

UNIVERSIDADE FEDERAL DO PARANÁ

FELIPE BALOTIN PINTO

**EFFECTIVE COMMUNICATION TRAINING AND DEBATE SOCIETY AT THE
FACULTY OF LAW: A FIVE-MODULE TRAINING**

CURITIBA

2017

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Monografia apresentada como requisito parcial para a obtenção do grau de bacharel do curso de Direito, Setor de Ciências Jurídicas, Universidade Federal do Paraná.

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Monografia aprovada como requisito parcial para obtenção de Graduação no Curso de Direito, da Faculdade de Direito, Setor de Ciências jurídicas da Universidade Federal do Paraná, pela seguinte banca examinadora:

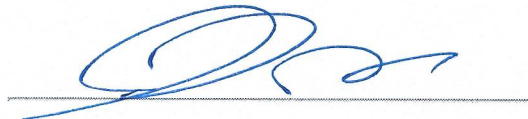


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VERA KARAM DE CHUEIRI
Primeiro Membro



RON MARTINEZ
Segundo Membro

à ma Mère,
comme toujours,
pour la vie
et tout ce que j'apprends avec elle.

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ABSTRACT

In life, we all need training. Students, researchers, teachers, and Professors as well. Law Schools are historically very successful in training "lawyers" in the broad sense of the word: professionals who will read, interpret, and apply laws to real-life situations, those who will map and easily find information in doctrine and jurisprudence in order to later organize them as legal arguments. These necessary skills, often referred to as "hard skills" (the job-specific knowledge), are directly trained during the five years of undergraduate studies in Brazil. However, there are many other skills that are not exercised in class by the legal, propaedeutic or dogmatic, disciplines. Neither are they directly developed in any of the other legs of the tripod "learning, research, and extension". Those abilities are called soft skills, specifically what is known as effective communication. More than describing what those skills are, I will present ways in which these skills may be trained in class and/or small groups. In that regard, I support the creation, in every Faculty of Law, of Debate Societies, for its main goal is precisely to develop its members' effective communication skills.

Keywords: Law School; soft skills; effective communication; training; Debate Society

RESUMO

Na vida, todos nós precisamos ser treinados. Estudantes, pesquisadores, professores de escola e de Universidade também. Historicamente, as Faculdades de Direito são bem-sucedidas em preparar seus alunos para serem "operadores do Direito": profissionais que irão ler, interpretar e aplicar leis a casos concretos, aqueles que irão mapear e encontrar com facilidade informações doutrinárias ou jurisprudenciais para então organizá-las como argumentos jurídicos. Tais habilidades imprescindíveis, conhecidas como *hard skills* (os conhecimentos específicos do campo jurídico), são bem treinadas durante os cinco anos de curso. No entanto, há muitas habilidades que não são diretamente exercitadas durante o curso pelas disciplinas, sejam propedêuticas ou dogmáticas. Tampouco nas outras arestas do tripé "ensino, pesquisa e extensão". Falo aqui do que se conhece como *soft skills* (habilidades interpessoais), especificamente a comunicação efetiva. Mais do que descrever o que são estas habilidades, eu apresentarei maneiras como elas podem ser desenvolvidas em aula e/ou em pequenos treinamentos. Neste sentido, eu defendo a importância da existência, em toda Faculdade de Direito, de um Grupo de Debate, já que sua principal função é precisamente desenvolver as habilidades de comunicação efetiva dos seus integrantes.

Palavras-Chave: Faculdade de Direito; habilidades interpessoais; comunicação efetiva; treinamento; Grupo de Debate

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0 PRESENTATION

I have always been interested in *how* we do things – this idea of understanding *why* we do things *the way* we do them. I have always loved metalanguage, or fun facts, or trying to understand different cultures, foreign languages, musical instruments, etc.

Secondly, it has been over seven years that I work with Education. More precisely, it started during my very first weeks in Law School. So I have spent these many years as a Law student, in Brazil and in other continents, considering 1) *why* Professors teach what they teach; 2) *why* they teach *the way* they teach; and more importantly 3) *why* there are certain things *which are never taught*.

Therefore, I have combined these two passions and decided to ponder about *why*, in Education, *we do the things that we do*. More than considering a deficiency, however, I here intended to present a possibility on how to overcome this lack of direct training.

The problem I have identified being that: after five years of Law School students have an incredibly deep, wide-ranging knowledge of legal institutions, abstract concepts and principles, domestic and international laws, procedures before civil, criminal and labor courts, (ideal) public administration, taxes, etc. This know-how is normally referred to as “hard skills”: the *technical* expertise necessary to any lawyer (in the broadest sense of the term).

However, in practice, in “real life”, knowledge is just part of what is necessary. A lawyer – just like basically any other person – also needs to be empathic, sincere, able to listen carefully to other people, to mediate, make hard decisions, to explain her or his ideas clearly and to sell her or his projects, therefore to argue, to convince, to be honest, direct, incisive, straightforward. This is what is known as “soft skills” (or “people skills”, or “21st-century skills”).

In my opinion, we do not ever talk about this in the five years of Law School. And I’m convinced we should.

1 EFFECTIVE COMMUNICATION AND THE FACULTY OF LAW

In the Faculty of Law, do we ever consider training the students to become better at their communicative skills? Apart from the Professors themselves,¹ do we ever think about communicating effectively? Or perhaps one should not worry about that because those abilities end up being developed indirectly?

How do the “training sessions”, the classes, take place in Law Schools? It is common, and apparently infallible, the attitude of the Professor who enters into the classroom with a Codex and a presence list in her/his hands. The “master” opens the law and the *alumni*, the notebooks (nowadays their laptops). The Professor starts to read the proposed articles for that class, while proceeds to make “doctrinal” comments about them. The students, on their turn, make detailed notes of the words of the Professor – after all, those will be the only possible correct answers during the assessment.²

If that may be a biased description, because it is mine, let me present that of Anthropologist Roberto Kant de Lima, who compares his academic experiences in different countries and Faculties. Describing his years in Law School, in Brazil, from 1964 to 1968, he recalls that the classes were mostly lectures presented by the Professors in a very formal manner, being clear for him and his colleagues that the profession of a lawyer should be learned during internships in law offices. The Faculty would only be responsible for graduating Law students, providing the diploma, which was necessary but not enough to legal practice. The real learning came through informal mechanisms, procedures, and practices to be socially (not technically) learned.³

¹ Problematizing the presentation and reproduction of content has always been a concern of Brazil's most renowned educator, Paulo Freire. Many of the thoughts presented in this work have arisen from reading his work, especially his books: “Learning to Question” and “Pedagogy of Freedom”. A great example may be found in: FREIRE, Paulo. **Sobre Educação**. São Paulo: Editora Paz e Terra, 1982, p. 112.

² PAZELLO, Ricardo Prestes; BITTENCOURT, Naiara Andreoli; KOBORA, Igor Augusto Lopes; BALOTIN PINTO, Felipe; SILVA, Ana Cláudia Milani. Educação jurídica estranhada: movimentos sociais, universidade popular e mobilidade jurídica. **Panóptica**, vol. 11, n. 2, jul/dec, 2016, p. 549-550.

³ LIMA, Roberto Kant de. **A antropologia da academia**: quando os índios somos nós. Petrópolis: Vozes; Niterói: UFF, 1985, p. 16-17.

The short comparison allows us to conclude that what one would call “legal education” has not changed in over half a century.⁴ Once again, Law Schools do great in training *hard skills*. On the other hand, there is a (huge) deficiency. *Soft skills* are not duly trained – or, better yet, they are not at all trained during the five years of graduate studies in Brazil. And they ought to be trained. And they ought to be trained by specialists.

But before we get into the details, what is “effective communication” and what are “soft skills”?

1.1 HARD SKILLS VS. SOFT SKILLS (IN LAW SCHOOL)

Before we consider the case of Law Schools, it is worthwhile to consider society first. The technology industry, for instance. It is the fastest growing of our time. That is so, it is safe to assume, because there are very good professionals in that area. So let us think about the arguably most impressive company of the entire technology world: Google.

How does Google select its managers (and all possible employees)? Based on technical knowledge alone? Definitely not.

Google receives over 150,000 job applications per month, a total of two million per year, from all sorts of professionals wanting to have a chance working for the technology giant.⁵ They are able to hire, per year, not more than a few thousand professionals. So what skills does one need to have a chance to work at one of the most disputed workplaces on Earth?

The answer is: People skills (also referred to as “soft skills”, “non-cognitive skills” or “21st-century skills”).⁶ Their general selection process is composed of five

⁴ What one finds in Law Schools up to this date is what Paulo Freire criticized, also over half a century ago, as “banking education”: the teachers face the students as empty consciousness, as bowls to be filled with content; the students receive all the information, memorize it and, at the right time – that of the assessment –, withdraw the content so that the “educator” knows that her/his job is done. In: FREIRE, Paulo. **Pedagogia do oprimido**. 47^a Ed. Rio de Janeiro: Editora Paz e Terra, 2005, p. 78.

⁵ Available at <http://www.businessinsider.com/how-google-hires-exceptional-employees-2016-2/#1-set-na-uncompromisable-high-standard-1>, accessed on April 12, 2017.

⁶ There are terms used by Nobel laureate James Heckman, Professor of the University of Chicago Law School who, after years of research, is convinced of the importance of soft skills training in all educational

stages, two of which evaluate technical abilities and three are meant to assess interpersonal skills.⁷

Of course technical skills count, as they are the ones that would make the interview possible in the first place. However, once they have people for the interview – and, as seen, they do have a lot of professionals interested – they will evaluate other kind of skills.⁸

When hiring, Google's concern is to have people who are able to be empathic, to communicate effectively, to represent the company well: they are worried about soft skills. And it is safe to argue that in the private sector of the legal world it is just the same. An employer needs somebody with legal knowledge, able to solve legal problems, but she or he also wants a good person: somebody who can deal with clients, who can handle stress, who is able to express her or himself clearly, especially when under pressure. And how is it possible to develop that in graduate students? With training.

But, once again, what are soft skills? What is effective communication? "Effective communication" is considered to be a "soft skill". Soft skills include (but is not limited to) empathy, effective communication, problem solving, body language, personal branding, organization, motivation, etc. It is contrary – or rather complementary – to the so-called "hard skills", the technical knowledge. In the case of any Law School, hard skills are composed of the legal knowledge, the practical tools,

levels. That can be perceived, for instance, in: HECKMAN, James J.; KAUTZ, Tim. Hard evidence on soft skills, in: **Labour Economics**, Elsevier, vol. 19(4), p. 451-464, 2012, available at <http://www.nber.org/papers/w18121>, accessed on July 4, 2017.

