

Definitely Mabey

Leadership – Has It Ever Been More Important?

In Peter Drucker's words *"the leader of the past knew how to tell... the leader of the future will know how to ask..."*



Similarly, as former U.S. President Ronald Reagan is attributed as having once said: *"The greatest leader is not the one who does the greatest things. The greatest leader is the one who gets the people to do the greatest things."*

Even in the hectic worlds we are living in, the extension of simple kindness and respect has always, and will always, be the most effective way of motivating people to go beyond what needs to be done.

There are five traits that are critical to anyone wanting to successfully lead a law firm irrespective of its size or complexity:

1. **Firm First Mentality** – law firm leaders must have the trust of the partners that they will always put the interest of the firm / practice / department ahead of personal gain or interest of the “few”;
2. **Understanding the Motivation of Others (empathy)** – able to push / motivate people to want to take on challenges, push personal and practice boundaries, and thereby create new opportunities for the firm and themselves by understanding emotional buttons and hitting the right ones ;
3. **Receptacle for New / Different Ideas / Approaches** – balances self-opinion with the ideas of others, irrespective of origination and quality;

4. **Personal Capital (credibility)** – most changes in law firms involves some degree of infringement of individual autonomy and it is critical that the person is seen to have credibility when arguing on behalf of the change – whether it is having the a real grasp of the impact of the change, the ability to ensure the proper execution, or the necessity to make the change; and
5. **Communicator** – without strong, interpersonal verbalization skills it becomes almost impossible to create the desired collaborative environment – while not shying away from confrontation when absolutely necessary, by being prepared to conduct “walk around” conversations, confrontation is minimized.

Given the collective intelligence that most law firms possess, it is reasonable to ask yourself what possible obstacles can exist to cause a void in the kind of leadership that is *“associated with taking an organization into the future, finding opportunities that are coming at it faster and faster and successfully exploiting those opportunities. Leadership is about vision, about people buying in, about empowerment and, most of all, about producing useful change.”*¹

Three key obstacles that impede the quality of leadership that law firms now require to successfully navigate the challenges facing the profession now and in the future are:

1. Not understanding how to function as a team;
2. Consensus basis decision making; and
3. How leaders are selected and not trained.

Teamwork - Qu'est-ce que c'est?

Many lawyers in most firms, irrespective of the size, practise essentially in a solo mode and when thrust into a leadership role are confronted

¹ HBR Blog Network – Management is (Still) Not Leadership – John Kotter – January 9,2013

immediately with the need to function in team mode. The transitional challenges are fivefold:

1. To be a successful team requires continuous interdependent work rather than the occasional episode they endured in the past;
2. The selection criteria for the best members to be on the team changes from intellectual brilliance and friendship to adding strategic value to the issue and being able to put the firm first;
3. Great teams need to both openly share information essential for full decision-making and make decisions together on critical issues versus keeping strategy close to the vest and calling all of the shots (control freaks need not apply);
4. Team meetings need to focus on the abstract strategic success of the firm and not on the cause du jour or a specific file/issue of the day (wallowing in the weeds); and
5. The rules of engagement for successful teams are not opt in-opt out in nature and apply whether with the team or with others.

If you honestly contrast the above to the way in which your firm operates the obstacle created by the need for teamwork becomes readily apparent.

Consensus Basis Decision Making

In January 2012, H. Karen Gardner, an assistant professor of business administration at Harvard University, authored a paper titled *Performance Pressures as a Double-Edged Sword: Enhancing Team Motivation While Undermining the Use of Team Knowledge*. For purposes of this article in layperson English, her research suggests innovation is smothered by consensus decision-making.

The legal profession is a classic example. Everyone knows of the growing pressure to make significant changes in many aspects of its business processes and procedures, but there is no real wholesale movement in the

profession (perhaps with the exception of BLG and Gowlings). Gardner's research points out that:

- High pressure results in teams needing to reach consensus;
- Consensus causes the focus to be on common knowledge;
- Common knowledge results in a deference to status in the firm's hierarchy of power;
- The deference results in a conformity to the hierarchy's knowledge; and
- Conformity of knowledge results in no innovation.

Without the old fallback of consensus decision-making we are asking law firm leaders to take risk and make recommendations and execute strategies and directions that are independent of "what are the other firms doing" and the perennial conversation ender "the partners will never agree to this."

Innovation is required for firms to both find and successfully exploit new opportunities that will ensure their long term viability. Innovation requires risks be taken. Likely many of you have heard personality assessments and studies time and time again suggesting lawyers score a significantly higher aversion to risk than the general public. Therefore, expecting leaders who are lawyers to take risks may not be a prudent bet!

Do your respective firms put off decisions because consensus can't be reached!

