

TrustTalk Interview Jeroen Ouwehand

Interviewer: Jeroen, welcome at TrustTalk. You are a Global Senior Partner at the international law firm Clifford Chance. For those not familiar what a global senior partner does, can you explain what that role means in a big law firm?

Jeroen Ouwehand: Certainly, Severin, and nice to speak to you again. It's been a while that we've spoken, but it's great to see you again or to hear you again. What a global senior partner does. So global law firms like Clifford Chance indeed have that role. It is maybe in corporate terms almost equivalent to chairman. So we have a global managing partner who's more like the CEO and the Global Senior Partner is more like a Chairman. Now, that comparison may go a little bit astray because it's a different type of entity, a partnership to a corporate, but that is probably the easiest way to understand it. And as Global Senior Partner, I am the representative of our 580 partners towards our executive leadership. I chair our partnership council, which is like a board which has oversight over our leadership. And I am the ambassador for the firm externally. I mean, we all are ambassadors, but within that, that is my specific role. And I have on top of that, I've got various other roles and tasks and I'm sort of the guardian, if you will, of our of our culture. So talking about trust is actually very much within my within my remit, so to speak.

Interviewer: I thought so. In 2019, Lawnet published the results of the biggest-ever client experience research project in the legal sector. With 70,000 satisfaction surveys and 5,000 anonymous experience reviews during the last six years. The outcome was that price is important, but reputation and trust are the most important factors when it comes to choosing a firm. Is that your experience as well?

Jeroen Ouwehand: Well, it will not surprise you that my answer to that is absolutely. I mean, I think it's all about trust and reputation. And certainly, you know, in the field in which we operate, I mean, there is there is a lot of competition. But, you know, in our peer group of firms, we hardly or it's not really about competing on price. Of course you have to be you have to have competitive offers. But it really is not a race to the bottom on price. And that is not the game we're in. It's all about trust, a reputation and quality. And actually, we've seen it in the

pandemic, which has been really interesting that there's been a flight to trusted relationships and quality. So where the number of times we have to really sort of compete for instructions has gone down in a way because clients revert back to those relations that are strongest, which have most trust, and that has worked to our benefit. I mean, on the one hand, it may be more difficult in the working from home environment to create new relations and create new relations of trust so that, you know, everyone probably experiences that. But at the same time, the flip side is that where we have strong relations does really help us now. And we've seen in our work levels, et cetera, that we have a lot of strong relations of trust. So it's really worked to our advantage in that sense.

Interviewer: Yeah, I would like to discuss with you two phases of trust, if you like. The first is the external trust, the relationship between client and attorney, and secondly, the internal aspect of trust. So the trust within the firm. Let's start with the external trust relationship. How to create and maintain trust by the client. What is the key ingredient here?

Jeroen Ouwehand: I think and we'll get to internal trust question is whether it's so different. But it really is about any sort of human trait that creates trust, which is about being honest. It's about integrity. It's about doing the right thing when no one is watching. It's about keeping promises, managing expectations and being honest about what you can do and can't do. I think one of the easiest way to lose trust is to take on a matter for which you're not really equipped or best skilled to do so. Make sure that the matter is done by someone who is best placed to do that. All those things go to trust if something goes wrong, you know, and luckily it doesn't happen often, but, we're a big global firm and if ever a mistake is made or something goes wrong, be honest about it. Be open about it. Don't try and hide it. Don't finger point, don't put the blame on others. All those sorts of elements which go to trust, whether it's external or internal. But they're very important in client relations.

Interviewer: Yeah well towards a client, there is always a somewhat conflicted relationship, I would say, between trust and truth, especially in a practice where you have been long active, litigation. I don't know whether you're still in litigation or whether your current job is completely into managing the firm or helping to be a good Chair. But you're familiar with a client that has a natural tendency to present the factual complex in such a way that he is on the

right side of the truth. To ask question to get to the bottom of the truth and not lose the client's trust, takes a lot of steering.

