
ACC DOCKET

INFORMED. INDISPENSABLE. IN-HOUSE.

You've Got a Little Something Right ... There ...

Skills and Professional Development





A former classmate posted to LinkedIn recently about a business trip to a Caribbean island. However, mention of the destination was tangential to his primary point (no, this isn't about to be a screed on humblebrags); their post expressed displeasure at traveling on a major airline carrier of which they were "not a fan." This wasn't the first post I'd seen expressing negative views about the carrier, but it did share an explanation that I hadn't heard before. The post discussed the apparent absence of joy felt by the employees of the carrier and how that translated into the customer experience.

As I am more prone than most to process ideas in terms of analogies, my first thoughts turned to a scene from a film I enjoyed as a teen: 1985's *Better Off Dead*, starring John Cusack. The scene features Cusack chatting with a female classmate he's just getting to know. The conversation begins with pained small talk across a picnic table, during which the classmate briefly scratches an itch on her nose. We hear Cusack's thoughts on observing this: "She itched her nose. I wonder if that is some kind of unconscious message that I have something on my nose?" He attempts to discreetly scratch his nose to remove whatever it is, and now we hear her thoughts: "That's funny. He wiped his nose after I did. Maybe I got some dirt on my nose. God, he is too embarrassed to tell me." She wipes her nose, he sees it, panics, and the feedback loop ramps up in ridiculous fashion until they're both basically slapping themselves.

I mentioned earlier that the airline my classmate traveled on is no stranger to negative press. Imagine being a gate agent scanning the boarding passes of a couple of hundred passengers, most of whom carry negative expectations about the carrier, either through personal experience (I never said the opinions were baseless) or through repeatedly reading about the bad experiences of others. Overlay that with the general perception that air travel is no picnic. Now consider those 200 passengers in terms of how they rank at “poker face” — how much their preconceived notions, however they came to them, color their interactions with the gate agents and members of the crew. Imagine that you also see all the negative coverage, so before you encounter these 200 people, you already believe many of them aren’t pleased to be traveling on your carrier today. Are you feeling joyful yet?

Here’s the kicker — no one described above is being unreasonable, or even consciously unfair. Everyone could have come by their individual impressions in a rational, understandable, readily relatable way. My classmate, amidst adding their voice to the chorus of disapproval of the carrier, showed empathy for the circumstances of its employees. Cusack’s character in the movie reasonably misperceived a second of self-grooming as a familiar gesture of compassion. Most airline passengers have multiple stories of miserable air-travel episodes experienced through no fault of their own.

So, what does this have to do with in-house practice? It’s an opportunity for reflection on how our perceptions of our various internal and external constituencies color our interactions with them. These perceptions can snowball into something that isn’t there, just like what happened in *Better Off Dead*. We can consider how we in “legal” are often perceived and how that influences others who seek to (or must) engage us. Then we can consciously decide, somewhere between stimulus and response, to ensure that the perception-feedback loop doesn’t spoil the intended communication.

Try this: Quickly identify the first adjective that comes to your mind about each of your company’s teams (e.g., sales, IT, marketing, HR, supply chain, and others). How long did it take you to begin rationalizing why you chose your descriptors? How long until you thought, “Well, sure, but what about what they think about legal?” All of that’s fine, and most of it is probably founded in things that can be objectively pointed to (and if you’re like me, of course, none of that is your fault). And so what? If these perceptions — yours and others’ — get in the way of our ability to be effective for our clients, we must account for them, and correct our courses accordingly. I’m not saying it isn’t worth the effort to identify and unpack those perceptions with the goal of working together to eliminate the incorrect ones; I’m saying that in the moment, when you’re relied upon for timely and cogent advice, effectiveness comes first.

Also, would it kill you to start from a place of kindness with the people you encounter at the airport and on the plane? The difference made may be too small an increment to make your day better, but it might help make the day better for someone else.

[Jeffrey W. Wheeler](#)



Associate General Counsel

Numotion