Selection & Training - can you say sink or swim

The emphasis placed on communication, judgment, and interpersonal skills underlies the growing acknowledgement that today success for law firms will very much depend on the ability of their leaders to engage, motivate, and instill hope in the partners to get them to meet and exceed their capabilities.

A fair but tough question for you to ask yourself is was your last leader selected because of his or her communication, judgment, and interpersonal skills or the size of their book of business or to give them something to fill up their time with or because of a desire to be the power behind the throne?

In 2012, a survey of people involved in law firm leadership in Canadian firms titled “The Leadership Imperative” was conducted. The demographics of the 72 responses were as follows:

Age

- 60 + years – 18%
- 50 – 59 years – 53%
- 40 – 49 years – 26%
- under 40 years – 3%

Gender

- Female – 36%
- Male – 64%

Number of lawyers in the firm

- Over 150 – 12%
- 101 – 150 – 6%
- 51 – 100 – 18%
- 21 – 50 40%
- 6 – 20 – 24%

Geographic

- AB – 14%
- BC – 7%
- MB – 8%
- NL – 2%
- NS – 6%
- ON – 58%
- SK – 5%

It would not have been a survey on leadership if the question was not asked how future leaders are developed in your firm. The responses, while likely predictable, do not necessarily provide a warm feeling in the pit of your stomach. The approach:

- *“We give high potential people opportunities to lead teams and task forces and give them mentoring and feedback in these roles.”* was selected by 41% of those surveyed;

- *“We give high potential people opportunities to lead and they will figure it out.”* was selected by 29%; and
- *“We don’t do anything.”* was selected by 15% of those surveyed.

Is it just me or does it seem like a fairly cavalier approach to ensuring the leaders have the training necessary for such a mission critical role?

I know the following sounds contrary to earlier comments but don’t make the selection of your firm’s leader be by election. Rather make the choice an informal consensus of who is the best fit for the role. The search committee presents it as *“we canvassed everybody, and we think Partner ‘y’ is the best candidate for the position”*. Then everybody says yes or no and moves on. An election becomes a “popularity contest” and forces people to choose sides which invariably results in the creation of an opposition fraction who supported the unelected candidate.

So what is the right leadership style for your law firm?

The style of leadership that will be most successful will depend on the environment in which the leading is being attempted. There are numerous leadership styles and variations that have been identified or labeled in business literature with six of the more prominent ones being:

1. **Situational:** seen to be extremely flexible whose practitioners are constantly tweaking and making adjustments to meet current circumstances;
2. **Participative:** continuous seeker of consensus which can cause some confusion as to who is leading and who is following;
3. **Transactional:** intuitive negotiator who places heavy emphasis on the “you scratch my back and I will scratch yours” approach to leading;

4. **Charismatic:** leadership based on the strength of their personality, not necessarily the strength of their ideas;
5. **Servant:** leadership based on empowering others to take on increasingly visible and important roles; and
6. **Transformational:** leadership based on the strength of their ideas or vision and their belief of the possibility of the impossible.

The 2013 Report on the State of the Legal Market a joint production by The Center for the Study of the Legal Profession at the Georgetown University Law Center and Thomson Reuters Peer Monitor concluded:

“Plainly, to be successful in today’s world, most every firm of any significant size must respond to the changing competitive realities of the market by centralizing many of the decisions previously made in more collegial ways and by embracing a consistent strategic vision that is uniform across the firm and that drives decisions and actions in all of its practice areas. At the same time, a firm must preserve the essential qualities that nourish and support great lawyering, including structures that preserve the independence of professional judgment and the autonomy of lawyers to act in the best interest of their clients”.

Obviously the key is finding the right balance for your firm. This can only be done if the partnership and managed business proponents in a firm:

1. Are willing to appreciate the values espoused by both parties (vision);
2. Accept that compromise is the order of the day (buy in); and
3. The firm’s leadership staunchly oversees the balance and is prepared to make the necessary adjustments, either way, in a timely, consultative manner (producing useful change).

Given the above it would seem that the most successful leadership style in the current environment will be some combination of Servant and Transformational.

I would see a combination resulting in something I would label as a “subservient leadership” style. Leaders embracing this style lead from behind by shying away from the lime light and empowering others to be seen at the forefront.

At the same time successful subservient leadership requires a healthy dose of Machiavellian attitude as the importance of executing on the vision or plan has to clearly outweigh the need for recognition of one’s efforts or ideas – “I don’t care who takes credit as long as we get done what must be done”.

The final word on the leadership that firms need to meet the challenges facing the legal profession goes to Warren G. Bennis who is quoted as having said “*Leaders must encourage their organizations to dance to forms of music yet to be heard.*”



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