

11 Military Leadership Principles To Build Winning Trial Teams

By **Astor Heaven**

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I joined the military as a plebe at the U.S. Naval Academy in 1993. One of the key lessons that I learned by the time I graduated was the importance of good leadership, which is critical in creating cohesive, proficient, effective and, of course, winning fighting units — the military’s entire purpose. We were taught that good leadership can transform individuals into a team, a marginal team into a good team and a good team into an excellent team. And everything that I experienced, both at the academy and in the fleet, confirmed as much.



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I served on a couple of ships under various department heads, executive officers and commanding officers (all rotated periodically) and, without exception, the morale of the crew and the overall success of those ships in completing their respective missions stemmed directly from the effectiveness of the ships’ command in doing certain fundamental things: articulating clearly defined goals, providing adequate training, creating a sense of purpose and ownership in the crew and providing the crew with the resources, confidence, and motivation to execute — the same holds true to this day. These are not complicated principles, but they need to be continually stressed, especially when leaders are trying to execute a mission and there are multiple fast-moving and complex parts — it is easy to lose sight of what creates success. The military has this figured out.

But do those same principles apply beyond the military? The answer is absolutely, “Yes” and that is particularly true of winning litigation and trial teams. Although it would be a stretch to suggest that running a military unit and running a trial team is the same, there are similarities in the two that make the importance of good leadership a necessity — the ultimate goal of both is to have highly trained, highly confident teams that win.

Unfortunately, litigation and trial team leadership is not standard in law school. And the legal industry does not always stress the importance of leadership because not all legal matters require strong teams as much as they require a knowledgeable lawyer. But when it comes to litigation and trial, where the proficiency and functionality of teams dictate success, true leadership is critical and the legal industry could learn a thing or two from the military model — because the principles are directly applicable.

The military services are explicit in articulating what makes a good leader, and in teaching their leaders how to maximize their effectiveness. Service members are taught the “11 Principles of Leadership,”

which was first developed in 1948 and included in the Army Field Manual on Leadership in 1951. The 11 principles have remained unchanged for almost 70 years, not because the military leadership structure just hasn't gotten around to it, but because they work. The principles are accurate; they are thoughtful; and they produce winning results.

The 11 principles are simple and straightforward. The principles are set forth and translated into strategies that can be used to build winning litigation and trial teams:

- 1. Know yourself and seek self-improvement.** If you aren't terrific at oral arguments or some other aspect of practice, recognize the weakness and work on it. Not all lawyers are going to be great at everything, but you can strive to be.
- 2. Be technically and tactically proficient.** This goes without saying, but the lead lawyer must be tactically and technically proficient to be successful. If you are not, focus on it and get better.
- 3. Seek responsibility and take responsibility for your actions.** No one wants a leader who shirks responsibility and accountability. You'll appear to not want the job and the responsibility that comes with it — that erodes the team's confidence in your abilities.
- 4. Set the example.** If the lead lawyer cuts corners, the team will think it is okay to cut corners, and the lead lawyer loses credibility if she attempts to hold other team members accountable for doing the very thing the lead lawyer is doing.
- 5. Know your people and look out for their welfare.** This should be a no-brainer. A team is more likely to work hard, sacrifice and do anything necessary to win when they have confidence that the lead lawyer actually cares about their individual well-being and is not simply interested in plugging them into the machine and later spitting them out.
- 6. Keep your people informed.** Team members want to know that their hard work has a purpose and advances the ball in some way. This is especially true on trial teams where more junior lawyers may be tasked with seemingly thankless tasks like document review or where a paralegal is tasked with labeling exhibits — both are critical components of team success. Nothing destroys morale like spending time working on something and feeling like it was done for no reason.
- 7. Ensure the task is understood, supervised and accomplished.** This is the only way to produce results. Team members must understand what is expected, which requires the team lead to effectively articulate her expectations and the leader must ensure that what she expected was in fact accomplished.
- 8. Develop a sense of responsibility among your people.** The most proficient trial teams are those where the team members have ownership and are personally invested in the success of the overall team. They will do more than just complete assignments and when they have "skin in the game," they will think of creative ways to advance the goals of the team.
- 9. Train your people as a team.** Trials never go exactly as expected, but there should be a plan. The trial team (from the lead partner to the paralegal) should know exactly how the trial is expected to proceed. For example, whoever is in charge of exhibits needs to be able to access them quickly and should know exactly where and when they may be used. Failure to do so could make the entire team look inept in front of a jury, which would inevitably tank any chance at success.

10. Make sound and timely decisions. There's a quote by the author Marie Beynon Lyons Ray that says: "Indecision is fatal. It is better to make a wrong decision than build up a habit of indecision. If you're wallowing in indecision, you certainly can't act — and action is the basis of success." A trial team needs someone who can receive and quickly process information and make a decision on how to proceed. An inability to do so will quickly cause the team to question your capabilities, even if you are the best lawyer in the world.

11. Employ your work unit in accordance with its capabilities. Not all attorneys have the same talents. Some are great oral advocates, some are great brief writers, some are great strategists, some are great with witnesses — the best trial teams get every ounce of talent from their attorneys. A team may indeed have one attorney who is excellent at all of those things, but that attorney alone cannot win at trial. Lead lawyers must have a true and honest understanding of their team members' talents and capabilities and a willingness to deploy those assets accordingly.

Although the stakes of winning or losing in the legal industry are clearly not the same as winning or losing in the military context, the principles of leadership ARE the same. The 11 Principles of Leadership cannot guarantee victory in litigation or at trial, but following them can guarantee that, at the very minimum, a team will be armed (no pun intended) with the tools and capabilities to present the best case to the jury (or judge) and to best represent the client's interests.

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