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EXPLORING CHANGES IN THE EMOTIONAL INTELLIGENCE OF LAW STUDENTS

CINDY L JAMES*

I INTRODUCTION

In North America, students who wish to become a lawyer by completing a Juris Doctor (JD) program spend three years learning about the theory, principles and practices of law. Besides completing compulsory and elective courses, law students can — and in most cases are required to — participate in a variety of other activities. Although the opportunities vary by school, common extra or co-curricular activities include participating in moot court exercises, preparing legislative drafts, conducting and publishing research, establishing or serving on pertinent committees, engaging in international initiatives such as study abroad, and providing pro bono services by volunteering at free legal clinics. Consequently, law students are not only taught how to ‘think like a lawyer’, but also how to read, talk and act like a lawyer.¹

Although all this training and experience prepares students to *be* a lawyer and practice law, it does not necessarily teach students how to *feel* like a lawyer. Indeed, traditional law programs tend to ignore or even devalue the emotional aspect of law, which, inadvertently, may be harming law students, mentally, emotionally and socially.²

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¹ Elizabeth Mertz, *The Language of Law School — Learning to ‘Think Like a Lawyer’* (Oxford University Press, 2007).

² See, eg, Marjorie A Silver, ‘Emotional Intelligence and Legal Education’ (1999) 5 *Psychology, Public Policy, and Law* 1173; Kennon M Sheldon and Lawrence S Krieger, ‘Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being’ (2004) 22 *Behavioral Sciences and the Law* 261; Peter Reilly, ‘Teaching Law Students How to Feel: Using Negotiations Training to Increase Emotional Intelligence’ (2005) 21 *Negotiation Journal* 301; Mertz, above n 1; Colin James, ‘Lawyer Dissatisfaction, Emotional Intelligence and Clinical Education’ (2008) 18 *Legal Education Review* 123; John E Montgomery, ‘Incorporating Emotional Intelligence Concepts into Legal Education: Strengthening the Professionalism of Law Students’ (2008) 39 *The University of Toledo Law Review* 323; Colin James, ‘Law Student Wellbeing: Benefits of Promoting Psychological Literacy and Self-Awareness Using Mindfulness, Strengths Theory and Emotional Intelligence’ (2011) 21 *Legal Education Review* 217; Molly Townes O’Brien, Stephen Tang and Kath Hall, ‘Changing our Thinking: Empirical Research on Law Student Wellbeing, Thinking Styles and the Law Curriculum’ (2011) 21 *Legal Education Review* 149; Pamela

Specifically, studies have shown that law students tend to suffer from higher rates of anxiety, depression, stress, and other psychological issues than their peers or the general population.³ They also appear to be more prone to substance use and abuse.⁴ To lessen the psychological distress and harmful behaviour among law students, many legal educators and lawyers encourage the cultivation of affective skills, especially the development of the emotional intelligence (EI) in law students.⁵

In general, EI is understood to represent a set of core competencies for identifying, processing, and managing emotions to effect positive behaviour.⁶ It is a measure of the emotional and social skills that influence the way people perceive and express themselves, develop and maintain relationships, adapt and cope with the challenges and demands of daily life, and apply emotional information.⁷ One of the main constructs of emotional intelligence is that it is malleable, and therefore can be developed in targeted areas.⁸ Thus, it is argued that by focusing on the development of students' emotional intelligence, law schools could better equip students to reduce their stress,⁹ improve their mood and optimise their performance in law school.¹⁰ Furthermore, by paying attention to the human aspects of lawyering, law schools have the potential to produce more effective lawyers who can better address the

Bucy Pierson, 'Economics, EQ, and Finance: The Next Frontier in Legal Education' (2016) 65 *Journal of Legal Education* 864.

³ See, eg, Kennon M Sheldon and Lawrence S Krieger, 'Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory' (2007) 33 *Personality and Social Psychology Bulletin* 883; Norm Kelk et al, 'Courting the Blues: Attitudes Towards Depression in Australian Law Students and Lawyers' (Report, Brain & Mind Research Institute: University of Sydney, January 2009); Wendy Larcombe and Katherine Fethers, 'Schooling the Blues? An Investigation of Factors Associated with Psychological Distress Among Law Students' (2013) 36 *University of New South Wales Law Journal* 390.

⁴ James R P Ogloff et al, 'More Than "Learning to Think Like a Lawyer:": The Empirical Research on Legal Education' (2000) 34 *Creighton Law Review* 73.

⁵ See, eg, Silver, above n 2; Reilly, above n 2; James, 'Lawyer Dissatisfaction, Emotional Intelligence and Clinical Legal Education', above n 2; Montgomery, above n 2; James, 'Law Student Wellbeing', above n 2; Kate Galloway and Peter Jones, 'Guarding Our Identities: The Dilemma of Transformation in the Legal Academy' (2014) 14(1) *Queensland University of Technology Law Review* 15; Rachel Field, James Duffy and Colin James, *Promoting Law Student and Lawyer Well-Being in Australia and Beyond* (Routledge 2016); Pierson, above n 2.

