

***More Than Words: The Impact of Tone, Word Choice, and Cultural
Communication in Legal Practice***

**Authored by: Mary Robberson, Appollo Carey, Neil V. Moody,
Dafney Stokes, Brie Zarzour, Fiorella Velarde, Alexsa Marino**

**I. INTRODUCTION: COMMUNICATION IS NOT JUST CONTENT – IT IS
STRATEGY.**

This paper and accompanying panel discussion are designed to equip legal professionals with practical, actionable communication skills grounded in neuroscience, emotional intelligence, and an understanding of identity and perception. The focus is not theory for theory's sake, but application. Participants will examine how intentional communication improves effectiveness across core areas of practice, including client interactions, negotiations, internal team dynamics, and adversarial settings. The unifying theme is simple but critical: how we show up—verbally, non-verbally, and emotionally—directly affects credibility, client trust, outcomes, and professional reputation.

Throughout this paper, we explore why effective communication is a foundational skill for attorneys and leaders, how communication style and perception influence relationships and business development, and how basic principles of neuroscience inform the way messages are received—particularly under stress or conflict. We also address managing high-conflict and aggressive interactions, the role emotional intelligence plays in effective advocacy and leadership, and practical strategies for applying these concepts in real-world legal and business environments. Finally, we examine the broader organizational consequences of poor communication, including culture erosion, turnover, and retention challenges. This is not a self-help piece; it is a practice-focused framework for lawyers who want to communicate with greater intention, impact, and results. Communication is not neutral—it either strengthens relationships or undermines them.

II. WHY EFFECTIVE COMMUNICATION MATTERS FOR ATTORNEYS.

Efficient, effective, and clear communication is the foundation of any sustainable and/or successful practice of law. Whether the communications are with clients, co-workers, witnesses, or co-counsel, a lawyer's ability to clearly and concisely say what they mean, mean what they say, and interpret what is said to them is determinative of success.

There are many reasons to consider the impact of effective communication within legal offices or departments, but three primary reasons come to mind immediately:

a. Reason #1--The ability to influence legal outcomes.

Effective communication directly influences legal outcomes by enabling attorneys to build trust with clients, craft persuasive arguments for court, and negotiate favorable terms, conditions, and settlements in legal matters. When an attorney communicates effectively with clients, it enhances the attorney-client relationship, leading to better evidence gathering, clearer expectations, and more precise, strategic legal representation. Active listening (to clients) ensures a comprehensive understanding of client goals, while regular updates allow for better preparation

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and faster responses to new developments. Transparent, consistent, and empathetic communication keeps clients informed and secure, reducing dissatisfaction and preventing misunderstandings that can derail a case and/or the lawyer-client relationship.

b. Reason #2—Fostering a Healthy Work Environment

Additionally, effective communication can foster a healthy work environment within the legal industry by building trust, reducing conflict, and boosting employee morale through clear, empathetic, and open interactions. Good communication ensures clarity in roles, reduces errors, increases employee engagement, and creates a safe, collaborative culture where legal team members feel valued. Active listening and clear communication resolve misunderstandings quickly, preventing the spread of negativity and fostering an environment where employees feel safe to share, even during disagreements. When communication is clear and concise, associates and partners understand their roles, decreasing duplicate efforts, enhancing overall efficiency and performance.

c. Reason #3—Ethic Obligation to Communicate Effectively

A lawyer's ethical obligations to communicate effectively, primarily governed by ABA Model Rule 1.4 which governs a lawyer's activities in keeping clients reasonably informed, explaining matters sufficiently for clients to make informed decisions, and responding promptly to requests for information. Attorneys must promptly inform clients of all settlement offers, significant developments, and actions requiring informed consent. Also, a lawyer must consider their obligation for effective communication under Rule 7.1 – lawyers must not make false or misleading statements about their services. Attorneys are required to explain legal matters in a way the client can understand, enabling them to make informed decisions about their representation.

In managing client expectations, lawyers should establish, at the outset, how and when they will communicate information regarding client matters. This can add tremendous value to the lawyer/client relationship. If a client speaks a different language or has disabilities, the code requires an attorney to take reasonable steps to communicate effectively, including the use of interpreters if necessary.

III. COMMUNICATION IS NOT NEUTRAL: TONE, WORDS, AND CULTURAL PERCEPTION.

The program incorporates brief participant engagement to reinforce awareness and application. Through guided reflection or discussion, participants connect the concepts to their own experiences and communication patterns.

