Podcast Transcript: When saying no is right - navigating difficult client conversations with Deb Assheton

**Heather:** You're listening to More Than Knowing the Law, the podcast that explores how to minimize risk through building good business culture and approaches presented by the Legal Practitioners' Liability Committee.

Hello, and welcome to More Than Knowing the Law. I'm Heather Hibberd, Chief Risk Manager at the Legal Practitioners' Liability Committee.

In this episode, we're focusing on how to manage difficult conversations like saying no to work that's outside your area of expertise. To explore this topic, we're speaking with Deb Assheton. Deb is a facilitator, speaker and business coach with 15 years of executive and senior operational leadership experience. Combining that with 20 years of deep personal growth and practice, Deb brings a genuine understanding of how human behaviour contributes to personal and business effectiveness. Deb also has a Bachelor of Arts in Psychology and a Master's of organizational coaching. Welcome, Deb.

**Deb:** Thanks, Heather.

01:22 **Heather:** One of the things that we see a lot in the claims at LPLC is practitioners acting in matters where they really are outside their area of expertise. They really shouldn't be doing that work, but they just don't know how to say no. They've acted for the client before or they've been referred from a friend or a former client, they really want to help, but they find it hard to say “no”, in the face of their client really insisting that they do the work, and it can't be that hard. Have you got some advice for them?

01:54 **Deb:** Yeah, these are tough conversations because our intent is really good. We want to support as you say, we want to help. And equally, we're in a position where actually we're not necessarily the best person to do that, or not even equipped to do that. So we're in a position where we have to say, "No." The right thing to do is to say, "No, unfortunately, I can't help you."

02:15 And what that does is it brings up a whole heap of, often brings up a whole heap of emotions for us, and we're worried about upsetting the client. And so it becomes quite a difficult conversation for us to have. And I've no doubt that part of what's going on in your thinking in that situation is that you also don't want to lose the client for future work as well.

So there's a whole heap of things to consider here. I'll just break it down and come back to a few of these things. So when we say no, what it does is it forces us into a position often of having to experience these difficult emotions, we feel bad about saying no, we might feel inadequate or incompetent. And we may also be afraid of their reaction. And they may push back and say, "But, I really do want your help."

So we end up in a situation where we're processing difficult emotions in our body. So we feel uncomfortable, we feel tense, and it takes a lot of presence for us to stay in the conversation and gently hold our ground or set the boundaries. Now the emotions that we're processing, they're not actually bad, it's not bad to say no, if that's the right thing to do, that's the right thing to do.

03:28 It's just difficult, we know that we're disappointing the client, or we are leaving them without a tether to hang on to. And so that is a difficult experience for us to process. And the work for us is learning how to say no, but also processing those difficult emotions in our body or learning how to tolerate them. And the way we do that is first of all, to acknowledge that it's tough to say no, we just need to acknowledge that it's not what we want.

And it's still the right thing to do. And we need to build the capacity. And this is not just with clients that are asking us to act outside our expertise. But with the many situations where your members are saying no to clients, we need to build the capacity to tolerate how it feels in our body to say no, and to say it anyway. Because that's what makes us professional. And so the way we can do that is to practice doing it, and to get used to processing those emotions and handling those emotions in our body.

So we don't want to become desensitized and brutal in the way we say no, that's not what we're looking for at all. And that's what does cost you the client in the future. What we want to do is become comfortable with saying no in a way that doesn't derail us. And so that is about breathing and it's about being clear and setting boundaries, as well as the conversation techniques associated with saying no.

04:45 And the other thing I'd say there, I'll come back to some of those techniques in a moment. But the other thing I'd say there is what I found helps in my own experience of saying no for things that are outside my expertise is remembering that I'm saying no in service of, so I'm saying no in service of doing the best thing for this client, which is actually not going to be working with me on this matter, on this issue.

And so that I find helps me to overcome the reluctance or the disappointment, I feel with saying no, and helps me to step into some of these techniques. And it also helps me to not lose my power in the conversation as well.