⁷ According to Lazslo Bock, the senior vice president of people operations for Google, there are some traits the company looks for: general cognitive ability (or learning ability), collaboration, leadership, adaptability, humility and ownership. As presented at https://www.nytimes.com/2014/02/23/opinion/sunday/friedman-how-to-get-a-job-at-google.html?_r=0, accessed on April 12, 2017. When discussing learning abilities, Paulo Freire's lesson is always up-to-date, for his insistence on the necessity of constantly stimulating the curiosity, the act of making questions, instead of repressing them. In his opinion, institutions shall recognize the existence itself as an act of making questions. In: FREIRE, Paulo; FAUNDEZ, Antonio. **Pedagogia da Pergunta**. São Paulo: Editora Paz e Terra, 1985, p. 51.

⁸ It is not only the case for technology companies. Most large international companies nowadays are following this strategy, such as Amazon, PwC, Facebook, as stated here: <https://qz.com/798934/the-chicago-cubs-used-the-approach-of-google-to-build-a-team-that-excelled-at-soft-skills/>, accessed on April 12, 2017.

which are subjects discussed in theory, in the Academy, and in action, in the day-to-day legal life.

My argument is that after five years of Law School we are really well prepared on hard skills, on the “technical knowledge” necessary to any legal practice. However, these skills alone are not enough, for procedural knowledge in itself is not enough to develop good practice. It is true that many students are able to develop very good levels of communication skills during that period. There are several students, on the other hand, that after five years of graduate studies do not feel comfortable to deliver a presentation in front of a big crowd or to sell their ideas and/or projects to people with whom they are not familiar.

Analyzing the mandatory subjects of three of the most traditional Law Schools in Brazil, the Federal University of Paraná (UFPR)⁹, the Federal University of Pernambuco¹⁰, the University of São Paulo (USP)¹¹, and the Federal University of Minas Gerais (UFMG)¹², one notices that there is no institutionalized space directed at training soft skills during the course of studies.

Shouldn't this specific set of skills also be trained at Law Schools? In my opinion, it should be their responsibility to guarantee that students who obtain a Diploma are able to deliver good presentations, to convince, but they should also be conscious of the fact that they have grown as humans. That should show in their life and legal practice.

⁹ The curriculum of the Law School of the Federal University of Paraná is available at <http://www.direito.ufpr.br/portal/wp-content/uploads/2014/08/Curr%C3%ADculo-Direito-20101.pdf>, accessed on June 3, 2017.

¹⁰ Regarding the Federal University of Pernambuco, its list of mandatory subjects is available at https://www.ufpe.br/proacad/images/cursos_ufpe/direito_perfil_0805.pdf, accessed on June 3, 2017.

¹¹ The Faculty of Law of the University of São Paulo has decided to change its curriculum in 2013. The changes were expected to be in place by the first semester of 2015, but they have not yet been approved. Available at <http://www.conjur.com.br/2014-jun-03/reforma-curriculo-faculdade-direito-usp-alvo-contes-tacao>, accessed on June 3, 2017. Its mandatory curriculum for the Faculty of Law is available at http://www.direito.usp.br/graduacao/arquivos/grade_curricular_ingressantes_2008_obrig.pdf, accessed on June 3, 2017.

¹² The “Report on the Curriculum” of the Faculty of Law of UFMG is available at https://www.direito.ufmg.br/images/stories/colgradce/estrutura/relatorio_do_curso.pdf, accessed on June 1, 2017. At UFMG, there is a subject taught in the first year whose name indicate a possible training in these areas (“Citizenship and Personality”). However, by reading its course description one understands that it is actually about personality rights, so it falls under the Civil Law Area. Available at <https://www.direito.ufmg.br/images/stories/colgradce/ementas/ementas-completo.pdf>, accessed on June 3, 2017.

One may argue that ought not to be the preoccupation of the Faculty of Law. That the practice itself – be it during internships or after graduation – will be the responsible for generating space to develop those abilities. I do not share that point of view.

More and more, it is understood that Education is not about hard skills only.¹³ Be it in elementary school or at Universities, educators have the duty (or the responsibility) to work with soft skills. After all, if the manner in which our education system functions was organized during the Industrial Revolution, over two centuries ago, it is safe to state that its settings and goals have not changed much since then.¹⁴

Sole focus on hard skills: is that the educational system desired? I do not think so. And I am not alone in this concern. For instance, that is one of the core reasons for the creation of “The School of Life”¹⁵, by the practical philosopher Alan de Botton, among others. First conceived in England and nowadays present in 10 countries, its main objective is to promote and deliver training on knowledge that is useful, practical, that helps us to live better lives while talking about important “academic” subjects. It touches issues that Universities will discuss – and much, much more.

In my opinion, that is also the reason why so many University Professors are leaving the academic environment to be lecturers and train people on “interpersonal skills”.¹⁶ On the same track, this lack of due development on that area allows for initiatives such as that of TED (or TEDx) to be so popular and obtain so many views

¹³ In the words of Stanford University Lecturer in Management and communication expert Richard Cox: “It gets labeled as soft skills, but it’s really a hard business driver. (...) You can’t afford not to be good at it [for] you depend on your job as a leader to get other people to take actions. You need to be skilled in relationship, in influence, and in communication. There’s no getting around it.” Available at <https://www.gsb.stanford.edu/insights/riding-feedback-loop-authentic-self-expression>, accessed on July 5, 2017.

¹⁴ That is the point shared by the award-winning Education specialist Sugata Mitra, in his TED talk, available at https://www.ted.com/talks/sugata_mitra_build_a_school_in_the_cloud, accessed on April 12, 2017. Sugata Mitra is Professor of Educational Technology at the School of Education, Communication and Language Sciences at Newcastle University, England.

¹⁵ “The School has a passionate belief in making learning relevant – and so runs courses in the important questions of everyday life. Whereas most colleges and universities chop up learning into abstract categories (‘agrarian history’ ‘the 18th century English novel’), The School of Life titles its courses according to things we all tend to care about: careers, relationships, politics, travels, families.” Available at <http://alaindebotton.com/the-school-of-life/>, accessed on April 12, 2017.

¹⁶ If we decide to stick to Brazilian examples: <http://istoe.com.br/mario-sergio-cortella-karnal-e-clovis-barros-filho-fazem-a-cabeca-dos-jovens/>, accessed on April 12, 2017.

online. People need this kind of soft skills training. And here I include uneducated and educated people, academics or not. Because, I reinforce, the education one receives at schools and at Universities these days focuses on hard skills, on technical abilities, but it does not help the students to listen well, to be empathic, to develop real and deep conversations with friends, clients or strangers, to express ideas clearly, nor to live a better life.

Education should not be dissociated from living a good life. That is what philosophy was about in its early forms. That is what work should be about. Law Schools are no exception. But it seems that we are not worried about life itself. We are not worried about the important things – as long as the technical knowledge is presented, the Professors' responsibilities would be met. I disagree with that idea and think that education should go much further.

1.2 EFFECTIVE COMMUNICATION AS SOFT SKILL

There is, therefore, a clear need for appropriate spaces to develop soft skills in any individual, including those graduating from Law School. If it is clear that soft skills are essential for professionals¹⁷, why is that so? Because it is important for life – therefore it is important for lawyers (here being considered as all those who graduate from Law Schools).¹⁸

¹⁷ It is worth mentioning the British Council's report called "Soft Skills, Hard Challenges". It is a very straightforward account on the importance of soft skills in any society, but especially in cases of underdevelopment, such as the Chinese example. Once again, the common perception was not a lack of technical expertise amongst employees, but rather a deep necessity of develop soft skills, "particularly those required for managerial roles". Available at https://www.britishcouncil.org/sites/default/files/china_skills_gap_report_final_web.pdf, accessed on June 3, 2017.

¹⁸ In this sense, it is overwhelming the publication of the College of Law from the Michigan State University, which makes it clear in its website that "the ability to speak clearly and persuasively is another skill that is essential to your success in law school and the practice of law. You must also have excellent listening skills if you are to understand your clients and others with whom you will interact daily. As with writing skills, legal education provides excellent opportunities for refining oral communication skills, and particularly for practicing the forms and techniques of oral expression that are most common in the practice of law. Before coming to law school, however, you should seek to develop your basic speaking and listening skills, such as by engaging in debate, making formal presentations in class, or speaking before groups in school, the community, or the workplace." The description and further references are available at <https://www.law.msu.edu/admissions/core-skills.html>, accessed on May 3, 2017.

As previously mentioned, soft skills are formed by a group of interpersonal skills. It is not technical knowledge, but it develops abilities which will be used when applying the technical knowledge. The literature considers empathy, nonverbals, body language, and effective communication as the most important ones. Let's take a quick look at each of them.

Empathy is the ability to truly understand another person, to put oneself in another person's shoes. I will come back to it on the second chapter. Nonverbals includes facial expressions, body language, posture, eye contact.¹⁹ Effective communication, on its turn, deals with verbal skills: from listening appropriately, to varying the volume, pitch, and tone of voice, and also the speed at which you speak. More than that, when considering effective communication we are forced to consider the intention, the content, the truth of a message. Then we finally get to the point in which the structure of what is being said is relevant – as in storytelling.²⁰ I talk about all that in the next chapter.

Once again, I am not alone in considering all this. Recently the United Nations' Emergency Preparedness and Support Team (UNEPST) released a three-hour training, available free online at www.disasterready.org, which covers these topics in its Lesson 4: "Crises Response Strategies and Techniques". Although in the first three lessons there is a true focus on "Crises Response", in this one we have a very clear and practical presentation on how soft skills will help us respond to crises.

Under "Safety", it is highlighted the need to respect personal space (also known as "proxemics") and be aware of physical posture, noticing the influence of body language on the message sent, be it while standing or sitting (S.O.L.E.R. Method). It goes a little bit further to indicate the importance of warm eye contact and a relaxing posture, as "people have a tendency to synchronize their mood and tone with those

¹⁹ CUDDY, Amy J. C.; WILMUTH, Caroline A.; CARNEY, Dana R. The Benefit of Power Posing Before a High-Stakes Social Evaluation. **Harvard Business School Working Paper**, no. 13-027, September 2012. Available at <https://dash.harvard.edu/bitstream/handle/1/9547823/13-027.pdf?sequence=1>, accessed on April 12, 2017.

²⁰ "We, the human beings, live in linguistic worlds and our reality is a linguistic reality. We create the world with our linguistic distinctions, with our interpretations and stories and with the capacity that the language allows us to coordinate actions with others." (Free translation.) In: ECHEVERRIA, Rafael. **Ontología del Lenguaje** (Spanish Edition). Kindle Edition. Kindle Locations 1602-1604.

around them. If you project a relaxed, calm and confident presence, it can be helpful in influencing the other person to be calm as well” (part 10 of Lesson 4).

