

# The Critical Communication of Trust

by Barbara Miller

**T**rust me.” Right. We’ve probably all trusted at least once, only to experience disappointment or even disaster.

And some of us have had no option other than to trust prematurely when schedules and/or budgets were tightened, and to our great relief it may have worked out fine. So what do we need to know and understand about trust in order to earn and create it, which is so vital in client development and ongoing client loyalty? And how can we give unwanted news or advice to existing clients and have them continue to trust our commitment to the best positive outcome for them and/or their organization?

As critical as media coverage, client surveys and advertising are to client development and retention, trust is the necessary ingredient to make each of those endeavors effective. Without it, the press will ignore your story or, worse, attack your comments. Without trust, your advertising will be mocked or, even worse, ignored. And without trust, you’ll never get truthful, constructive feedback from client surveys. Rather, you’ll receive guarded, careful responses or, worst of all, silence as other relationships are pursued.

Bert Decker, author of “You’ve Got to Be Believed to Be Heard” (St. Martin’s Press, 1993), said that if our efforts to communicate don’t impact the listener’s reptilian brain — the part of the brain

that developed before the cerebral cortex — you can be heard but mentally held at arm’s length. The cerebral cortex holds our rational, logical and reasoning intelligence along with analytic capabilities. Smart people often think that winning arguments, sympathy, votes or contracts depends on downloading data, timelines, budgets and alternative approaches from this intelligence. But the art of building and deepening relationships comes from the first brain, where instinct, hunches and feelings reside.

Stephen Covey said in “Principled Centered Leadership” that “the sense that ‘I can trust you’ or ‘you’re a trustworthy person’ . . . or ‘if you make a promise, you keep it’ — is a gut-level sense that supports the rest. If you’re fundamentally duplicitous, you can’t solve the low-trust problem.” Covey went on to say, “[T]rustworthiness is more than integrity; it also connotes competence. In other words, you may be an honest doctor, but before I trust you, I want to know that you’re competent as well.”

Integrity is certainly the basis of trust, and trust is a result of good leadership. It is earned and then given. Warren Bennis, a highly regarded observer of leadership, said that “trust resides squarely between faith and doubt.” Many buyers simply don’t know how to evaluate legal services, and even those that may would be hard-pressed

to work with lawyers they didn’t trust.

Some years ago, I was hired to work with an in-house attorney of a major manufacturing company who had sued his outside counsel for legal malpractice. His position was that he thought the outside counsel had edited a contract to benefit the buyer of a certain manufactured item because the outside counsel had a personal relationship with the buyer. The general counsel lost trust in his outside counsel’s legal integrity, and the case went to trial. As the case unfolded, it seemed to me that all we had was a failure to clearly communicate priorities, alliances and trust. The post-trial interviews with the jury revealed that the facts were heavily considered; but the unlikable personality of the plaintiff failed to communicate anything but professional jealousy, and they didn’t trust his testimony.

When law firms of equal stature compete and when each has learned to focus on client needs and values and show real interest in the client’s success, then prospective clients will do one of two things: They’ll either divvy up the work and give some to each firm, or they’ll choose the one with the best “fit.” A foot in the door is better than nothing, but overall the more desired position is to win “fit.”

“Fit” is determined by our comfort and sense that not only is our challenge and opportunity understood, but that *we* are understood — even the corporate “we.”

When that occurs, someone has communicated a shared vision, experience, feeling or understanding. We trust people who communicate trustworthiness the way we do. The longer the duration of the relationship, the greater the opportunity to prove and deepen the trust or to take it for granted. Trust needs feeding.