⁶ Peter Salovey and John D Mayer, 'Emotional Intelligence' (1990) 9 *Imagination, Cognition and Personality* 185; Daniel Goleman, *Emotional Intelligence: Why it Can Matter More than IQ* (Bantam, 1995); Reuven Bar-On, 'The BarOn Model of Emotional-Social Intelligence (ESI)' (2006) 18 *Psicothema* 13; Gerald Matthews, Moshe Zeidner and Richard D Roberts (eds), *The Science of Emotional Intelligence: Knowns and Unknowns* (Oxford University Press, 2007).

⁷ Multi-Health Services, *The EQ-i 2.0 User's Handbook* (Multi-Health Services, 2017); Reuven Bar-On, *Emotional Quotient Inventory: A Measure of Emotional Intelligence — Technical Manual* (Multi-Health Systems, 2004).

⁸ Ibid.

⁹ James, 'Law Student Wellbeing', above n 2.

¹⁰ William S Blatt, 'Teaching Emotional Intelligence to Law Students: Three Keys to Mastery' (2015) 15 *Nevada Law Journal* 464.

needs and concerns of their clients, while, perhaps, improving their own satisfaction with the profession.¹¹

Even though there is a great deal of support for developing law students' affective skills by incorporating EI into legal education,¹² very little research regarding the emotional intelligence of law students — and especially changes in EI during the span of their education — has been conducted. One of the few studies to explore this topic was conducted at Brigham Young University in Utah.¹³ Using the *Omnibus Personality Inventory*, the researcher measured changes in personalities of 144 law students who completed the assessment when they entered (pre) and finished their first year (post) of law school. The findings revealed increases from the pre to post scores in tolerance for complexity and ambiguity, independence of judgement, expressiveness, impulsiveness, psychological distress and aestheticism, and decreases in sociability, interest in other people and altruism.¹⁴

Another study explored introducing EI into an internship program at the University of Denver, College of Law in Colorado.¹⁵ As a part of the course, students completed an assessment of their emotional intelligence skills. Based on the results, students seemed to be aware of others' emotions, but lacked compassion.¹⁶ The majority of the students also had issues with solving problems, motivating others, accepting criticism and bringing about change based on the scores from the constructive discontent scale.¹⁷ While these results provide some baseline data, it is important to note that the sample size was quite small (11 in total).¹⁸

Although studies involving law students are limited, several EI studies involving other student cohorts have been conducted. For instance, one study assessed the EI of 64 medical students during their first year orientation, and again in their third year clinical training using the Trait Metamood Scale (TMMS) and Davis' Interpersonal Reactivity Index (IRI).¹⁹ A comparison of the pre and post scores revealed significant decreases in mean EI scores on several subscales: *Attention to Feelings*, *Mood Repair*, and *Empathic Concern*.²⁰ However, there was a significant increase in scores on the *Personal Distress* subscale.²¹

¹¹ See above n 5.

¹² Ibid.

¹³ James M Hedegard, 'The Impact of Legal Education: An In-Depth Examination of Career-Relevant Interests, Attitudes, and Personality Traits Among First-Year Law Students' (1979) 4 *American Bar Foundation Research Journal* 791.

¹⁴ Ibid.

¹⁵ Paul J Cain, 'A First Step Toward Introducing Emotional Intelligence into the Law School Curriculum: The "Emotional Intelligence and the Clinic Student" Class' (2003) 14(1) *Legal Education Review* 18.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Terry D Stratton, Justin A Saunders and Carol L Elam, 'Changes in Medical Students' Emotional Intelligence: An Exploratory Study' (2008) 20 *Teaching & Learning in Medicine* 279.

²⁰ Ibid.

²¹ Ibid.

Another study involving four different cohorts of 132 health care students measured changes in emotional-social intelligence at the beginning and the end of their programs using the *BarOn Short Emotional Quotient Inventory (EQ-i: Short)*.²² The results revealed small but significant improvements on the *EQ-i: Short Total* score.²³ In comparison, a study that compared the pre and post assessment of 97 first year American students' EI skills, using the *BarOn EQ-i*, did not find any significant differences in the *Total EQ-i* or composite scores after one semester of university.²⁴ One other study that explored changes in EI of student leaders participating in a Supplemental Instruction program for one year revealed a significant increase between the students' pre and post scores on the *Problem Solving* subscale of the *BarOn EQ-i*.²⁵

Besides issues with sample size and composition, all of these studies suffer from confounding variables which tend to limit their generalisability and reliability. As with most research investigating changes or development through pre and post assessments, it is difficult to control for life experiences outside the educational experiences that may account for the changes. However, in terms of investigating changes in affective skills of law students, especially their emotional intelligence, the lack of studies appears to be the definitive problem.²⁶ This study attempts to fill some of the void by investigating the changes in the EI of law students during their JD program. The specific question being investigated is two-fold: Does the emotional intelligence of law students change over the course of a JD program, and if so, to what extent?

II THE STUDY

This longitudinal study employed a mixed methods research design, incorporating both quantitative and qualitative approaches in order to maximise the benefits of each approach and minimise their limitations.²⁷ The specific strategy or design of a mixed methods study is determined by the level of interaction, priority, timing, and mixing of the quantitative and qualitative data.²⁸ For this study, a sequential explanatory design was employed. This design involved collecting and analysing the quantitative data, EQ-i scores, to measure changes in EI.