Jeroen Ouwehand: I mean, that's right Severin. And I still do some litigation for less than I did two years ago, given my new role, I love being a litigator and I agree as litigation, you know, you really have to get to the truth and have all the facts. Otherwise you're just not well prepared and you'll lose your case. And I know, you know, you've got a background in litigation and I know you've had to do this a lot as well. I think it comes down to that having a level of trust with the client explaining clearly to decline that that is really key, that they have to trust you. Otherwise, you're just not going to be able to put the best case forward in front of a judge or an arbitrator or a mediation or in negotiations. You really need to be best prepared and that can be explained to client and then explain, we're going to be standing there and a judge or a counterparty, the opposite party is going to ask these questions. And if there's any if there's any element which comes out, which I, as your defence counsel, did not know about, you know, it's going to make that life a lot more difficult. But I think it does come down to interpersonal skills. And luckily, I haven't had it often, but there have been occasions where you get surprised by something and that is the quickest way to not winning a case. So I think it comes to interpersonal skills, but it's also something that can be well explained and not being naïve, you know, just sometimes digging further. I sometimes have asked the question like, you know, maybe, this is this may come across as a stupid question to you, but I need to know exact detail. I need to be able to explain your case in the simplest terms to the judge. And I know to no need to know all facts in order to be able to do so.

Interviewer: Now, let us move on to the internal function of trust, an element that is rarely included in professional development and related business development curriculums in law firms. Trust is difficult to quantify as a result, difficult to measure. So creating a professional development training module to increase trust across your firm may be a challenge. What is your firm's position on this?

Jeroen Ouwehand: Well, we have many trainings in our firm which are on non-legal skills, as we called them. We have an institute we've had for 20 years. We actually celebrated the 20th anniversary this month called the Academy. And the Academy is really a global institute within Clifford Chance, where we bring our lawyers and business professionals together in various

locations in the world and now obviously online, to do non-legal skills training, can be negotiation skills that can be presentation skills, it can be commercial awareness skills. But there's also many parts of curriculums which are focused on trust and interpersonal skills. So trust, I'm not quite sure, and I should have checked whether we've got a training module which is solely focused on trust. I wouldn't be surprised if we have, but there's many trainings where the trust elements and interpersonal skills are brought to the fore. So that's the way we do it by having a great institute which really focuses on what we call non-legal skills.

Interviewer: In order to incorporate trust building into training programs, professional trainers advice to have partners focus on three to five internal relationships they will build with partners who do not know them. The idea behind is that trust increases when people know each other and learn about each other's work, including deals in cases. To remove the primary reason why client teams and related cross-selling fail, many say focus should be on building trust throughout your organization. You just mentioned the Academy, what efforts are, in your view, being undertaken in Clifford Chance to build this internal trust?

Jeroen Ouwehand: Well, let me first say, I mean, I'd never heard about this, that personal trainers advise this, but, you know, to focus on three to five internal relationships with partners who do not know them, I mean, within Clifford Chance it's all about knowing each other and knowing your partners. And we work on that from the early days, indeed, through the Academy, which junior lawyers and junior business professionals go to right from the start and they build up their networks in the firm. So anyone in the firm will have networks which are very extensive. So that helps to build trust. And then we've got certain other programs apart from the Academy. We have great mentoring programs and now recently in the past two years, we've built a reverse mentoring program whereby partners are mentored by more junior lawyers or by business professionals who have a different background than themselves. So, for example, I am being mentored by Chinwe Odimba-Chapman, who is a partner in our London office, who is a black lawyer and who has therefore a different lived experience to what I have. And she and I speak very regularly to so I learn from her and I'm far more senior than she is. And many of our partners and business professionals work was reverse mentor. And then, you know, in order to get to partnership, for example, within Clifford Chance, you have to meet not just high standards in your own office, you have to meet global standards which are the same for everyone, and you go through quite a gruesome process, have to say, with partner

interviews and then a few days of an off site where you're being tested. And that is quite tough. But the upside of that is, first of all, you know, you've got a very good selection process, but secondly, whenever you meet a partner who you didn't know yet, the one thing you do know is that partner went through that same experience as I had to go through, went through that same very rigorous test set-up partner must be a good partner. So that creates a lot of internal trust. You just know that you've got to meet the same standards. And I think that's why I'm very much in favour of having those global processes, otherwise, it would be you could fall into the trap of saying, well, partner X came from Office Y, and it must be easier in that office to make partner. And there's none of that within our firm. And finally, you know, we build trust around our code of conduct and our behaviours and we have workshops around that and talk a lot about behaviours.

