


# Top 10 Habits of Successful Corporate Counsel: #4 Communicating Effectively and How Not to Miss the Boat

**Career Development**



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During World War II, there was an Italian group of troops that was sent to patrol the mountains. During their patrol, it snowed heavily. Consequently, they got lost as a result and remained so for two days. Their commanding offer feared that they had perished. He was overwhelmed with grief — feeling that he sent them to their death.

Unexpectedly, on the third day, the patrol descended from the mountains haggard but alive. The commanding officer asked how they managed their way off the mountain in such heavy snow. One of the troops told him that they were about to give up and resign themselves to death when one of the troops found a map that helped them find their way back. The commanding officer asked to see the map. To his surprise, it was a map of a different mountain range.

We are all gripped by good stories like this one. Good stories keep us glued in our chairs for two hours while we watch a movie. Good stories make it hard to put a book down as you keep on reading past your bedtime. Good stories can get you out of a speeding ticket (which my sister requires frequently) or an upgrade while you travel. Good stories surround us and motivate us in our personal life.

The ability to tell a good story is vital in the corporate world as well. This brings me to my #4 habit of successful corporate counsel in my series of articles.

## #4. You are an effective and powerful communicator, always distilling your message to the key issue and selectively using the power of experience and emotion to persuade when necessary.

The key to effective communication is to simplify. Often, the greatest development breakthrough that a corporate counsel needs to be promoted to the next level is the ability to turn the complex into an

easy-to-understand framework and choice. I am still on my own journey to refine this skill, but I am here to tell you that you must practice it consistently.

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The perspective of the decision-maker helps me remember how important this can be. A decision-maker is incredibly busy. They have not mastered the subject on which you are giving advice. They have made 1,000 other decisions when you come to them and this decision is just one more in their complicated day. When you have not distilled the issue, the decision-maker loses focus on the decision, gets stressed out as they worry that they are making an uninformed decision, and places less trust in your legal advice.

It is like when you are at a restaurant, and the menu is overloaded with options that you like, but you cannot make a choice when the server asks for your order. What happens? You panic as you make your selection often second guessing it or need more time to decide. Distilling down to key messages and choices prevents the unhelpful buzz in their head as they hear your point of view and options.

Unfortunately, we can lose our way in this journey to distill and simplify our communication. Our legal issues are complex, thorny, and filled with gray. We sometimes do not have the luxury of time to prepare how we will distill the message in our busy practice of law (if I had more time, I would have written a shorter summary). Sometimes, we have the very natural human desire to show our worth in how we have mastered a complex area by describing the complexity — and thereby being complex in our messaging. Moreover, many legal terms are terms of art or Latin-based, which do not have broader understanding.

You need to actively work against these traps so that you get a reputation within your company as an effective and powerful communicator. Here are some tips that I have learned over the years:

## 1. State the purpose of your message right up front.

Why are we here? What are we deciding? Put an emphasis on what is important to the business as opposed to legal. Practice summarizing why you are giving the advice in **one clear sentence** and make this your headline.

## 2. Strip out as much legalese as possible.

It is not your friend. Interlocutory appeal should be “immediate appeal.” Contributory negligence should be “fault of the other party.” And so on.

## 3. Use the power of stories and your experience to your advantage but only when needed.

This should not be used frequently, but it can tip the scales in your effectiveness when needed. I often reflect on my legal advice and how it fits in with my broader legal experience. I will use that context from time to time to make my point. As an example, I might say: “We have outlined this worst-case scenario, but in my 25 years of experience, this kind of worst-case scenario has never happened. Here is why it is unlikely to happen in my view ..."

## 4. Use the power of emotion.

I was with my daughter, Ally, on tours of nurse practitioner schools when I passed by this quote at a university:

> “There can be no knowledge without emotion. We may be aware of a truth, yet until we have felt its force, it is not ours. To the cognition of the brain must be added the experience of the soul.” — Arnold Bennett

This quote captured the power of emotion in advocacy. Of course, we do not want to be overly emotional in our communications style. But you should share *why* you *feel* that point of view. If an approach feels very wrong, I will say "this feels very wrong" (not just "I disagree"). If one option feels far superior than two other options, I will say "This does not feel like a close call for these reasons" (instead of "We should do option 1 because ..."). Again, this is not to be overused. But if you feel it, and it is important to show it, then share it. Trust your gut in how you feel about the legal options that you are presenting.


