

You Cannot Predict Results - You Can Control Behaviours!



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Yes, law firms appear to be facing a new "normal" arising due to the pandemic, generational changes, and heightened client self-awareness.

Firms have faced challenges in the past and met and beat these challenges which have resulted in greater prosperity and professional satisfaction.

Yes, outcomes seem less predictable than in the past. However, one prediction holds true - Albert Einstein's definition of insanity - *"Doing the same thing over and over again and expecting different results."*

Solutions to both past and present challenges have and will be solved by changes in behaviour.

The remainder of this article identifies three main challenges that need to be met in 2021, and these require an adjustment in behaviour.

Practice Approach

The number of professionals working from home ("WFH") has had a direct impact on the delivery of legal services. In particular, the requirement for teamwork (includes collaboration, cloud-based applications, shared work product, etc.) has been elevated to a level not previously experienced.

Many lawyers, regardless of their firm size, have essentially practised as a solo. Now, when thrust into the current "normal", they are confronted with the need to function within a team. The challenges for such a transition include the following behaviour changes:

- To be part of a successful team requires continuous interdependent work rather than the occasional episode they endured in the past.
- Great teams need to share essential information for full decision-making, and make decisions together on critical issues; versus keeping strategy close to the vest and



calling all of the shots

- Team meetings need to focus on the abstract strategic success of the firm; and not on the *cause du jour* or a specific issue on a file of the day.
- The rules of engagement for successful teams are not opt-in/opt-out in nature. These rules apply whether with the team or with others.

One of the key obstacles to embracing teamwork is “culture”. This inherently requires an adjustment to a firm's culture.

A simplistic but functional definition of culture is the way that:

- people relate to each other (consistency),
- people relate to the firm (mission),
- the firm adapts to its environment (adaptability); and,
- how work gets done (involvement).

...a key obstacle to embracing teamwork is “culture”.

From this definition, it warrants how culture can be either the greatest enabler or disabler of teamwork, particularly in these vexing times.

In short, the interdependency of consistency, mission, adaptability, and involvement must be flexible to ensure a strong culture. Like anything, too much of a good thing can become a weakness.

The “new normal” requires an immediate, ongoing rebalancing of this interdependency which can only be accomplished by a change in behaviour.

Management

Historically, many law firms' organizational management structure have been centralized. Under centralization, the key decisions are implemented and executed by the top-level management.

As a result of WFH, firms and their leaders have had to embrace, with varying degrees of success, a more decentralized organizational structure. Decentralization is a type of organizational structure in which daily operations and decision-making responsibilities are delegated by top management (lawyers) to non-lawyer management. This frees up top management to focus more on critical issues like engagement (lawyers and clients), finances, and productivity.

Managing transformative behavioural change is challenging for a decentralized organizational structure. To undertake transformative change, leaders need to act as change agents while addressing psychological implications and showing results.

...leaders need to act as change agents...

Few of the current lawyer leaders have been educated or trained in being change agents.

One of the best time-tested approaches to institutionalizing change was developed by **Professor John P. Kotter**. He is the Konosuke Matsushita Professor of Leadership, Emeritus, at the Harvard Business School, an author, and the founder of Kotter

International, a management consulting firm based in Seattle and Boston. He is a thought leader in business, leadership, and change.

His 8-Step Process for Leading Change¹ is as follows:

