

Emotional Intelligence for Dummies
The Other Kind of Smart

**The Anthony M. Kennedy American Inn of Court
Team 5**

February 21, 2023

“People will forget what you said, people will forget what you did,
but people will never forget the way you made them feel.”

-Maya Angelou

List of Authorities

CALIFORNIA CODE OF JUDICIAL ETHICS

CANON 1

A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

An independent, impartial, and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary is preserved. . .

CANON 2

A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES

A. Promoting Public Confidence

A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. . .

CANON 3

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY

B. Adjudicative Responsibilities

. . .

(4) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers and of all staff and court personnel under the judge's direction and control.

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the full right to be heard according to law. . . .

CALIFORNIA RULES OF PROFESSIONAL CONDUCT

California Rules of Prof. Conduct, Rule 1.1 Competence:

“(a) A lawyer shall not intentionally, recklessly, with gross negligence, or repeatedly fail to perform legal services with competence.

(b) For purposes of this rule, “competence” in any legal service shall mean to apply the (i) learning and skill, and (ii) mental, emotional, and physical ability reasonably necessary for the performance of such service.”

California Rules of Prof. Conduct, Rule 1.2 Scope of Representation and Allocation of Authority:

“(a) Subject to rule 1.2.1, a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by rule 1.4, shall reasonably consult with the client as to the means by which they are to be pursued. Subject to Business and Professions Code section 6068,

subdivision (e)(1) and rule 1.6, a lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. Except as otherwise provided by law in a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.”

California Rules of Prof. Conduct, Rule 1.3 Diligence:

“(a) A lawyer shall not intentionally, repeatedly, recklessly or with gross negligence fail to act with reasonable diligence in representing a client.

(b) For purposes of this rule, ‘reasonable diligence’ shall mean that a lawyer acts with commitment and dedication to the interests of the client and does not neglect or disregard, or unduly delay a legal matter entrusted to the lawyer.”

California Rules of Prof. Conduct, Rule 1.4 Communication with Clients:

(a) A lawyer shall:

...

(2) reasonably consult with the client about the means by which to accomplish the client's objectives in the representation; . . .

ABA MODEL STANDARDS OF CONDUCT FOR MEDIATORS

Standard IV.B.

If a mediator, during the course of a mediation determines that the mediator cannot conduct the mediation competently, the mediator shall discuss that determination with the parties as soon as is practicable and take appropriate steps to address the situation, including, but not limited to, withdrawing or requesting appropriate assistance.

Standard V.D.

Depending on the circumstance of a mediation, the parties may have varying expectations regarding confidentiality that a mediator should address. The parties may make their own rules with respect to confidentiality, or the accepted practice of an individual mediator or institution may dictate a particular set of expectations.

Standard VI.A.10.

If a party appears to have difficulty comprehending the process, issues, or settlement options, or difficulty participating in a mediation, the mediator should explore the circumstances and potential accommodations, modifications or adjustments that would make possible the party's capacity to comprehend, participate and exercise self-determination.

Standard IX.B.

A mediator should demonstrate respect for differing points of view within the field, seek to learn from other mediators and work together with other mediators to improve the profession and better serve people in conflict.

ARTICLES

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<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1406&context=aulr>

BOOKS

Ronda Muir, *Beyond Smart Lawyering*, American Bar Association Publishing (August 23, 2017)

EMOTIONAL INTELLIGENCE QUIZZES

<https://www.iq-test.net/eq-test.html>

https://greatergood.berkeley.edu/quizzes/embed/ei_quiz

<https://quiz.tryinteract.com/#/5fb7e855f51f9500167285e0>

ENTERTAINMENT

<https://www.youtube.com/watch?v=Rp12sJu4WW0>