²² Helene Larin et al, 'Changes in Emotional-Social Intelligence, Caring, Leadership and Moral Judgment During Health Science Education Programs' (2014) 14 *Journal of the Scholarship of Teaching and Learning* 26.

²³ Ibid.

²⁴ Gail M Leedy and James E Smith, 'Development of Emotional Intelligence in First-Year Undergraduate Students in a Frontier State' (2012) 46 *College Student Journal* 795.

²⁵ Cindy James and Elizabeth Templeman, 'Exploring the Emotional Intelligence of Student Leaders in the SI Context' (2015) 27(2) *Journal of the First-Year Experience & Students in Transition* 67.

²⁶ Ogloff, above n 4.

²⁷ John W Creswell and Vicki L Plano Clark, *Designing and Conducting Mixed Methods Research* (Sage, 2nd ed, 2011).

²⁸ Ibid.

Following this, qualitative data from interviews were collected and analysed to assist in explaining and interpreting the changes in the EQ-i scores.

A *Setting and Participants*

This research was conducted at a public postsecondary institution in Canada that offers a variety of university, college, and technical programs.²⁹ For a law degree, students complete a JD program in the Faculty of Law. Entry into this three-year program is competitive, with most students having already completed an undergraduate degree prior to entry. In first year, students are introduced to fundamental skills and courses necessary for a solid foundation in the law. In second and third years, students take a selection of advanced legal courses, which are supplemented with a broad range of elective courses.

Each fall, from 2011 to 2013, new students enrolled in the JD program were invited to participate in this study. The invitation was made in person during a classroom session that all students were supposed to attend. At the end of their three-year program (2013 to 2016), the participants were contacted again and asked to complete the post EQ-i and to participate in an exit interview. Of the 166 students invited, 117 participated by completing the pre EQ-i, and of these, 87 completed the both the pre and post assessment. Out of the 87 who completed both assessments, 63 also participated in the exit interview. The 87 participants who completed both assessments had an average age of 26 ($SD = 5.3$) with 52 per cent being female ($n = 45$) and 48 per cent being male ($n = 42$).

B *The Assessment Tool — Emotional Quotient Inventory (EQ-i)*

To assess the emotional and social skills of the students, the online Emotional Quotient Inventory (EQ-i) was used. During the course of this study, a new version of the EQ-i was introduced. As a result, for the pre-assessment the participants completed the BarOn EQ-i³⁰ and for the post-assessment they completed the EQ-i 2.0.³¹ Both of these consist of 133 brief items and take approximately 15–20 minutes to complete. The wording of the items is in the form of short self-statements rated on a five-point Likert scale.³² Based on responses to these items, both EI assessments render a *Total EQ-i* score, five composite scores and 15 subscale scores.

The primary differences between these two versions of the EQ-i involve item and scale level changes. In terms of the former, a number of items were revised, deleted or added in an effort to clarify wording,

²⁹ Ethics Approval was granted by the University Ethics Committee for Research and Other Studies Involving Human Subjects.

³⁰ Bar-On, *Emotional Quotient Inventory*, above n 7.

³¹ Multi-Health Services, above n 7.

³² Bar-On, *Emotional Quotient Inventory*, above n 7; Multi-Health Services, above n 7.

eliminate clinical language and reduce social/cultural bias.³³ In terms of scale level changes, some of the subscales were revised to address issues with multiple constructs. For instance, the *Impulse Control* subscale in the BarOn EQ-i assessed impulsivity and anger control, so to better assess impulsiveness the anger control component was removed from the EQ-i 2.0.³⁴ Similar changes were made to *Emotional Self-Awareness* and *Self-Regard* as well as *Problem Solving*. At the composite scale level, the EQ-i 2.0 introduced three new composite scales, revised one other and left one intact. Consequently, none of the composite scores were included in this study.

Despite the updates made to the EQ-i 2.0 from the BarOn EQ-i, according to standardisation, reliability and validity data, these two assessments are statistically comparable.³⁵ Specifically, the correlation between the *Total EI* score of each assessment is high ($r = .90$), as are correlations between the majority of the subscales, particularly for those subscales that underwent minor changes between the two versions.³⁶ All correlations are significant ($p < .01$).³⁷ A detailed description of EQ-i scores that were utilised in this study is provided in the Appendix.

For both versions, the scores are standardised with a mean of 100 and a standard deviation of 15. Hence, most scores fall between 55 and 145 (± 3 standard deviations from the mean). The reliability of the BarOn EQ-i and EQ-i 2.0 are considered to be good based on measures of internal consistency and test-retest reliability, as is their validity based on content, face, factor, construct, convergent, divergent, criterion-group, discriminant and predictive validity studies.³⁸

C Data Collection and Analysis

Students who agreed to participate in the study were sent an email with instructions on how to complete the pre EQ-i and a link to access the online EQ-i assessment. Once the assessment was complete, a score report was generated and shared with the students at their convenience. Three years later, the students were invited via email to complete the post EQ-i. Once completed, a report was prepared comparing the pre and post scores. This was shared with the student during a follow-up meeting. If the student was willing, a semi structured interview was also conducted during this meeting. During the interview, participants were asked about their experiences in law school and to explain, if possible, changes in their affective skills. This process was repeated, with three cohorts of students, starting in 2011 and ending in 2016.