05:23 **Heather:** That's really good advice. I think not just for when you're at work, but probably for life in general, really resonates. Thank you for that. One of the other things that we see is that some practitioners are not very good at giving clients the bad news. So, a little bit like saying no, but actually having to give them the bad news. And a recent example that crossed out a desk was when the practitioner discovered that there was a problem with the way that the clients name had been recorded on various documents, which meant that they couldn't actually complete the purchase of the property without costly and time consuming action to fix this name problem.

And when the practitioner initially raised the topic with the client, the client pushed back trying to get the practitioner to just make it go away. And the practitioner really struggled to make the client hear the bad news and really kind of wanted to almost accept the client's position of, "Oh well, maybe it's not that bad, after all." So how do you go about handling that situation?

06:29 **Deb:**  In these situations, again, just as you say, like saying no, really tough, and particularly in the world of your members, you know, you're not dealing with insignificant issues, the stakes are often very high. As you say, it's costly, it's timely, there's obviously legal, technical implications.

And what's happening when the client pushes back and says, "Oh, you know, you should just make this go away, or you're being difficult to deal with or you're being overly technical..." What's happening in that situation is that the client is making the issue about you, rather than the issue being about process for the property and the legal technicalities of having the right name.

07:07 So they're taking it off track, and then making it about your practitioner, which feels very personal. And we can, you know, in those instances, we feel like we're under attack. And that's often where we go into a space of retreat ourselves, and we lose our power, and we might start to get adversarial, or we just avoid and withdraw. Because we feel lost. So what we want to do in those situations, and in the environments where we need to say no, in any conversation environment, where people are struggling, or if it's a difficult conversation, there are certain techniques or skills that can really support us.

07:43 So one that I want to share with you here is called framing. And so framing is where we balance aspects of the interaction, we balance the emotional aspects of the interaction with the technical or performance aspects of the interaction. So when I talk about the emotional aspects of the conversation, or the situation, what I'm talking about there is our capacity to maintain the professional relationship that we have. When we're framing and we're taking into account relationship and we're framing for the emotion, what we're doing is trying to consistently build relationship in every conversation and doing that in a way that's really explicit.

So when we frame what we do is we balance relationship and the actual technical issue. So that might sound like if I use that example, "Heather, I understand that you're really disappointed about this technical issue, and that it's upset you because it's timely and going to be costly and I want to reiterate that it's absolutely necessary for us to go through this process if you want to legally own this property, so how about we start with A, B, C?".

08:51 So what I did there in that example was I acknowledge that you as the client is going to be very upset about the cost, the time, the technical implications, you can also say, look, I acknowledge that you are completely surprised. I am too. And we need to resolve this issue. So you can own this property. And that's the technical aspect.

Now, if we just do one and not the other, we can end up in this kind of pseudo-counselling where we say, "Oh, I know you're really upset. Isn't it awful? Oh, it's terrible. I'm sorry." And that's not where you want to be. If we don't acknowledge the human aspect, and we just go straight into the technical, the client will often find it really hard to feel heard. So what we want to do is create space for them to feel heard, which is the relationship piece and keep them on track for the technical piece.

09:38 And this is how we navigate in a really constructive way difficult conversations. We need to develop, we as in us, develop the capacity to balance and build relationship at the same time as moving forward on the performance aspect, the technical legal aspect that you're being paid to do the professional aspect.

And what happens with clients and with conversations generally, you know, you might work with a client for 2-3-5-10 years and over that time, you'll have 20-30-50-200-500 conversations depending on your client. And what we want to do is have every conversation, build relationship and trust, and a sense of emotional safety and humanity at the same time as delivering for that client from a legal performance aspect.

10:24 And when we do both, what it means is that when it comes to navigating difficult situations, they become less difficult, more quickly. So when we're very constructive, and we acknowledge the human aspect, as well as the "and", and we need to continue the legal performance, what we do is we hold the conversation in a really constructive place, the client hopefully feels heard, and you as the practitioner are able to move the conversation on.