1. Establishing a sense of urgency:
 - a. Examining market and competitive realities
 - b. Identifying and discussing crises, potential crisis, or major opportunities
2. Forming a powerful guiding coalition
 - a. Assembling a group with enough power to lead the change effort
 - b. Encouraging the group to work together as a team
3. Creating a vision
 - a. Creating a vision to help direct the change effort
 - b. Developing strategies for achieving that vision
4. Communicating the vision
 - a. Using every vehicle possible to communicate the new vision and strategies
 - b. Teaching new behaviours by the example of the guiding coalition
5. Empowering others to act on the vision
 - a. Getting rid of obstacles to change
 - b. Changing systems or structures that seriously undermine the vision
 - c. Encouraging risk taking and non-traditional ideas, activities, and actions
6. Planning for and creating short-term wins
 - a. Planning for visible performance improvements
 - b. Creating those improvements
 - c. Recognizing and rewarding employees involved in the improvements
7. Consolidating improvement and producing still more change
 - a. Using increased credibility to change systems, structures, and policies that do not fit the vision
 - b. Hiring, promoting, and developing employees who can implement the vision
 - c. Reinvigorating the process with new projects, themes, and change agents
8. Institutionalizing new approaches
 - a. Articulating the connections between the new behaviours and corporate success
 - b. Developing the new means to ensure leadership development and succession

By placing more faith and reliance on non-lawyer management, firms are playing to their firm's strengths - legally trained professionals practicing law and management trained professionals dealing with the firm's business operations.

Reputation

The existence of "800-pound gorillas" in law firms has likely been around since the first partnership. Historically no one wanted to talk about it for fear of appearing weak or simply wanting to suffer their embarrassment in silence.

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So there is no misunderstanding, I am heavily in favour of a fair evaluation of the varying contributions different partners make to a firm's prosperity. However, it should not be at the humiliation of other lawyers and staff in the firm.

The presence of bullying in a firm is no longer being contained within their four walls. Firm's reputations with both clients and lawyers are being negatively impacted as tolerance for such behaviour is universally decreasing.

Even if their behaviour can be self-justified with external parties, the impact bullying has on both internal morale and productivity cannot be underestimated.

The types of behaviour that needs to be confronted and then change- supported include: (not a definitive list)

- Insults
- Violation of personal space
- Unsolicited touching
- Threats
- Mean spirited sarcasm
- Intimidation through glaring
- Humiliation/ shaming
- Interruption
- Backbiting
- Snubbing

These bad behaviours are not limited to in-person scenarios. However, in light of the more decentralized structures, many firms have experienced an increase in bullying via emails, text messages, voicemails, and videos.

The definitive book, [No Asshole Rule: Building a Civilized Workplace and Surviving One² That Isn't](#), identifies the traits of bullies and how to deal with them.

There are two traits that the author, [Professor Robert Sutton](#), PhD and professor of management science and engineering at Stanford University, articulates for identifying if someone qualifies as an "Asshole" within your firm:

1. After talking to the alleged asshole, does the "target" feel oppressed, humiliated, de-energized, or belittled by the person? In particular, does the target feel worse about them self?
2. Does the alleged Asshole aim their venom at people who are less powerful rather than at those people who are more powerful?

Conclusion

While there is no guarantee as to the extent of the positive impact changing behaviours in the context of the areas of - practice approach, management, and bullying - there is no risk in stating the firm's prosperity will be enhanced.

While there is no known source, I would leave you with this simple truism -

"Behaviour drives People - People drive Business"

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1. *Leading Change*. Harvard Business School Press. ISBN 978-0-87584-747-4 (Kotter, 1995, p. 61).
 2. *No Asshole Rule: Building a Civilized Workplace and Surviving One That Isn't* (ISBN-13:978-0-446-52656-2).

Stephen Mabey is a CPA, CA and the Managing Director of Applied Strategies, Inc. Stephen's focus is on law firms in general and on small to medium size law firms in particular. He has written about and advised on, a wide range of issues including - leadership, business development, marketing, key performance indicators, strategic planning, mergers, practice acquisitions, competitive intelligence, finance, mergers, practice transitioning, compensation, organizational structures, succession and transition planning, partnership arrangements and firm retreats. In 2013, Stephen was inducted as a Fellow of the College of Law Practice Management in recognition of his sustained commitment to the highest standards of professionalism in law practice management. For more information, visit appliedstrategies.ca or connect with [Stephen Mabey on LinkedIn](#).

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