Under “Structure”, we find a list of four components: non-verbal communication, kinesics, paraverbal communication, and empathic listening. It goes on to remind us that the more stressed an individual may be, the less able they are to process verbal information effectively and the more reliant they become on non-verbal communication, such as facial expressions, tone of voice, movements, appearance, eye contact, gestures, and posture. Paraverbal communication is about how we say things, rather than what we say, having as its four primary elements: volume, rate of speech, tone, and inflection.

The component named “Empathic Listening” is described as an active process to discern what a person is saying, which demonstrates our care and commitment to the distressed staff member. It means giving your undivided attention and being fully present to assist other during a crisis event. The tips for empathic listening include: 1. Remain non-judgmental and open-minded; 2. Never ignore the distressed individual or fake your attention; 3. Carefully listen to what a person is really saying; 4. Use silence and restatement to clarify messages; and 5. Use reflection to clarify and connect with the speaker.

But where does the idea of effective communication come from?

1.3 THEORIES OF COMMUNICATION REINFORCING THE IMPORTANCE OF EFFECTIVE COMMUNICATION TRAINING

It is an old preoccupation that of effective communication. Communication is about listening empathically and deeply, speaking the truth with the heart, searching for consensus, and improving our environment with powerful and positive stories.

Very often we, human beings, forget that by listening and speaking we are creating: that language is generative of the world we see. We are directed at believing

that our human nature derives from that fact that we are able to think, whereas it is language that leads us to that path.²¹

In that sense, I present effective communication as having a larger scope than oratory. In fact, oratory would be subsumed in effective communication training. As I show in the last part of the next chapter, oratory is a preparation to convince, to “win” (an argument, a debate) at any cost. Effective communication training will also work techniques that allows us to be better at discussions we decide to take part in, but it goes beyond. It helps us be better listeners, understanding the people around us in a deeper manner, being able to perceive different perspectives than our own.

Deriving from Aristotle’s distinction, as introduced by Schopenhauer, there are four types of arguments or conclusions: logic, dialectic, eristic, and sophistic. The first one, *logic*, on the one hand, is the theory or method of arriving at true conclusions – therefore, the only one worried about truth. On the other hand, “these three last properly belong to the art of controversial dialectic, as they have no objective truth in view, but only the appearance of it, and pay no regard to truth itself; that is to say, they aim at victory.”²²

That is why oratory is included in effective communication. In oratory, one intends to be right, even when knowing she or he is not right. Effective communication training should also consider that, for one must be prepared for other people using those stratagems.²³ Nevertheless, effective communication intends to go deeper and be able to get to the truth, therefore the logic arguments or conclusions, as presented by Schopenhauer.

So one thing is taking part in an argument and wanting to win. Both oratory and effective communication will consider that. But only the second is also concerned

²¹ “The conception of the language as descriptive and passive has been used for a different interpretation, that understands the language as action and, this way, as a mighty power that generates our human world.” (Free translation.) In: ECHEVERRIA, Rafael. **Ontología del Lenguaje** (Spanish Edition). Kindle Edition. Kindle Locations 1596-1597.

²² SCHOPENHAUER, Arthur. **The Art of Always Being Right: The 38 Subtle Ways of Persuasion**. Kindle Edition. Kindle Locations 223-224.

²³ “Even when a man has truth on his side, he needs dialectic in order to defend and maintain it; he must know what the dishonest tricks are, in order to meet them. In fact, he must often make use of them himself, so as to beat the enemy with his own weapons.” In: SCHOPENHAUER, Arthur. **The Art of Always Being Right: The 38 Subtle Ways of Persuasion**. Kindle Edition. Kindle Locations 199-201.

about the objective truth, which requires listening, sound judgment, and reflection prior to action. An effective communicator does not simply want to be right – she or he thinks about the people, and does not need to always be right.

That seems to be the best practice for any lawyer. Sometimes it is more important to listen²⁴ and understand and only later present or communicate. There is always an appropriate moment to express ourselves – and a lawyer should have the tools to identify it.

Let us take the New Brazilian Code of Civil Procedure as an example. The changes in the rules stress a preoccupation regarding mediation and conciliation. Art 334 provides that every case will have a court hearing for conciliation. Not only that, the parties would have to clearly indicate their lack of intention to conciliate in order not to have the conciliation hearing.

So what would be the best attitude of a lawyer during a conciliation hearing? If she or he were really worried about her or his client, the best attitude would be understand both parties' concern deeply and search for an alternative. It is clear that oratory would not suffice in these cases. Effective communication skills will.

²⁴ "Listening is, without a doubt, the most important competence in human communication. Strictly, every communicational process relies on it. And this, in the first place, as listening is what validates speaking. Speaking can only be effective when it produces in the other person the listening that the speaker desires." (Free translation.) In: ECHEVERRIA, Rafael. **Actos del Lenguaje: La Escucha** (Spanish Edition). Kindle Edition. Kindle Locations 1058-1060.

2 EFFECTIVE COMMUNICATION TRAINING

It is now understood that there is a lack of effective communication training at Law Schools. The students are well trained with regard to hard skills, the legal knowledge necessary to lawyers. However, they are not necessarily prepared for their professional lives concerning soft skills. That is the reason why I reinforce the necessity of an effective communication training to future lawyers. So we now understand what effective communication is and why it is broader than oratory training, but there are questions still to be answered, such as: *what is the specific objective of an effective communication training?; how to effectively train it?; in what context should the training be delivered?; to big or small groups?* I now move on to answer these questions, willing to present a Manual for a five-module training at the end of the chapter.

2.1 THE OBJECTIVE OF EFFECTIVE COMMUNICATION TRAINING

Make the students feel that they are better communicators than they were. If it seems easy on the surface, it is not that simple. Communicating is not only about convincing, presenting arguments, and debating (skills normally associated with oratory training), but also about developing empathy, being able to listen empathically and saying “yes,” rediscovering the importance of body language and storytelling. Only when this set of soft skills is duly trained will we consider that there is effective communication training taking place.

2.2 BIG GROUPS VS. SMALL GROUPS

In my opinion, it is not possible to train effective communication skills in groups of 50 or 100 people. It is possible to *present* topics of hard skills. It is possible to *present* soft skills and communication techniques. However, it is indispensable to have people think about these skills *and* put them into practice, otherwise it does not work. That is why I talk about “training” instead of “lecture” or “class”.

In the latter format, with over thirty people in class, it is not possible to have students practice these skills. And soft skills in general, including effective communication skills, are not developed only from hearing about them. Someone who reads this work will not become a better communicator. Someone who *puts into practice* the suggestions and exercises that follow *will*.

If a Tutor is to apply the principles that I will present, she/he had better present them *and* put them into practice before a small group, of between one and fifteen people. The reason being that every student must have an opportunity to actively reproduce the lessons. Once again: only from listening about these principles she/he will not improve her/his skills: it is necessary to include due practice in the training. Only with this practice will the training be effective. And due practice can only exist with a Tutor delivering training before a small group of not more than fifteen students.

THE ACTIVE ROLE OF THE TUTOR

As indicated, communicative skills are improved and mastered by practice. In this sense, the Tutor is somebody who is going to be with the group, to lead the exercises, in an active way, but she or he is not the protagonist of the sessions. In this sense, the Tutor should be able to disappear and allow the students to take their role in all activities.

Also, the Tutor should create a positive environment, where jokes and mistakes are well-received, where judgments are kept to a minimum level. Insecurities should be understood as normal in order to overcome them, as the social filters of the group are at a low level.

According to this perspective, I bring Paulo Freire's criticism on the opinion that the teacher is the only educator and the student, the only learner. Well, that is obviously not true, for education works in both ways and the educator should be humble enough to accept that and take it as a foundation of her or his work.²⁵

²⁵ FREIRE, Paulo. **Sobre Educação**. São Paulo: Editora Paz e Terra, 1982, p. 111-115. In another of his books, the Brazilian educator goes further in depth: "If, in reality, the dream that sparkles us is democratic and solidary, it is not by speaking to others, from top down, as if we were the carrier of the

When one thinks about soft skills, it is clear that it is a knowledge (and practice) that cannot be transferred – it is possible to present it, as a lecture or a keynote, but most of all it has to be exercised.

And considering that motivating is an important attribute to any tutor or teacher, I close by once again quoting the master: “That is why, I add, the person who has what to say shall assume the duty of motivating, of challenging who listens, in the sense that the person who listens says, speaks, answers.”²⁶

2.3 A FIVE-MODULE TRAINING FOR SMALL GROUPS

I now present what would be my five-module agenda for effective communication training to small groups. Each of the modules has a definite goal and is based on a specific skill and/or book. I expect students to be able to think about this information and to exercise these skills, without necessarily having had access to them before. Once again, developing effective communication skills does not require previous knowledge on a certain topic, but it does require being able to exercise these skills.

In this sense, each of the following five modules will be split into: a) content and b) how to train it. *Content* stands for the goals, the techniques, and the knowledge I want to be presented. *How to train it* refers to the methodology applied in class to actually go through them: it is the guideline, the Tutor’s manual, on how to not only present the topic, but also to be effective in training them with the students.

As a matter of argument, in this work, the *content* comes before the “how to” (the description of the activities), which shall not be traditional presentation (lecture),

truth to be transmitted to the others, that we learn how to listen, but it is by listening that we learn how to talk to them. Only that who listens patiently and critically the other, talks to them, even if, in certain circumstances, needs to talk to them. (Free translation.) In: FREIRE, Paulo. **Pedagogia da Autonomia**. São Paulo: Editora Paz e Terra, 1996, p. 113.

²⁶ *Idem*, p. 117. And he goes on: “I am therefore a better teacher to the degree in which more efficiently I am able to provoke the learner in the sense of preparing or refining their curiosity, who shall work with my help, aiming at producing their intelligence about the object or the content about which I speak. (...) My fundamental role, when speaking clearly about the object, is to prompt the learner so that they, with the materials that I offer, produce the comprehension of the object instead of receiving it, entirely, by me.” (Free translation.) *Idem*, p. 118.

but activities during which all the participants are active and have the opportunity to apply in practice the techniques. In practice, however, as it will become clear, I intend the activity on "how" to precede the introduction of the "content", as the practical approach indicates that the best way to internalize these methodologies is through practice (therefore active training), not through the Tutor's presentations (passive listening).

In most of the cases, the "how" is summarized as the Tutor, right at the beginning of the session, fostering the student to present or debate on a certain topic. After that is done, she/he will analyze the techniques used and associate them with the methodology to be presented. In this sense, the Tutor's dialectical, two-way approach is indicated at all times.