10:53 Now, it doesn't always work that smoothly in practice, but framing allows us to think about, am I balancing both aspects of this conversation, and am I doing that very constructively? And using the word "and" is really important in framing, we don't want to use the word "but". "I understand you're upset, but we need to make sure that you're securing this property" is not the same as, "I understand that you're upset and we need to work together to make sure you legally own this property".

The "and" makes room for the fact both are true, you're upset, you're surprised, you're disappointed, you're worried about the costs and we have to find a way to do this. So when we frame, it shouldn't be a long frame, it should be one sentence with and in the middle, it's very simple. And what you're doing is you're kind of setting the parameters, and you're doing it in a way that preserves your power. And I don't mean power over your client.

This is not about manipulation or control, it's power with, I'm with you that this is a surprise, it's disappointing, it's more cost. And I'm advising you as an expert, that this is what we need to do. And I'm here to help you do it. So we stay very constructive and in our power, and we hold the ground, that enables us to hold the ground for the client to move forward.

12:19 Now, they might need to whinge and moan and vent. And you might have a client who does that all the time. But frankly, that's part of the role. We can't cut that off and ignore it and pretend that they're not a human being for whom this has financial personal impacts. And so when we talk about navigating difficult conversations, that's essentially what we're really talking about is this capacity to frame and bring a structure that helps the client move through their difficult emotions, as well as helps them understand the legal and technical implications, so you both get heard.

12:52 **Heather:** That makes a lot of sense. Certainly, we see that if the client trusts their lawyer, and knows that their lawyer is doing the right thing for them, then that makes the professional relationship work much better. So that's a really good explanation on how you build that trust.

How does it then work when you're dealing with somebody on the other side of a transaction? Because sadly, a lot of our practitioners have probably had to deal with someone on the other side who's difficult, unnecessarily aggressive. And I wonder whether that's actually happening more at the moment in this COVID environment, when everybody's under stress and pressure? How do you go about responding in a way that's both professional and ultimately to get the best for your client?

13:37 **Deb:** Yeah, so you're dealing with somebody who's challenging you, who's adversarial, aggressive, as you say, and often very demanding, it's very hard. So, there's couple of things I'd say about that. Number one, you can't control how that person is going to show up in the conversation. So, they're behaving aggressively, demanding, what we need to do is accept that now, let me just phrase that. I don't mean accept as in you allow yourself to be treated poorly.

What we need to accept is that I can't control how you behave. Okay? So we need to create some distance from somebody else's behaviour and understand that it's not about us, because the worst thing we can do here is take it personally, get offended and start behaving the same way. So then we get adversarial. We get aggressive, we lose our cool. And all of a sudden, we're demonstrating the same tactics or similar tactics as the person with whom we're in a conversation with and we all know what happens when both people are adversarial in a conversation. It just ends up in a argument that's a tit for tat and we end up in this adversarial ping pong that does nothing for your clients and nothing for you and often takes days to get over, right?

14:50 Because emotionally in your body, you get very charged, very charged and you feel sick, and it takes you days to come down from that kind of conversation. So we don't want to play in the mud, what we want to do is recognize that behaviour has got nothing to do with us and stay constructive. So you can use the framing techniques again. So that might be something like, "I understand that we've got different views and at the same time, I don't think there's any need for any of us to be aggressive today, I don't think that's going to help the situation."

So you are staying really constructive. And you're calling out the truth that you're coming from opposite sides of this argument, or you've got many points of disagreement. And that doesn't mean that we need to be rude to each other. So, my request is that we stay constructive in this conversation as we work through our differences. So you're framing, again, always framing and you're making that explicit.

15:43 And what that does is, again, it holds you in a constructive space, it makes you the leader in the room, because this is what leaders do. And obviously, it then sets you up for a better conversation in front of your client or on behalf of your client. Now, that's not easy to do. So you need the framing techniques, but you also need to be breathing, and you need to be able to maintain your cool.

