

Who or what is really making our decisions?



The room was abuzz. Audience members were whispering questions and asking how to apply the new information in their offices. The event was a Law Society of Upper Canada Continuing Professional Development program entitled Neuroscience and Behavioural Economics for Legal Practitioners and I don't remember sensing as much engagement in other recent events I have attended.

The speakers, Michael Sherman, BA, JD, MBA, and President of BrainThinks and Nathalie Boutet of Boutet Family Law, were engaging and knowledgeable. And the session provided an opportunity to see a new way to approach old issues. From litigation, to family law, real estate and corporate, brain science applications can help manage client expectations, smooth negotiations, and help avoid costly mistakes.

There are many ways in which behavioural economics can be applied in a practical way in our law offices, and even more particularly, can help us avoid malpractice claims – it is an intriguing development in legal study.

The articles on page 5 and 12 investigate specific biases that can lead lawyers to make mistakes and a few ways to help overcome those biases. As well, there are ways we can use the natural instincts of our brain activity to our best advantage.

Our behaviour isn't always the result of the logical thought process we think we are employing. This puzzle is just now being unravelled. It seems to me that understanding more about how we think can be half the battle to better practice.

Kathleen A. Waters
President and CEO