2.3.1 Empathic Listening, by Covey

a) Content

Listening is necessary to understand other people. Understanding, on its turn, "is both the means and end of human communication. Our planet needs mutual understanding in all directions. Given the importance of education for understanding, on all educational levels and for all ages, the development of understanding demands a planetary reform of mentalities: this is a task for education of the future."²⁷

As William Ury (one of the authors I present in the next module of this work) puts it, listening allows us to: convey respect, it gives us information about what the other person/side wants, it helps us deal with the situations in our lives. It does not mean listening to make your point (listening to refute), but listening to understand. Moreover, it is not listening within your frame of reference (and that is how we normally listen: judging the other side's opinions): it is listening within the frame of reference of the other, putting yourself in their shoes (empathic listening).²⁸

²⁷ MORIN, Edgar. **Seven Complex Lessons in Education for the Future**. Paris: UNESCO, 1999, p. 55.

²⁸ "The ability to see the situation as the other side sees it, as difficult as it may be, is one of the most important skills a negotiator can possess." In: FISHER, Roger; URY, William L.; PATTON, Bruce.

Put yourself in the other person's shoes.

It is understood that we are only effective as speakers, presenters, and debaters if we are able to listen appropriately. And, though it may seem a silly statement, there are many ways of listening, the most effective of which is called "listening empathically"²⁹.

People tend to think of the mind and the consciousness as one. Since scientific rational revolution based on Descartes' famous quotation, we humans think of ourselves as humans because of our ability to think. *Cogitum ergo sum*: That is not true. We do not need to be thinking in order to be conscious. Our ability to think is just an aspect of our consciousness (intelligence), but not all of it.³⁰

What is the connection between the previous statements and our ability to communicate better?

Think about it this way. There are four communicational abilities: writing, reading, speaking, and listening. In our lives, we work hard to write well, after we have spent many, many hours reading. Reading is the "passive" skill, while writing is its active counterpart. The importance of training them seems obvious, especially at any Law School. Listening is the passive counterpart of speaking. We have agreed that there is little training and methodologies available concerning speaking, but... *do we ever think of listening as something which needs to be trained?*

If we agree that we are constantly thinking, we therefore agree that when we hear somebody talking we are not able to shut our own internal voice. We think about

Getting to Yes: Negotiating Agreement Without Giving In. Penguin Publishing Group. Kindle Edition. Kindle Locations 689-690.

²⁹ The books from which I base the modules 2.3.2 ("The Four Agreements", by Don Miguel Ruiz) and 2.3.3 ("Getting to Yes", by Ury, Fisher and Patton), apart from my Colombian Mentor Pedro Medina, based on whom I chose to present the art of storytelling in 2.3.4, they all talk about active listening. They all agree with the fact that active listening is the best technique available. However, I decided to base this module on Covey's "7 Habits of Highly Effective People" for its invaluable power not only to what effective communication is concerned, but to all that is known as "soft skills".

³⁰ TOLLE, Eckhart. **The Power of Now:** A Guide to Spiritual Enlightenment. New World Library. Kindle Edition. Kindle Locations 15. "Thinking and consciousness are not synonymous. Thinking is only a small aspect of consciousness. Thought cannot exist without consciousness, but consciousness does not need thought." *Idem*, p. 23.

what we are going to say next. We consider how that piece of information may relate to our own experiences. We judge. We think about the clothes the person is wearing – you name it. But we are definitely not paying full attention to the person.

As Covey puts it: “If I were to summarize in one sentence the single most important principle I have learned in the field of interpersonal relations, it would be this: *seek first to understand, then to be understood*. This principle is the key to effective interpersonal communication.”³¹

Here we come across a very important soft skill, perhaps the first one we should think about: *empathy*. “If you want to be really effective in the habit of interpersonal communication, you cannot do it with technique alone. You have to build the skills of empathic listening on a base of character that inspires openness and trust.”³²

When we hear a story or an argument, we are constantly projecting our own life story, our personal mindset onto what we hear. *We judge what we hear way before judging if we understood what we heard*. That applies to personal and family relationships, but also to any case in professional life (for instance, before a court). Our internal monologues seem more important than what the other human beings are actually trying to say.

Covey argues that there are five ways of listening. We may: 1) simply ignore the other person; 2) only pretend we are listening; 3) listen selectively, paying attention to certain parts of the discourse; or even 4) listen attentively, having a focus on the words the other person is pronouncing. “But very few of us ever practice the fifth level, the highest form of listening, empathic listening.”³³

Empathic listening is not about applying a technique such as active or reflective listening, which pretends to mimic what another person says. In these cases, the person is normally trying to control or manipulate in some way. Empathic listening means listening with intent to understand; truly understand before we take any other

³¹ COVEY, Stephen. **7 Habits of Highly Effective People**. Kindle Edition. Kindle Locations 271.

³² *Idem*, Kindle Locations 273.

³³ *Idem*, Kindle Locations 275.

action or present any other argument. Such an easy description to such a complex activity.

Empathic listening, derived from the word “empathy”, is aimed at getting inside another person’s frame of reference. Trying to be able to think the way the other person is thinking. Seeing the world through different lenses, you understand other paradigms, you understand how the other people feel. Not only that, it is interesting to notice that empathy is no sympathy. Sympathy is a form of agreement, a form of judgment. The goal of empathic listening is not to agree with the person you are talking to; the goal is to fully, deeply understand that person, emotionally as well as intellectually.³⁴

Empathy is the ability to put yourself in someone else’s shoes. To understand and be able to judge based on preoccupations which are not your own. Here I must mention another important topic when it comes to soft skills in general, that is *body language*. Even if it is difficult to assess the precise number, experts agree that over 50% of our communication is represented by body language³⁵. When we listen empathically, we not only hear words, but we also feel with our eyes and hearts. We look for behavior.

“Empathic listening is so powerful because it gives you accurate data to work with. Instead of projecting your own autobiography and assuming thought, feelings, motives, and interpretation, you’re dealing with the reality inside another person’s head and heart. You’re focused on receiving the deep communication of another human soul.”³⁶

b) How

b.1) 1x1 Public Conversation

There are different ways we could train that. My suggestion is that in the beginning of the session, before the topic is brought up, the Tutor asks two people to

³⁴ *Idem*, Kindle Locations 275.

³⁵ MEHRABIAN, Albert. **Silent Messages**: implicit communication of emotions and attitudes. Belmont: Wadsworth, 1981.

³⁶ COVEY, Stephen. **7 Habits of Highly Effective People**. Kindle Edition. Kindle Locations 276.

come before the group and start a conversation about hobbies. The talk may go for as long as the Tutor decides it is enough to present concrete examples (or not) of empathic listening. As people think that effective communication involves *speaking*, they may not pay attention to the quality of their listening skills.

Then the Tutor may suggest the question: *Who do you think was the best listener?*

The discussion should follow from there. The Tutor being able to associate the five listening levels with the two students' performance before the group: 1) ignoring; 2) pretending to be listening; 3) listen selectively; 4) listen attentively, paying attention only to the words; and finally 5) empathic listening.

b. 2) Moot Simulation

The Tutor invites two students to come before the class. They are both presented with the following case: In a lawsuit, two companies dispute over a piece of land intended to be used as parking area. It is located between their big office towers. That piece of land represents parking space for up to 80 cars. Company A has 2,000 employees and company B, 1,600. Company A has 1,000 parking spaces; company B, 800. Both companies have a maximum of 55% of employees coming in alone by car daily.

During preliminary proceedings before a Court, Student A is company A's attorney; student B is company B's attorney. They are both asked not to negotiate.

The truth of the fact, to be informed after 2 minutes into the discussion: Both companies consider that they have right to the piece of land. However, to what the necessity is concerned, company A only reaches 55% of employees coming by car on Mondays and Wednesdays; while company B only reaches 55% of its capacity on Tuesdays and Thursdays. Will the attorneys, while trying to convince the other, ask the important question of understanding the other company's need?

2.3.2 The First of "The Four Agreements", by Don Miguel Ruiz

a) Content

“The Four Agreements” is one of the most powerful books I have ever read. It was on New York Times’ list of best-selling books for over seven years.³⁷ It is based on four agreements, but it presents a wider number of life-long lessons. However, to stick to what I consider to be the most important “agreement” to what effective communication is concerned, I will present only the first agreement, namely “Be Impeccable with your Words”.

But what does it mean?

Our words are our magic. That is how we present ourselves to the world. “The word is not just a sound or a written symbol. The word is a force; it is the power you have to express and communicate, to think, and thereby to create the events in your life.”³⁸

I very much appreciate the description of Echeverría, lengthily mentioned in chapter one, who lectures that we have reached a stage in our human consciousness in which we now accept our words as action. They are not “just words.” They are powerful. They communicate, and in the same process they create.³⁹ Therefore, with our words we may create beautiful things, but humans are also able to destroy with their words.

Why be impeccable with our words?

In Latin, *peccatus* means “sin.” *Im-peccable* means “without sin.” It is not sin as religion would reflect upon it. For Ruiz, “a sin is anything that you do which goes against yourself. Everything you feel or believe or say that goes against yourself is a sin. You go against yourself when you judge or blame yourself for anything. Being without sin is

³⁷ Available at https://en.wikipedia.org/wiki/Don_Miguel_Ruiz, accessed on July 5, 2017.

³⁸ RUIZ, Don Miguel. **The Four Agreements: A Practical Guide to Personal Freedom** (A Toltec Wisdom Book). Amber-Allen Publishing. Kindle Edition. Kindle Locations 26.

³⁹ ECHEVERRIA, Rafael. **Ontología del Lenguaje** (Spanish Edition). Kindle Edition. Kindle Locations 1596-1597.

exactly the opposite. Being impeccable is not going against yourself. When you are impeccable, you take responsibility for your actions, but you do not judge or blame yourself.”⁴⁰

When Don Miguel Ruiz puts it as an agreement, it is an agreement we make with ourselves. When we agree to be impeccable with our words, we decide to use our energy correctly, “in the direction of truth and love” for ourselves.

We can use our words in the direction of truth and love. But we may also use it to curse, to blame, to find guilt, to destroy, to express anger, jealousy, envy, and hate. To gossip. To create chaos and to plan revenge. Why not decide to use our word *only* in the direction of truth and love, without sin? Easier said than done, that’s for sure. That is why work is necessary to make this agreement and comply with it.

How can the impeccability of our words be relevant to effective communication?

Schopenhauer teaches us that if we were thoroughly honest, we should aim for the truth in every debate. We should not worry if it is in favor of the opinion that we’ve had previously presented or that of our adversary: that would not be of any importance or it would be secondary. Consequently, each should simply try not to express themselves apart from fair judgements. “For this a man would have to think before he spoke. But, with most men, innate vanity is accompanied by loquacity and innate dishonesty.”⁴¹

When communicating, be it in a personal or professional setting, we may decide to create that negative spell on other people. However, only the truth will set us free. Only the truth will allow us to connect with people. Only the truth will let us conciliate. Whenever we decide to hide or to lie, we block effective communication. When we are not impeccable with our words, we prevent the best versions of ourselves to exist and therefore to connect with others.