I'll talk about a model that helps us do that in a moment. But part of maintaining our cool is about preparing really well for these conversations if you have an inkling or you know that they're going to be aggressive. Now you know each other as practitioners, you know who's likely to be aggressive, and who's takes on those types of clients and then behaves that way.

So one of the things you can do to prepare yourself for these tough, aggressive conversations is a couple of practices. But number one is to breathe and make sure that you're breathing really well and that your posture is good. Now that sounds like it's so simple, it's 101. And I'm telling you to kind of suck eggs, but that's not it at all. Actually, posture influences blood flow, it influences brain clarity, it influences heart rate, blood pressure.

So what we want to do is sit with our shoulders back, we want to be breathing into our upper chest and fully into our lungs, not 20% like this. But actually like this breathing fully into our lungs. And what the breath does is help us to manage our central nervous system, it's very important, you get more blood flow into your lungs, into your heart and into your brain, so you think better.

17:13 So that's the first thing. And the second thing is, I think you can prepare some frames in advance. So if you know that Deb is likely to be aggressive, you can prepare a few things, exactly the words I just used in your version. So you can say, you know, Deb, I understand that we're coming from different angles here. And we have different points of view. And I need you to work with me and not be rude to me or disrespectful if you want this to work.

Now, you may not influence the person's behaviour. But what you've done is maintain your cool, which means that when you leave the room, you have a clear conscience. And that's the most important thing, it doesn't take days to get over the conversation. The other thing that staying constructive does is help us maintain our power. One of the tendencies that we have when we're facing an aggressive person or a person who's just, they're aggressive and unreasonable, right? Like, that's so frustrating.

18:10 When we're in that situation, it can mess with our boundaries. So we can either harden up and become aggressive ourselves. Or we can collapse and we completely lose our power and we lose our words, and we don't know what to say, and we shrink back and we become less version of ourselves. We don't actually want either of those to happen.

What we want to do is to be able to stay in our personal power, represent our client, be the leader in the room, and that person's behavior can just kind of go past you, you don't need to take it on, you certainly don't need to use it to justify poor behavior yourself, which is what we often do, we say, "Oh, well, I got aggressive because Heather was aggressive."

18:45 **Heather:** They made me do it.

18:45 **Deb:** That's right. That's the dialogue of the five and six-year-old. That's what kids say. That's what my kids say all the time. And that's not the dialogue of the professional leader who is acting on behalf of someone else for whom these matters are very important.

19:03 **Heather:** How do you deal with a client who simply won't respond? So, they won't respond to your letters, your phone calls, your emails, and they seem to be in a situation of denial. And this can cause practitioners real problems, if the clients won't give them instructions to do things in time.

In the classic cases, they won't give them money in trust in order to brief a barrister to get the case ready for trial. And the trap practitioners fall into is they let it go on for too long instead of trying to deal with this client who's not responding. What advice can you give them in that scenario?

19:40 **Deb:** Yeah, there's two things I'd say there. And I imagine that this is quite common as matters become more complicated, more expensive, and I can see this kind of happening a lot. Okay, two things. Number one, when you first take on a client or when you commence a matter, I would be talking about this potential issue. So one of the things that works really well in conversations is to have a expectations discussion.

And I don't mean that in a blunt, brutal way, but it's like setting agreements for how we're going to work together. And you as the practitioner can say, you know, in this matter, there may be a point where you want to withdraw, it gets too hard and too expensive or you feel overwhelmed. If that's going to happen, would you mind giving me a call? Could you talk to me, because if it does happen, and I can't then act on your behalf, like briefing a barrister, or if you run out of money, or whatever it is, that might be the hurdle for you, if I can't act on your behalf, it ends up being more stressful, take longer, and it's more expensive.

