

Sincerely Yours

By Olivia Fox Cabane

These days, a good measure of cynicism seems to be *de rigueur* for any intelligent citizen. Understandably enough—after all, these days we’re able to chemically manufacture the hormone which creates trust (Oxytocin), we know which hormone is responsible for love at first sight (Phenyl Ethylamine), and HealthSouth’s Richard Scrusby has found religion.

Now, as you may have noticed, my articles and seminars are chock-filled with tools, tips and techniques to improve your interpersonal skills—I enthusiastically teach such topics as *how to get anyone to like you*, *how to deal with difficult people*, or *how to work a room with ease, grace, and efficiency*.

So of all people, how could I be the one writing about the importance of sincerity? Some of the partners who attend my seminars or whom I coach tell me: *Great! A shortcut! From now on, I can dupe clients into thinking I care about them without actually liking them in the least, right?*

Wrong.

Oh, maybe it’ll work sometimes—perhaps when the people you’re trying to fool are too pressed for time, when they’re tired, sick or desperate for approval—in other words, when their radar is off. But the vast majority of the time, if you don’t *really* care, people will intuitively know- they can *feel* it.

Why? Because human beings evolved to become automatic lie detectors. Think about it: our human society (and most mammals, for that matter) is

based largely on cooperation: you do something for me, I’ll do something for you. Obviously, this system works when everyone does what they’re supposed to. It would not work if everyone refused to cooperate.

But what about a system in which sometimes, some people cheat? The cheater is better off for having cheated—he got something for nothing—but the cheated can’t buck the whole system just because he got stiffed once, or he’d become an outcast. So cheaters can get away with it. But do the cheated blindly go on cooperating?

Of course not. It’s in his or her best interest to learn how to detect cheaters, so as to not to be cheated again. Those of our ancestors who survived, thrived and multiplied, were those who were either cheaters, or non-cheaters who learned to spot insincerity and protect themselves. Hence, our natural evolution—towards better and better lie detectors.

How do our instinctive truthsayers operate? For starters, some emotions are difficult to fake. You surely instinctively know, and can feel, the difference between a real smile, which shows genuine pleasure, and a fake one. You know one when you see one, but what is it that’s tipping you off?

According to Paul Ekman, the leading expert on facial expression, there is a clear, visible difference between a “social” smile and a “true” smile (also called a *Duquesne* smile): in the former, the smile does not quite reach the eyes, or at least not in the same way. In a true smile, the inner corners of your eyebrows soften, and fall down. The reverse will be true for authentic sadness—true empathy—in which the inner corners of the eyebrows draw up, together.

Indeed, regardless of how well gifted actors and natural-born liars are able to control their facial expressions, they can only control so much: even when we control the main emotion showing on our face, the real emotion we're feeling will often show up, albeit for a split second.

These split-second "mini-expressions" are what other people pick up without even realizing it. It's usually not enough for them to consciously realize what they've seen, but on a subconscious level, they know something's off.

Hence, the obvious conclusion: no matter how many shortcuts you use, sincerity still matters. Judith Archer, currently a partner with Fulbright & Jaworski in New York, previously held the role of in-house counsel and is clear that sincerity is definitely a factor in deciding to retain an outside counsel. As an inside counsel, says she, you already have such a heavy case load that you're looking for outside counsel who makes your job easier—someone whom you like, trust, and will not have to worry about whether they're telling you everything you ought to know.

Sincerity is just as important in internal affairs, says Elizabeth Anne "Betty" Tursi, formerly a key marketing executive to AmLaw 100 and 200 firms and currently a leading consultant in law firm marketing and Editor-in-Chief of this publication.

One of the areas of the legal profession where sincerity is most important, says Tursi, is professional development—particularly for associates on partnership track. Partners who are insincere in their appraisal of an associate's work do a marked disservice to an associate's career path when they are not straight with the associate in the "formative years".

Once you realize sincerity is essential, how do you get yourself from here to there? The good news comes also from evolution: we have a natural tendency for empathy. Since the individuals who were most apt in forming solid alliances with others tended to survive (and thrive, and multiply), a natural ability for affection and empathy became a predominant feature in our species.

One of the easiest, and most powerful ways to set this tendency in motion is to simply identify with the person, that is, "put yourself in the other person's shoes." Don't just think about it—*feel it*. If only for a few instants, try to imagine what it would be like to *be* this person.

Of course *you* wouldn't have done whatever that idiot did – you would have never forged that signature, set up that offshore account, worn that orange tie in court. You know better, you've learnt better, or have been taught better. But what if you'd been born in this person's circumstances, suffered from whatever incidents they've suffered, been surrounded with the entourage they've had? Think of Bradford's revelation—"There, but for the grace of God, go I."

What if, despite your best efforts, you can't get yourself to truly care about your client? According to Rod McLeod, a partner with Jones Day in San Francisco, if one doesn't like a client, then the relationship will be short-lived. "My advice to other attorneys," says he, "has been to find clients whom you like on a personal level, or find something that you can sincerely like in them. Otherwise, move on."

Once you've gotten yourself to care (or if, lucky you, you already cared about them to start with), you need to show them that you care. Choosing words that express this sincerity is an obvious way to start—words as "concern" or "care" throughout your sentences.

Beyond words, you'll need to show your sincerity through your body language. Have you ever felt that you couldn't trust someone if you couldn't see their eyes? In our culture, eye contact is one of the important gut factors in establishing trust—which can be quite an issue in cross-cultural situations.

Litigators know well how their client's body language can affect the outcome of the trial; and often spend hours and thousands of dollars preparing it. Says McLeod, "witnesses are often unaware that their body movements or their way of talking strikes a discordant tone with the substance of their testimony."

The goal, he says, is to polish the witness to the point where the truth in his or her testimony is not undercut by their mannerisms or speaking style. For some witnesses, it takes a very concerted effort, sometimes involving trial consultants. “When it works, the results can mean the difference between winning and losing—In one recent trial, working with a witness on just these issues led to a complete victory.”

But as the cliché holds, actions speak louder than words. In our hectic world, which resource is scarcer than gold? Time—nothing shows you care like taking time for people. And keeping clients in your thoughts, and letting them know you’re thinking about them.

Says Archer: “some lawyers would put up a good front and answer when I called—but they wouldn’t go out of their way to keep me abreast of recent developments, which I found most frustrating. When you get the impression that someone is simply paying you lip service, you feel like you can’t rely on them, which very much affects the decision as to whether to use them again.”

Sometimes, sincerity will require going well beyond telling a client what they want to hear—it’ll involve telling them what they *need* to hear, even if doing

so might jeopardize the relationship. Carina Levintoff, Managing Partner of CMS-Bureau Francis Lefebvre in New York, remembers having a bad feeling when one of her clients introduced the new investors he wanted to bring on board.

Despite a lack of hard evidence, Levintoff decided to go out on a limb, and advise the client not to close the deal. Was the client upset? Yes. Did he listen? Also. A month later, every one of the potential investors was in jail—as it turns out, they’d been implicated in fraudulent offshore accounts. “It’s my job to protect the client,” says Levintoff. “That includes telling them what they need to hear, not what they want to hear.”

So take the plunge, be brave, and wear (a bit more) of your heart on your sleeve...

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