught off guard with client behavior. When a lawyer is able to understand their client's mindset, they are able to anticipate the path forward. Emotional intelligence helps a lawyer prepare for possible outcomes because it incorporates the perspective of the client.

Failing to build a relationship. The attorney-client relationship is a very sensitive one, says Kodikian. "Clients are often arriving during the worst moments of their lives," he says. "They have to fully trust that their lawyer is on their side and ready to fight for their rights. Emotionally intelligent lawyers are much better at consoling clients because they are empathetic and look at the case from the client's perspective. They can build the rapport needed to gain the client's trust and respect. Building that relationship is essential to avoiding malpractice cases where the client feels like they aren't getting true representation

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