The impact of tone, word choice, and cultural communication has a profound and significant impact on all of us. First, we will review “tone” and how that impacts the conversation:

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a. What is Tone?

Tone refers to the emotional quality conveyed through language, including subtle cues such as level of formality, directness versus indirectness, empathy or neutrality, confidence or aggression.

Even in written communication—emails, motions, and briefs—tone shapes the reader’s perception of professionalism and credibility.

Here are some examples on which we can reflect:

Intended Tone	Possible Perceived Tone
Efficient	Abrupt
Confident	Arrogant
Direct	Confrontational
Neutral	Dismissive

Attorneys can benefit from reflecting on questions such as:

- How might my tone be interpreted by someone from a different background?
- Do I default to a communication style shaped by my legal training or workplace culture?
- When have misunderstandings occurred due to tone or wording?
- Developing that awareness helps attorneys adjust communication intentionally rather than reactively.

Next, we will review word choice and the critical impact it has on communication.

b. Word Choice – Why is it Important?

Word choice likewise has a critical impact on how communication is perceived by the listener or reader. Word choice affects how legal arguments and communications are interpreted. Subtle shifts in phrasing can significantly change the message: “You misunderstood the contract.” vs. “The contract language may allow another interpretation.”

The second statement preserves the same legal point while reducing defensiveness. Strategic word choice can also de-escalate conflict, promote collaboration in negotiations, build trust with clients, and increase persuasiveness with decision-makers.

c. Cultural Communication and Its Impact.

Cultural communication if not maneuvered with a delicate hand may result, in the most benign situation, a harmless misunderstanding, or, at worst, in a complete breakdown of an important relationship.

Seizing the opportunity of being in a country different than our own for this presentation, it is interesting to look at the communication styles of different cultures. Communication norms vary widely across the world, including levels of directness, use of silence, eye contact expectations, deference to authority, and emotional expression.

Renowned author, INSEAD (Institut Européen d'Administration des Affaires) professor, and expert in cross-cultural management, Erin Meyer, for example, notes that “Americans precede anything negative with three nice comments; the French, Dutch, Israelis, and Germans get straight to the point; Latin Americans and Asians are steeped in hierarchy; Scandinavians think the best boss is just one of the crowd. It’s no surprise that when they try and talk to each other, chaos may break out.”¹

Clients evaluate attorneys not only on legal skills but also on how well they feel understood and respected. Effective communication with diverse clients requires sensitivity to cultural norms, awareness of potential language barriers, and may require avoidance of legal jargon where unnecessary.

But even when speaking to clients or co-workers from our own culture, tone shapes the reader’s or listener’s perception, reaction, and at times, decision-making.

Failing to recognize communication differences may lead to misinterpretation of intent, credibility, or professionalism, underscoring the importance of tone, word choice, and cultural communication.

IV. UNDERSTANDING IDENTITY-DRIVEN PERCEPTION IN ADVOCACY AND LEADERSHIP.

Communication does not occur in a vacuum. Every professional exchange is filtered through layers of identity, expectation, and cultural conditioning that neither speaker nor listener may consciously recognize. The words chosen, the tone deployed, and the authority projected are all perceived through the lens of who is speaking and who is listening. For legal professionals, an understanding of these dynamics is not merely an academic exercise; it is a prerequisite for effective advocacy, client management, and leadership.

One of the most well-documented phenomena in professional communication is that identical conduct is frequently evaluated differently depending on the identity of the person

¹ Meyer, E. (2014). *The Culture Map: Breaking Through the Invisible Boundaries of Global Business*. PublicAffairs.

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engaging in it.² A direct, assertive statement issued by one attorney may be received as confident and persuasive however, the same statement, delivered in the same tone by a colleague of a different gender, race, or background, may be perceived as aggressive, difficult, or inappropriate. This is not merely anecdotal. Research has consistently demonstrated that status characteristics such as gender, race, and perceived seniority function as implicit filters through which professional behavior is assessed.³ The result is that the same professional does not always receive the same sort of professional evaluation.

