

MINNESOTA LAWYER

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Engaging in crucial conversations

by Neil Hamilton

Those close to law students and newly practicing lawyers often notice a substantial change in conversational style and skills early in the lawyer's career.

The new lawyer brings into play newly acquired analytical and advocacy skills in conversations outside of adversary contexts. The lawyer focuses on facts, weighs evidence and emphasizes linear reasoning applying principles to the facts. He or she seizes on and drills into inconsistencies and analytical holes. Hypothetical fact situations revealing the weaknesses in the other person's opinions become standard practice.

By the time the new lawyer has defined the issues in a way favorable to the advocate's own opinion, those on the other side of the conversation have lost substantial ground.

There is no question that these skills are fundamental to our work as advocates, but having learned how to wield these skills as a hammer, do we face a risk that all of our conversations start to look like nails? We spend little time in law school or our continuing legal education on all the other skills necessary to engage others and solve problems creatively.

The book "Crucial Conversations: Tools for Talking When the Stakes Are High," by Kerry Patterson, Joseph Grenny, Ron McMillan and Al Switzler, offers some very creative insight on how to develop these other skills. The book has been on BusinessWeek's bestseller list for 21 months.

What are crucial conversations?

The authors define crucial conversations as interactions that happen to everyone where: (1) the stakes are significant, (2) opinions vary, and (3) emotions run strong.

These conversations come up at work, at home and with friends. They sometimes occur spontaneously where, for example, someone surprises you by saying something with which you strongly disagree on a topic that matters a great deal to you.

In our work as lawyers, clients bring to us difficult problems where the stakes are significant, opinions vary and emotions run strong. We undertake crucial conversations all the time in counseling clients and in undertaking conversations with others on the client's behalf.

We sometimes coach clients on how to have crucial conversations with others. We also have such conversations on our own behalf both with our colleagues and supervisors in our firms and in the wider profession, and with family and friends.

The authors studied why certain people at work were more effective than others by asking more than 20,000 people to identify who are the most influential individuals in their organizations who could really get things done.

Try this exercise for yourself. Before continuing, make a list of the two or three most influential people in your organization who can really get something done. What is it about the people on your list that accounts for their success?

The authors discovered that the most influential individuals had a common ability to encourage others to talk openly about high-stakes, controversial and emotional topics. These individuals found a way to get all the relevant information from others and themselves out in the open. "At the core of every successful conversation lies the free flow of relevant information. People openly and honestly express their opinions, share their feelings, and articulate their theories. ... It is the one thing ... the extremely effective communicators we studied were routinely able to achieve," the authors wrote.

Why does the free flow of relevant information lead to influence and success in getting things done?

The authors offer that each person enters conversations with "our own opinions, feelings, theories, and experiences about the topic at hand. This unique combination of thoughts and feelings makes up our personal pool of meaning. This pool not only informs us but also propels our every action."

The most effective communicators were able make it safe for each person to contribute his or her pool of meaning to what the authors call a pool of shared meaning. As the pool of shared meaning grows, it helps people make decisions in two ways:

(1) "First as individuals are exposed to more accurate and relevant information, they make better choices. In every real sense, the pool of shared meaning is a measure of the group's IQ. The larger the shared pool, the smarter the decision."

(2) Second, the process of building a shared pool of meaning makes people more likely to act on whatever decisions ultimately flow from the process. It is not that all decisions are made by consensus or that a manager does not make the final choice, but rather the greater the pool of shared meaning, the more people understand why the decision was made, and they more they will tend to support

the decision with action.

The skill of dialogue

The authors call this talent of creating pools of shared meaning in high stakes, controversial and emotional conversations the skill of dialogue. After 25 years of research, they conclude that the skill of dialogue involved tools that are fairly easy to learn.

Start any crucial conversation by knowing what you really want and what you really don't want for yourself and others. Do you want to "win" this conversation? Do you want to pick a fight and respond in kind? Do you really want to avoid the bad feelings, lack of any change and perhaps worse situation if you do "win" the conversation? Do you want to move forward to solve a problem creatively?

If surprised during a conversation, do your best to step back from the interaction and look at yourself as an outsider would look at you. Ask yourself if you had to guess your own motive from your conduct, what would you guess your motive to be?

Harvard professor Ron Hieftitz calls this the skill of reflection in action and uses the metaphor of "going to the balcony" and looking down on the ongoing performance. What is really happening on stage? Are you focused on what you really want or are you getting distracted from that focus?

Reflection in action will also help you keep a constant vigil on safety in the conversation. Watch for signs that people are afraid to speak honestly.

If you perceive that one or more people are not feeling safe, the basic tools to move a conversation toward safety include:

- searching for a mutual purpose (go to the other person's shoes, try to understand what would indicate to that person that the conversation is also about his or her interests, values and goals and communicate that openly to the other person); and
- maintaining mutual respect even for those we may struggle to respect. (Look for ways that the other person may be similar to you to build empathy, and if nothing else seems apparent, then consider the authors' suggested prayer "Lord, help me forgive those who sin differently than I do.")

Even more specific skills to create or restore safety in a conversation are an apology if one is merited or the use of a contrasting statement.

A contrasting statement both directly addresses others' concern that there may be no common purpose or that you do not respect them. The first part of a contrasting statement acknowledges that there is a threat to safety in the conversation. For example, "The last thing I want to communicate is that this problem is only your problem or that I do not respect you."

The second part of a contrasting statement confirms your real purpose and respect. For example, "What I want to do is to talk this through so that we understand each other. That could help me change how I am responding to you and vice versa."

The authors provide an excellent guide on how to tell your story and how to invite others to tell their story as a foundation for a crucial conversation that is safe and moves forward. The chapter on listening emphasizes many of the same specific active listening skills mentioned in three of my earlier columns.

This book is a quick read and well worth the time since it applies to every relationship each of us has at both home and work. It makes a common-sense suggestion to take small steps to practice one or two of the skills at a time.

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