Richard Easeman, Senior Vice President Head of Intellectual Property, GSK

I asked my GSK colleague Richard Easeman, who is senior vice president, head of intellectual

property, to explain how he keeps things simple and uses stories to communicate. Patents and trademarks can be incredibly complex, but he is brilliant at simplifying his advice.

Here are his tips to keep things simple and effective:

I find complex issues beautiful when properly understood but they are sometimes hard to explain to people who are new to the issue. It is tempting to dial-down the complexity by skipping details or by using generalized language, to make it easier to understand, but all that does is to convey a different, more basic, message. The challenge is to keep the simplicity, complexity, and subtlety, all up at the same time.

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## Determine your position

I love going out to sea in boats, it's a relatively recent thing for me and I am no expert, but I enjoy learning about how to do it safely. Sail, motor, canoe, I don't mind, but no matter how you get there, it is important to know where you are. Even without modern navigation equipment, if you have a good map (or to use the proper maritime word: chart) and a few simple tools, like a plumb-line and compass, you will be able to determine your position.

You start by gathering data: What can I see? What is the depth of the water? Is the seabed sandy or rocky? Your chart will contain that same "datum" (the base from which conclusions can be drawn) displayed in its correct topological context: this area has deep water, this area has shells on the seabed, the cliff is this tall in this area, and "here be dragons" etc., so at the simplest level, comparing your observed data with the datum on the chart should give you a rough idea where you are.

If you need to fix your location with greater accuracy, you might take a magnetic compass bearing from something you can see. Be careful with this measurement, any inaccuracies here will have detrimental downstream effects!

Knowing that you are on a bearing of X degrees from the lighthouse and drawing the corresponding line from the lighthouse on your chart will give you more information about where you could be — somewhere near that line! Adding that you are Y degrees from the river mouth and drawing that second line onto the chart adds a much more contextual information — you are probably somewhere near where your drawn lines intersect. A third bearing significantly increases the accuracy, but the additional benefit of adding further lines diminishes thereafter. This technique is called triangulation.

I say all of this because it illustrates concepts which increase the probability that the complex thing in my head is accurately understood in the head of recipients, without dumbing down.

## Accuracy and understanding the datum

We are human and so the words we choose to express a thought will not always mean the same thing as the thought itself — so that's your first problem. Also, we also know that even well-chosen words, conveyed to three different people, will be understood in three different ways because each person will interpret the meaning of the words by reference to their own personal datum — their

experiences, their knowledge, their priorities, their needs, their fears.

So, make sure you measure your words accurately and really think about the datum in the head of your recipients and therefore how your words might be interpreted. Don't fall into the trap of assuming they know enough basic information, for example. If you don't provide it, they will not understand you. If they fear making the wrong decision, they will not agree with your bold proposal if you do not provide enough comfort that the downside outcome can be mitigated.




Remember that clear communication is not just what you say, but how it is conveyed and received. Zenzen / *Shutterstock.com*

## Triangulate

If you convey your complex issue only using one way, you are giving the recipients one magnetic bearing and that might be enough for some of them but maybe not all. For example, you might express the issue in a linear narrative description, you might draw a comparison with a previous shared experience, another way might be to use a picture or diagram (which is my preferred way to receive information), another might be a story.

But if you then step to one side and express the same idea from a slightly different angle, using a different way, that will give the recipients a second bearing … and if you triangulate, perhaps by asking them to repeat what they have understood? The probability that they have all accurately understood

is greatly increased.

Lastly, pace. You are not as smart as you think you are, brevity does not always equate with efficiency, and they don't always know what you assume they know. Slow down, give all the context, and cover the basics.

I loved  Easeman's concept of triangulating your advice given how your audience will perceive your words differently. I had never thought of it that way, which is why he is one of the best communicators I know (see how I used an emotional connection to make my point). From here on out, simplify your message. Distill the decision down to the critical single point. Triangulate your advice. And always start with a clear map. As was the case with the Italian patrol, sometimes any old map will do.

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