So, can we have an agreement that if you feeling overwhelmed, you share that with me? And most people will say, yes, it doesn't necessarily solve the problem. But it sets you up for some percentage of your clients, actually honouring that agreement and saying, you know, Heather, I'm starting to feel really overwhelmed here, I don't know what to do, or I'm running out of money, or I don't have enough money to brief that barrister to put into trust.

So again, it's about building relationship and opening the door for your client to be more open with you. So I would do that upfront. And it also, what that does is make it okay, it actually creates an environment of permission for the client to ring you and say, "I'm lost, I feel overwhelmed." In which case, you then have a conversation with them, and you break it down step by step.

21:25 So you don't have to give them all 36 steps, just focus on one or two at a time. So I would be setting those expectations upfront. If you're in a matter already, and you feel like the client's got the risk of doing this, I would set that expectation with them now. So I would say to them, "We've come this far..." So the human piece of, "We've come this far and I feel like the case is on track and I'm conscious that we're about to enter a couple of months where it gets very expensive and very time-consuming and I want to talk to you about how ready you are for that."

So you get on the front foot and you frame it with a human piece. So, you know, the case is going well, I'm feeling confident, and it's about to get really hairy. Let's talk about it now. And so what you're doing is on the front foot, you're very constructive, you're supporting your client, but the human piece has to be genuine. So you can't say the case is going well if it's not, you can't say that you're confident if you're not, you can't say you know, I love working with you, those kinds of things are disingenuous, it has to be authentic, or you lose trust, because you sound like you're prepping me as a client to spend lots of money with you.

So I think if you're mid-matter, you can get on the front foot. If you've got a client who's in this space now, I would suggest making a call or sending an email or doing both to say, "I understand that you're feeling overwhelmed and I'm happy to..." Or, "I understand that you've got some concerns about moving forward", if you don't want to put words in their mouth, "I also really need to talk to you because we're at a point now where we're risking A, B and C."

Now, your practitioners are probably already doing that via email and under certainly, obviously, I advise that you do that in writing for your own protection, of course, but I also think picking up the phone is helpful, too.

23:07 And you could if you wanted to open up a conversation about what is creating the delays in responsiveness. So that might be, "We've worked together on this matter, we've come so far, we're in a good position, would you mind telling me what's going on with the delay so I can understand because I think they're presenting a risk." And see what they say.

So again, you're framing, come so far, we're in a good position and can you tell me what's happening with the delays? Now, you can practice these frames before you get on the phone. And you can write them down. When I'm in a difficult conversation, I write down my frame ahead of time. And I don't sit there reading it like this, but I certainly know what I'm going to say so I'm not stumbling over my words.

23:47 **Heather:** And again, it comes back to that trying to build that relationship with the client, which I wonder is it going to be harder going forward as we do a lot more over video conference and not seeing the client face to face? That's an interesting situation, I think for people to consider. Is there any views about the face to face versus video or phone communication?

24:10 **Deb:** Yeah, look, obviously this is a very new world for all of us, really, in terms of the volume of video work that we're doing now. And there's not a lot of research on it because we only started doing it last year. Microsoft is doing some research now. Essentially, most people struggle with video, they don't find it as effective as face to face because what's missing in video is this interpersonal aspect that we normally experienced, this energetic exchange of process of resonance, it's called that we experience when we're face to face that does help us connect.

So we do need to do a bit more work over a video call to connect with each other. So my advice would be use video, you probably need to or have to, at least for the interim and just allow a little bit more time than you would face to face because it is a slower medium than sitting side by side reading through documents, you know, or being face to face.

So just allow a little bit more time. And you may need to connect a little bit more often so that we might balance that with some phone calls, you want to try and avoid just only being on email at the moment. So, I mean, the good thing is you can set up 15-minute video calls, nobody's driving an hour to do that anymore. So I think you want to embrace video to the extent that you can allow a little bit more time. But other than that, keep the other forms of communication going.

25:28 **Heather:** What do you think is the most common mistake that people make when having difficult conversations? And we may have already touched on it, but is there something that you think that they really do?

