



Ten steps to trust

Lawyers are notoriously slow to trust. But in law's "new normal" that demands collaboration, trust problems become business problems no lawyer can afford. Here are ten factors to consider in your effort to build greater levels of trust and achieve better outcomes in your client relationships.

why it matters and how lawyers can achieve it

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Take a moment, if you will, and think back to a legal project that came up short, or a legal relationship that imploded, because some of the players didn't trust each other. Review the life-cycle of that interaction, and try to parse the causes and consequences.

What really happened? Was trust lacking from the outset? Did a promising opportunity fall victim to a loss of trust over time, or did things just seem to go belly-up all of a sudden?

This isn't just an exercise in retroactive finger-pointing. This exercise matters, because trust is becoming an essential element in the success of any and all legal enterprises. The modern legal environment demands unprecedented levels of collaboration — among colleagues, between practice groups, among lawyers and firm administration, with clients, between lawyers and regulators, and even with adversaries.

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Collaboration is king, and trust is the power behind the new throne. Effective project managers and team leaders have long understood the importance of listing all their “hard” performance-related resources: budget, time, team members’ skills, technology, equipment, etc. Good managers also are adept at identifying “soft” performance factors: morale, culture, incentives, diversity, cohesiveness and commitment.

The very best managers know that trust is the cornerstone of both motivation and collaboration. So they monitor it carefully and nurture it assiduously, both between individuals (including themselves) and in terms of collective team dynamics. Bad cultures are invariably low-trust cultures.

Even if we regard trust as an important performance variable and not just some soft, touchy-feely thing, many lawyers struggle with trust — giving it, receiving it, building and rebuilding it..

Both by temperament and by training, lawyers tend not to be natural collaborators. In addition to their natural autonomy and drive for personal achievement, lawyers learn from law school onward to hone their skepticism, to guard against being manipulated, and to say “No” more readily than “Yes.” Trust no one, as *The X-Files* used to say: that’s lawyers’ default position.

While it’s possible for people to collaborate without the lubricant of trust, the “friction losses” of trust-less interaction are horrific: all that energy burned and wasted while you watch your back, guard your flank, protect your interests, examine others’ motives, practice pessimism and play power games. It’s hard to drive with the brakes on; it’s hard to keep your eye on the ball when you’re gazing skyward to see if the sky might fall.

For the sake of practicality and business success, therefore, we should try to understand where trust comes from and why diminished trust so often poisons our wells.

NOT AN ON-OFF SWITCH

Many people (and most lawyers) tend to view trust in simple yes-or-no terms: either two people trust each other, or they don’t. From this binary perspective, the parties tend to take up fixed relational postures: they embrace (figuratively, of course, if they’re lawyers), confront, fight or flee. And once they assume their initial stance, they tend to interpret subsequent

events in a way that supports their first perceptions.

This is called “confirmation bias” — we see what we expect to see and we interpret information in ways that support our initial opinions. So if we are warned ahead of time that someone might be untrustworthy, we tiptoe into the relationship heavily defended, prepared for the worst and primed to bail out the moment we see something that confirms our preconceptions. When the other party detects this wariness, it mounts its own defenses, and things tend to go downhill from there.

In fact, research suggests that an individual’s decision to trust, or two people’s decision to trust one another, is far more complex than yes-or-no. Our level of trust is shaped by the interaction of at least ten distinct factors, some relating to the psychology of the parties, some relating to the situation, and some relating to past experience.

Now, you might be thinking: “Yikes! You mean that if I want to build or sustain someone’s trust, I have to keep ten different variables in mind?” The answer, if you want to move beyond gauging trust solely with your gut or your unexamined biases is: Yes, you do.

If trust is the recipe for successful collaboration, you must understand its ingredients and their respective contributions to its taste and flavor. If you are troubleshooting a trust-impaired relationship, you really must deconstruct that relationship to fix what’s broken. As circumstances (and the stakes) dictate, you can conduct this analysis slowly and carefully or in a quick-and-dirty fashion — but either way, you have to do it. Here are the questions you should ask.

THE CRUCIAL FIRST CUTS

To divide trust into manageable components, your first step should be to figure out what you’re being asked to trust: is it another person’s competence or that person’s motives? For example, if I conclude you are incompetent, I’m entitled to back away even if I believe you are well-intentioned. Conversely, if I think you’re selfish or manipulative, I should disengage even if I think you’re highly skilled or experienced.

So question #1 is simple: “Is the other person capable of delivering what they promise?” If the answer is no, don’t buy in and don’t commit — not if a failed collaboration will prejudice your credibility or your economic interests.