This perception gap is particularly acute around expressions of authority and emotion. Studies have found that women who express anger in professional settings are assigned lower status and are less likely to be perceived as credible than men exhibiting the same behavior.⁴ Meanwhile, women and professionals from underrepresented groups frequently face what researchers have called the “prove-it-again” burden, a recurring expectation that they must re-establish competence in situations where others are extended automatic credibility.⁵ For attorneys who belong to multiple marginalized identity groups, these dynamics layer and compound in ways that require particularly thoughtful navigation.⁶

Cultural context adds yet another dimension. Behaviors that signal confidence and engagement in one cultural framework may read as rudeness or submissiveness in another. Eye contact, physical posture, the use of silence, and even the frequency of smiling carry different meanings depending on the cultural norms of both the speaker and the audience.⁷ Legal professionals who work across diverse client populations, appear before varied tribunals, or collaborate in multicultural teams must develop the capacity to recognize and adapt to these differences.⁸

People tend to assess others on two primary dimensions: (1) how capable they appear, and (2) how likable or trustworthy they seem.⁹ In many professional and advocacy contexts, these two attributes are perceived as being in tension; the more authoritative and competent a professional appears, the less warm and approachable they may seem, and vice versa. Navigating this tradeoff requires deliberate calibration of communication style to suit the audience and objective at hand.

Skilled communicators recognize that professional style is not fixed. Experienced attorneys routinely adjust their register, vocabulary, and interpersonal approach depending on whether they are addressing a jury, a client, opposing counsel, or a judicial officer. This code-switching is not inauthentic; it is professional fluency. The challenge for all communicators, and particularly for those who already bear the weight of identity-based perception gaps, is to perform this adaptation

² Deborah Tannen, *Talking from 9 to 5: Women and Men at Work* 15–17 (1994).

³ Cecilia L. Ridgeway, *Framed by Gender: How Gender Inequality Persists in the Modern World* 38–40 (2011).

⁴ Victoria L. Brescoll & Eric Luis Uhlmann, *Can an Angry Woman Get Ahead? Status Conferral, Gender, and Expression of Emotion in the Workplace*, 19 *Psychol. Sci.* 268, 270–72 (2008).

⁵ Joan C. Williams & Rachel Dempsey, *What Works for Women at Work* 28–35 (2014).

⁶ Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 *U. Chi. Legal F.* 139, 149–52 (1989).

⁷ Marianne LaFrance, *Lip Service: Smiles in Life, Death, Trust, Lies, Work, Memory, Sex, and Politics* 88–92 (2011).

⁸ Robert B. Cialdini, *Influence: The Psychology of Persuasion* 205–09 (rev. ed. 2006).

⁹ Susan T. Fiske et al., *A Model of (Often Mixed) Stereotype Content: Competence and Warmth Respectively Follow from Perceived Status and Competition*, 82 *J. Personality & Soc. Psychol.* 878, 880–84 (2002).

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intentionally and strategically rather than reactively or apologetically. Understanding how one's identity shapes the experience of the listener is the first step toward communicating with genuine effectiveness.

V. NEUROSCIENCE OF COMMUNICATION: HOW THE BRAIN DRIVES PERCEPTION AND RESPONSE.

Lawyers are trained to focus on substance. We are taught to marshal facts, apply law, and make clean, rational arguments. But anyone who has handled a difficult negotiation, a hostile deposition, a contentious claim discussion, or the rigors of trial knows that people do not receive communication in a purely logical way.

Our brains do not process words in a vacuum. We first scan for emotional meaning and perceived threat. Tone, pacing, facial expression, and posture often register before the listener fully engages with the substance of the message.¹⁰ In practical terms, that means a person may immediately decide whether a speaker sounds safe, respectful, dismissive, or threatening before fully processing the point being made.

That reality helps explain why otherwise sound arguments can fail. When a person feels attacked, belittled, or cornered, the brain shifts resources toward self-protection rather than reflection. In that state, defensiveness rises and problem-solving becomes more difficult.¹¹ Examples abound in workplace environments. A claim professional may believe she is asking a fair follow-up question. Opposing counsel may think he is simply being direct. A partner may believe he is giving efficient feedback. *But if the communication lands as contemptuous, hierarchical, or dismissive, the recipient may stop processing the content and start reacting to the perceived threat.*

People are especially sensitive to cues of status, disrespect, and social exclusion. Neuroscience and social-rank research suggest that human beings are acutely attuned to signs that they are being diminished, ignored, or put “in their place.”¹² In a professional setting, that can happen through tone as much as through words. “You misunderstood the policy” may communicate not only disagreement, but also hierarchy and dismissal. “I read that differently” conveys the same substantive point while reducing the social threat. Likewise, “We already asked for that” can sound impatient and superior, whereas “We are still looking for that information to complete the analysis” is more likely to keep the listener engaged.

