

Ground rules for great meetings

By Emily Morrow



I RECENTLY ATTENDED A MEMORABLY GOOD board meeting. It began on time, it ended a bit early, we covered more material than we had anticipated and the board chair masterfully facilitated the discussion.

However, the success of the meeting had to do with more than that. In fact, what made the meeting so successful was that every participant managed him/herself optimally. There was an unstated, subtle, but yet remarkable “choreography” to the meeting that really worked.

What does it mean to “manage oneself optimally” in a meeting? What happens when a group manages itself optimally?

It’s helpful if all of the participants and the chair are experienced board members, for example, and that was true of the meeting mentioned above. Interestingly, however, as a board, we have never explicitly articulated ground rules for our discussions. I believe such ground rules do, implicitly, exist and that we routinely put them into practice.

What are those ground rules, why are they important and how can one use them, particularly in meetings that we, as lawyers, often attend?

If lawyers manage themselves well in meetings, their clients, colleagues, opponents, prospective clients and just about anyone with whom they come in contact will also likely manage themselves better. Although generally we can’t control the behaviour of others, if we control our own behaviour well, that will impact what others do.

So, here are some ground rules that have occurred to me and which, in retrospect, I think were consistently being applied by everyone at the meeting I mentioned above.

Agree on what the important words mean

The “stock in trade” of lawyers is, of course, language and its accurate use. We often use technical terms that are familiar to us. Although when meeting with other lawyers this can make our communication

more efficient, when meeting with non-lawyers (or lawyers with different areas of expertise), failure to define those words can make our discussions less productive.

For example, when practising as a trust and estates lawyer, I learned that I needed to explain to clients what I meant by “fiduciary liability” and, in some cases, what I even meant by the word “fiduciary”. When I meet with clients now, we often initially discuss what words such as “networking”, “leadership”, “management style” and “self-presentation skills” mean. Sometimes we even discuss what “business development” means to them. Without that, there could be some problematic slippage in the conversation.

Before you attend a meeting, put yourself into the shoes of the other participants. What do you know that they don’t know but that will be critical to their appropriate participation in the discussion? What words will be most significant and perhaps in contention? What is your definition of those words and how might you best define them for others?

Be open to influence – and willing to move your stake

Although an important part of lawyering is advocating, frequently the best way to do this is through influencing. If you seek to influence others, you would be well advised to be open to the possibility of being influenced by them. It really is a two-way street.

Frequently, lawyers will do this while negotiating, but sometimes in face-to-face meetings, particularly with a client present, a lawyer can begin to feel that the communication is a “zero-sum game” (by which I mean “if you win, I lose”.) When this happens, communication quality predictably diminishes.

By knowing “when to hold and when to fold”, lawyers frequently get better outcomes. It’s also true that sometimes you just have to “hold the line” and be unwilling to change your position, but be judicious about when and how you choose to do that. It’s not a one size fits all approach.

Listen to understand, not debate

For lawyers, this one can be a challenge.

If one’s focus is primarily on advocacy, then debating may seem like an appropriate modus operandi. However, I have always found that the best communication happens



when two people actually listen to each other, and that they are more likely to influence each other’s thinking when this occurs.

Even if their hearing is perfect, if people don’t listen to each other to better understand, they will talk right past each other. Watch a lawyer who is particularly adept at making a point, bringing a client around, converting a relationship into a piece of new business or negotiating with an opponent. Invariably those lawyers who listen to understand who are the most effective. Conversely, lawyers who are acrimonious and always debating may win the battle but lose the war.

Base decisions on data

You might think this would be obvious for lawyers who are trained in analytical thinking. Nevertheless, even among lawyers, group emotional reactivity is like an electrical current; it’s ubiquitous and once it starts, it’s hard to stop. It causes groups to act on emotion, rather than on data. In fact, what is really emotional reactivity often masquerades as data.

I recall having many discussions with estate beneficiaries regarding the disposition of assets following the death of a parent. Such discussions would initially focus on the dispositive provisions of the will (the data), but could quickly deteriorate due to family unfinished emotional “business” including guilt, sibling rivalry, jealousy and so forth. My job as the estate lawyer was to distinguish the data from the emotion and keep the discussion focused.

Asking questions like “On what, exactly, might we best base this decision?” or “What outcomes are we seeking and how might we best achieve those?” is an excellent way to get a discussion back on track.

