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DISCOVER THE BEHAVIOR PATTERNS OF CLIENTS, POTENTIAL JURORS

by DEBRA BRUCE

Does someone in the firm just rub you the wrong way? Tempted to snarl, "Get to the point!" to that smiley, gabby assistant? Does it drive you crazy that someone works slowly and methodically on one project at a time? Or do you feel like firm co-workers are cold and abrupt? You may be experiencing the friction of your firm co-workers' differing behavioral styles.

In 1928, William Marston, a Harvard University psychologist, published a study that demonstrated that most people tend to have behavior patterns that fall into one or more of four different categories, together known as DISC: D for dominance, I for influence, S for steadiness and C for conscientiousness. The DISC behavior patterns are easy to learn and easy to recognize. Lawyers who understand DISC behavior patterns are better able to eliminate some of the friction in working relationships at the firm, enhance jury selection and improve rainmaking skills.

Here's an example: By understanding DISC, John Doe, one of my lawyer clients, revolutionized a struggling relationship with his boss. The boss rarely had time for Doe to brief him on the status of projects. Then he would appear unexpectedly, ask a lot of pointed questions and tell Doe to change his course of action. The boss seemed suspicious and distrustful of Doe, who in turn felt boxed in, criticized and undervalued. Doe's dominant DISC behavior pattern style was influence. T folks are people-oriented, talkative and friendly. They like to motivate and persuade. Often, they are good communicators, although they may tend toward telling long-winded stories. In fact, Doe's boss once complained to him, "I ask you what time it is, and you tell me how to build a clock." "I" people like flexibility and freedom from control. They dislike following up on details, and their greatest fear is personal rejection.

Like 75 percent of my lawyer clients, the boss' predominant DISC behavior patterns were dominance and conscientiousness. People with those two behavior patterns are alike in that "Ds" and "Cs" are task-oriented, but "Ds" and "Cs" differ in how they approach tasks. Those with the dominance behavior pattern are direct, decisive and strong-willed. They often talk fast, have a need to make things happen and accomplish results. They prefer brevity and sometimes are impatient.

They fear being taken advantage of if they don't have control. Those with the conscientiousness behavior patterns are concerned about accuracy and order. They are analytical, reserved, private and want the facts for proof. They fear criticism, so they take pains to avoid making mistakes. They tend to evaluate everything as right or wrong, or black or white with little gray in between.

Because Doe gave long-winded reports, the boss in his "D" mode avoided meeting with Doe. From time to time, however, the boss' "C" behavior pattern would engage and his fears of being criticized for not knowing enough would propel him to micromanage Doe. In turn, Doe's "I" behavior pattern spawned need for freedom and flexibility, and caused him to feel controlled, offended and defensive.

By understanding DISC, Doe learned to make one adjustment to communicate more effectively with his boss. He got to the heart of the matter promptly and gave his reports in bullet points. That triggered a number of improvements in the relationship. When status meetings took only 10 minutes, the boss began to meet with Doe more frequently. As reporting frequency increased, the boss' fears -decreased, so he cut Doe more slack.

Doe felt more respected and valued. In the end, a relationship originally marred by suspicion and strain became cordial and comfortable, and it made the team more productive.

Take it to Court

Understanding DISC also helps lawyers in the courtroom. The power of DISC extends beyond familiar faces. Some lawyers successfully have used their awareness of DISC behavior patterns during jury selection. For example, a lawyer who wants jurors with a strong sense of right and wrong can be on the lookout for those in the jury pool who exhibit "C" behavior patterns. Although a lawyer can't ask potential jurors to take a DISC test, the lawyer can observe the venire panel for signs of DISC behavior patterns. The "Ds" and "Cs" usually are more formal, rigid. Those with influence and steadiness behavior patterns are more relaxed, friendly. When trying to determine a dominance from a conscientious pattern, the "D" will speak more rapidly and decisively, perhaps even brusquely; the "C" will speak slowly and tactfully. So, for example, an astute lawyer trying to find jurors with the "C" behavior style will choose the juror who doesn't interact with the others a lot, thereby remaining formally distant; wears a poker face; and answers voir dire questions slowly with precision.

Understanding DISC also helps with firm marketing. Successful firm business development depends a great deal on first impressions. A lawyer's knowledge of behavior styles can help him or her during that first contact with a prospective new client. The lawyer will be able to garner important clues about how to deal with the prospect even before being introduced. If the client has a formal style and a quick pace, she is probably a "D." She won't want you to waste her time, so stick to business and don't ramble. Ask her what she expects when it comes to representation. Talk about bottom-line results and give her several options. She usually will decide quickly.

If, however, the potential new client has a relaxed, casual demeanor and a slower pace, she is likely to be an "S." She may be turned off if you get right down to business, because it will seem cold and impersonal, and she may feel pressured. She will want you to create a relationship with her. Demonstrate a sincere interest in her as a person before talking business. "S" types will appreciate an explanation of how the process will work, assurances of the lawyer's continuing availability and support, and knowing the lawyer's reliable track record. If the lawyer does a good job for an "S," she will be a loyal supporter on a long-term basis.

In the increasingly complex and competitive legal world, lawyers who know how to develop effective relationships have an edge in business development, firm management, negotiation, conflict resolution and jury persuasion. Becoming familiar with DISC behavior styles will help lawyers get ahead of the pack.

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