¹⁰ A. S. Fox & R. C. Shackman, *The Central Extended Amygdala in Fear and Anxiety: Closing the Gap Between Mechanistic and Neuroimaging Research*, 15 Neuroscience Letters 1 (2019).

¹¹ Matthew D. Lieberman et al., *Putting Feelings Into Words: Affect Labeling Disrupts Amygdala Activity in Response to Affective Stimuli*, 18 Psychological Science 421 (2007).

¹² K. B. LeClair et al., *Using Social Rank as the Lens to Focus on the Neural Basis of Threat and Stress*, discussing how social rank and status cues affect stress responses and threat processing.

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The brain also processes tone quickly. Research concerning emotional vocal cues reflects that volume, intensity, and angry prosody can affect threat perception and emotional processing.¹³ That is one reason certain phrasing escalates while other phrasing de-escalates. For example:

- “That argument makes no sense” is likely to trigger defensiveness.
- “I am not sure that position will carry the day” preserves disagreement without unnecessary provocation.
- “You failed to provide the documents” sounds accusatory.
- “We have not yet received the documents we need to complete our review” focuses on the problem without assigning blame.
- “You are wrong” invites a fight.
- “Help me understand how you are reading that provision” invites explanation and keeps the conversation open.

Word choice impacts how the message is received at the nervous-system level. If the listener hears threat first, the merits may never get a fair hearing.

This is one reason fear-based advocacy techniques can be effective. Plaintiff’s lawyers have long used “reptile theory” themes to frame cases around danger and safety, appealing to protective instincts rather than purely analytical reasoning.¹⁴ The same lesson appears in modern social media litigation, where allegations about platform design and emotionally activating content reflect a broader recognition that attention is often captured by threat, outrage, and social reward before deliberate reflection catches up.¹⁵

The lesson for attorneys and other professionals is straightforward. **Communication is not simply the transfer of information; it is an experience processed by a nervous system.** If tone and phrasing communicate hierarchy, contempt, or dismissal, even a strong legal argument may be lost. If communication instead conveys steadiness and respect, the listener is more likely to remain regulated enough to hear the substance. In that sense, tone and word choice are not “soft skills” but critical advocacy skills worth refining at any stage of one’s career.

VI. MANAGING HIGH-CONFLICT AND AGGRESSIVE INTERACTIONS.

Adversarial professional environments such as courtrooms, depositions, contentious negotiations, and difficult client interactions place particular demands on a communicator’s capacity for self-regulation and strategic presence. When confronted with aggression, hostility, or

¹³ D. Simon et al., *Loud and Angry: Sound Intensity Modulates Amygdala Activation to Angry Prosody*, reflecting that emotionally charged vocal cues affect threat-relevant processing

¹⁴ David Ball & Don Keenan, *Reptile: The 2009 Manual of the Plaintiff’s Revolution* (2009)

¹⁵ *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, MDL No. 3047 (J.P.M.L.)

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deliberate provocation, the instinctive human response is to either escalate or retreat – to win the exchange (“fight”) or escaping the conflict altogether (“flight”). Neither instinct serves the professional well. Managing high-conflict interactions effectively requires an understanding of why aggression occurs, what it does to the brain, and what practical techniques allow a skilled professional to remain anchored and in control.

The neuroscience of conflict may be instructive in this context. The brain processes emotional threat through the same primitive circuit that responds to physical danger.¹⁶ When an individual perceives that they are being attacked whether physically or through dismissive language, condescension, or overt aggression, the brain fires a threat response that mobilizes the body's defensive systems and simultaneously narrows higher cognitive function.¹⁷ This neurological hijacking does not discriminate between real and perceived threats; a dismissive tone or a contemptuous look can activate the same cascade as an overt confrontation.¹⁸ For lawyers, this has a direct practical consequence: an opposing counsel who raises their voice, a witness who becomes hostile, or a client who is in crisis is, in that moment, operating with diminished access to rational deliberation. Rational argument alone will not reach them.

Equally important is what aggression does to the person on the receiving end. The stress response triggered by hostile interaction releases cortisol and adrenaline, which are physiologically useful for immediate survival but highly disruptive to the nuanced and multi-variable thinking that professional advocacy demands.¹⁹ A lawyer who is activated by an aggressive opposing counsel, a difficult deponent, or a client in distress is fighting against their own neurochemistry. The professional who can recognize these signals in themselves, and interrupt the automatic escalation response, gains a decisive advantage in the room.

