

Excerpt from:

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## 2. Building Psychological Safety to Meet Competence Needs

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Krieger and Sheldon’s lawyer well-being study discussed earlier (see pp. 26–27) found that all workplaces are not created equal in their support of lawyers’ need for competence. All lawyers do **not** feel that **“I’m growing and capable.”** As part of the study, they divided lawyers into four professional categories: Judges, Prestige, Service, and Other. The “Service” jobs included Public Defender, Criminal Prosecutor, Government Agency, Legal Services to the Poor, and In-house Counsel for Non-Profit Organizations. The so-called “Prestige” category included all law firms of over 100 lawyers as well as other firms engaged in certain kinds of corporate practices. For-profit in-house corporate counsel also were categorized as “Prestige.”

The study found that, compared to Service lawyers, Prestige lawyers scored lower on questions designed to test whether their competence needs were being met. This doesn’t mean that Prestige lawyers are incompetent. It means that they *feel* less competent than their Service lawyer peers. In my experience, big firm lawyers largely are highly skilled, well-trained professionals. But they often are very hard on themselves. Firm cultures often reinforce lawyers’ innate orientation toward achievement and competition, which can result in excessive perfectionism and self-criticism (Daicoff, 2004).

To make matters worse, everyone around these lawyers can be hard on them too. Too many firm partners appear to have gotten degrees from the Ari Gold (*Entourage*) or Miranda Priestly (*Devil Wears Prada*) School of Motivation. For example, a high-level leader I know caused an uproar after he warned a group of newly-minted lawyers during their firm orientation program that “your best is never good enough here.” Another law firm leader likened his own partners to farm animals “feeding from the institutional trough” if they worked mostly with existing firm clients. When leaders’ communications focus primarily on how lawyers are not meeting standards, the competence need will wane. I’ve also witnessed and heard about a multitude of verbal and non-verbal behaviors that degrade the competence need, like yelling, interrupting, eye-rolling, sarcasm, ignoring, stapler-throwing, name-calling, and the like, which breed doubt about one’s value and ability.

A culture of fear in which lawyers are continuously criticized, feel unworthy, and fret that any error will be career assassination will thwart not only the competence need, but also the autonomy and connection needs. Needs are more likely to be met in a safer, more supportive workplace in which critiques are balanced by affirmations of lawyers’ strengths, and imperfections are understood as part of the learning process.

One strategy to foster an environment that better supports the competence need is to work toward a culture of greater psychological safety, which also directly promotes engagement, learning, information sharing, and better work performance (Frazier et al., 2017; Kahn, 1990). Psychologically safe workplaces minimize perceptions of interpersonal risk. Criticisms and judgments are restrained and the fear of failure is less crushing. Psychological safety is related to trust. When we trust people, we give *them* the benefit of the doubt. When we feel safe, we expect that others will give *us* the benefit of the doubt (Frazier et al., 2017).

In workplaces with low psychological safety, we feel threatened when engaging in behaviors like asking questions, seeking feedback, making and reporting mistakes, or proposing new ideas. We perceive these activities as risky because they open us up to the judgment of others as being incompetent, negative, or disruptive (Nembhard & Edmondson, 2012). We are afraid to be ourselves (Kahn, 1990).

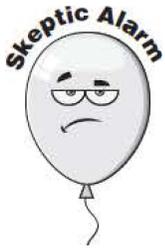
It's harmful when fear deters these types of "risky" behaviors because people and firms learn and grow through speaking up, collaboration, and experimentation. Greater safety may free lawyers to take more constructive risks, make progress toward their goals, and thereby enhance their sense of competence.

### *Strategies for Developing Psychological Safety*

How can positive law firms begin fostering psychological safety? A few ideas are below:

- Provide useful responses to questions and concerns rather than being defensive, sarcastic, critical, or punitive.
- Emphasize learning over perfection. Avoid messages that imply that nothing short of perfect competence is acceptable.
- Flatten hierarchies that make lower-status people afraid to speak up out of fear that mistakes will be held against them.
- Learn growth mindset strategies, which are discussed in the next section (see pp. 122–125).
- At all levels, build high-quality connections, which are discussed above pp. 85-96.
- Work toward clarity and predictability. Reduce ambiguity in what's expected generally and on specific projects.
- Develop transformational leadership skills and trust. (Frazier et al., 2017; Lee et al., 2003; Nembhard & Edmondson, 2012; Rothbard & Patil, 2012)

It's not realistic to expect perfection. If you don't believe me, think over your own career. Or invite a few admired colleagues to share their top ten list of worst blunders. I'm sure you'll hear some *doozies*. And also that very few were fatal.



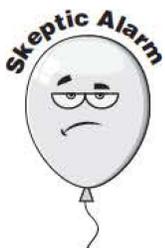
I sense that the inner skeptics' hands have shot up, trying to ask an important question: Isn't it true that the dread of imperfection that often pervades firms stems from real concerns that errors could lead, at least, to dissatisfied or lost clients and, at worst, to malpractice claims and lost bar licenses? This is a very good question. *Total* psychological safety is not realistic for lawyers. Some deadlines *are* jurisdictional and missing them will terminate the case. Clients *will* fire us for making big mistakes at all and smaller mistakes repeatedly. So we should ask ourselves: What is the best way to prevent such mistakes? Stoking fear? Or greater (even if not complete) psychological safety? I offer some thoughts in this section.

