

University of Missouri School of Law

## University of Missouri School of Law Scholarship Repository

---

Faculty Blogs

Faculty Scholarship

---

11-19-2023

### RANDY KISER'S NEW BOOK ON PROFESSIONAL JUDGMENT FOR LAWYERS

John Lande

Follow this and additional works at: [https://scholarship.law.missouri.edu/fac\\_blogs](https://scholarship.law.missouri.edu/fac_blogs)



Part of the [Dispute Resolution and Arbitration Commons](#)

---

---

## RANDY KISER'S NEW BOOK ON PROFESSIONAL JUDGMENT FOR LAWYERS

NOVEMBER 19, 2023 | JOHN LANDE | 1 COMMENT

Randall Kiser just published another great book relevant to our community, *Professional Judgment for Lawyers*.

Randy is the principal analyst at DecisionSet<sup>®</sup>, which consults with lawyers and law firms to improve their effectiveness. [This earlier post](#) describes his background and his book, *Soft Skills for the Effective Lawyer*. That book presents research showing that legal clients especially value these skills in lawyers.

Here's the publisher's description of his latest book:

Written by the leading authority on legal decision making, *Professional Judgment for Lawyers* integrates empirical legal research, cognitive and social psychology, organizational behavior, legal ethics, and neuroscience to illuminate and improve decision making by attorneys, clients, judges, arbitrators, mediators, and juries.

### Key Features:

- Analyzes the quality of decision making by lawyers, clients, judges, mediators, and arbitrators
- Shows how race, gender, age, roles, experience, personality, perception, memory, and emotions affect decision making by lawyers and judges
- Identifies deficiencies in professional decision making and proposes corrective steps
- Discusses the impact of professional judgment and decision making on major societal issues like access to justice, plea bargaining, mass incarceration, superannuated judges, and public confidence in the judicial system
- Describes strengths and weaknesses in personal decision making styles and provides a self-assessment tool to evaluate individual styles
- Integrates law, neuroscience, psychology, behavioral economics, analytics, and organizational behavior in a comprehensive, multi-disciplinary examination of legal judgment and decision making

This book has the unique capacity to replace idealized, theoretical concepts of legal decision making with empirical analyses and practical applications for lawyers, judges, law students, and other knowledgeable readers intrigued by the law, justice, and decision making.

Considering my post, *Decision-Making as an Essential Element of Our Field*, it should be no surprise that I think that Randy's latest book is a very valuable contribution to the literature for practitioners and academics. It defines professional judgment as "the deliberate synthesis of an attorney's knowledge, experience, skills, discernment, and character to ethically advance a client's interest." Judgment is not all rational as the book presents evidence showing effects of various emotions on everyone's judgment, including attorneys.

I think that many readers of this blog will be most interested in the chapters on

- Neuroscience and cognition
- Attorneys and clients
- Judges, arbitrators, and mediators
- Insight, hindsight, and foresight
- Decision-making styles
- Individual decision-making expertise

Each chapter includes a capsule summary.

The final chapter presents ten "decision-making tenets" – principles for making good judgments and avoiding bad judgments.

Although savvy Indisputably readers will find some of this material familiar and validating of your perspectives, you almost certainly will gain new insights.

Take a look.

◀ EMPIRICAL RESEARCH    ▶ FOR TEACHERS AND STUDENTS    ▶ LAWYERING    ▶ PSYCHOLOGY    ▶ RECENT SCHOLARSHIP  
◀ SKILLS AND TECHNIQUES

## ONE THOUGHT ON "RANDY KISER'S NEW BOOK ON PROFESSIONAL JUDGMENT FOR LAWYERS"

**Donna Shestowsky**

NOVEMBER 23, 2023 AT 7:58 PM

This new book, like Randy Kiser's others, truly is a must-read. It showcases his unusual and enviable talent for pulling together empirical work from very diverse fields. So insightful for practice and law teaching alike. Highly recommend.

This site uses Akismet to reduce spam. [Learn how your comment data is processed.](#)