Last year I was introduced to an attorney in a large international firm who came with the moniker “monsoon maker” due to his ability to bring in business. He seemed completely unassuming, even slightly shy, as he responded to my question about the secret of his business-development success. Lowering his head, then looking to his colleague for encouragement, he replied, “I’m genuinely interested in people’s businesses.” Not a bombshell, but he continued. “I’m endlessly curious about all the ways there are outside the [the legal field] to make money.” This was slightly more revealing. “If they don’t stop me, I get so involved in asking about what they do and how they do it that I feel intellectually and creatively challenged, and then I get excited. Before you know it, a lunch rolls into an afternoon, a phone call turns into a seminar, or a meeting into a brainstorming marathon. We are off exploring their future together, and soon the retainer agreement is an administrative detail.”

In Sonya Hamlin’s “What Makes Juries Listen,” she said that “our innate ability to evaluate behavior and to judge instinctively” is what jurors use to determine whose story they will trust in trial. She says that body language, eye contact, space relationships, speech rhythms and word choices are evaluated by the jury to determine how to trust the evidence and testimony. I’ve observed the same is true in evaluating prospects for outside counsel relationships, once experience and competencies have been established. All decisionmakers who need to trust their advisors need:

- someone recognizable with whom they can identify;
- someone with similar goals, ethics and standards who will help them make decisions according to their own values; and
- someone who believes in his or her cause.

Jill Griffin, author of “Customer Loyalty: How to Earn It, How to Keep It,” said that trust is *the* integral ingredient needed for client loyalty. She says loyalty is a buying behavior, not an attitude. You know your clients trust you if they demonstrate these four buying behaviors:

1. they retain you regularly for a variety of challenges
2. they use a cross section of your legal services
3. they are immune to the pull of the competition
4. they refer other companies and organizations to you

Demonstrate trustworthiness by thinking like a client. Positive rapport leads to trust and is achieved by staying in dialogue with clients regularly. In a vacuum of communication, people project their fear, not their trust. Understand their definition of “value.” Ask why things are important to them. Their value definition will change from time to time because the marketplace is constantly changing. Ask what it will take to be the #1 firm on their preference list, rather than to be just one among several. It often happens that the decisionmakers are rarely seen after the selection process since they may not be involved in the day-to-day work with the organization. But the decisionmakers — all of them — must be kept in the loop. They are vulnerable to being approached directly or on the golf course. Someone needs to be shadowing them in the most collegial way possible.

Next, provide innovation. It’s usually not enough to just do the job required. Look beyond the current horizon and be the member of the executive team who suggests approaches to productivity or cost cutting.

Third, learn clients’ business. Attend their conferences. Subscribe to their industry newsletters and trade journals. Know their stock price, profit margins, changing price of goods, board personalities or any other dynamic that influences operations. This education needs to be ongoing.

Fourth, take responsibility when things don’t go smoothly. Don’t play “hide-and-seek” when you drop the ball. The willingness to apologize for the

impact an action or misunderstanding caused will go a long way to keeping communications lines open. Because lawyers are sensitive to the admittance of culpability on the part of themselves or their clients, note that the apology is for the *impact* of something, not for the action itself, unless it’s benign and not subject to litigation.

Fifth, have the willingness to say no. When asked to provide solutions out of your area of expertise, refer your clients to your strategic partners. Then maintain communication with those allies to monitor their progress. A strategic partner’s success or failure will reflect on you.

Trust is the communication of integrity. Keep your shape under pressure. Trust is not manic, needy or demanding. Trust yourself first, and then demonstrate you do by using fluent speech patterns, confident posture, good eye contact, enthusiastic conversation, zeal and perseverance. Be genuinely interested in *clients’* success.

For the media interview, choose spokespersons who communicate trust and operate out of integrity. Respond and make corrections based on client surveys. Let the clients know you are listening and valuing their feedback. And advertise knowing that placement, style, content and image will suggest who you are and if you’re to be trusted. You may have all the brain power and expertise to technically execute fine documents and agreements, but without trust, you’ll never have the opportunity

Marketing consultants advise that 80 percent of next year’s clients are already clients this year. Even if you’ve had to deliver bad news to them, they will return to your counsel if they trust your efforts, skill, execution and the basic, proven trustworthiness of the relationship. Then when you say, “Trust me,” they probably will.



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