⁴⁰ RUIZ, Don Miguel. **The Four Agreements**: A Practical Guide to Personal Freedom (A Toltec Wisdom Book). Amber-Allen Publishing. Kindle Edition. Kindle Locations 31.

⁴¹ SCHOPENHAUER, Arthur. **The Art of Always Being Right**: The 38 Subtle Ways of Persuasion. Kindle Edition. Kindle Locations 158-167.

Once again, when we talk about effective communication, we are considering not only a professional setting, but also our personal lives. Family and love relationships, as well as our professional life. Impeccability of the word allows us to improve the quality of them all.

“You can measure the impeccability of your word by your level of self-love. How much you love yourself and how you feel about yourself are directly proportionate to the quality and integrity of your word. When you are impeccable with your word, you feel good; you feel happy and at peace.”⁴²

So being impeccable with your words means using it with care, in the direction of love, not lying nor creating negative things, for it is clear that our words not only communicate, but they also create. Be it in a negotiation or in a first conversation with a possible client, be impeccable with your words.

There is not enough space to present in depth the other three agreements, but the four of them together are a simple but powerful way of perceiving self-development, reason why I will only mention the other three:

2. Don't Take Anything Personally
3. Don't Make Assumptions
4. Always Do Your Best

2.3.3 “Getting to Yes”, by Fisher, Ury, and Patton

a) Content

Listening empathically

During our years in Law School, we hear about *mediation* and *negotiation*, because those are word the Code of Civil Procedure uses. However, we never really get to thinking what that really is and how they really work. More than that: there is absolutely no teaching directed at learning how to actually mediate and negotiate.

⁴² *Idem*, Kindle Locations 44.

So we agree that there is not much training – not to say no training at all – when it comes to negotiation and conciliation. Now, as you may imagine, there *is* academic literature, legal and non-legal, that discusses it. I could have chosen different authors who work with these topics, but the book to be presented is “Getting to Yes,” by William Ury, Roger Fisher, and Bruce Patton. It is one of the most read books in this matter, and the authors have academic and legal background, which makes it even more appropriate.

They were the founders of the Harvard Negotiation Project. Over the last four decades they have worked on the most difficult conflicts on the planet, ranging from the Middle East (Israel and the Palestine), Latin America (Venezuela), and Europe (ex-Yugoslavia, Russia and Chechenia), but who have also worked with corporations as well as with the White House and the Pentagon. They have developed negotiation techniques (or a *principled negotiation*) that work for any type of negotiation.

Why negotiate/conciliate?

The new Brazilian Code of Civil Procedure, which entered into force with Law no. 13.105 of March 16, 2015, as introduced in chapter 1, changed procedural rules in the direction of fostering conciliation and mediation in the country. However, it is easy to perceive that there is not a true culture of mediating or conciliating in the country, as half of the paragraphs to article 334, which makes mediation and conciliation mandatory, rule about the case in which they are not possible. From my perspective, the Code itself presents these possibilities with disbelief. Let me come back to that.

If we analyze numbers of Courts in the United States of America and in Holland we come to the conclusion that people do not go to court! Cases tend to stop at an early stage, be it because of the high cost (as it is the case in the US), or because of a high rate of conciliation (as in Holland⁴³). If we consider the time, the money, and the energy consumed in a lawsuit, whose merits will be decided by an “impartial” party and

⁴³ DE ROO, Annie, JAGTENBERG, Rob. Mediation in the Netherlands: Past - Present – Future. In: **Electronic Journal of Comparative Law**, vol. 6.4, Dec. 2002, p. 127-145. Available at <http://www.ejcl.org/64/art64-8.html>, accessed on June 13, 2017.

not those who are most concerned with the case (the parties themselves), why don't we all negotiate/conciliate when possible?

But what is “negotiation”?

Roger Fisher, William Ury, and Bruce Patton define negotiation as any type of back and forth communication with the aim of achieving agreement.⁴⁴ If we consider this very broad scope of negotiation, we are forced to accept that we are negotiating all the time. Be it with our families, friends, boyfriend or girlfriend, spouses, clients, colleagues, bosses – even with ourselves...

We do it all the time. In some way or another, we are always trying to reach agreement and inventing new ways to reach agreements. If we do that all the time, just like with the act of listening: why don't we take some time to think about it – about the process, the technique – and try to improve our skills?

How do we get along with each other? How do we deal with our differences?

To start with, it seems important to revisit the first and the second modules of this training. In the words of Ury: “We think about negotiation as talking. And we think about an effective negotiator as an effective talker. But actually if you observe the behavior of successful negotiators you find that they listen far more than they talk.”⁴⁵

Empathic listening! But it is obviously not only about listening. Fisher, Ury and Patton will introduce the idea of principled negotiation. Once we understand the other side's perspective, really being able to put ourselves in the other side's shoes, there are different ways to show concern. If we are hard on the problem and hard on the people on the other side, that does not help the problem. This hard adversarial approach may distance the other side from the table. On the other hand, by being soft

⁴⁴ FISHER, Roger; URY, William L.; PATTON, Bruce. **Getting to Yes: Negotiating Agreement Without Giving In**. Penguin Publishing Group. Kindle Edition. Kindle Locations 857.

⁴⁵ Training available at <https://www.youtube.com/watch?v=-c-SUdBoD6M>, accessed on February 24, 2017.

on the people and on the problem, we may get as a result the other side being satisfied with a solution that does not work for us.

So here we have the first important principle: Separate the people from the problem. Or, in other words: Be soft on the people and hard on the problem.⁴⁶

Focus on interests instead of positions

That is the reason why they teach us to *focus on interests instead of positions*. In any negotiation, when we make that change from positions (being pre-defined, immutable options) to interests, we have concern not only for our but also for the other side's interest. That is the mutual gain approach, looking for something that will satisfy both sides. We may get uncomfortable, but that is when we have the opportunity to use our creativity.

Focus on interests rather than on positions. Not on demands (options we have previously created), but on the true concerns at stake. Always ask the question: "Why?" Why do you want that? What are the underlying interests? Motivations? Desires? Fears? *Look behind the positions for underlying interests.*

Ury describes successful negotiators as those who are able to be soft on the people and hard on the problem. The harder you need to be on the problem, the softer you need to be on the person: the more respectful you need to be in order to deal with people and emotions.

In this sense, I must mention one of Tim Ferriss' maxim: "A person's success in life can usually be measured by the number of uncomfortable conversations he or she is willing to have."⁴⁷ Doesn't it make sense?

So when you are at the point of deciding a negotiation, use creativity. After listening empathically, once we truly understand the other side's concerns and

⁴⁶ FISHER, Roger; URY, William L.; PATTON, Bruce. **Getting to Yes: Negotiating Agreement Without Giving In**. Penguin Publishing Group. Kindle Edition. Kindle Locations 1208.

⁴⁷ FERRISS, Timothy. **Tools of Titans: The Tactics, Routines, and Habits of Billionaires, Icons, and World-Class Performers**. Ebury Publishing. Kindle Edition. Kindle Locations 468.

interests, we are able to create solutions that fit all parties. Or, as the book presents as the third important step of the method to any negotiation: *Invent options for mutual gain.*

Asking myself the key question: *What is my interest here?*

To that respect, we will think about our BATNA, our Best Alternative to a Negotiated Agreement. That is the best course of action in case you cannot reach agreement. Whenever there is only one alternative, there is no good alternative. We may think about that with the example of the unemployed person who goes to a job interview as her/his only option. She/he is nervous. There is too much at stake for her/him to be confident in such an important negotiation. From there we understand another key in negotiation: you want to care about the issue, but not too much.

Our BATNA will be the most advantageous alternative course of action a person may follow in case a negotiation fails and agreement is not made possible. As a rule, we should not agree with a resolution worse than our BATNA.

It is not negative thinking: it is *alternative positive thinking*. Considering our BATNA before any negotiation is realizing we have options and alternatives.

Negotiation is an exercise in influence. How can we possibly change someone else's mind if we don't know where that mind is? And listening is how we get to someone else's mind.

Finally, here are the steps we should consider whenever in negotiation:

1. "Separate the people from the problem"
2. "Focus on interests, not positions"
3. "Invent options for mutual gain"
4. "Insist on using objective criteria"
5. "Know your BATNA (Best Alternative to Negotiated Agreement)"

Listening is the key skill to an effective negotiation. Once we are *soft on the people* and therefore able to develop this empathy towards the other side's point of view, we are *hard on the problem*, trying to solve it *based on the interests, not in positions*. In that sense, following the book's lessons, *we must always consider our BATNA and make good final decisions.*

b) How

i. Presentation.

ii. Create a situation in which both BATNAs are good options.

iii. Make the participants think about and describe to the group a difficult negotiation in which they were involved, be it within the family, with friends or in a professional context, but not tell the group the “end” of the story, or how the negotiation was concluded. (Preferably, the story should have a conclusion the participant was not satisfied with.) After that, separate the group in smaller groups of three or four and ask them to identify in this specific negotiation the five steps mentioned above. After that, each group describes the items they have identified as matching each of the steps. To wrap up, the student who told the story tells the group how she or he has solved the problem and whether she or he would have done anything differently after having thought about it from the perspective of a negotiation.

2.3.4 The Art of Storytelling, by Pedro Medina

a) Content

“El cuento que no cuento no cuenta.”

Pedro Medina

The summary for this training is CDCDC. That simple: CDCDC. Most of what matters is included in this. But first let me introduce you to Pedro Medina.

When I lived in Colombia, apart from many other very positive aspect of life there⁴⁸, I was blessed to have won a Mentor and a friend in the person of Pedro Medina. He is the founder and President of the foundation “*Yo Creo en Colombia*,” one of the most influential in the country.⁴⁹ He goes around the country (and the continent) giving

⁴⁸ Available at <http://yocreocolombia.com/un-argentino-perdido-en-colombia/>, accessed on February 24, 2017.

⁴⁹ In 2006, *Cambio* [“Change”, in Spanish] magazine chose him as one of the 50 most influential leaders under 50 in Colombia. Available at <http://www.darden.virginia.edu/network/worldwide/profiles/pedro-medina/>, accessed on February 24, 2017.

speeches to motivate people and make them remember why to believe in his country and in our continent.⁵⁰

With such a power message, no need to say he is one of the most invited (and expensive) public speakers in Colombia, having delivered more than 5,000 talks over the last five years, three of which took place in TEDx conferences. He graduated from the University of Virginia, in the United States of America, and later went back to the country as a Weatherhead Fellow in Harvard, where he grew the seeds to what was later to become the foundation “*Yo Creo en Colombia*”.

