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Thinking differently helps minimise risks

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LAST week, there was a feature in The Scotsman about the dangers of jargon and management-speak. Being involved in an event this coming Friday entitled "Out of the Box", I smiled to myself and hope the subtitle, "Modern Approaches to Problem-Solving", will redeem the day.

This event draws together themes that have featured in this column in recent months. On jargon-busting, Graeme Colquhoun, the UK legal counsel for Scottish & Newcastle, will describe the "pathclearer" approach to drafting contracts pioneered by S&N. This simple commercial contract minimises clauses and words, and challenges the legal profession to depart from lengthy documents to record commercial agreements.

According to the feature, the translation for "out of the box" thinking is "be creative and not confined by job description". Creative thinking is essential for lawyers, but we are often confined not only by our jobs but by our logical, linear (or "left-brain") thought processes. Engaging the whole brain is necessary in a fast-changing and increasingly complex environment, and Elizabeth Rivers will suggest techniques to help us think differently.

One of the keys to being effective in management and in client work is to have good business relationships. Research points to the value, for the bottom line, of people working together effectively to achieve common objectives. David Fraser, a former engineer and project manager at BAe, who has trained in neuro-linguistic programming, will examine how we initiate, build and maintain intelligent business relationships.

We live in a world of risk. How we assess, manage and reduce risk may be the key to the success of our enterprise, firm and clients. Many of us are not skilled at identifying and taking account of the many factors that have an impact on risk and decision-making. Tools exist to help us to do better, such as the "decision-tree". This will be explored by Bill Marsh and John Clark, drawing on their experience advising governments, business and international organisations.

Conflict in organisations can be a serious drain on resources and morale. The growth of "dispute-wise" businesses in the USA has, according to the American Arbitration Association, resulted in improved (to use the language of business analysts) price-to-earnings ratios. Miryana Nestic has advised banks on strategies to reduce the costs and uncertainty of internal and external conflict and thus protect brands and reputation.

Other sessions, which cover handling difficult negotiations, making best use of mediation and drafting dispute resolution clauses in contracts will remind us the trend these days is away from the adversarial and litigious, except as a last resort. Proposals for new court rules in Scotland are being considered. These encourage the use of mediation and augment existing rules requiring parties to negotiate before litigating.

Morgan Jones, a former CIA analyst, says: "If we are to solve problems, we must learn how to identify and break out of restrictive mind-sets and give full, serious consideration to alternative solutions. All of us regularly make mistakes of judgment based on faulty analysis. Our minds frequently mislead us, giving us a false analysis of events and circumstances and causing our analysis... to be flawed."

Let's hope that we can find new ways to reduce that risk.