To assess the validity of the EQ-i results the Inconsistency Index and the Positive and Negative Impressions scales were reviewed. For the pre-assessment involving the BarOn EQ-i there were no issues with any of these measurements. For the post-assessment using the EQ-i 2.0,

³³ Multi-Health Services, above n 7.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Bar-On, *Emotional Quotient Inventory*, above n 7; Multi-Health Services, above n 7.

one individual report was flagged due to an elevated Inconsistency Index score, another for having a high Positive Impression score, and two others for having high Negative Impression scores. The elevated Inconsistency Index score could indicate the participant was randomly responding to items, was indecisive, or was overly impacted by item wording. The outlying scores on the positive and negative impression indexes could indicate the participants may have inflated or deflated their responses on purpose. However, after further investigation involving discussions with each of the four participants, there was no reason to believe the answers were fabricated or manipulated so the results were considered to be valid.

Descriptive statistics for both assessments were calculated starting with tests of normality. Based on the Shapiro-Wilk test, the pre and post Total EQ-i scores were normally distributed, as were 11 of the subscales scores, but the others were not. Consequently, when comparing the scores, both parametric and nonparametric tests were employed. Specifically, a paired t-test was used to compare the *Total EQ-i*, *Reality testing* and *Flexibility* scores, while the Wilcox Signed Rank test was used to compare all other scores. Mean differences between pre and post EQ-i scores were also presented in a bar graph.

Since no assumption was made about the possible changes in EI, a two-tailed analysis was conducted with the level of significance set at .05. Because there was a significant difference between the pre and post *Total EQ-i* score, further analysis at the subscale level was conducted. For these analyses, the level of significance remained at .05, but the Bonferroni correction factor was applied. Thus, the level of significance for each subscale score difference was set to .003 (.05/14 subscales).

For the qualitative data, the interviews were recorded, then transcribed and analysed by the researcher. Several coding methods were utilised during the analysis, the primary one being *descriptive coding* (also known as *topic coding*).³⁹ This type of coding typically involves using a word or short phrase to summarise the topic for passages of qualitative data. *In Vivo* coding, which identifies verbatim a word or phrase stated by the participant, was also employed in the coding process.⁴⁰ Since this type of coding features participants' voices, this provided a way in which the participants could *speak* to the quantitative findings.

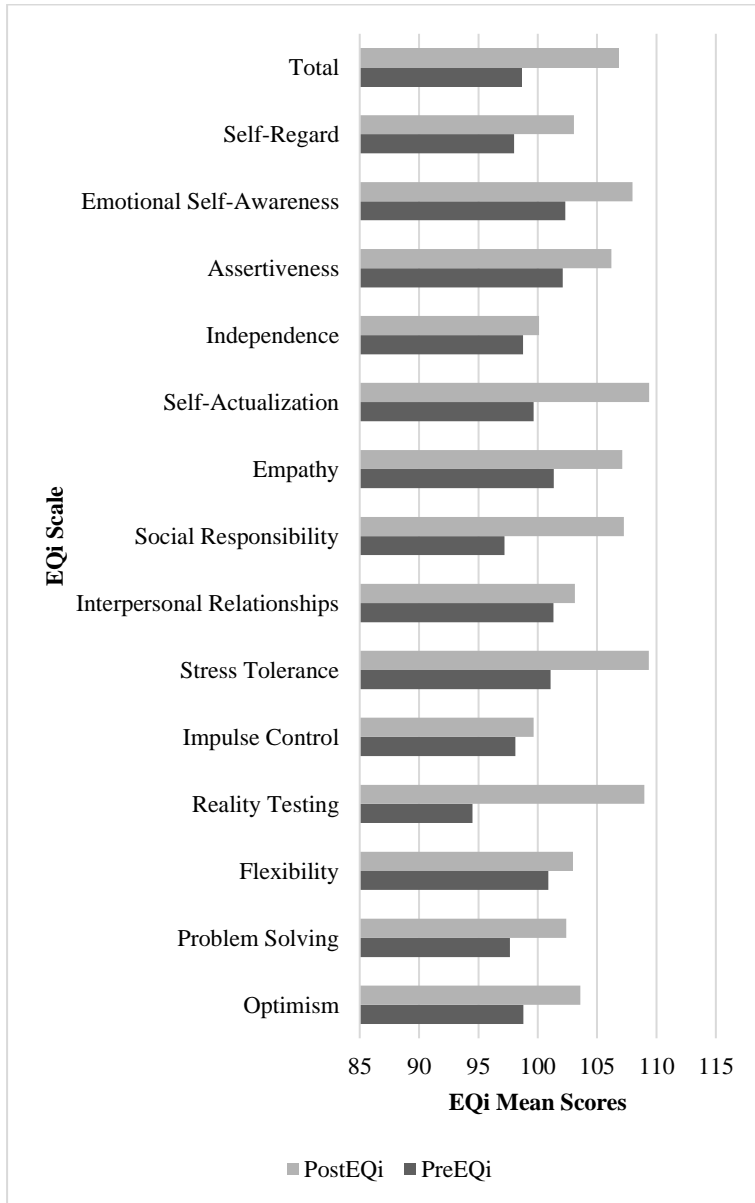
D Results

Based on the descriptive statistics, all of the EQ-i mean scores increased from the pre to the post assessment (Figure 1).

