Active Listening: Capturing and Confirming the Message

Active listening usually involves four steps:

1) ***Focus on the speaker and his or her message:*** This involves both *being* attentive and receptive and *demonstrating* that you are attentive and receptive.

--Use nonverbal behaviors such as eye contact, nods, a positive tone of voice, and upright posture or a slight forward lean as well as verbal encouragers such as "I see..." "Mm hmm..." "Go on."

2) ***Draw out the message as necessary:*** You might need to initiate the interaction, to encourage fuller responses or bring the speaker back from a tangent, etc. To do this, ask questions. The type of question you ask will impact the answer you receive:

- Close-ended questions allow for short, direct answers; they often start with *is, are, did, do, when*. [When you need very specific information and when you need to establish control of the topic or the proceeding]
- Open-ended questions allow for a broader range of responses; they often start with *what, how, why, describe, explain, tell, give an example.* [Effective when probing for information and when you need answers of greater depth. Examples include: "Help me understand..." "Tell me more about..." "Give me a word picture—like a slow motion replay..."

3) ***Communicate your understanding of the message:*** There are usually several levels of meaning in every exchange:

- Content: facts, information. Paraphrasing is one of the most useful tools there is for checking (and showing) understanding of the content of a message. ["If I understand you correctly...." "What I'm hearing is.... Is that right?" "So, you're saying _____?"]
- Emotions: feelings, reactions. When emotions play an important role in the message, it can be very effective to acknowledge their existence, even if the emotions aren't relevant to your decision. ["It sounds like you're very frustrated.... What I need from you now to help me make my decision is..."]
- Intent: why they're giving you this message, what they're trying to achieve with it, what the connection to the overall proceeding is. ["You believe this information proves that _____?"]

4) ***Encourage confirmation or clarification of the meaning:*** To make sure you got the message right, you need to give the litigant a chance to verify or clarify your interpretation. ("Yes, that's what I meant;" or "Well, not quite, your honor. What I meant was....").

- For true active listening, you should always do this regarding the content of the message. Regarding the emotional aspect, you need to decide whether to focus on the emotions and to encourage confirmation or clarification of them. This is known as "reflective listening."
- Also consider when voicing your own feelings could be useful in conveying empathy: "It makes me quite sad to see how things have worked out;" "I am confused by what happened here."

Active listening helps ensure the communication is *effective*.

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