The foundation of effective management in high-conflict interactions is demeanor. Before any particular word is chosen, the practitioner's physical presence communicates volumes. Research confirms that nonverbal cues such as posture, breathing, facial expression, and the quality of stillness a person projects are processed by observers faster and more deeply than verbal content.²⁰ The practitioner who responds to aggression with a calm, measured physical presence signals competence and control in a way that words alone cannot replicate. In modern practice, the lawyer who stays measured under pressure will often be more effective than the lawyer who simply becomes louder or harsher. Thus, slowing down the pace of the interaction can interrupt the escalation cycle and create room for judgment to return.²¹ This is not passivity but rather it is a deliberate assertion of professional authority.

One of the most powerful tools available in a high-conflict moment is the strategic pause. Skilled negotiators and experienced litigators consistently identify the pause, a moment of

¹⁶ Daniel Goleman, *Emotional Intelligence: Why It Can Matter More Than IQ* 149–50 (1995); Antonio Damasio, *Descartes' Error: Emotion, Reason, and the Human Brain* 127–34 (1994).

¹⁷ Joseph E. LeDoux, *The Emotional Brain: The Mysterious Underpinnings of Emotional Life* 161–65 (1996).

¹⁸ Bruce D. Perry & Maia Szalavitz, *The Boy Who Was Raised as a Dog* 46–50 (2006).

¹⁹ Robert M. Sapolsky, *Why Zebras Don't Get Ulcers* 27–30 (3d ed. 2004).

²⁰ Paul Ekman, *Emotions Revealed: Recognizing Faces and Feelings to Improve Communication and Emotional Life* 63–67 (2d ed. 2007).

²¹ See Fox & Shackman, 15 *Neuroscience Letters*, *supra*.

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intentional silence before responding, as among the most effective de-escalation techniques available.²² The pause does several things at once: it prevents reactive speech that may escalate the conflict; it signals to the other party that they have not rattled the professional; it creates space for the aggressor's emotional intensity to diminish; and it allows the professional to select language deliberately rather than reflexively.²³ Slowing down the pace of the entire interaction, speaking more slowly, taking more time between exchanges, all exercise a regulatory effect on the emotional temperature of the room.

Language framing is equally important. In heated exchanges, the choice between evaluative and descriptive language frequently determines whether a conversation escalates or stabilizes. Evaluative statements, those that characterize the other person's conduct or motivation, tend to provoke defensiveness and counterattack.²⁴ Descriptive statements, by contrast, narrate observable fact without assigning blame, are far less likely to trigger the threat response that shuts down productive dialogue. The difference between "you are being unreasonable" and "we seem to have reached an impasse on this point" is the difference between an invitation to fight and an invitation to solve problems. Similarly, reframing the interaction around shared interests can interrupt the zero-sum dynamic that aggressive interaction tends to impose.²⁵

Ultimately, the management of high-conflict interaction is not simply a practical skill; it is an expression of emotional intelligence under pressure. The professional who has done the internal work of understanding their own triggers, who has practiced the self-discipline of regulated response, and who can maintain genuine presence and curiosity even in the face of hostility does not merely survive difficult interactions, they shape them.²⁶ Research on affect labeling reflects that putting feelings into words can reduce emotional reactivity.²⁷ Silently noting "I am getting defensive," "I feel rushed," or "I am angry" can help a lawyer regain enough distance to choose a response rather than simply discharge one.

There is an ethical dimension to this as well. Effective communication is part of competent representation. ABA Model Rule 1.4 requires lawyers to communicate in a manner that allows clients to make informed decisions, and the comments emphasize that reasonable communication is necessary for effective participation in the representation.²⁸ In that sense, regulating one's own demeanor under pressure is not just good manners. It's part of the job.

In a profession where the ability to persuade, to build credibility, and to command a room is often the decisive variable, the capacity to remain grounded under fire is among the most valuable competencies a lawyer can develop.

²² William Ury, *Getting Past No: Negotiating in Difficult Situations* 41–45 (rev. ed. 1993).

²³ Ury, *supra* note 14, at 48–52.

²⁴ Amy Gallo, *HBR Guide to Dealing with Conflict at Work* 72–75 (2017).