³⁹ Johnny Saldaña, *The Coding Manual for Qualitative Researchers* (Sage, 2009) 52.

⁴⁰ Ibid 74.

Figure 1
Comparison of pre and post EQ-i mean scores



For the *EQ-i Total* scores, the post EQ-i mean score was significantly greater than the pre EQ-i mean score [$t(86) = 6.10, p < .001$]. This finding was corroborated by the qualitative data collected during the interviews. The general consensus was that attending law school had impacted students in multiple ways.

S51: They tell you ... we are going to make you think like a lawyer. ... I don't know if there is any other program like that, it is a change in hardware rather than software. ... you have this new information, but the information is almost not as important as the way that it makes your brain different. Not only is it a lens different, but everything else is different. I find myself, the way I organize my thoughts is different. All the thoughts. The way I view the world, the kind of stuff that goes through my mind.

S57: It (law) just changes the way you think and see everything, the way you talk to people, the way you argue, the way you have a general conversation, your opinion on any sort of issue is.

S73: I am a very different person, three years later. ... I have had a very dramatic shift in a lot of ways ... my belief system and other things I had going into law school. I think I question things, I think about certain things more critically than I use to ... what I was learning and how I was being taught to think about things. That has really shaped who I am coming out the door.

At the subscale level, based on the paired t-test (test statistic denoted by t) or the Wilcoxon Signed Rank test (test statistic denoted by Z) the differences for *Self-Regard*, *Emotional Self-Awareness*, *Self-Actualization*, *Empathy*, *Social Responsibility*, *Stress Tolerance*, *Reality Testing*, *Problem Solving* and *Optimism* were significant (see Table 1 over).

Table 1
Difference Between Pre EQ-i and Post EQ-i Subscale Mean Scores

| EQ-i scale | Pre EQ-i | | Post EQ-i | | Mean Difference | Test Stat | p* | Effect Size |
|---------------------------------|----------|--------|-----------|--------|-----------------|-----------|--------|-------------|
| | M | SD | M | SD | | | | |
| <i>Total Score</i> | 98.63 | 12.106 | 106.85 | 11.785 | 8.22 | t = 7.420 | < .001 | 0.69 |
| Self-Regard | 98.00 | 15.026 | 103.03 | 12.465 | 5.03 | Z = 3.900 | < .001 | 0.42 |
| Emotional Self-Awareness | 102.31 | 15.021 | 107.98 | 14.075 | 5.67 | Z = 2.933 | .003 | 0.31 |
| Assertiveness | 102.10 | 14.168 | 106.20 | 14.355 | 4.10 | Z = 2.034 | .042 | 0.22 |
| Independence | 98.77 | 14.856 | 100.10 | 14.293 | 1.33 | Z = 1.097 | .273 | 0.12 |
| Self-Actualization | 99.66 | 14.438 | 109.37 | 10.601 | 9.71 | Z = 5.750 | < .001 | 0.62 |
| Empathy | 101.36 | 15.433 | 107.11 | 15.832 | 5.75 | Z = 3.851 | < .001 | 0.41 |
| Social Responsibility | 97.18 | 15.652 | 107.26 | 11.154 | 10.08 | Z = 6.163 | < .001 | 0.66 |
| Interpersonal Relationships | 101.32 | 14.181 | 103.14 | 12.411 | 1.82 | Z = 1.578 | .114 | 0.17 |
| Stress Tolerance | 101.08 | 12.546 | 109.34 | 12.941 | 8.26 | Z = 5.693 | < .001 | 0.61 |
| Impulse Control | 98.11 | 13.533 | 99.64 | 16.642 | 1.53 | Z = 0.999 | .318 | 0.11 |
| Reality Testing | 94.51 | 12.989 | 108.97 | 12.517 | 14.46 | t = 9.114 | < .001 | 1.13 |
| Flexibility | 100.90 | 14.610 | 102.97 | 15.036 | 2.07 | t = 1.304 | .196 | 0.14 |
| Problem Solving | 97.67 | 12.439 | 102.39 | 14.978 | 4.72 | Z = 3.000 | .003 | 0.32 |
| Optimism | 98.79 | 12.696 | 103.57 | 12.213 | 4.78 | Z = 3.341 | .001 | 0.36 |

*two-tailed

N = 87

The qualitative data supported these quantitative results. Specifically, for *Self-Regard*, during the interviews students noted positive changes in their self-confidence.

S55: I've acquired the skills to be more confident. I know that I can tackle really hard tasks and be okay. I think that is what I have most learned out of law school.