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Practical Ways of Building Greater Trust

<i>If</i>	<i>You should</i>
Your competency is in doubt.	Let your actions speak for you: demonstrate your abilities and explain how you do what you do, while readily acknowledging areas of lower competence.
Others doubt your “benevolent concern.”	Consciously take actions that demonstrate empathy, give ground occasionally to support the greater good, and implement processes designed to ensure fairness.
Others’ risk tolerance is low.	Spend more time explaining options and risks, evaluate participation and results separately, and build in some form of safety net.
Others are slow to trust.	Be patient and allow time to process and ponder, empathize with and accentuate positive traits, and look for opportunities to praise and support.
The other party is less powerful than you.	Avoid coercive behavior, listen hard and give the other person a participatory voice, emphasize organizational objectives and benefits, and discuss choices and options before deciding.

Question #2 comes courtesy of social psychologist Robert Hurley, who coined a wonderful phrase for assessing another person’s motives towards you: “Does he or she show benevolent concern?” In other words, do you have evidence that they give a damn about your interests as well as their own?

If you trust that the collaboration is likely to produce mutual benefits, you will be comfortable with commitment. If not, tread carefully and wear a bulletproof vest. You might still be able to realize some benefit from the collaboration, but not because you believe your collaborator is invested in fostering that outcome.

THE OTHER PIECES

After you’ve reflected on competence and “benevolent concern,” you should address the remaining eight factors. Strong trust builds both on

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The other party feels insecure.	Work to identify options with less apparent risk, and spend more time addressing fear and raising comfort levels.
Similarities are not evident.	Use “we” more than “I,” remind the other party of positive results in similar prior situations, and constantly emphasize common goals, interests and styles.
Alignment appears low.	Focus on strategies and interests that the parties clearly share and on developing cultural norms that benefit the whole enterprise; emphasize the big picture.
Integrity and consistency are issues.	Underpromise and overdeliver, and if you can't deliver, explain why not as early as possible; describe to others the values that drive your behavior.
Communication is crucial.	Overcommunicate, particularly in crisis situations: Don't make assumptions.

relational factors (the longstanding styles, interests, biases and expectations of the personalities involved) and on contextual factors (those relating to the characteristics of the specific situation at hand). These eight factors break into two categories: three relational, relating to the personalities of the players, and five situational, relating to the characteristics of the situation at hand.

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RELATIONAL FACTORS

1. Optimism and Confidence: Are the parties quick to trust and confident that good things will happen? Or does one or more parties need extra time to size up the situation and overcome pessimistic biases?

2. Personal Tolerance for Risk: How comfortable is each person with risk and uncertainty? How much control over events does each need to feel in order to buy in?

3. Relative Power: How vulnerable does each person feel? Who has the greater power to shape the relationship or drive the interaction? Does one party feel overpowered?

SITUATIONAL FACTORS

4. Stakes and Security: What are the likely upsides and downsides to this interaction? Just how risky is this whole situation? (The higher the stakes, the less likely we are to trust.)

5. Alignment of Interests: Are our interests complementary? Do we face the same risks and rewards, so that we really are in this together? (The more their interests differ, the less likely that people will trust their collaborators.)

6. Similarity: Is the other person basically like me, with the same goals, values and style? And does prior experience with a situation like this help me size up the risks? (The bigger the differences, the less likely we are to trust.)

7. Consistency and Integrity: Is the other person reliable? Can I count on them to keep their promises in this situation? (Evidence of a lack of integrity obviously severely erodes trust.)

8. Communication: Are our words clear and convincing? Is our communication authentic? (People become defensive quickly if they feel communication is not genuine or is incomplete.)

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A COMPLEX COMBINATION

No single factor is sufficient for building trust. Particularly when meeting and sizing up another party for the first time, we process many different messages to get that sense of rapport or “chemistry.” However, a concern about any single factor listed above certainly is enough to impair one’s willingness to trust.

While it is difficult to rebuild eroded trust, damage control certainly is possible. If you sense a problem, perhaps with how the other party perceives

your own style and intent, deconstructing the situation can help with troubleshooting. The sidebar lists some practical approaches for building greater trust.

All this diagnostic scrutiny can represent a lot of extra managerial effort — particularly burdensome to lawyers, who have competing priorities. However, the benefits of taking a hard look at “the trust issue” are clear: over time, teams fed with carrots invariably perform better and more reliably than those prodded with sticks. Students of effective collaboration know that trust is the best carrot of all. •



Legal leadership and communications

Over 30 years of coaching and consulting, **Doug Richardson** has helped hundreds of lawyers develop into skilled organizational leaders, powerful collaborators and uncommonly convincing communicators. Doug's experience as a trial lawyer and nationally-recognized architect of innovative leadership programs lends a practical perspective to translating effective communication into superior team performance.

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