²⁵ Roger Fisher & William Ury, *Getting to Yes: Negotiating Agreement Without Giving In* 34–37 (3d ed. 2011).

²⁶ Judith E. Glaser, *Conversational Intelligence: How Great Leaders Build Trust and Get Extraordinary Results* 85–89 (2014).

²⁷ Matthew D. Lieberman et al., *Putting Feelings Into Words: Affect Labeling Disrupts Amygdala Activity in Response to Affective Stimuli*, 18 *Psychological Science* 421 (2007).

²⁸ ABA Model Rule of Professional Conduct 1.4; Comment 1 ("Reasonable communication between the lawyer and the client is necessary for the client effectively to participate in the representation.").

VII. EMOTIONAL INTELLIGENCE: READING THE ROOM BEFORE READING THE TRANSCRIPT.

Emotional intelligence (“EQ”) acts as the foundation for effective communication in the legal environment by enabling lawyers to recognize, understand, and manage emotions in themselves and others. EQ facilitates clearer, more empathetic, and thoughtful exchanges by improving active listening, emotional regulation, and the interpretation of nonverbal cues such as a person’s body language. These skills are valuable within the practice of law, particularly when considering the importance of effective and/or persuasive communication with others. Lawyers would do well to recognize the benefit of EQ and strategically implement the skill sets within their practice.

When an attorney has a high EQ, it can ensure a focus on understanding the speaker’s full message—including the emotional subtext—rather than just waiting for their turn to speak. It can help lawyers tune into the perspectives and emotions of others, fostering trust, rapport, and stronger relationships, which in turn makes an attorney’s communication more authentic and persuasive.

EQ also allows for calm and measured responses during heated discussions or exchanges with opposing counsel, helping to de-escalate tension and find mutually beneficial solutions. EQ enables attorneys to recognize and manage their own emotions and triggers, ensuring that their responses are professional and not driven by impulse or anger. It can also aid in interpreting body language and tone of voice, which often convey more meaning than words alone. This is a very helpful skill when reading a jury or trier of fact.

EQ can also help with recognizing one's own emotions, which allows for clearer, more assertive communication without being overwhelmed. This helps strengthen communication skills and reduce misunderstandings. Self-managing one’s emotions prevents reactive, defensive behavior in challenging conversations, promoting calmer, more constructive dialogue.

A few tips for enhancing one’s EQ and promoting more effective communication include:

- Tracking one’s own emotional triggers and reactions to enhance self-awareness.
- Take a moment to manage emotions and think before speaking, especially when challenged.
- Active Listening. Focus entirely on the speaker, ensuring you understand their perspective before replying, without looking away or at your phone.
- Proactively seeking to understand the perspective, feelings, and motivations of others.
- Asking trusted colleagues for input on how your communication is received

In conclusion, EQ has transitioned from a "nice-to-have" attribute within traditional legal environments to a strategic “must have” within the modern legal environment. While technical legal expertise will always be essential, high EQ enables lawyers to navigate complex human

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dynamics, build trust-based client relationships, and maintain composure under high-stakes pressures. By fostering empathy, self-regulation, and better team collaboration, legal professionals with strong EQ can enhance client satisfaction and improve overall firm performance. Ultimately, understanding and facilitating EQ is essential for promoting a sustainable, high-performing, and client-centric legal practice.

VIII. THE HIDDEN COST OF WORDS: COMMUNICATION, CULTURE, AND ATTRITION.

Legal practice is built on communication. Attorneys persuade judges, negotiate with opposing counsel, advise clients, collaborate with colleagues, and lead teams primarily through words. Yet while legal education emphasizes what lawyers say — argument structure, legal reasoning, and written advocacy — it often overlooks how those words are delivered. Tone, word choice, and communication style profoundly shape workplace culture, leadership effectiveness, and professional satisfaction within legal organizations.

Increasingly, law firms and legal departments recognize that poor communication is not merely a matter of interpersonal friction; it is a major driver of disengagement and attrition among talented professionals. Associates frequently cite dismissive feedback, unclear expectations, or unnecessarily harsh communication as reasons for leaving firms. Similarly, support staff and junior attorneys often report that communication style—rather than workload alone—determines whether a workplace feels collaborative or hostile.

