

# How to Make Awesome Decisions



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1

**Most Problems are Not New  
Problems**

2

14 WASHINGTON STATE BAR NEWS January 1987



## Funding Crisis Threatens Right To Counsel

by Robert C. Boruchowitz

“The more than 300 lawyers representing appointed clients in criminal cases in Washington generally have too many cases, are underpaid, and do not have enough support staff. The largest defender office in the state has 74 attorneys and handles 15,000 clients per year. The starting salary, \$18,500, is about one-third lower than the prosecutors’. The caseload burdens these lawyers carry and the low salaries they receive threaten their ability to provide effective assistance of counsel.”

-Robert C. Boruchowitz, [Washington State Bar News](#) January 1987

3

*Grayson:* We’ve discussed issues that might face an associate in a large firm and any smaller practitioner. What issues might a rural or small town practitioner have?

*Dwinell:* I think that being a professional person in a small community is probably *the* most difficult job one can do, yet also potentially the most rewarding. In a larger city or larger firm, you have some artificial things that help you maintain boundaries as a professional person.

But let’s take a little town in eastern Washington. A little town in the middle of the wheat-growing capital, a town called Waterville. If you practice law in a town like Waterville, my guess is that the person who cuts your hair at 6 p. m. is the person you possibly sat with and listened to at 4 p. m. The person who sells you your groceries at 7 p. m. may be the person about whom the person was talking at 4 p. m. These people happen to be your neighbors. They also happen to be the service personnel to whom you render services and from whom you get services. Defining the boundary between personal and professional in that type of a community can be terribly difficult.

### “Co-dependency and Lawyers,” [Bar News, December 1987](#)

An interview with Lorie Dwinell, ACSW, MSW, a Seattle-based therapist who offers insights into some of the well-being challenges faced by many people in the “helping professions” like lawyers.

**“I think that being a professional person in a small community is probably *the* most difficult job one can do, yet also potentially the most rewarding.”**

4

"Confidentiality is the bedrock on which every law practice is founded. ... Now, thanks to modern technology, what you believe is confidential may be disclosed despite all best intentions. Some of the biggest changes have been caused by electronic gizmos like fax machines, portable telephones, car phones, and computerized messaging."

-J. Scott Miller, [Bar News](#), February 1992

"One of the most promising and exciting tools for expanding the availability of accurate legal information and assistance is that generated by technological advances. ... The advent of the internet, email, websites, and forms that can be filled in and filed electronically ... creates a golden opportunity for all involved in the civil legal system to participate in developing new ways of providing low-cost legal information and assistance."

-Chief Justice Richard P. Guy, [Bar News](#), May 1999

5

## Is the Bar Exam Good Enough?

By PHILIP H. BRANDT,  
C. JAMES JUDSON,  
KENNETH B. RICE and  
ROBERT H. WHALEY

"... [I]t has been questioned whether the bar examination measures in a consistent fashion the criterion which we have already identified as being most critical to the professional duties of the bar: maintaining competency of those admitted to practice. In many respects, it is argued, the bar examination tests primarily the examinee's facility with words and expression rather than his substantive knowledge of the law."

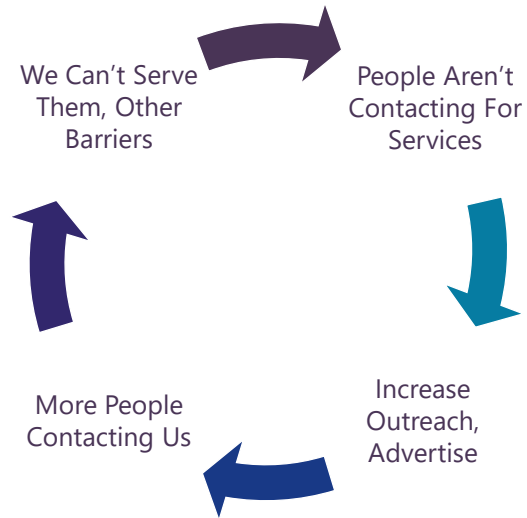
-Brandt, Judson, Rice, Whaley, [Bar News](#), February 1977

6

## Our Solutions Are Often Old Too

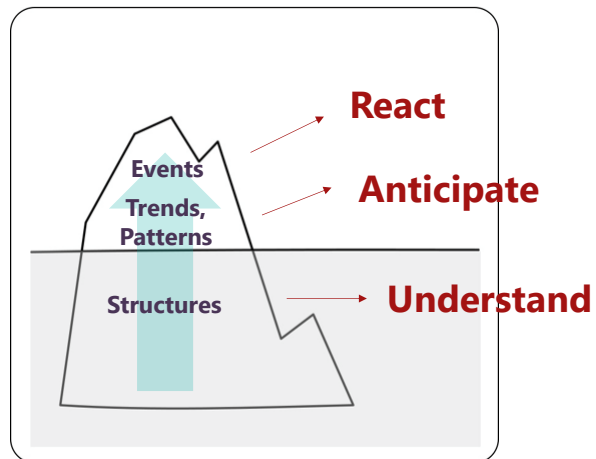
“We cannot solve our problems with the same level of thinking that created them”

