

Why Trust Is A Management Tool

The way to make people trustworthy is to trust them.

—Ernest Hemingway

If it were only as simple as that. How can a lawyer trust an associate he or she never worked with? Or had a bad experience with? “There’s too much at risk,” the lawyer justifies. Here’s the rub: If the lawyer doesn’t trust associates, the lawyer can’t grow a book of business. Who will do the work?

Trusting associates is necessary to serve clients. That said, no lawyer feels comfortable blindly trusting. Whether an associate can be trusted isn’t a reflection of character. Instead, it is a management issue. The skill of developing trustworthy associates is essential to a thriving practice.

When a lawyer trusts an associate, the benefits are immeasurable. The lawyer is less stressed because the work is getting done. The lawyer isn’t as likely to be frustrated by differences in work styles. The lawyer can fix problems quickly because the associate doesn’t hide mistakes or fear asking questions. They work efficiently and effectively together. Feedback is honest and timely. They are a powerful team focused on what matters: serving clients.

Trust is hard to define. It’s based on a combination of objective and subjective evaluations. To trust an associate, the lawyer must believe the associate to be reliable, competent, caring, and open, and has integrity. Where distrust exists, opportunity persists. The lawyer who identifies and proactively builds a trusted team wears the mantle of success with ease. That’s what is at stake.

To address distrust, the lawyer must first define it as an issue with one of the five facets of trust in order to determine and to implement the solution.

Five Facets of Trust



Reliability: The associate is conscientious and hard-working, committed to getting results with every assignment, and is willing to do what it takes.

- *When it’s missing:* Consider that the associate might not understand deadlines and expectations regarding work product; discuss and confirm with the associate by using open-ended questions to ensure understanding.
- *Example:* An associate consistently delivers work late and fails to devote sufficient time to it. Your discussion reveals that the associate is taking on too much work and makes decisions about whose work to complete first without consulting the partners. Going forward, the associate will make you aware of the conflict so the partners can prioritize.

Competence: The associate delivers consistently excellent work-product, exercises good legal judgment, and holds him or herself to high standards of excellence.

- *When it’s missing:* The associate may lack adequate experience or training, or misunderstand expectations regarding the facts, law, work product, or deadlines. The associate might not plan ahead, and consequently, runs out of time, providing slipshod work product at the last minute. The associate doesn’t understand the larger context. Determine what’s missing and take the appropriate steps.

- *Example:* A newly lateralled associate is smart and hardworking but is delivering superficial work product. It turns out the associate doesn't understand expectations regarding work product because the associate last worked at an agency that didn't do this kind of work. You discuss and provide context and examples of work product.

Benevolence and Caring: The associate has your back, keeps confidences, and generally looks after your and others' well-being, has positive interactions with you and on your behalf.

- *When it's missing:* This distrust is often the most difficult to repair. You have a "bad feeling" about the associate, you had a bad experience with the associate, you don't think the associate cares about the work or serving clients, or the associate seems to undermine you. Be sure to address misunderstandings, which could be the source of the distrust. Consider whether the distrust is a lack of reliability or competence.
- *Example:* You think the associate is intentionally leaving you off emails concerning your client. It turns out the associate didn't want to clog your inbox, noting an offhand comment you made about "unnecessary cc-ing."

Openness: The associate doesn't hide problems, and does come to you with questions, and includes you on emails to others.

- *When it's missing:* The associate is not responsive. The cause could be that the associate is overwhelmed, is introverted, or is afraid to bother you. Discuss workstyles and your expectations for working together, including when it's appropriate to consult you, and your expectations regarding frequency and method of communication.
- *Example:* An associate regularly takes two days to respond to email, if at all, and almost never seeks out face-to-face conversation in part because the associate works at home most days. During your discussion, you learn that the associate is introverted and has a different sense of urgency than you have. You clarify that you expect a response within a few hours, even it's merely, "on it" or indicating when the associate will have time to address the substance of the email. You also agree on a better balance between working at home and in the office.

Integrity: The associate's thinking, words, and actions align. The associate is truthful, and forthcoming.

- *When it's missing:* Consider the fuller context. Are you approachable? Do associates feel comfortable challenging you or asking questions because they don't understand? Are you always busy? Do you have a blame or problem-solving mindset when it comes to dealing with challenges? Do *you* have integrity? Do you address issues as they arise? If you don't make it safe for the associate to approach you, the problem is of your making.
- *Example:* An associate agrees to bring problems and questions to you, and repeatedly leads you to believe that tasks are completed. You subsequently find out that they aren't. It turns out the associate doesn't know how to handle the situation and is paralyzed by fear of failure and of talking to you.

To proactively evaluate trust, ask the following questions:

1. How do you rate the level of trust on a scale of 1 to 10?
2. Which facet(s) of trust is/are implicated?
3. What are two concrete steps for improving trust that you are willing to take and a timeline for completion?
4. What are two concrete steps that improve your experience of trust that the associate could take and a timeline for completion?

Now that you understand why trust is a management tool and what to do when you distrust an associate, take the steps necessary to manage toward greater success.

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