He has taught me – one among his thousands of mentees – several lessons, which have helped me personally and professionally. And one of them was on the importance of storytelling. Pedro teaches everybody who comes across his path that: “*El cuento que no cuento no cuenta.*”

It is impossible not to get lost in translation, but it may be translated as: *The story I don't tell doesn't tell/count*. Although it seems obvious, there is much more to it than its simple words. Not only the story I decide not to tell does not count (because it does not exist), neither does it tell. If I decide to quiet, the word will not spread.

I am convinced that it is worth it to share our stories. Also, it is important to replace the stories we are used to telling (about negative things, diseases, violence, the bad things about a country, bloodshed, corruption) with *positive, powerful stories*: with stories that advance us as society. Pedro is a master on teaching us that.

Since you are taking or reading a course on effective communication, I am allowed to believe that you agree that it is important to spread the word – to create powerful stories. Now that we have learned how to listen more effectively, it is time to improve the way we tell our stories.

And if there are techniques to listen better, there are techniques on how to tell better stories. Pedro Medina not only tells great stories, but he goes on and teaches us how to tell great stories by ourselves. It takes a lot of practice – and definitely a lot of listening to great storytellers –, but there are ways of doing it.

⁵⁰ Available at http://www.larepublica.co/yo-creo-en-colombia-espera-tener-el-mismo-modelo-en-35-pa%C3%AD ses-de-la-regi%C3%B3n_247951, accessed on February 24, 2017.

As Pedro states, storytelling is not about doing a big thing really well, it is about doing small things consistently.

The technique he uses and teaches is simple in convincing us of that. He calls it “A Methodology to Tell Powerful Stories”. The core of which is included in his CDCDD: “Context”, “Details”, “Crisis”, “Development of the Crisis”, and “Did I learn anything?”.

C. *Context*: Every story has a context. It places the listener into the story. It answers the questions: *Who? When? Where?*

D. *Details*: The details will make the story more colorful. They will make the audience dream and visualize the story in their minds.

C. *Crisis*: Then there is a crisis. A breaking point. When things suddenly change. The moment when what we expected does not happen. This is when we slow down the pace and reduce the intensity of our voice.

D. *Development of the crisis*: What happened then? This is the solution of the crisis. The hero comes and saves everything. How did the story end?

D. *Did I learn anything? [Como voy yo?]*: What is the message of the story? What is its lesson? Every story must leave us with a message – the more powerful the message is, the best!

In a professional context, our stories may serve different purposes – they are often more powerful in the process of making our point clear instead of presenting it otherwise. In other contexts, Pedro teaches us that we should worry about telling stories that create stories. That positively contaminate. That is why he talks about *powerful stories*. He constantly reminds us that we are the architects and engineers of our lives. That we shall be the change we want to see in our lives. And today is the first day of the rest of our lives, so why not start that right now?

“*Stories create action* (...). When we create common stories, we build a net that supports a relationship. Through storytelling, the narrator and the listeners enter into a process of mutual transformation. Stories also help us to create reproducible models and create a culture.”⁵¹

Up to this point, I have presented some important lessons if you want to tell just any story. But if you want to become good in public speaking – as in conferences or debates –, there are more simple things you can apply consistently in order to increase the quality of your intervention.

Communication is about transferring emotions: not only with a powerful message, but also with good intonation, speed, pauses, and body language. That is how we communicate.

1. The 20% Rule: Pedro Medina always follows this rule when preparing a new talk. His presentation will be a mix of 20% of theory, 20% of data, 20% of stories, 20% of humor, 20% of group dynamics. (In his words: mix all that with a little bit of “picante” and you have a good presentation.) Just remember: you will not split your presentation in five parts, but it will contain all these items in more or less this amount.

2. Intonation. Some people have succeeded in public speaking despite having a bad intonation, but it is not the rule. Intonation is the music in our speaking; it is how we show emotion.

3. Pauses. This is how we keep the audience connected and have them constructing the story with us.⁵²

4. The speed. (“Speed... is... a very... important... tool... when you feel... you're loosing... the audience's... attention...”) With speed alone, we are able to generate expectation. The secret is: when you get to the climax, to the crisis in the story (as presented above), slow down and reduce the intensity of your voice.

⁵¹ Available at <http://revistainnovacionsocial.com/articulos/el-umbral-de-riesgo>, accessed on February 24, 2017. (Free translation.)

⁵² “The importance of silence in the space of communication is fundamental. On the one hand, it allows me, while listening, as a subject and not as an object, somebody’s communicative speech, seeks to *enter* in the internal movement of their thinking, turning into language; on the other hand, it allows that who speaks, really interested in *communicating* instead of only *communications*, to listen to the question, the doubt, the creation of that who listened. Outside of that, there is no communication.” (Free translation.) FREIRE, Paulo. **Pedagogia da Autonomia**. São Paulo: Editora Paz e Terra, 1996, p. 117.

5. Body language. 55% of the impact of what we say comes from body language. How to improve our body awareness? Start thinking about how you are using your body while talking to other people. And observe other people – especially those who you consider are good lecturers and storytellers. Watch many conferences. (On TED.com and on TEDx channel on YouTube.com you will find the best in the world and all for free.)

Final takeaway:

1. Record yourself: Medina goes on to reinforce the importance of recording yourself as you plan a speech. It may be during conferences and presentation or all alone, while training. This way it is very easy to assess what must be improved.

2. Enthusiasm. Tell powerful stories. Most of all: Start any talk with a powerful story. Or simply a powerful first sentence. Then go on and train that first sentence. And, as always, think before speaking. (And also clean your throat before speaking.)

3. Remember the 8 Basic Principles of Oratory:

1. Know your audience
2. Know the expectations of the audience -- What do they want?
3. Have clear objectives
4. Develop a thesis/hypothesis
5. Develop a dominant message (which will be present all over the talk)
6. Create a powerful introduction (“We never have a second chance to create a first impression”), be it through humor, a poem, a game or a dynamic
7. The conference must be connected to its introduction
8. Have clear conclusion, with a call to action.

4. As a final message, I am sure Pedro would like me to share, I would like us to think about the nine Ps. These are nine “P words” (in Spanish) which we should try to abolish from our lives: *Pena*, *Pereza*, *Pesimismo*, *Pobreza de espíritu*, *Paternalismo*, *Paradigmas que nos ciegan*, *Perfeccionismo*, *Postergación*, and *Pendejadas*. They would translate as: Shame, Laziness, Pessimism, Poverty of spirit,

Paternalism, Paradigms that blind us, Perfectionism, Procrastination, and Silliness. It is out of the scope of this work to go through all these concepts, but they are worth our consideration.

b) How

Tell stories and try to put these concepts and strategies into practice.

Let's start with... Will Smith! You know him, right? Whether you like him or not, we have to agree he's a great actor. And what are actors if not storytellers? So just watch the following video (Will Smith – The Best Things in Life Are on the Other Side of Fear: available at <https://www.youtube.com/watch?v=0DNv2p2ayZ0>) at least two times – but ideally more. In the first two, follow this methodology:

- i. First, only pay attention to his body language! Don't worry about the words – or the story! Just check his hands, the way he moves his arms, his looks, his face expressions, etc.
- ii. Now listen to the words. Focus to understand the story. Picture yourself in his situation. Imagine what he was feeling.

2.3.5 “The Art of Being Right”, by Schopenhauer

a) Content

In "The Art of Being Right", Arthur Schopenhauer revisited Aristotle's ideas on how to be the best public speaker possible and win every debate you take part in. It is as powerful as it is contradictory a book. When Schopenhauer thinks about being right, he does not consider morals or ethics. He is not worried about listen empathically, being impeccable with his words. Nor is it important getting to "yes," or having about good storytelling skills: in this book, he is worried about ways of winning a debate, whichever sort of debate that is.

In the beginning of this work, when I introduced the concept of effective communication and the idea of a Debate Society, I presented that they would include

soft skills training in a broad sense, from listening abilities to body language and finally to oratory skills. If the four previous modules were all related to communication in a broad sense, this last one is directly attached to debating – taking part in a discussion and finding a way of winning it. Even if you are not right. In the words of the author: the truth does not really matter.⁵³

If, on the one hand, the techniques he explains go against the principles presented above, on the other hand they are very effective when willing to win a debate/argument, which is definitely one of the abilities to be trained in a Debate Society. Therefore, I consider that the five modules are complementary to each other and, even if in principles this last module goes against parts of the first ones, as a complete set of training they develop the basis of all the necessary communication skills of a lawyer.

In "The Art of Being Right", Schopenhauer reviews the "Topics" of Aristotle and summarize them in 38 stratagems (tricks, strategies) you may follow in order to win any discussion. It goes from very simple stratagems, such as making the opponent's affirmation as broad as possible and define it as wrong (because too broad) up to intricate strategies such as stratagem number 30.

All of the 38 strategies seem to be of practical usage to those who may frequently get into arguments and/or go before a judge. Once again: when it comes to morals and ethics, these arguments are weaker (if not invalid). However, in practical terms they may be very useful. Not only for us to apply them, but also so we can understand (and refute) the other side's (or politicians', television's, or selling) arguments. Yes, it is that wide-ranging of a book.

I would prefer to live the time in the Human History (consciousness) when the first four modules would be enough -- whether for real life, or for a lawyer in practice. While it is still not possible due to humans' stage (or lack) of consciousness, I decide to present this last (and yet not least important) module.

⁵³ SCHOPENHAUER, Arthur. **The Art of Always Being Right: The 38 Subtle Ways of Persuasion.** Kindle Edition. Kindle Locations 13.

As I go through all 38 stratagems, it seems that all possible model of argument in any discussion in the world are in this book. From abortion to euthanasia. From moral to scientific reasoning. The book, however, is not powerful because of the examples, but because of the stratagems it so well describes. I would argue that if it is a must-read (and re-read) for any person who will at any time in her/his life deal with arguments in a professional or personal setting. In other words: it is a must-read for simply everybody.

To give a metalinguistic example: in this book I am able to find all possible refutation that may be opposed to this final thesis (or simply any paper or article) during its presentation.

Consider words such as: “always,” “never,” “in general,” “usually,” (adverbs of frequency in general) “all,” “none.” After reading *Stratagem 1* we understand why we should avoid them.

Stratagems 2 and 3 teach (or reminds) us the reason why we should be careful (impeccable?) with our words.

“Don’t anticipate the conclusion before coming to the end of the discussion.” That would be the maxim for *Stratagem 4*.

The first time Schopenhauer openly declares that lying may be acceptable is in *Stratagem 5*: “A true conclusion may follow from false premises, but not vice versa.”⁵⁴

When you read and understand the book, you do not necessarily become a bad person (as many critics seem to suggest), but you have the tools (description of stratagems) to understand how “bad guys” think.