25:40 **Deb:** Yeah, the most common mistake we make is that we behave badly, we do what's called in this very simple conversations model or leadership model, we go below the line, as it's called. So there's a model called above and below the line, fantastic model for understanding where we are, whether we're being constructive or whether we're being defensive.

So if you imagine that each of us has an imaginary line, and it's a line in our thinking and a line in our behaviour. And so when we're below the line, we're behaving from a position of defensiveness, so we're in denial, we're blaming, we're justifying, we could be manipulating, we can be really anything that is a form of avoidance, because when we're defensive, we are avoiding, and that can take that can look hundreds of different ways.

It can look like us falling back on our expertise, it can look like us arguing the point, it can look like us doing a whole heap of things. But essentially, what we're doing is we're avoiding taking responsibility. And so when we're below the line, when we respond to someone else who's behaving aggressively, and we get aggressive and defensive ourselves, we've just followed them below the line. And then both people are below the line and the conversation goes nowhere, it ends up in tatters, as we talked about a few minutes ago.

26:52 When we're above the line, we're being constructive. So we're taking responsibility for our own behaviour. We're staying open, we're staying honest, we're staying clear, we're staying professional. And when I'm talking about framing, and setting common goals, I'm talking about doing that from above the line. So this is you taking responsibility for your behaviour, it's got nothing to do with anyone else, and you stay constructive.

And the biggest mistake we make is that we use the excuse of other people's behaviour to justify poor behaviour from ourselves, or, "So, Heather was being rude to me, so I was rude to her, or Heather was aggressive, so I was aggressive." And as we just said, that's the dialogue of five and six-year-olds. So that's the mistake we make. And then once we're below the line, we're no longer the leader in the room, we've lost our objectivity, it really becomes about ego, rather than your client.

So what we want to do is stay above the line and represent our client. And the more aggressive the other person is, the more important it is that you stay above the line. Always, always. So just one more thing on the above and below the line model, in my experience, and certainly my personal experience, but in my experience in working with others, it's a bit of a lightbulb model for us, sometimes, what we start to notice is when we're behaving above and below the line, and then also when others are below the line.

And so just a note of caution, what we don't do is say to someone else, you're below the line, we don't use the model as a weapon to accuse people of behaving badly. The better approach is to notice that somebody is below the line, and to ask them questions that help them come back above the line. So that might be something as simple as saying, "Can you tell me what's important to you, or what's the most important goal that we should start working on?" Or, "What would help in this situation?"

So, you're asking questions that kind of pull them back up to constructive answers. So I think it's just really important to call that out. And we certainly wouldn't say you're below the line at home, because that would not go down well at all. So we use this as a tool that supports our own awareness, and then in ways to support others for coming above the line.

29:04 **Heather:** How can we best prepare ourselves for difficult conversations?

29:06 **Deb:** I think there's lots of things we can do. And the beauty of working on your conversation skills is that they're 100% learnable, there's nothing, you don't need to go to university to learn how to manage difficult conversations. It's really about preparation and practice and learning some techniques.

So typically, when we prepare for a conversation, we prepare the technical content, so you prepare the legal argument or whatever it might be. What I advise is that you also prepare for your behaviour and your framing. So you prepare how you're going to manage the conversation as well as what's going on inside it, the content.

So, in terms of preparing your frame, you can prepare the kinds of frames we've talked about here. So, "This is how we're we've got to work together so that we're doing X, Y, Z and these are the legal arguments we need to work on", for example. So you're preparing your frame and you can write those out. And as I said, I would strongly advise that if you know you're dealing with someone who's has a tendency to be aggressive, that you prepare a couple of frames that you can use.

30:04 And you guys always have lots of notes. So you can just bury them in your notes there, you don't have to have it right in front of you. The other thing you can do that is a really great practice that comes out of the world of High-Performance Coaching is what's called a three-word practice. So what happens is, you set three words that are the benchmark for how you want to behave in this conversation or with this client.