S77: I developed this self-confidence that I am capable of a lot more than I thought I was the skills that you learn here translate to every aspect of your life and they give you self-confidence which I had not gotten from anywhere else.

S30: Now I know I am capable of so much more than I thought I was before. It was a very big learning experience.

In terms of *Emotional Self-Awareness*, students commented about how they were more aware of their emotions and the impact they had on their behavior.

S85: I know myself better. ... I am more in tune with how I feel and I know how I react.

S66: I learned a lot about myself ... law school was sort of an eye opener, personally and of course intellectually.

However, one student provided a different reason for the increase.

S20: I think the emotional self-awareness went up a lot not because of school but because of (changes in) relationships.

The very fact all of these students were completing a law degree spoke to increases in *Self-Actualization*, but several students noted that they had finally found their true calling.

S13: I have achieved what I set out to achieve.

S66: I feel like the most gratifying part about law school is starting to realize I do have a place here. I know what my perspective is on things. I found that really enjoyable. Having a voice. I found that enjoyable, in part because I didn't know what law was when I got there and in part because I think it is important to have a sense of connection to what you are doing. I really felt that, when I had a valid point. I can see where I fit in, in this world. School is very conducive to that. If you are in the right program and you feel passion about it; that is what it is all about. Figuring out where you fit in.

As for the increases in *Empathy*, several explanations were provided by the students.

S49: You are constantly reading cases about people going through problems and so it sort of builds your empathy. From your own perspective, you can't see yourself having that problem, but you know what, I have read enough cases of other people going through these same problems that I am becoming a bit more empathetic. Plus potentially the way they teach us as well. Because I think an important aspect for a legal scholar is empathy. You need to be able to empathize with your client to a degree to understand where they are coming from if you want to keep them as a client. If you are

disassociated or ignore them, they don't get the same connection they might want.

S73: When you are taking all your different courses and thinking about how the law applies, that is learning how to see somebody else's situation from their perspective and trying to figure out solutions ... for them. ... Let's see how they are handling this or where they are coming from, then react as a result.

According to the students, the program placed a heavy emphasis on *Social Responsibility* and that is likely why there were increases in this area of EI.

S75: Coming into law school, I never really thought of lawyers as having a social role in the community. It never occurred to me I guess. But going forward I know that is going to be a part of my job. Not the job you get paid for but as a professional in the community, you have to have some social involvement. It is not the picture you see of lawyers, but it is definitely something they seem to promote, at least here. You have a responsibility to use this knowledge and experience for good, to help your community.

S5: I think social responsibility is really key to law school because that is why you are here, that is really what law is all about.

However, one student attributed the increase in *Social Responsibility* scores to being a parent and feeling more responsible for the child's future.

All the students interviewed indicated that stress was integral part of the program. Indeed, one student describe law school as a 'vortex of stress that escalates at every level'. To manage this, students stated that they had to develop their *Stress Tolerance* or else.

S30: I think that has to do with how stressful the program was and how it built resilience almost. Like what I thought a year ago was extremely stressful, now I think it is a piece of cake. I think the workload you get and the pressure that you exert on yourself to do well is sort grows that. You have to leave your emotions aside. ... But it almost allowed us to build ourselves up in a different way which was really cool.

S36: Stress tolerance increasing, that is not surprising. You have to do it. From first year, you do moots in front of judges, you do interviews for major law firms, everything, 100% finals. It is like a lot of stress thrown at you, you have to learn how to manage it.

S2: Law school ... at times it is overwhelming. Just teaches you to deal with the feeling (stress) better because you're exposed to it every semester so you get better at dealing with it. It comes out of practice makes perfect.

S15: I am definitely handed things now, that if they had been handed to me in first year, I would have crumbled and not known what to do.

Changes in *Reality Testing* were fully supported by the students' comments, with the most common explanation being that the law program changes how one thinks.

S2: Reality testing that is all law school. That is what law school teaches you. To look at every situation from every angle possible.

S6: Thinking like a lawyer does teach you to think in a certain way. If you are doing it all day for three years, six semesters, it is going to affect you. It is going to influence your thought patterns ... It's pseudo objective. There isn't anything 100% objective, but it lets you take a step back, without getting too entangled in an element or facet of a decision or situation. It teaches you not to get wrapped up in something. To take a step back and analyze it. Those critical thinking skills are reinforced.

S14: You have to be impartial. You have to see people as they really are because you can't solve anything if you don't.

S63: Law program, 100%. That is what they train you in, objective thinking ... you can't base a legal opinion on a feeling.

S75: ... that seems to be the biggest underlying theme in law school, looking at things from all angles. You have to be able to argue both sides, you never know which side your client is going to be on so you have to be argue both ways.

Similarly, students stated that law is all about *Problem Solving* so it was completely logical for these skills to develop during law school.

S49: Problem solving is something that really develops in your legal career. Basically everything we are given is a problem and we are saying, okay how do you solve this. No one's answer is going to be the same, but you have to develop your own sort of self-assured concept of problem solving.

S42: Processes that you work through to solve problems, this is what the law is, this is our problem, this is how law applies to the problem. Gives you tools to work through those things.