Interviewer: You just mentioned the developing competence, trust and interpersonal trust internally, that that is an important factor for cross-selling and so I would say absence of competence trust is a situation that one partner doesn't trust another partner and they're not going to introduce those lawyers. I remember for my all time that's in some firms that actually happens if a partner in one country or one office doesn't think that the other partner or a group of partners possess the requisite technical skills to offer value to their clients. So interpersonal trust means that the partner is concerned that another may steal their client after the introduction is made. And I guess that addressing those two forms of trust as part of a professional development program seems to be of great importance if a firm that desires to have a culture that is institutionally minded rather than individually minded. And I'm asking this question. I know the answer already, but I ask it anyway, where does Clifford Chance stand in this?

Jeroen Ouwehand: Well, you're right. I mean, the answer I gave about going to the same standard, the selection processes is in large part about competence trust. So that is really created through those rigorous programs. Interpersonal trust is created by having very strong interpersonal relations. Clifford Chance is all about creating strong relations and often friendships. Now, maybe because I've been in the firm 29 years, but I've got a huge number of friends around the firm. So it's really about building those relations. But ultimately, it's also about, you know, realizing, you're strongest together as a team. And it's all about collaboration. Within Clifford Chance for example, the language is not you never speak about "my client". it's

always a firm's client. You may have had a big role in developing that client or even winning that client, but it's never is "my client". And when we look at expectations on partners, particularly the more senior you become, it's all about how can I grow that client for the benefit of others? How can I make others busy? How can I help with the success of others? We are measured how successful are you making your other partners, your other teams, not just yourself. And I think as long as you reward that kind of behaviour and you're not rewarding just individual successes or just trying to create a star culture, then you create that interpersonal trust. So someone with us who would be hogging files or stealing a client or that sort of language would have a pretty short lived experience within our firm.

Interviewer: Further to that star culture, as you call it, a culture where individual performance is celebrated. You just explained that that's not the case in Clifford Chance, but we see a lot of firms where it is, see the great number of law firms who praised their lawyers for ranking high in some best-of-class award, as opposed to a culture where partners are more interested in delivering value to their clients and being ranked as one of the firm's top fee originators or top performers in this or that field of law. And so I'm asking the question, you partly replied already that is the culture in Clifford Chance seems very much towards not individually ranked, but rather as a firm

Jeroen Ouwehand: Well, I think that's right. I mean, we celebrate group performance and firm performance, but that's not to say that we don't celebrate individual performance. But I think, you know, I'm listening to your question, there's almost like a if I can call it that, a false dichotomy in that that by rewarding or by celebrating individual performance, you don't have a team or collaborative culture. I mean, I also post and I'm quite active on LinkedIn, I post when we get people get awards, you know, get the awards for the best practice or best individual lawyer, I will celebrate that and I think that's justified. It makes people proud. But that's not to say that it is a that it is sort of an opposition towards toward collaboration and I think individual partners become good individually because they're part of a team, and I think everyone who's Clifford Chance born-and-bred and who's joined our culture, knows our culture, will recognize that none of us has created our successes individually. It is always with the support of others or on the on the shoulder of others that weren't before us. But I do think we celebrate individual performance and we should celebrate high performance and excellence. But that is not quite the same as creating a star culture where everything is built around certain

individuals. There are law firms, global law firms that are built like that to have like X number of star performing partners with big books of business, which is not necessarily a term we use, and they've got service partners around that who service that star partner. That is not our model and our culture.