And so like, I'm homeschooling at the moment, so I've got two boys that we've been homeschooling. And so my three words for homeschooling are calm, understanding, and firm. And so the three words are about me, they're about how I want to behave. And they're about specifically what I want to demonstrate that's above the line. They are not screaming, reactive, filled with dread, they are calm, understanding, and firm.

So you can have three words for yourself, which might be calm, professional, constructive, or it might be constructive, professional, clear, if you think about the three words, what they become is a self-set standard. And when you behave that way, you feel really good about yourself. So when I get to the end of the day, where I've managed in homeschooling to actually be calm, understanding and firm, I like myself more.

And so the three words practice is very powerful, you can actually use it for anything that is particularly good for conversations that you know are going to challenge you. And then the other thing you can do is just make sure that you are well-prepared physically, because a lot of the challenge of difficult conversations doesn't happen in your head, it happens in your body, and as well as it happening in your head.

So, we need our body to be calm, we need to be dressed comfortably, we need to be not agitated. So breathing and posture, those kind of basics support us to then think better, and then behave better. So if we prepare our body, we prepare our frames, and then our mental sort of self-set goal around three words practice, that's what supports being technically well-prepared.

32:03 Now, your three words for your clients might be the same as mine for homeschooling. Could be the same. I don't know, sometimes clients behave very immaturely. And sometimes the opposition behaves very immaturely. So your three words are up to you. They're obviously not about the other person. That's what I recommend around prepare.

32:22 **Heather:** Yeah, that's a really constructive way to do it. What happens though, if you find yourself in the middle of a conversation where perhaps you haven't prepared as well as you should have, and it's quickly becoming difficult?

32:33 **Deb:** So sometimes those conversations can take us by surprise. I had one conversation recently, a few months ago, that was very much in that space. I thought, I'm renovating my house, my neighbour rang me with an issue one night, and then and he was very calm on the phone, I said, "I'll meet you at the house at seven o'clock in the morning, the following morning." So I was very responsive, understood the issue.

And when I got there in the morning, expecting it to be a calm discussion, it flared up, it got very aggressive very quickly. And so I found myself in exactly this position at 7am, not being fully loaded with coffee yet either. And it kind of exploded right in front of me. So I recommend that what you do in this situation is breathe, and I hate to sound like a broken record, about breathing, and you ask questions.

Your questions might be, "Can you tell me a little bit more about your view? Can you help me understand why that's so important? Just explain a little bit more about the complication to me." What you do when you ask questions is you slow the conversation down, it de-escalates it. And what it does is give you time to get yourself above the line to think about how you want to respond, provides a bit of spaciousness for you to catch up physically and mentally with the level of difficulty that you're now finding yourself in.

Now, it doesn't always mean that there's a happy ending at the end of the conversation, in that you resolve everything, but it gives you a much better chance of doing so because what we want to do is de-escalate the conversation for ourselves and for others, we want to bring the level of aggression and animosity and acrimony down, we want to reduce it.

And so asking questions, just provides a little bit of space and slows everything down. So that's what I'd advise and always staying above the line yourself, don't fall into the trap of becoming aggressive, as well. There's a couple of things you can do as well in the culture of your firm.

I've seen organizations and worked with organizations who implement the above and below the line model as part of the culture. And they actively have discussions about staying above the line and practising from above the line. And so that work can be done. Someone who does that work is Carolyn Taylor. I do it as well. But Carolyn Taylor's published a book called "*Walking the Talk"* which is available here in Australia, and there's plenty of stuff on LinkedIn and on YouTube as well, where she talks about using this model as part of the culture.

The other thing that you can do as a, say, a head of a practice or as a director of a practice, is you can start to ask your practitioners about their personal preparation for compensation. So you can say, "Well, you know, obviously legally, let's check that you're prepared and we're how you're going to position things and what your tactics are going to be." But then also, personally, how have you prepared to deal with Deb as you know, Deb's quite aggressive, so how are you going to frame, how will you manage it when she becomes aggressive, what will you do?