In studying this book, mostly to the end of it, I have come across topics I had thought would be recurrent during my years in Law School, but were only so as tangent, indirect concern (from the perspective of the practice, the real or imaginary situation, but not in itself the focus of the discussion). Also, it is important to note that we tend to use some of these stratagems in practice, but there are many of them! And understanding them all allows us to refute from a more conscious perspective.

⁵⁴ SCHOPENHAUER, Arthur. **The Art of Always Being Right: The 38 Subtle Ways of Persuasion.** Kindle Edition. Kindle Locations 326-327.

It goes way beyond "being right" – way beyond winning debates. It is also about understating the world we live in. From political arguments to marketing and branding, and Tribunals!

b) How

i. Foster any kind of discussion or debate among the participants and analyze the arguments used based on Schopenhauer's classification.

ii. Propose themes (below) for discussions and have people who disagree with something to "defend" the other side's perspective (if only to consider the arguments empathically). After the discussions, analyze the strategies used and present them according to the arguments/stratagems used.

Topics could range from: Vegetarianism, feminism, soccer, sport, nutrition, or exercise when considering Stratagem 24. Television, marketing, or political discourse by the lenses of Stratagem 28. And also sentences such as: "All rules have exceptions; that is a rule." "I don't like not to agree with people" or "I dislike disagreeing with people" (double negative). "Trees are green, but not *all* trees are green."

3 DEBATE SOCIETY AS THE APPROPRIATE INSTITUTION TO TRAIN EFFECTIVE COMMUNICATION AT THE FACULTY OF LAW

So far, we have understood that there is a difference between hard skills (the technical skills) necessary to any profession and the life skills (soft, non-cognitive skills), which is tightly connected to work life, including law practice. Not only that, it was shown that, despite the fact that soft skills and more specifically effective communication are so relevant to any bachelor in Law, there is no proper space for that kind of training at the Faculty of Law – or at least that is the scenario in Brazilian Universities. Furthermore, I have suggested the funding principles and five possible modules for a training in effective communication for small groups.

However, an important question remains unanswered: if this kind of training is necessary even though there is no institutionalized space for it in the curriculum, what would its appropriate place be? In what sector or department should effective communication training be included?

In my opinion, due to its importance, effective communication training ought to be part of the legal curriculum in any given University, having its space as a mandatory discipline conducted by a specialist in effective communication. Alternatively, it could be granted a place as an optional or elective subject, therefore guaranteeing that the training would be carried in small groups, with plenty of opportunity for practice, as it ought to be.

I understand that that is a long-sighted dream. It would take time, academic effort, and money to see these implementations in practice. Nevertheless, there is a more feasible, realistic, and cheaper solution: Debate Societies.

3.1 THE OBJECTIVES OF A DEBATE SOCIETY

A Debate Society is a co-curricular student organization, in which debate is seen as an educational tool for developing students' analytical and communication skills. The group's activities, which could include independent research, individual

coaching, small group discussions, and intercollegiate competition, are planned with a view to the contribution it can make to the educational process.⁵⁵

In recent years, Faculties of Law in Brazil have seen grown interest in Moot Court Competitions, which vary from International Arbitration, to Criminal Law or Human Rights, to name a few. A Debate Society would encompass these activities and put together groups that deal with different areas of Law, but how are nevertheless interested in the same type of activities. As mentioned earlier, Effective Communication training includes, but is wider than only Oratory training. Therefore, existing Moot Court Competition groups, Oratory training, Public Policy Debate, and further extracurricular academic activities would part of the Debate Society.

The main objectives of a Debate Society include (but are not limited to): creating a network of students interested in personal development; reflecting upon skills that are not directly trained in traditional legal subjects; teaching critical and strategic thinking skills; developing high-quality research and argument production; and offering a challenging and rewarding debate experience. It is not about teaching ideology, but argument skills.

As known, whatever the profession bachelors in Law may choose to follow, be in the business, law, or the academy, they will need the skills necessary to articulate a well-developed position. Therefore, the objective of a Debate Society shall be to provide students with the skills required to defend any strong case, no matter what the advocacy situation may be. In this sense, as previously presented, current legal education in Brazil fails dramatically.

Having understood the reasons for the existence of a Debate Society and its objectives, let us consider how it could possibly work. My suggestion is that it would have under its responsibility the moot competition groups already established at the University, but it would also develop specific training in effective communication, as suggested in Chapter 2, in the Five-Module Training.

⁵⁵ This is the description provided by the Northwestern University's Debate Society. Established in 1856, that Debate Society is "the oldest most successful continuous program of its kind in the United States. Available at https://www.communication.northwestern.edu/learn/student_activities/debate, accessed on May 24, 2017.

In depth, this kind of training (which would obviously not be limited to the one suggested above, but that could start by applying it) would have: a) a defined calendar with regular meetings; b) a University Professor acting as tutor; c) a limited number of students per training session. Furthermore, it shall foster the interested in the topic by having a distribution list to promote the discussion and promotion of such topics.

3.2 THE EXPERIENCE AT OTHER UNIVERSITIES

Most Universities in the United States of America and in England have Debate Societies and the most renowned of them have existed for decades – even centuries. That is the case, for instance in England, of The Cambridge Union⁵⁶ and the Oxford Union Society⁵⁷, the first having already completed its two hundredth anniversary. In the United States of America, the situation is similar, with the main student debating organization being over one hundred years old, the case of the American Whig-Cliosophic Society⁵⁸, the Dialectic and Philanthropic Societies (DiPhi)⁵⁹, The

⁵⁶ The Cambridge Union Society, as it is formally known, is the oldest continuously running debating society in the world, for its formation happened in 1815. Available at <https://www.cus.org/about/history-union> and at <https://www.alumni.cam.ac.uk/news/this-house--the-cambridge-union-society-at-200>, both accessed on June 4, 2017. Further account on the History of Cambridge Union Society can be found at William Bevan's article celebrating the bicentennial anniversary of Union in the Cambridge Alumni Magazine, Issue 75. BEVAN, William Ham. *This House*. In: CAM (Cambridge Alumni Magazine), Cambridge: Issue 75, Easter Term, 2015, p. 18-23. Available at https://issuu.com/cambridgealumnirelationsoffice/docs/cam75_online-150dpi, accessed on May 24, 2017.

⁵⁷ University of Oxford's Debate Society was founded in 1823, being Britain's third oldest University Union. Available at https://en.wikipedia.org/wiki/Oxford_Union, accessed on May 24, 2017.

⁵⁸ The American Whig-Cliosophic Society (also known as Whig-Clio) is Princeton University's political, literary, and debating society, created in 1765, though not having existed continuously since. Available at https://en.wikipedia.org/wiki/American_Whig%E2%80%93Cliosophic_Society, accessed on May 28, 2017.

⁵⁹ The Dialectic and Philanthropic Societies of the University of North Carolina at Chapel Hill, originally known as the "Debating Society", even though it has not existed continuously since, was formed in 1795. Available at https://en.wikipedia.org/wiki/Dialectic_and_Philanthropic_Societies, accessed on May 28, 2017.

Philodemic Society⁶⁰, the Yale Debate Association⁶¹, the Harvard College Debating Union⁶².

Nonetheless, although it is very enlightening to study the History of these centuries-old Debate Societies, their long period of functioning and different objectives – mostly focusing on debate competition – end up by distancing these associations from the possible goals of Universities in Brazil, for example. So why not consider a more resemble story of a recently created Debate Society?

In that sense, it seems worthwhile to analyze the recent history of Debate Societies in Spanish-speaking countries. In the last five years, there has been a wave of creation of Debate Societies and an augmentation of Debate Competitions in the Hispanic world. And the reasons for their creation seem to be very similar to worries presented in this work.

The Debate Society of the Autonomous University of Madrid, for instance, established in April 2013, declares on their website that “university thought us a lot of theory without teaching us, however how to apply it in practice; we did not know how to conduct an appropriate presentation before a large public and neither did we know how to express our ideas in a structured and convincing manner”⁶³. For these reasons – which come a European University, but could as well have been written in a Brazilian one –, they decided to create the Debate Society, willing to surpass these problems,

⁶⁰ The Philodemic Society, at Georgetown University, dates back to September 25, 1830. Available at https://en.wikipedia.org/wiki/Philodemic_Society, accessed on May 29, 2017.

⁶¹ Founded in 1908, the Yale Debate Association is the most prolific winner of the American Parliamentary Debate Association’s Club of the Year award. Available at https://en.wikipedia.org/wiki/Yale_Debate_Association, accessed on June 2, 2017.

⁶² Previously known as the Harvard Speech and Parliamentary Debate Society, the winner of the 2014 World Universities Debating Championship was established in 1981, being one of two competitive debate organizations in the institution, both having been established in the same year. Available at https://en.wikipedia.org/wiki/Harvard_Speech_and_Parliamentary_Debate_Society, accessed on June 2, 2017.

⁶³ Available at <http://debatesuam.bitballoon.com/#!/>, accessed on June 4, 2017. The Debate Society of the Autonomous University of Madrid, in July 2014, therefore only one year after its creation, was the vice-champion of the World Universities Debating Championship in Spanish, the largest and most important Spanish-speaking debate competition, with Universities coming from Latin America and Europe, as well as Russia and the United Arab Emirates. They were also vice-champions in the two subsequent years. Available at <http://ungvanguard.org/2016/09/debate-team-goes-to-spain/> and at https://es.wikipedia.org/wiki/Concurso_Mundial_Universitario_de_Debate_en_Espa%C3%B1ol, accessed on June 2, 2017.

develop their communication abilities, and reinforce the importance of these skills in the University.

Since I have mentioned the vice-champion of the 2014, 2015, and 2016 version of the World Universities Debating Championship in Spanish, let us take a further look at this competition. Established in 2011 to be the Spanish-speaking version of the World Universities Debate Championship, the English-speaking version previously mentioned, it has happened every year ever since in different countries: Venezuela, Chile, Spain, Mexico, and Colombia. Interestingly, these are the five countries that have reached the finals of the tournament since its creation, with one further team from Peru having been in the finals in 2016. It is safe to these are the most prominent countries in the Spanish-speaking world, so I will quickly analyze the History of Debate Societies in Colombian Universities.

Colombia is the best-ranked country in the World Universities Debating Championship in Spanish since its creation. Representatives of the country were in the finals for three times, having won it twice, in 2014 and in 2015. There might be an important reason for that. Since 2010, the Colombian League of Debate has worked for the expansion of debating in the country, both in Universities and in schools. By evaluating the League's main goals of "fostering citizens with critical abilities, able not only to explore and present their ideas, but also able to listen and understand other proposals, especially those that contradict their own"⁶⁴, I come to the conclusion, once again, that they are aligned with the arguments of this work.

