

Breaking down a decision

Look at the big picture, but don't forget the details

How do you make decisions?

Martini: Each of us make a wide array of decisions every day, some of which are small and some significant.

While I try to put thought into every decision I make, it's the small decisions each day that will take a back seat to the bigger one, particularly if time and resources are limited. There are several steps I take, particularly while making the more significant ones.

First, I start by acknowledging when I am about to make a decision of consequence — there is something about doing that which shifts my focus and thought process in a meaningful way. I then gather as many facts as possible so that I can fully understand the context and different angles to the issue at hand. I also try to connect with those who have a vested interest in the outcome and who may have had to make the same or similar decision in the past.

It is important to see as many different facets to an issue as possible, and to hear from those upon whom you will rely to both support and help implement the decision.

Susler: As lawyers, we reason by analogy and make decisions based on that. Some decisions are easy to make quickly, while some require more in-depth analysis and consideration.

Exactly how I make decisions depends on the type of issue involved, and for the most part I draw upon the facts, my experience, judgment and knowledge of law and business. I gather as many facts as possible and try to consider all possible issues and angles. I will likely talk to others who have a stake in the outcome.

Then I synthesize everything and make a decision. I do not use a formal decision-tree analytical tool, much to the chagrin of one of my engineer brothers-in-law. Nevertheless, there is a logical process in my thinking.

What are some of the most difficult decisions you have made during your career?

Martini: I measure the difficulty of a decision by the significance of its consequences. Tough decisions over the years have included leaving the engineering profession entirely — my master's degree program, my job at Motorola, my friends and the life I knew — to pursue law school; choosing between a number of law firms I really liked when deciding where to start my career; deciding to switch my practice area from environmental law to intellectual property; taking on certain leadership roles, both within and outside my firm and navigating some of the very tough decisions that have come with the territory; and moving on from



Inside Out

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Watch them talk more about this topic with the Better Government Association's Andy Shaw at chicagolawyer.com. To submit a question for future columns, e-mail questions.insideout@gmail.com.

certain roles, even though they still meant a lot to me at the time.

The common thread in many of these decisions has been my letting go. This can be a very difficult thing to do, even though it is often what's best. Having faith that things generally work out the way they are supposed to can be helpful in navigating these challenging inflection points.

Susler: Personally, one of the most difficult decisions was to go in-house, leaving behind my personal-injury private practice, as that meant leaving behind my lifelong goal for something unknown and previously unconsidered.

Professionally, deciding whether an employee should be terminated is always among the most difficult of decisions to make, as it should be. Even those situations that are factually clear-cut require careful and sober consideration before deciding to terminate an employee and cutting off their livelihood; I still feel for the terminated employee on a human level. In litigation, the decision whether to settle a case because it is the right risk-management decision despite strongly believing I can and will win can be very difficult.

One of the toughest decisions I ever made was recommending to my then-boss to turn down a \$4 million settlement offer because we strongly believed the case was worth five times that amount (and the jury eventually told us we were right).

What are some lessons learned?

Martini: First, arriving at the right decision requires striking a delicate balance among several factors — fact-gathering, consensus-building and going with your gut. In my experience, even if everything seems to generally check out but you feel uneasy about a particular decision, your intuition may be telling you that further vetting or consideration of the issue is in order.

I have also learned the benefits of using decision-tree analysis, which is a methodology I borrow from my engineering education. It involves breaking a system or process down into its constituent parts and analyzing what the consequences are of making certain decisions at various junctures. It's a great way to appreciate the three-dimensional aspects to a situation which inevitably exist and which must be considered during the decision-making process.

Susler: Most importantly, I have learned to trust my instincts and my judgment. I have also learned that it is important to have a trusted adviser, someone with whom you can discuss tough decisions and to not take it personally if he or she tells you something you may not like hearing. ■

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