*Since perfection isn't possible, psychological safety is the best option.*

Since perfection isn't possible, psychological safety is the best option. Implementing psychological safety strategies has a large advantage over fear: It increases the likelihood of preventing errors from snowballing into crises. Errors

will be caught earlier and more frequently in psychologically safe places where people feel comfortable raising concerns and reporting errors rather than trying to cover them up (Nembhard & Edmondson, 2012; Leroy et al., 2012). Additionally anxiety harms decision-making (Yang et al., 2015). This suggests that stoking fear will foster a toxic combination of impaired decision-making and a disinclination to report errors early before they become unfixable.

This means that the important goal of avoiding malpractice claims and disappointed clients militates in favor of *more* psychological safety, not less. Additionally, in my experience, it's the unusual lawyer who has a lax attitude toward errors. Typically, they are highly motivated to avoid them without threats. Figure 22 summarizes some of the benefits of fostering a psychologically safe workplace and drawbacks of failing to do so.



I sense eye-rolling among some internal skeptics. Does all of this mean that we need to be pushovers, treating lawyers we work with like delicate snowflakes? Not at all. Leaders who get the best from people create a hybrid climate of safety and intensity. They expect followers' best work, provide them with the resources to do it, and hold them accountable. At the same time, they create an environment of learning. People have room to make mistakes, but they are expected to learn from them. These leaders create the pressure that comes with high expectations, but without making people tense and stressed-out (Wiseman, 2010).

<b>Benefits of High Psychological Safety</b>	<b>Drawbacks of Low Psychological Safety</b>
Lawyers will feel more comfortable raising concerns and reporting errors and less likely to try to cover them up.	Errors will not be detected until after they snowball into a crisis.
Lawyers will be more likely to engage in “risky” behaviors like help-seeking, which are important for growth and learning.	Firms lose the benefits of productive risk-taking and innovation, which is hindered by lawyers’ fear of criticism.
Because failures have a higher learning value than success, greater candor about failures can benefit learning and help avoid future mistakes.	Lawyers will be less likely to collaborate if they are fearful that their colleagues will be judgmental and harm their reputation with gossip about perceived weaknesses.
Newcomers to organizations that ask for help and seek socially valuable information perform better and stay longer.	Lower-status people in firm hierarchies (like associates and staff) tend to feel less certain of their value and therefore less able to raise problems and more afraid that mistakes will be held against them.
Greater safety will contribute to the competence need and engagement.	High-status people in firm hierarchies (like partners) are less likely to ask for needed help because it will make them look weak—especially men who are socialized to prize independence over interdependence.

**Figure 22** Benefits of Psychological Safety (Lee et al., 2003; Morrison, 1993; Nembhard & Edmondson, 2012)



### *Questions for Self-Reflection about Building Psychological Safety to Meet Competence Needs*

Developing a psychologically safe work culture can contribute to the psychological experience that “**I’m growing and capable.**” Psychologically safe workplaces minimize perceptions of interpersonal risk. Fear of failure is not a driving motivational force.

- What behaviors do you engage in that support psychological safety for others? In what ways do you undermine it? How do you respond to questions or concerns? Constructively? Or more negatively—as with sarcasm or defensiveness? Is learning emphasized over perfection? Is there a strong sense of trust at the firm? Do leaders provide clarity and predictability? Is there a way to deemphasize hierarchy to facilitate a greater sense of safety

- What concrete things can you commit to doing that will help improve a sense of safety for those around you?
- How can you help others learn behaviors that will improve your workplace’s psychological safety?



### 3. Developing Growth Mindsets

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When lawyers on your team make mistakes or don’t meet your expectations, what thoughts fill your head? Are you inclined to think: “This work just isn’t up to par. I need to schedule some time with her to understand why she took this approach and explain how this could’ve been done better”? Or are you more inclined to think: “He clearly doesn’t have what it takes. This is just awful. And, since you can’t really change basic talent or intelligence very much, it would be a waste of my time to try to help him develop in this area”?

If you chose the first option, then you likely are already fostering a “growth mindset” on your team. The second option is likely to breed a “fixed mindset.” If you chose option two, I can empathize. Given how busy we often are, it can be frustrating and exhausting to find the time to invest in developing others. But the fixed mindset approach will damage your team’s (and your own) sense of competence—and ultimately motivation, learning, and performance. No one will have the sense that **“I’m growing and capable.”**

According to Stanford professor Carol Dweck (2008), we all hold assumptions about where intelligence and ability come from. Those with a fixed mindset believe (often unconsciously) that intelligence and abilities are based on genetics and are unchangeable. People with growth mindsets believe that intelligence and ability can be developed through effort and learning. Decades of research has shown that mindset influences effort—how we face challenge, development, and performance. Notably, our mindset tendencies do not necessarily translate to all areas of our lives. People can have a growth mindset in one area (e.g., persuading juries) and a fixed mindset in another (e.g., analytical writing).

#### *Our Minds Are Plants, Not Plaster*

The reality is that the scientific evidence doesn’t support a fixed mindset perspective. It’s true that, before the 1960s, scientists thought that adult brains