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## Definitely Mabey

### Time for a new approach to decision-making

By Stephen Mabey, CA

The words of John Rollwagen, the former CEO of Cray Research Inc., ring even truer today for the legal industry: "I believe very strongly that many times there is no right decision but to get on with it. I don't care what you do. The important thing is to move ahead. Let's just do it, because you're not going to be right or wrong. It's just one route and you can fix it after you start. But if you never start, you can never get there. That's for damn sure."

The legal industry, and in large part its leaders, has become paralyzed with the need to collect mountains of data in order to facilitate the decision-making process. What this has done is not necessarily led to better decision-making, but rather made us as a professional-services industry slow and non-competitive (recognizing of course there are always a few exceptions).

So what is the alternative? A fair question and I would suggest to you that firms and their leaders must return to intuitive decision-making, which will require intuitive leadership.

Intuitive leadership will not always fully work in every situation as it requires independent subconscious thought (IST), which, depending on your environment, might not work. Look no further than the flexibility for IST in an orchestra versus a jazz quartet as a practical example of where it is not likely to work and where it is the basis for success.

To understand the scientific basis at its simplest level, I would direct you to a February 2009 article by Sherry Waddingham titled

"Intuitive Leadership—Listening to Your Intuition," where she suggests: "... let's take a look at the three components of the brain:

- **The cerebral cortex** (conscious mind) is responsible for your conscious thought, including reasoning, perceiving, imaging and understanding.
- **The limbic system** (subconscious mind) is responsible for memory images, mental patterns, fight or flight responses and emotions, such as anger, fear, and pleasure.
- **The brainstem** (unconscious mind) is responsible for basic living functions such as the heart, breathing, eating, and sleeping. The unconscious mind is also the channel of inspiration. When ideas come to us, they find us through the unconscious mind.

When we look at the mind, we observe four processes:

1. Thoughts (conscious)
2. Images (conscious and subconscious)
3. Mental Pattern or Behaviors (subconscious)
4. Emotions (subconscious)

The brain is the functioning physical tool that works within the mind. The brain is a part of the mind. The mind includes inspiration, intuition, sensory instincts and our sixth sense. The mind connects us to collective consciousness and unconsciousness.

So, when we struggle with creation and ideation it's because we're trying to use our conscious mind to resolve it, but it wasn't designed for that task. It's a fabulous problem

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solver but it's not an ideator. The key to unclogging the log jam is to engage the unconscious mind. The intuition.

Intuitive leadership, which requires the same basic tenets as any other style of leadership—wisdom, competence, character, and knowledge—goes the additional steps of:

1. Asking "Is this the right thing to do?"
2. Then actually following through on the intuitive response to the question.

So given the intellectual capacity of the legal industry and most of its leadership why don't we see more intuitive leadership? Why don't more of our appointed leaders activate and follow their independent subconscious thought?

The answer is threefold:

1. Precedent bound;
2. Public versus private self; and
3. Fear of failure.

When we speak of precedent bound we don't just speak of the "that is the way we have always done it" mentality but also the hitching post firms tie themselves to "what are the other firms doing?" In the latter case it never seems to reach a firm's radar that "if I agree with you then we both would be wrong" but rather safety in numbers.

Many leaders, when they leave the firm and go home and provide guidance and advice to family and friends through effective use of emotions and inspirations, that bears no resemblance to their dealings conducted as their public self. It is almost as if when they go to work, they toss aside two-thirds of their brain and rely solely on the cerebral cortex of their brain to provide leadership to their firms. Humans are humans whether they wear three-piece suits or three-corner pants.

Fear of failure is probably the greatest obstacle to success in law firms today. Decisions are postponed, wrong decisions are made, and firm members don't buy into otherwise good ideas because of the fear of both making a mistake and being "perceived" to have made a mistake in the eyes of their colleagues.

So what are the takeaways for law firm leaders?

1. Listen to your independent "gut" more often than your dependent mind—you can always make corrections as you go if necessary;
2. Stop using only part of your skill set and apply some of the same intuitions that you use as a spouse, parent, and friend to your role at the firm; and
3. Learn to celebrate your and the firm's mistakes so the folks you are trying to lead move beyond the fear of failure and embrace the implementation of innovative ideas.

Until the next column remember as André Malraux is attributed as having said,

*"Often the difference between a successful person and a failure is not one has better abilities or ideas, but the courage that one has to bet on one's ideas, to take a calculated risk—and to act."*



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*This article originally appeared in the April 2012 edition of Canadian Lawyer. Copyright © Applied Strategies Inc*