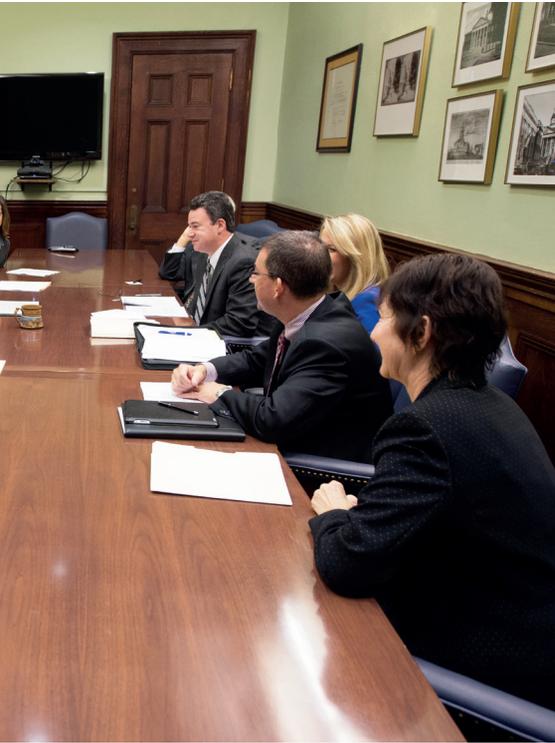


Photo by the Office of Governor of Maryland

Notice your own level of emotional reactivity, get it under control and communicate accordingly. If even one individual in a group breaks the “electrical emotional current”, the group will calm down and the quality of the discussion will improve. In fact, I’d say that as a (or the) lawyer in a meeting, it’s incumbent on you to do this. Stay focused on the issues, not the personalities.

Don’t just advocate, enquire

Have you ever attended a meeting in which essentially everyone is making declaratory statements and no one is asking questions (other than the occasional rhetorical question)?

After observing such a meeting, I once subsequently asked each participant to evaluate the meeting. Interestingly, everyone told me they didn’t feel much was achieved even though a lot was said. As one insightful participant put it: “I said everything I wanted to say but I don’t think it had much impact. It felt as though we were all talking past each other like trains passing in the night”.

If you watch some of the most effective people in meetings, you will notice they ask open-ended, thoughtful, probing questions while making excellent eye contact with others.

Only after several such enquiries will they present an opinion in the form of a declaratory statement. That opinion will be well articulated, on point and of interest to the group. Its importance will be self-evident and the group will frequently choose to act on it.

Put your thinking on the table, not your finished thought

One of the most successful lawyers I know

uses this technique remarkably well in meetings. He will often float some “trial balloons” in terms of his thinking about issues and then carefully check in with others to get their reactions. He does so in an inviting and inclusive way by saying “I wonder what would happen if we approached this issue in one of the following ways” or “I’ve been thinking that one option would be the following, but I’d appreciate everyone else’s thoughts on this”.

He fine tunes his proposals and only presents them when they are “fully cooked” and likely to be adopted by the group. Frequently, others in the group will start using language he has suggested before he proposes a final idea. When he does so, it’s often a foregone conclusion that the group will adopt his proposal.

It’s a masterful performance. What’s particularly impressive is that he truly is reformulating and refining his thoughts during the course of the discussion. It’s not just an act; it’s the real thing and it enables him to do his best thinking in real time within the group. He’s testing his own assumptions, rather than just making assumptions.

Have the disagreements in the meeting

Lawyers are usually adept at disagreeing with each other about the resolution or interpretation of legal issues.

However, they can be less skilled at discussing the non-legal “elephant on the table”. For example, when I met with several partners to discuss how best to use support staff in their practice groups, I initially encouraged each lawyer to articulate his/her thinking on the issue. Some clear underlying philosophical differences of opinion surfaced. One lawyer perceived support staff as having essentially no ability to advance professionally within the firm, whereas others wanted to actively support such advancement. We discussed the issue until the group reached some level of agreement and then we moved on to details and next steps.

What you want to avoid is people leaving a meeting and later on grouching to others about how the meeting went. It’s hard to eliminate completely, but civilly disagreeing with others during the meeting and seeking to obtain closure on issues before the group disbands can be very helpful.

Avoiding disagreements can bring short term “symptomatic” relief from the discomfort of divisive issues, whereas honest, high quality discussion can potentially resolve them. If you can help it, and without being argumentative, don’t leave a meeting with

a lot of unfinished “stuff” on your plate.

Be brief, no war stories, don’t repeat

Those people who speak the most at a meeting do not necessarily have the greatest impact. Meeting participants who listen intently, make germane comments, connect the dots adroitly, and are appropriately deferential to others often achieve better outcomes.

During the board meeting mentioned above, one board member said relatively little until a particular topic was raised, at which point she asked a series of carefully crafted questions that highlighted an unaddressed area of financial concern.

She then concisely related how another board she served on had approached a similar issue and suggested the board consider how it wanted to respond. She gave just enough detail about her prior experience and then moved adeptly into the next steps. It was immensely helpful.

Create intentional vacuums

Because nature abhors a vacuum, using silence well in a meeting is a powerful technique. It emphasizes the importance of certain comments, gives everyone the time to think more clearly, encourages the more reserved (or introverted) participants to speak and can reduce group anxiety and emotional reactivity.

Anyone in a meeting can suggest the group “take a minute to think about” an issue. It’s like pressing the restart button on your computer; things usually go better afterwards.

Attending meetings can either be a chore (and even a bore), or an opportunity to develop your meeting skills. By noticing the group process, observing yourself objectively and enhancing your own participation, not only will you be individually more successful, but the meetings you attend will likely be both more productive and pleasant.

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