~Albert Einstein



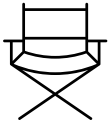
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## The Iceberg Model

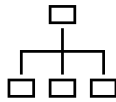


8

# Decision-Making Styles



Individual,  
Directive,  
Authoritative



Consultative



Democratic



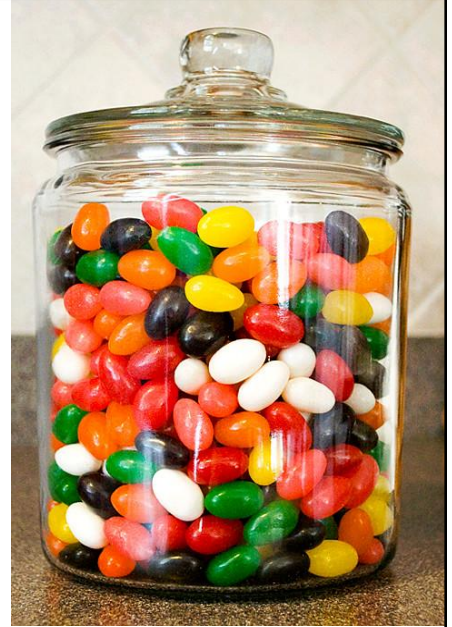
Collaborative,  
Consensus

# Making Decisions with Others

## Wisdom of Crowds

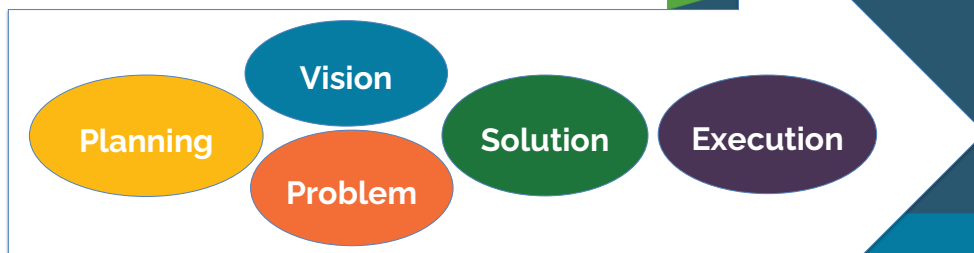
"...under the right circumstances, groups are remarkably intelligent, and are often smarter than the smartest people in them."

~James Surowiecki



11

## "Space" Is Key



12

## Who has the "D"?

**R A P I D**®

- |   |  |   |  |   |
|---|--|---|--|---|
| <ul style="list-style-type: none"> <li>• Recommender</li> <li>• Often also the performer</li> <li>• Drives the process</li> </ul> | <ul style="list-style-type: none"> <li>• Agree(ers)</li> <li>• Must agree with recommendation</li> </ul> | <ul style="list-style-type: none"> <li>• Performer</li> <li>• Often also the recommender</li> </ul> | <ul style="list-style-type: none"> <li>• Inputter(s)</li> <li>• Input only, doesn't have to be taken, should be addressed</li> </ul> | <ul style="list-style-type: none"> <li>• Decision Maker</li> <li>• Ideally, one person</li> </ul> |
|---|--|---|--|---|

Developed by Bain & Company

13

## Consensus

Consensus decision making is a collaborative process to reach general agreement and support across the group. Consensus does not require unanimity; it means the absence of active dissent and results in an outcome that everyone can live with.

14

# Fist to Five Voting



No way! I strongly object



I see major concerns, we need to discuss further



I still have reservations and would like to discuss some minor issues



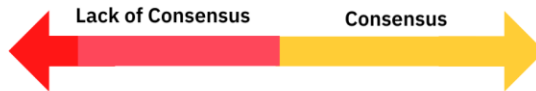
I'm not in full agreement but I feel comfortable moving forward



Good idea/plan, I'm happy to move forward with it



It's a great idea, I fully support it and will champion it!



Source: Pedagogy that Aids Transition for Higher-Ed Students, PATHS, York University

15

## Small Group Practice

Engagement with our weekly, networking happy hours for members is low and has been declining for a few years now. Years ago, they were a huge hit and so much fun! We are trying to figure out whether we should change them, stop them, or something else.

Spend 5-7 minutes in each of the following "spaces"

- **Planning.** Who has the D? What about the other roles?
- **Problem.** What is root cause of the declining engagement?
- **Vision.** What would success look like? What are we trying to achieve with these events?

16