

Law Trends & News

PRACTICE AREA NEWSLETTER



SUMMER 2008
VOL. 4, NO. 4

HOME

BUSINESS LAW

ESTATE
PLANNING

FAMILY LAW

LITIGATION

REAL ESTATE

DOWNLOAD

ABOUT
GP|SOLO

FEEDBACK

PAST ISSUES



Primary sponsor of the
GP|Solo Division.

Accept By Phone

BUSINESS LAW

The Tentative Man »

By Chris Bradley

Say “Yes” to Notaries »

By Tami Kamin-Meyer

Myers-Briggs Type Indicator (MBTI) Applications in a Law Practice

By Gini Nelson

Finding Your Better Half: Paralegals in the Small Law Office »

By Todd C. Scott

Being Prepared With Law Office Emergency Planning »

By Lloyd D. Cohen

Raising Money for the Small Business »

By Jean L. Batman

Myers-Briggs Type Indicator (MBTI) Applications in a Law Practice

By Gini Nelson

I've been a practicing attorney for 25 years, but I was a sociologist before I was a lawyer—I have a BA and an MA in sociology and taught undergraduate social problems courses in graduate school before going to law school. I continue to love what a character on *Law and Order: Criminal Intent* (one of my favorite television shows) called Detective Bobby Goren's “predilection for detecting obscure patterns.”

Patterns are tools. Tools are great when they are used well and effectively—think “coffee,” which I embraced as my vice of choice when I started law school, or what you really *like* about the Internet. They are not so great when they are used badly and ineffectively, if not destructively—think “illegal and offensive profiling,” or what you really *dislike* about the Internet.

I like and use Carl Jung's principles of psychological type as measured by the Myers-Briggs Type Indicator®. The MBTI® is probably the most widely used assessment instrument of its kind (millions are administered annually in the United States, and more in other countries). It's also the only general psychological test of personality that has ever been administered to a large number of practicing attorneys. I'm a qualified administrator of it and use Jung's type principles in my own practice, business, and personal life almost daily. With familiarity with its principles, attorneys can help clients get through misunderstandings based on type differences; identify blind spots in the problem solving process based on type; and use type *similarities* to bridge cultural and gender differences in negotiation and advocacy. Indeed, with knowledge of her own type, an attorney can better identify the kind of law practice she wants, and better pinpoint her own weaknesses and strengths in running a law office.

Scientists say that about 50 percent of our temperament is inherited, and that the rest of it is shaped by our upbringing and environment (including gender, ethnicity, socioeconomic factors, and birth orders). Carl Jung's psychological type theory posits inherited preferences that can affect how we negotiate, mediate, or engage in any other form of conflict engagement. Type is like individual style—the various ways we choose to learn, lead, carry on friendships, manage work, and experience conflict—and it is also our deep and enduring “mental habits.” Type gives clues about your own and others' general strengths, productive places, and pursuits, clues that you and they are being overwhelmed, common sources of stress, and suggestions for dealing with stress and conflict. Knowledge of type can help us learn to control impulses, show empathy, and persist in the face of obstacles with resilience and flexibility. This enhances leadership ability, enriches relationships, and extends influence.

Use of this psychological type analysis has been studied in the law practice field. The most notable law-related works are University of Florida Law Professor Don Peters's article, *Forever Jung: Psychological Type Theory, the Myers-Briggs Type Indicator, and Learning Negotiation*, 42 Drake Law Review 1 (1993); and Florida Coastal School of Law Professor Susan Swaim Daicoff's book, *Lawyer, Know Thyself: A Psychological Analysis of Personality Strengths and Weaknesses*, American Psychological Association (2004).

Don Peters's study documented differences in law students' choices in negotiation strategic orientations (between adversarial and problem solving) and styles (between competitive and cooperative) based on their MBTI® psychological type. He concluded that type theory can

substantially help negotiators better understand their behavioral inclinations, and further, that these understandings facilitate learning negotiation theory and skill by helping students see when their behavioral tendencies are effective and ineffective within the strategy-style matrix. Finally, he concluded that type theory insights can also help negotiators understand other's actions and appreciate different behaviors by enhancing their abilities to identify, value, and communicate about them more effectively.

Susan Daicoff, after examining 40 years worth of empirical data on the personality of the typical lawyer and law student, concluded that there is indeed a typical lawyer personality and that this personality explains in part both the success of lawyers within the profession and the complaints and jokes about lawyers. She *doesn't* mean MBTI® type (her conclusions are beyond the scope of this article—among other things, she concludes that fully 20 percent of attorneys are “walking wounded,” meaning working, functioning, and representing clients while being psychologically impaired enough that intervention is indicated), but she also looks closely at attorneys and MBTI® type characteristics.

Statistically, lawyers' type is significantly different from most other adults in the United States. Lawyers are slightly more likely to be introverts than extroverts. Attorneys tend to be intuitives (57%), while seventy-five percent (75%) of the U.S. population is born with a sensing preference.

Lawyers overwhelmingly prefer thinking to feeling (again, as the terms are used in type theory). Here it's critical to note the difference between “feeling” and “emotions” (ala neuroscience definitions and finding—every person has “emotions,” and type “feeling” refers to preferences in dealing with impacts of actions on individuals), and to look at the male/female statistical variations.

Fifty-six percent (56%) of U.S. males have a thinking preference, compared to eighty-one percent (81%) of U.S. male attorneys. The difference is even more striking for females: twenty-five percent (25%) of U.S. females have a thinking preference, compared to sixty-six percent (66%) of U.S. female attorneys.

Finally, lawyers are more likely to prefer judging to perceiving, again as those terms are used in psychological type theory.

These differences from the general population may well help the lawyer do the daily work of law, but the differences may create a gap in understanding between lawyers and nonlawyers, be they clients, staff, or spouses. These differences in part explain why people perceive lawyers as *different* and why they are critical of attorneys. (Note: corporate clients

may be an exception. Top corporate executives are surprisingly similar to lawyers in type.)

It is important to note that people are very complex and varied. People do not fit neatly in one category or another; they range in their responses; and type characteristics can overlap. Superficial understandings and inept uses of any type theory are forms of stereotyping.

And I'm not saying the MBTI is the right tool for everyone, or that everyone who uses it uses it well or correctly. Remember, I was a sociologist before I was a lawyer. My working assumptions in looking for patterns and explanations for human behavior include:

1. No one field can explain human behavior to the exclusion of other considerations. I started out focused on sociological explanations (my BA and MA studies). Later, I became interested in psychology. Later, I became interested in the neuroscience. It's no one of them. It's all of them (and more, most likely).
2. For each field that has a role, its explanations are also affected by the other fields: It's not additive, it's complex, and synergistic.
3. Most individuals don't want to deal with complexity, or don't have the education or time to deal with complexity, and end up (over)simplifying, especially for explanations of how and why humans act as they do.
4. Every tool (whether sociological, psychological, or a theory about neuroscience) can be used by people who are not the most skilled or wise about its use, and can be misused.
5. Any explanation, or explainer, who doesn't recognize the above is suspect.

Gini Nelson is a sole practitioner in Santa Fe, New Mexico. Her practice emphasizes private dispute resolution, including distance dispute resolution, and domestic, bankruptcy, and bankruptcy avoidance law. She is a member of the State Bar of New Mexico's Law Office Management Committee; publishes [EngagingConflicts](#), a Mediate.com Featured Blog, and can be reached at 505-629-0768 or GiniNelsonLaw@gmail.com.

© *Copyright 2008, American Bar Association.*