Interviewer: Many lawyers are still of the opinion that content is what creates trust. What is missing are the emotional characteristics. Every year, Gallup organization does a survey of most and least trusted professions. At the bottom of those lists appear the three least trusted professions. Year in, year out, politicians, lawyers and used car salesmen, yeah, always at the top of the list, always every single year are nurses. And what is the critical skill? What is the critical skill of a nurse? I interviewed Charlie Green. He's the author of *The Trusted Advisor*, and he thinks what that is is a what we call intimacy, the ability to connect very personal. And I know that the word intimacy, if you use it towards lawyers, they get a little uncomfortable because they didn't quite understand, they don't quite understand what intimacy in relationship to a client actually means. How do you deal with that?

Jeroen Ouwehand: Well, first of all, it's interesting, those least trusted professions, politicians, lawyers and used car salesmen. Just out of interest. Was that Gallup Organization poll, was it global? Was it in a particular country? Was it? And, do you know?

Interviewer: I think it's very much into the United States, but it's done annually every year, And constantly you get these outcomes.

Jeroen Ouwehand: Well, I was wondering that because if it was in the United States, I would like to think and I'm you know, we have many we have many partners of lawyers in the United States as well who are very trustworthy. And there's a high trust relation with them as well, but I do think the legal profession and the lawyers profession in the US is viewed maybe quite more negatively. I would like I would think that in the Netherlands or some other more high trust cultures, I mean, we all have read books on or I imagine if you're interested in this topic as you are Severin, you've read books, whether it's from Fons Trompenaars or others, about high trust cultures and environments and low trust cultures. And The Netherlands traditionally was quite a high trust environment. But I think in the US you've got lawyers who, you know, who share in the profits of the cases they win, you've got these negative comments, like around ambulance

chasers and all that sort of thing, which I think we have far less of in some other countries. So that's why I put a bit of a question mark around the Gallup poll and its relevance globally. But that's not to say that trust is very important. And lawyers, I do think intimacy plays a role there and I have no problem with that term at all. It is about personal relations with clients. I would say lawyers, in defence of that, you know, particularly when they're in litigation, you're acting and giving your all for a particular client, but you're often in opposition of the obviously the opposing party. And there is a party that's going to lose. And, you know, that is different than a nurse who is just there to help that one individual. There is no opposing party. There's maybe the illness that needs to be fought, but it's not such an antagonistic or contentious environment which may also play into the trust element. But going back to your question, I think intimacy is a very important element of it. And I think that's why we have this Academy. We do a lot, as I said, around nonlegal skills, around relationship building skills, commercial awareness skills, how do you deal with people? And as I said, trust and integrity is part of all those courses. But I, I think I'm not sure many lawyers in Clifford Chance would shy away from the idea of intimacy. I often hear our partners and lawyers say they've created real friendships with their, professional friendship, but friendships with their clients. So you hear that during the pandemic, how that's played out. So I don't think that is, I would agree with Charlie Green and, you know, lawyers maybe sometimes cerebral or and therefore it may seem that they are a bit more remote from that intimacy. But that's not my experience in daily life.

Interviewer: Charlie Green also referred to a great Harvard Business Review article called "Competent Jerks, Lovable Fools and the formation of Social Networks". We all like a lovable, competent person. But if you have to choose, which do you choose? An incompetent, lovable person or a really competent jerk? Well, most people will tell you, oh, I'll take a competent jerk. I can deal with the interpersonal stuff. But that's not how they behave. That's what they say. That's not what they do. Do you recognize that?

Jeroen Ouwehand: I hadn't really thought about it so much, but I could well imagine that people would say, I'll take the competent jerk. But when it comes down to real life, the natural tendency might be to go for the lovable, the lovable fool in that example. Luckily, there's many lovable competent persons as well, I think. But I think the competent jerks I mean, at the end of the day, I think that they're are short lived. I mean, in some cultures and environments they may survive. But in an environment like ours or other places, you've worked in Severin, I think

at the end of the day, they lose out. It's a short lived success. I mean, you've got you talk about Harvard Business Review, I've been on a week's training at Harvard for leaders of professional service firms. And there's always is one example about the the competent jerk, the Rainmaker, who brings in a lot of money but is just has awful behaviours. And that is typical Harvard case study. Those are people you have to get rid of because they are culture killers, whatever they bring in. And so I think the competent jerk has a short lived future. But, you know, the way you posed a question, I could imagine people saying I'll go for a competent jerk, but in reality, not doing it. That may be the case.