35:28 So you can talk to your practitioners about preparing personally, as well as preparing professionally, you can even have them practice their frames with you. In workshops, the work that I do is we immerse you in practices and you practice over and over again, and we have somebody be kind of aggressive or challenge you. And what I find is when most people practice two or three times they get a 1,000% better, because the skills are learned. So there are things you can do in the culture that support you to live this way fully, not just in difficult conversations.

36:07 **Heather:** Where can our listeners find more information and resources on effectively managing difficult conversations now that you've inspired them to be better at this?

36:16 **Deb:** Okay, so a couple of things, I recommend the books from the company called Crucial Conversations, there's three or four books, there's also a website, they are specialists in conversation skills, they've been going for 30 years, they've done a lot of research, and some of the techniques I've talked about today come from them.

And the books are very readable. There's lots of examples of conversations, like you can work through and see dissected, you can see how you, like practically what you could do or say. So I find them quite useful as a tool. There is a little video which I've given you, Heather for above and below the line that you can have a look at online as well.

Obviously, I run workshops and coaching on this topic as well. And I'm happy to support any of your members if they wanted to reach out to me. There's lots of information online, if you want to read up and learn about conversations. Essentially, there's no kind of degree that you do for this work. It's practice as well as learning techniques, many of which are available in blogs, and through LinkedIn and through some really good conversation companies like Crucial Conversations.

So, where you can go is some of those resources, watching some videos, there's a number of TED talks on conversations. There is also a great TED Talk by Amy Cuddy, who, it's C-U-D-D-Y, who talks about the value of posture. And some of the things I've talked about, if you want to think about breathing and posture as a way to support yourself, if you know that that's not something you naturally do.

She's got some fabulous TED Talks that are very funny, and they're very well-researched, very interesting topics on posture. And then the other thing is really just to practice these skills, these skills are 100% learnable, that's the most fabulous thing about them. And, as you said earlier, when you learn techniques that help you in the workplace, it actually helps you in every area of your life.

38:02 And what happens when we grow our conversation skill set, when we expand our skills, then more behaviour becomes available to us, we actually have more options for how we want to behave in some of the most difficult high stakes moments of our professional or personal lives. And that changes our professional and personal lives. So people with very limited conversation skills just don't have the options. They only know how to get aggressive or defensive.

If you build a broader repertoire of skills, then you can still get aggressive and defensive if you really want to. But you've also got all these other skills. And most of those come from practice. So you can read about it, but you've got to put it into practice. So sometimes the best resource is your most challenging client, or that adversarial opposition who forces you to pick up and practice those skills.

38:54 **Heather:** It sounds like there's a real piece about self-awareness and reflection and consciously developing this that we can all do. So, thank you so much, Deb, for those insightful words. It's been a pleasure.

39:07 **Deb:** You're welcome, Heather, likewise.

39:17 **Heather:** The key takeaways from this episode are saying no to taking on work outside your expertise can be tough, and brings up all kinds of emotions and concerns. Saying no is not bad if it's the right thing to do. The work for practitioners is learning how to process the emotions or tolerate the feelings it raises, and doing it in a way that doesn't derail us. Practice is the key.

Framing is one of the techniques that can support practitioners in difficult conversations. Framing can balance the client relationship with the technical issue, the use of the word "and" is important. What we want to do is to have every conversation with the client build relationship and trust and a sense of emotional safety and humanity, and at the same time deliver from a legal performance perspective.

When other people are behaving badly, we need to accept that we can't control how they behave. The most common mistake people make in difficult conversations is behaving badly or what is known as going below the line and being defensive. What we need to do is be constructive and stay above the line.

Preparation for difficult conversations includes things like writing out some framing sentences, choosing three words to set your self-standard and keeping your body calm through good posture and breathing techniques. And lastly, when caught unawares in an aggressive conversation, asking questions is a good way to help bring people back above the line.

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