S57: Just the way that you come to solutions. It's more detailed, more comprehensive than someone who hasn't been in law school would approach it. I think it is just a different perspective, a different way of looking at things. That way is more of a comprehensive way of looking at things.

Finally, students attributed the improvements in *Optimism* to the fact they were nearing the end of the law degree and had a bright future ahead of them.

S67: I think it is just, now I know, I have a career, I know I am going somewhere with it.

S49: I am nearly finished law school. I've gotten a job. My checklist is being completed. Law was my end goal and now I am going to become a lawyer.

One student did specify that s/he felt the increase in *Optimism* was due to a new relationship and another attributed it to maturation.

S25: I feel like that (optimism) might go up every year. The older you get the more optimism you get.

The comment about age is noteworthy because although the students felt their EI skills improved during their legal studies, assessing how much of the growth was due to their education or maturation was more difficult for them to distil.

S61: I think definitely in the last few years I grew up a lot and I was probably impacted by law school but I don't know to what extent.

Nonetheless, every student felt some, if not most, of the improvements on the EI subscale scores were due to their studies and several were convinced all the growth was completely due to attending law school.

S81: I don't think getting older mattered. I would say 100% that it has to do with law school.

S19: Just being older I don't think is a good indicator because even if you get older and don't experience new things, it doesn't change anything about you. For me, the only thing different I did this year was...go to law school. I think getting older suddenly you don't just amass wisdom through osmosis. It doesn't really make sense. I think it has to be due to law school.

Students noted it was not just their course work and extra-curricular activity that lead to the development, but also being a part of a cohort for three years played a very important role.

S36: I would say, law school has been a significant source of the changes, especially because of the people I met.

S51: I think it definitely relates to law. ... It is certainly related to ... the law program specifically, but my experience with a cohort.

Several students also noted that had they not attended law school, they would not be the same, nor would their EI.

S5: Without law school, I think I would look very different.

S6: Say I didn't come here and I was three years older, it (EI scores) would probably be lower.

III DISCUSSION

This mixed methods study explored if and how the emotional intelligence of law students changed over the course of completing their JD program. Both the quantitative and qualitative findings appear to indicate that completing this law degree had a positive impact on the affective skill of the law students who participated in this study. This was reflected in the quantitative data with EQ-i mean scores increasing significantly on the *Total EQ-i* scale and nine of the fourteen subscales, namely, *Self-Regard*, *Emotional Self-Awareness*, *Self-Actualization*, *Empathy*, *Social Responsibility*, *Stress Tolerance*, *Reality Testing*, *Problem Solving* and *Optimism*. These findings were supported by the qualitative data collected during the interviews. Overall, the students indicated law school was challenging, with some students describing it as a deconstructive process in that 'law school breaks you down and builds you back up the way it wants to build you'. As a result, students were 'constantly evolving and adapting' so by the end of the third year, most students felt they had matured substantially. As one student stated, 'I think it is ... a period where I have grown the most in my life'.

Although these results are encouraging, it is important to consider the impact of other life experiences on these findings. Besides law school, students do have an external world which could include marriage, children, illness, and a multitude of other situations or events that may be responsible for some of the changes. However, the interview data provided some means of teasing that out, as the students were quite vocal about which increases were due primarily to their law education and why. Such was the case with *Reality Testing*. Not only was it the subscale with the greatest change in EQ-i mean scores, it also was the change students attributed solely to their experiences in law school. Given that one of the primary purposes of law school is to develop students' logic and critical thinking skills, this finding is credible. To describe the transformation, many students used the adage, of 'learning to think like a lawyer', with one student referring to it as a 'change in hardware rather than software'. To the participants, this meant becoming more objective, analytical, and pragmatic, and being able to see all sides of an issue.

As for the other changes in interpersonal skills such as empathy and social awareness, stress management, and emotional awareness of others and themselves, students believed law school played a substantial role in their development also. Together, the improvement of these skills, or at least an increased awareness of them, was thought to be a positive outcome by the participants in this study. As one student stated,

I think there is a lot more awareness about how important it is to have these ... indicators of emotional intelligence because you are providing a service to people and if you can't connect with people or understand a person's issues and goals ..., you can only provide so much of a service.

These results appear to contradict findings from the multitude of other studies that have revealed the negative effects of attending law school.⁴¹ Although subsequent studies are necessary to identify specific reasons for the differing results, the fact that this Canadian law school supported this EI research suggests it recognises the importance of the affective skills of its students. This, in itself, is critical if a law school is going to not only teach students how to 'think like a lawyer', but also how to 'feel like a lawyer'.

To purposefully develop these skills, law schools may want to embed EI into the existing curriculum or provide specific EI training or courses. A multitude of law schools have already embarked on this journey by incorporating EI elements into their programs.⁴² For example, in the Osgoode Mediation Intensive program group work and interdisciplinary activities, discovery learning, and frequent reflection were implemented in an effort to promote innovative intelligence of

⁴¹ See above nn 2, 3.