Sticking to the Colombian case a little bit longer, both in 2014 and in 2015, when the country was first in the Spanish-speaking competition, the winning team came from the University of Rosario, in Bogota. The Debate Society of the University of Rosario was also recently founded, in the year of 2010⁶⁵, but it has been very successful in competitions and active in practice. This year, for instance, it has organized its II Rosarian Debate Tournament, which included not only a competition, but also keynotes and workshops on debating, argumentation, and oracy, as well as

⁶⁴ Available at <http://www.debatecolombia.org/about/>, accessed on June 2, 2017.

⁶⁵ Available at <http://www.urosario.edu.co/CMUDE2015/Sedes/sociedad-debate/>, accessed on June 4, 2017.

the presence of political leaders discussing the importance of disagreeing in the country⁶⁶.

Analyzing the Brazilian case, it is possible to perceive that there has also been advances in the field in the country, though they are more recent. In 2014, the Brazilian Institute of Debates⁶⁷, through the Parli Brasil⁶⁸ project, organized the I Brazilian Tournament of University Debate, in Belo Horizonte (Minas Gerais), which had institutions coming from seven of the twenty-six States of the country, counting over 120 participants.

In the institution's website, it is indicated that there have been three Brazilian Tournaments since its creation: in 2014, in September 2015 (in Fortaleza, Ceará), and in September 2016 (in Florianópolis, Santa Catarina). There is no information regarding the realization of a tournament in the current year (2017).

Parli Brasil lists on its official website the existence of eight Debate Societies in the country. They are: SdDUFC, in Fortaleza (Ceará), SdDUFSC, in Florianópolis (Santa Catarina), SdDUFRN, in Natal (Rio Grande do Norte), Octógono, SENATUS, and SdDOLYMPUS, in Belo Horizonte (Minas Gerais), SdDUFMG, in Dourados (Mato Grosso do Sul), and USP Debate, in São Paulo (São Paulo)⁶⁹.

The debate tournaments organized in Brazil, as most of the international competitions, followed the British Parliament (BP) model. In this model, adopted by the World Universities Debating Championship (WUDC)⁷⁰, the debates are formed by four duos. The themes are withdrawn 15 (fifteen) minutes before the matches and the duos do not select the side they will defend, having to prepare for both. The discussions are always generated in the mode: "This house believes that..." The duo then have to defend or argue against certain opinion. Each debater has 7 (seven) minutes to present

⁶⁶ Available at <http://www.urosario.edu.co/Home/Principal/Eventos/Facultades-CPG-RI/2%C2%B0-Torneo-Rosarista-de-Debate-2017/>, accessed on June 4, 2017.

⁶⁷ Available at <http://ibdebates.org/site/>, accessed on June 19, 2017.

⁶⁸ Available at <http://parlibrasil.org/ibd/>, accessed on June 4, 2017.

⁶⁹ Available at http://parlibrasil.org/ibd/?page_id=57, accessed on June 4, 2017.

⁷⁰ Available at https://en.wikipedia.org/wiki/World_Universities_Debating_Championship, accessed on June 19, 2017.

her/his argument. The Judges then decide the grades for each duo, individual, and the winners of each debate.⁷¹

Parli Brasil offers assistance for those willing to take part in competitive debates or founding a Debate Society. They provide aid with the used model of debate, the formation of the participants, the formalization of the project before the educational institutional, and also with connecting the new Society with the existing Societies in Brazil⁷².

Furthermore, it is specifically interesting the documents put together by Parli Brasil in order to make it clear how competitive debate works. There are three of them: a) the Rules of Parli Brasil Model of Debates⁷³; b) the Study Guide (to Competitive Debates)⁷⁴; and c) the Guide of Evaluation of the Debate⁷⁵. The latter which would form a great material to start thinking of debates in our Law School.

3.3 CONDITIONS FOR THE IMPLEMENTATION AT THE FACULTY OF LAW OF UFPR

The final message, considering the conditions for the creation of a Debate Society at the Faculty of Law of the Federal University of Parana, is that the only thing needed is (woman and) manpower. Our Faculty already has strong and long-existing moot court teams. It would just be necessary to integrate those teams and develop further activities that go beyond the moot court competitions. Not only that would be beneficial to the groups and the Faculty itself, but mostly to students who are interested in effective communication and debate, without necessarily being interested in the arbitration, criminal law, human rights or any other moot court competition format.

⁷¹ For a more complete account on the British Parliamentary model, see: https://en.wikipedia.org/wiki/British_Parliamentary_Style, accessed on June 19, 2017.

⁷² Contact through the e-mail address: contato@parlibrasil.org.

⁷³ Available at http://parlibrasil.org/ibd/wp-content/uploads/manual_regras_2016.pdf, accessed on June 19, 2017.

⁷⁴ Available at http://parlibrasil.org/ibd/wp-content/uploads/guia_estudos_2016.pdf, accessed on June 19, 2017.

⁷⁵ Available at http://parlibrasil.org/ibd/wp-content/uploads/guia_avaliacao_2016.pdf, accessed on June 19, 2017.

Also, I consider relevant to say a word about the competitions themselves. Although I have extensively mentioned national and international competitions to give an idea of History and importance, when we think about soft skills this competition mindset is not really applicable. After all, it is not about competing, but collaborating. Learning and improving as a group. A Debate Society shall not focus on winning, but rather on growing together. In that sense, national and international competitions are a good way of networking, sharing best practices and learning from other groups.

Not only that, a Debate Society could have as its objectives bringing effective communication specialist to deliver talks, keynotes, and/or trainings at our Faculty of Law. It is widely known that Law schools are generally disconnected from other Faculties in any University, but that is remarkably true in UFPR's case because of *a)* the University's many *campi* scattered around the city and *b)* the fact that our course basically has a building for itself. In that sense, a Debate Society could create the opportunity of having a wider variety of topics being discussed in our institution.

So what does it take to create a Debate Society at our Faculty of Law? Well, just creating it! The only real requirement is (woman and) manpower – meaning interested people. As long as there are students and Professors considering it as an important initiative and willing to dedicate time to it, a Debate Society might become a real thing.

With respect to a material requirement, initially there is no need for special rooms or material. Ideally, after some time, the Debate Society would deserve a room for itself and special titles related to its topics of interest. However, that is not an initial requirement in any sense.

So once a group of (at least two) people have convergent interests and get together, my first suggestion would be to consider and try to apply the courses ideas presented in this work as the “Five-Module Training Manual”. That does not mean that it should be taken as a textbook or a complete work of any sorts, but because it covers five very specific topics of personal development and effective communication, namely: listening empathically, being impeccable with our words, getting to agreements, storytelling, and (when necessary) knowing how to convince.

Apart from these requirements, there are other, non-indispensable point I consider relevant. I will present them in order of importance:

1. *Having a sponsor Professor.* That means a Professor who is interested in the topic and would foster the idea among other Professors and the administration. Once again, I do not consider that would be a requirement, but it would help greatly with the development of the Society at our Faculty of Law, where the micro-politics are so important. I would recommend that PhD Eneida Desiree Salgado be the first sponsor, for her highly developed communicative skills and her dedication to increasing the quality of teaching and learning in our institution. (By the way, *muito obrigado mais uma vez, Professora!*)

2. *Organizing active training for students.* It is evident that a Debate Society would allow its members to develop their skills. However, it would be very important to extend that to non-member, both to promote the group and to have non-members profiting from the initiative. That training could take place on a regular base, twice a year, and count with specialists from other areas different from law.

3. *Joining the Moot Court Competition Teams.* Our Faculty of Law takes part in many Moot Court Competition every year. There are normally sponsored by different Professors, depending on their areas of expertise. A Debate Society should put them all together, as the final and main objective is shared by the groups and the Debate Society, namely: developing skills which are not duly trained in class.

4. *Organizing high-quality workshops for Professors.* Once again, in life, we all need training. Of course, Professors would only attend such workshops depending on the prestige of the Debate Society, but we have to accept that Professors also need constant training regarding their methodologies – and, it is evident, some more than others.

4 FINAL CONSIDERATIONS

The works by Stephen Covey, Don Miguel Ruiz, Roger Fisher, William Ury, Bruce Patton, Pedro Medina, and Schopenhauer (among many, many others) are incredible masterpieces in which any person interested in personal development is able to find further references to each of the topics.

If I were to mention other names whose work (has influenced me but) I was not able to present here, that (incomplete) list would include, in alphabetical order:

Alberto Manguel
Benny Lewis
Clovis de Barros Filho
Cristovão Tezza
Eckhart Tolle
Haruki Murakami
Herman Hesse
José Saramago
Joseph Goldstein
Leandro Karnal
Mario Sérgio Cortella
Miguel de Cervantes
Paulo Freire
Rubem Alves
Tara Brach
Tim Ferriss
Tony Robbins

I hope you will also learn from them as much as I did.

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PROTOCOLO DE CADASTRO DA BANCA DE DEFESA Nº 201701018

Aluno(a):	GRR20101718 - FELIPE BALOTIN PINTO
Título do Projeto:	EFFECTIVE COMMUNICATION TRAINING AND DEBATE SOCIETY AT THE FACULTY OF LAW: A FIVE-MODULE TRAINING
Departamento:	Direito Público
Presidente:	ENEIDA DESIREE SALGADO
Primeiro Membro:	VERA KARAM DE CHUEIRI
Segundo Membro:	RON MARTINEZ
Coorientador:	
Data e Horário da Banca:	2017-10-16 as 14:00 hs
Data cadastro:	2017-10-11

Curitiba, 11/10/2017

Visto do Orientador (a): ENEIDA DESIREE SALGADO - Total de orientandos = 62

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Via do Aluno



Ministério da Educação e do Desporto
Universidade Federal do Paraná
FACULDADE DE DIREITO

Ata da reunião da Comissão Julgadora da
Monografia (Trabalho Final de Curso) do
Acadêmico(a) **FELIPE BALOTIN
PINTO**

Aos dezesseis dias do mês de outubro do ano de 2017, às 14:00 horas, nas dependências do Setor de Ciências Jurídicas, reuniu-se a Comissão Julgadora da Monografia apresentada pelo(a) Acadêmico(a) FELIPE BALOTIN PINTO, sobre o tema, "EFFECTIVE COMMUNICATION TRAINING AND DEBATE SOCIETY AT THE FACULTY OF LAW: A FIVE-MODULE TRAINING". A Comissão constituída pelos Senhores Professores, ENEIDA DESIREE SALGADO (Orientador), (Coorientador), VERA KARAM DE CHUEIRI e RON MARTINEZ, atribuiu as seguintes notas respectivamente: 95, 95, 95 e 95; perfazendo a média igual a 95.

Obs.

Curitiba - PR, 16 de outubro de 2017.



ENEIDA DESIREE SALGADO

Orientador



VERA KARAM DE CHUEIRI

1º Membro


Coorientador

RON MARTINEZ

2º Membro