Developing awareness of tone and word choice therefore becomes an essential leadership skill in modern legal practice. Lawyers who communicate thoughtfully foster stronger teams, improve morale, and enhance long-term professional success for themselves and their organizations.

a. Tone is an Important Component of Communication

Tone communicates respect, openness, and psychological safety—or the lack thereof. In legal settings, tone is particularly influential because communication often occurs in written form: emails, letters, briefs.

Consider two versions of feedback on a draft brief:

- Example 1 – Abrupt Tone

“This section doesn’t make sense. Fix the analysis and rewrite.”

- Example 2 – Constructive Tone

“The argument in this section may need further development. Consider clarifying the connection between the case law and the conclusion so the court can follow the reasoning more easily.”

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Both comments identify the same issue, but the second promotes learning and collaboration rather than discouragement.

Repeated exposure to negative or dismissive communication can gradually shape workplace culture. Firm members may become reluctant to ask questions, hesitant to propose ideas, or disengaged from team collaboration.

b. Why “Bad” Communication Drives Attrition

Compensation and workload are often cited as causes of turnover in the legal profession. However, workplace climate shaped by communication can also contribute to attrition. Common communication-related reasons professionals leave include feeling undervalued or ignored, receiving only negative feedback, lack of clarity about expectations, and communication perceived as disrespectful or hostile.

Talented professionals, particularly early-career attorneys, often leave environments where communication undermines confidence or growth.

Consider a first-year associate who submits a research memorandum:

- Scenario A: Negative Communication Culture: The supervising attorney returns the document with extensive edits and the message:

“You need to learn how to write. This isn’t close to acceptable.”

The associate receives little explanation and becomes reluctant to seek guidance. Over time, the associate may feel unsupported and begin exploring opportunities elsewhere.

- Scenario B: Development-Oriented Communication Culture: The supervising attorney instead writes:

“Good start on the research. I made several edits to clarify the structure and tighten the analysis. Let’s walk through them together so you can see how I approach this type of argument.”

In this scenario, the associate receives constructive guidance and perceives investment in professional development. The difference between the two outcomes is not the workload or difficulty of the assignment—it is the communication style.

Psychological safety—the sense that individuals can ask questions, make mistakes, and contribute ideas without fear of humiliation—is also increasingly recognized as critical to effective teams. In legal environments, psychological safety encourages junior attorneys asking clarifying questions, staff identifying potential errors before filings, associates proposing creative legal strategies, and collaborative problem solving.

Communication style directly influences whether such safety exists.

c. Leadership Is Communicated Through Everyday Interactions

In legal practice, leadership is often associated with client development or courtroom advocacy. Yet internally, leadership is expressed primarily through daily communication. Examples include providing guidance on assignments, responding to mistakes, conducting performance reviews, managing deadlines and workload, and communicating expectations.

Attorneys who develop awareness of their communication style enhance their leadership presence and effectiveness, which leads to retention of valuable attorney and staff talent.

IX. CONCLUSION: COMMUNICATION IS THE PRACTICE BEHIND THE PRACTICE.

The practice of law is, at its core, a human enterprise. Every case outcome, client relationship, negotiation, and internal leadership decision is shaped not only by legal knowledge, but by how that knowledge is communicated. As this paper demonstrates, communication is far more than the transmission of information. Tone, word choice, cultural awareness, emotional intelligence, and identity-based perception all influence how messages are received, how trust is formed, and how credibility is assigned. These dynamics operate whether we acknowledge them or not.

Effective legal communication therefore requires intention and requires work. Understanding the neuroscience behind communication explains why even sound arguments may fail when delivered in a way that triggers defensiveness or threat. Appreciating the role of identity and culture clarifies why the same behavior is not always received the same way—and why adaptability is a professional strength rather than a concession. Developing emotional intelligence equips lawyers to remain grounded under pressure, manage high-conflict interactions, and read the room before reading the transcript. And recognizing the organizational impact of communication reminds us that tone and word choice do not merely affect individual exchanges; they shape culture, retention, leadership effectiveness, and long-term institutional success.

Your words matter. How you deliver your words matters even more. These are not “soft skills.” They are advocacy skills, leadership skills, and risk-management skills. Lawyers who communicate with a high EQ and awareness enhance their ability to persuade decision-makers, foster psychological safety within their teams, build durable client relationships, and navigate adversity with composure and credibility.

In a profession defined by words, how those words are delivered matters more than what they say. Communication is never neutral. It either builds trust, clarity, and connection—or it erodes them. Mastery of communication, therefore, is not ancillary to legal excellence; it is essential to it.