⁴² Pierson, above n 2.

which emotional intelligence is a component.⁴³ Similarly, Michigan State University College of Law offers a course, Entrepreneurial Lawyering, which includes the study of EI and mindful lawyering practices.⁴⁴ Meanwhile, Harvard Law School offers students and staff opportunities to explore and develop their EI through workshops, readings and other activities.⁴⁵ Although the impact of these initiatives has not yet been published, the very fact so many exist is telling.

A Limitations and Future Research

This study, much like the ones preceding it, has its limitations. As mentioned already, some of the changes in emotional intelligence are likely due to life experiences outside of law school, but exactly how much is difficult to quantify. This is an issue with almost all longitudinal studies. Although this study design tracked individual students and compared their pre and post scores, thereby improving the accuracy of measured changes, it also introduced the confound of time.

Another issue relates to this study being conducted at one school only. Since law schools vary in terms of their focus, it would be safe to assume the sample of students in this study, even spread over three different cohorts, may differ from law students at other schools in North America and beyond. Thus, the transferability of the results may be limited.

The accuracy of any self-reporting assessment tool, like the EQ-i, is another limitation of this study. It is impossible to determine with certainty that the EQ-i tests accurately assessed the emotional intelligence of participants. As with other self-descriptions, there may have been a tendency by the students to exaggerate their good qualities or respond in a socially desirable manner. However, given that these assessments did not have any implications for students other than to receive a report on their EI skills, one would hope that they answered the questions as truthfully as possible. Moreover, the EQ-i did exhibit face validity in that the students themselves authenticated the reports by stating that overall each report appeared to be an accurate portrayal of their skills.

Another issue with the assessment tool is that different versions of the EQ-i had to be used in this study for the pre and post assessments. Even though these two assessment tools are considered to be statistically comparable, the differences between the BarOn EQ-i and the EQ-i 2.0 may be responsible, at least to some degree, for the changes in the pre and post EQ-i scores.

Given these limitations, it is important that future studies replicate this research with similar or different student cohorts attending other

⁴³ Martha E Simmons, 'Innovative Thinking and Clinical Education: The Experience of the Osgoode Mediation Intensive Program' (2013) 37(1) *Manitoba Law Journal* 363.

⁴⁴ See the course description at Michigan State University, *Course Descriptions* <<http://www.law.msu.edu/registrar/courses.php?view=all>>.

⁴⁵ See Harvard Law School, *Reading List & Useful Links* <<http://hls.harvard.edu/dept/dos/reading-list-useful-links>>.

institutions in North America and abroad. This is critical since legal education, no doubt, differs by law school within and between countries which may affect the EI of law students. It also would be beneficial to conduct comparative studies that employ two or more EI assessment tools — that hopefully do not change during the study — when assessing the skills of students. Studies that employ control groups involving participants not attending university or college also are needed in order to confirm that the changes in EI revealed in studies such as this one are primarily due to attending university, and not simply the result of maturation. Whatever the direction of future EI research, incorporating a mixed methods approach is highly recommended as such studies are well equipped to investigate the multidimensional issues associated with higher education. This certainly was demonstrated in this study as the deployment of mixed methods allowed for a triangulation of data sources that contributed to the construction, validation, and substantiation of the findings.

IV CONCLUSION

One of the goals of legal education is to make students think like lawyers, but many argue it is more than that — or at least it should be more than that.⁴⁶ Based on the quantitative and qualitative findings of this study, it *is* more than that. Although these findings are promising, much more needs to be done to ensure the affective skills of law students are developed, assessed and valued during law school. This will benefit students not only while they attend law school, but also out in their profession.

⁴⁶ See above nn 2, 3.

Appendix

Description of the EQ-i Scales⁴⁷

| EQ-i Scale | |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Self-Regard</i> | the ability to respect and accept oneself as basically good |
| <i>Emotional Self-Awareness</i> | the ability to recognise one's feeling |
| <i>Assertiveness</i> | the ability to express feelings, beliefs, and thoughts and defend one's rights in a nondestructive manner |
| <i>Independence</i> | the ability to be self-directed and self-controlled in one's thinking and actions and to be free of emotional dependency |
| <i>Self-Actualization</i> | the ability to realise one's potential |
| <i>Empathy</i> | the ability to be aware of, to understand, and to appreciate the feelings of others |
| <i>Social Responsibility</i> | the ability to demonstrate oneself as a cooperative, contributing, and constructive member of one's social group |
| <i>Interpersonal Relationships</i> | one's ability to establish and maintain mutually satisfying relationships that are characterised by intimacy and by giving and receiving affection |
| <i>Stress Tolerance</i> | the ability to withstand adverse events and stressful situations without 'falling apart' by actively and positively coping with stress |
| <i>Impulse Control</i> | the ability to resist or delay an impulse, drive, or temptation to act |
| <i>Reality Testing</i> | the ability to assess the correspondence between what is experienced and what objectively exists |
| <i>Flexibility</i> | the ability to adjust one's emotions, thoughts, and behaviour to changing situations and conditions |
| <i>Problem Solving</i> | the ability to identify and define problems as well as generate and implement potentially effective solutions |
| <i>Optimism</i> | the ability to look at the bright side of life and to maintain a positive attitude |

⁴⁷ Bar-On, *Emotional Quotient Inventory*, above n 7.