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# DOCKET

*INFORMED. INDISPENSABLE. IN-HOUSE.*

**Don't Just Stand There, Say Something!**

**Skills and Professional Development**



When you are seeking a solution to a difficult problem, strive to create an environment in which dissenting opinions are welcomed rather than discouraged, and where no one feels as though they must choose between tolerating failure or risking, if not life and limb, their status or their careers to get the job done right.

I don't have a particularly strong fear of heights, so I was taken by surprise when I found myself frozen in fear on a pipe rack 25 feet in the air on a hot July day in 1980. I contemplated a leap into open space, with no safety protection, to scaffolding eight feet away.

My first summer job as an engineering co-op student was at a large oil refinery, working for the chief inspector, who was responsible for monitoring the condition and safety of all of the plant's critical components. One frequent task of the inspection staff was to measure the thickness of the pipes around the refinery, calculate corrosion rates, and identify which needed to be replaced. Each morning when we arrived at work, we would grab a batch of pipe maps and blank data sheets, put on our hard hats and coveralls, and head out into the refinery with an ultrasonic measuring device called a "sonaray."

The first challenge was finding the exact pipes indicated on the drawings among the tens of thousands snaking around the seven million square foot refinery. The second challenge was getting

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to them. Sometimes, we would get lucky and there would be a fixed or movable ladder nearby that we could use. Other times, we would have to reach the designated test points by ascending on the pipes themselves like climbing a tree from one branch to another.

On the July day that I found myself frozen with fear, I was faced with the difficult challenge of getting to pipes high off the ground with no visible means of access. While considering our options, my partner and I saw that tall scaffolding had been erected around a nearby liquid nitrogen tank. Even though the scaffolding had not been built to access the pipe rack, we surmised that it would require only moderate acrobatic skills to get to our target pipes before moving on to our next assignment.

So, up the scaffolding we went with our sonarays strapped around our bodies and our data sheets stuffed in our pockets. When we reached the height of the pipe rack, breathing a bit hard from the exertion, the distance to the ground gave us both a touch of vertigo and caused us to question the wisdom of our plan. Nevertheless, we decided to press forward to finish the job. As we clung to the scaffolding, we debated who would go first. Finally, we agreed that my partner would go first to the pipe rack, provided that I would be the first to make the return trip. My partner got the better part of that bargain — as leaping to a pipe rack consisting of hundreds of pipes grouped together like a giant sidewalk was nothing compared to leaping mid-air toward the bare truss work of the scaffolding.

Looking back on these antics now gives me the willies. Our decision to risk our lives that day for a pipeline measurement was foolish. However, you don't need to put yourself in mortal danger to experience paralyzing fear. You can feel the same sensations in high-stakes meetings at work. This is especially true when you believe that a course of action that a senior executive is considering is either wrong, stupid, or both. Like me looking across an empty gulf, palms begin to sweat and heart rates increase as you contemplate whether to "jump" by speaking up or remaining silent.

When you are confronted with such circumstances, there is no avoiding the very real risks associated with exhibiting the courage to speak up. In many organizations, those who don't go along with the plan can suffer social rejection or worse. Nevertheless, in your role as corporate counsel, you must find the courage to speak up when your colleagues are trying to take off with too little runway. Here are a few ideas that you might consider to find that courage and increase your effectiveness when you do voice concerns:

- Make a commitment now that you will act when necessary to avert disaster. This will not lessen your fear of speaking up or reduce the risks of doing so, but making such a commitment helps define your professional identity and will help prepare you psychologically to act when the time comes.
- Don't count on others to act. Google the "passive bystander effect" to see how a significant fraction of normal people will watch a tragedy unfold and take no action. Awareness of this tendency will better enable you to overcome it.
- Ensure you have a deep understanding of the relevant facts, legal, and ethical considerations to ensure your opinion is well grounded. Provided you don't have a time-sensitive crisis on your hands, resist any temptation to act on impulse before you're ready.
- Be strategic. Carefully identify and seek out potential allies. Share your thoughts with them and seek their feedback and support.
- Consider the most effective way to deliver your opinion. Often, a socratic methodology can be more effective than table pounding or making aggressive assertions.
- Identify the appropriate forum in which to render your opinion. One-on-one meetings with a decision-maker may be a more appropriate setting than a meeting attended by many others — especially if you're advising a significant course change.

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Both my partner and I ultimately summoned the courage to jump to the scaffolding and, thankfully, make it safely to the ground. But our leadership should never have placed us in that position to begin with. Instead, they should have provided us with the equipment and the training necessary to perform the job safely. Similarly, when you are seeking a solution to a difficult problem, strive to create an environment in which dissenting opinions are welcomed rather than discouraged, and where no one feels as though they must choose between tolerating failure and risking, if not life and limb, their status or their careers to get the job done right.

[Jim Nortz](#)



Founder & President

Axiom Compliance & Ethics Solutions, LLC