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Emotional Intelligence Might Be Your Missing Litigation Tool

By Ron Machen and Brittany Llewellyn2025-10-27T04:30:08000-04:00

Much attention has recently focused on the role that artificial intelligence can play in litigation success. But it's emotional intelligence that is perhaps the biggest controlling factor for success as a litigator.

At trial, legal knowledge, analytical skills, and pure grit make a difference, but winning over a judge or jury depends on that blend of self-awareness, empathy, and interpersonal skills that is essential to persuasion. The most effective trial lawyers can read the room instinctively, build trust, and craft arguments that resonate with jurors' particular personalities and experiences.

The same attributes are necessary when lawyers pitch clients for business. It is critical to understand what in-house counsel are looking for so that potential clients will trust you and want to work with you enough to advocate for you behind closed doors. Developing your EI can provide you with a pivotal advantage in all facets of your practice.

Emotional intelligence is generally described as a set of skills and behaviors that can be broken down into [four key competencies](#): self-awareness, self-management, social awareness, and relationship management. At its core, [EI reflects](#) the capacity to recognize and understand emotions in yourself and others, to regulate emotional responses appropriately, and to use emotional information to guide behavior and decision-making.

When leading young litigators as a US Attorney and a partner in private practice, I have seen too many of them operate under a misperception of how well they were performing. They weren't picking up on subtle signals that they needed to improve in order to advance. Professional growth requires learning through listening, accepting criticism, and constantly working to hone skills.

A growing body of research supports this notion that high EI in professionals is positively associated with enhanced performance in the workplace, including stronger interpersonal relationships, handling conflict, communication skills, and decision-making ability.

A meta-analysis of studies on EI that covered more than 65,000 entrepreneurs found that EI was

twice as important as IQ in predicting success. Studies have also found positive correlations between emotional intelligence and performance for a variety of professionals, including [financial services sales leaders](#), [accountants](#), [relationship managers in banking](#), [health care providers](#), and [insurance analysts](#). A study of portfolio managers indicated that those who tested high for EI managed mutual funds that [reported superior performance](#) to their peers.

Whether leading a litigation team at trial or working through organizational conflict within a business environment, EI promotes resilience under pressure, helps lawyers regulate stress, and maintain composure for themselves and their teams. EI also allows attorneys to communicate more effectively and earn their clients' confidence, thereby enhancing client relationships.

Indeed, in an era of artificial intelligence where clients are questioning the value of having younger attorneys on their litigation teams, it is more important than ever for new attorneys to develop EI proficiencies earlier in their careers. The personal relationships that younger attorneys can develop through advanced EI skills may be one of the only skills that won't be replaced by AI anytime soon.

EI is essential to identifying your own vulnerabilities and solutions to address them. Not long after I began serving as US Attorney for the District of Columbia, the institution's credibility was threatened by the discovery of several historical convictions that were wrongfully obtained using flawed hair and fiber analysis decades earlier.

Some well-intentioned prosecutors initially believed we should minimize the issue, arguing that the cases represented a tiny fraction of the righteous convictions obtained and that a dry doctrinal analysis could excuse the past reliance on the forensic technique. Another US Attorney might have agreed.

However, that approach ignored the powerful emotional dynamics of the situation: the tragedy of innocent individuals wrongly convicted, the skepticism toward law enforcement, and the betrayal of victims whose true perpetrators remained at large. Those social dynamics required a forceful response—the dedication of federal resources to identify and overturn other wrongful convictions.

As a result, we created the first Conviction Integrity Unit in a US Attorney's Office. Using prosecutorial resources to actively search for historical injustices was controversial within law enforcement, as many felt a prosecutor's role was to secure convictions, not vacate them. However, by demonstrating empathy backed with action, we rebuilt a relationship of trust and accountability with the community we served.

As emotional intelligence isn't always an inherent trait, lawyers should work to enhance their EI over time, including through participating in active listening training (both verbal and non-verbal) and developing strong communication and leadership skills.

Good leaders are almost always emotionally intelligent, practicing self-awareness, and welcoming constructive feedback from colleagues for future growth. For lawyers, developing EI skills will lead to stronger relationships, better judgment, greater resilience, and more successful career outcomes.

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