Interviewer: Another matter. Second opinions. Trust seems to be harmed if an attorney is confronted by a request for a second opinion. In the chapter "Competence" of the 2019 IBA International Principles of Conduct for the Legal Profession" it states, and I'm quoting, "A lawyer must consider the client's suggestion to obtain other opinions in a complex matter or from a specialist without deeming such requests to be a lack of trust", unquote. Is asking a second opinion or even advising the client to take a second opinion, something that happens in Clifford Chance?

Jeroen Ouwehand: Absolutely. And I think the problem, if people have a problem with second opinions, it's probably an ego problem because I think it happens so often. I mean, I've been on the receiving end of that a number of times in the sense that, you know, a client took a second opinion on what I was advising and sometimes, indeed, upon my advice and sometimes not. Sometimes second opinions happen without the lawyer knowing about it. Sometimes clients just have someone in the background who's giving them further advice without you knowing about it. So I think you need to be very, in a way, dare I say, laid back about that sort of thing. It's completely normal and it's in the best interest of the client often. So I think it's usually ego that gets in the way if it becomes a problem. I've also given second opinions. For me, it's important if you're in a situation where someone is asked to give a second opinion or you are asked to give a second opinion to deal with it in a in a professional and good way. I mean, what is difficult if you get someone who is asked to give a second opinion and is just trying to use that to make him or herself look good towards that client or indeed steal that client or try and, you know, it's like when you're you know, when you've built a kitchen in your house and there's something wrong and you bring in the second person who comes to look at it. And of course, they always know what the other one did wrong. You know, it's always easy to pick on things.

And I think you want to have to do that very professionally. And you're there if you give a second opinion to not just to give the nod and say everything was fine. If there's something that should be different, you should be able to say so. But it's all about in the way that's being done. And I think no lawyer should be hurt in his or her ego if a second opinion is sought. And indeed, as you say, Severin, there are many situations where it may be advisable to tell the client to get a second opinion.

Interviewer: For my last question, Jeroen, I dived into history a little bit. The forerunner of the American Bar Association's Model Rules of Professional Conduct was the 1908 so-called "Canons of Professional Ethics". And I read one canon that struck me as interesting, it's Canon 27, and it reads: "the most worthy and effective", and remember, this is 1908, "the most worthy and effective advertisement possible, even for a young lawyer, and especially with his brother lawyers, is the establishment of a well-merited reputation for professional capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct". To me, this sounds like trust is something you possess, not something you can learn. Do you agree?

Jeroen Ouwehand: That's a very interesting question. So this is really about I'm just to repeat the word you said, reputation for professional capacity and fidelity to trust. You say so that is someone's own ability to

Interviewer: say it cannot be forced. That must be out of character. So it's in you or it is not in you.

Jeroen Ouwehand: I look, I'm not a psychologist, but I could imagine that there's people who have but just naturally or the way they were brought up or, you know, have a more natural ability to trust others and some who may be more distrusting, I could see that that is part of someone's character trait. But I just don't more generally, I don't believe that things can't be learnt. I don't believe in a in a fixed mindset. I believe in a growth mindset. And I think that many things can be learnt. But I can recognize some people just by nature, by their upbringing, by whatever circumstances may be, because they haven't been disappointed in their life by being they have developed distrust. But I think a natural capacity to trust, I could see that exists. But I don't believe in that trust, the ability to trust, can't be can't be learnt. And I do think

those who are able to trust also will get more trust in return. They may at times be disappointed, sure, but I think being able to trust others, you know, you get trust in return.

Interviewer: Now, trust is definitely reciprocal. Jeroen, thank you very much for taking the time to be available for TrustTalk. And you have added to our notion of trust, especially in the legal profession. Thank you very much for that. And thank you for being our guest today.

Jeroen Ouwehand: Well, thank you, Severin, and if I contributed a little bit to lawyers not being amongst used car salesman in the level of trust, I'm very happy because that's not where we are, nor should be.

Interviewer: That's a good note to end. OK, Jeroen, bye.

Jeroen Ouwehand: Thank you very much, bye.