

## Definitely Mabey

### Nobody's drinking the Kool-Aid

*There is a saying about drinking the Kool-Aid, which loosely interpreted means "a person or group of people who agree with a person, idea, or set of ideas blindly on faith alone, without exercising their own critical thinking."*



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I would take a small liberty and define it for law firms as being passionate about the firm and what it is doing. For those who have been hanging around the legal biz for 20-plus years, the concept of being passionate about your firm was real and tangible at one time.

Today, on the rare occasions you hear the words "passion" or "passionate" invoked by lawyers, it seldom is about their firms. Yet you still meet folks who are passionate about the law, and lawyers who are passionate about their defence of clients' cases, and even passionate about their law school alma mater. But try to recall the last time lawyers spoke passionately about their firm and meant it—this of course excludes pitches made to law students on the merits of joining their law firm!

It is almost like law firms have become the place mirth goes to die and we are simply overseeing a long and drawn out deathwatch.

Adam Smith Esquire in a recent [blog posting](#), while deliberating on the separate issue of idea-premised versus product-premised law firms, made the following statement that goes to the core of the passion issue: "but dig under the surface and I bet you'll find a mutating assemblage of practice areas and geographies without—in most cases—an overarching idea that all the partners could tell you in their sleep motivates the firm."

Not only do firms that maintain in their lawyers that sense of passion about the firm make more money and have less stress, they are having genuine fun practising law. This is because:

- Clients get to work with highly motivated lawyers;
- The clients' "service experience" is a positive one (who doesn't like being around positive, enthusiastic people?);
- The outcomes will be better because lawyers are doing what they are passionate about;
- Clients, like all folks, tend to deal with those who make the experience a positive one and achieve the desired results and so they repeat their usage of the firm; and
- The word-of-mouth recognition of the firm creates even more work opportunities.

Yes they still face the same challenges that all firms do, but they face them together and with a common bond that is neither fear- nor money-based. Probably the most articulate writing on the concept can be found in Jim Collins' book *Good to Great*.

#### Five signs your lawyers are passionate about your law firm:

1. Passionate lawyers see the end of the workday as an interruption rather than a relief. They stay after hours and work on the weekend not for the sake of the billable hour but because

they want to exceed their clients' needs (finally the horse before the cart);

2. Passionate lawyers are consumed with the challenge of making themselves and their firms better. CLE for them is not about compulsory credits or boondoggles, but rather as a means to the end of being the best;
3. Passionate lawyers spend a considerable amount of their free time on personal business development;
4. Passionate lawyers take every opportunity to advance their firm. A test is to ask the lawyers for four to six ideas that they have to grow the firm. Any lawyer obsessed with advancing the firm will be able to rattle off more than the number asked for, whereas dispassionate lawyers often respond that advancing the firm is management's responsibility and not theirs. I always thought it made greater sense that the folks performing the services were in a better position to make suggestions given their perspective and management to filter and execute; and
5. Passionate lawyers write about their practice, their profession, and their firm. The outward expression of their ideas about their craft and industry is a clear indicator of their passion.

I know I am going to get push back from the firms about the trials and tribulations of dealing with generations X, Y, and Z and trying to instil passion in them. I would simply say that the generations before the "baby boomers" said the same thing and I expect generations X, Y, and Z will say similar things about the generations that come after them.

The question of whether you have to possess that innate sense of passion about what you do or you can inspire it in anyone is an argument best left to those with much deeper insight than I possess. However, I do believe there are some simple things you can do to inspire the passion in your lawyers including:

***...support lawyers' passions that don't relate to the firm...***

- Ask the lawyers that your firm hires what they are passionate about. Ask how they see themselves applying that passion to the practice of law at your firm. And then set out to ensure they have opportunities to do so;
- Support lawyers' passions that don't relate to the firm—be it charitable work, political activity, or family events. Don't put roadblocks in front of them or prevent them from fulfilling that passion; and
- Create recharging opportunities that allow their passions to grow and flourish. Passion is like any value that your partnership embraces—it needs time and space.

A note of caution: unchecked passion is called obsession. Passion, like any strong emotion, needs to be kept in perspective and balance.

#### **An aside . . .**

In an unrelated "say it isn't so" moment, a federal lawsuit was filed May 18, 2011 in Connecticut, New Jersey, and New York by a personal injury firm which claims that "Rule 5.4 of the Rules of Professional Conduct which bars non-lawyers from having a financial stake in law firms violates a number of constitutional provisions." Obviously the merits of the case will be determined by wise folks seeking a balance between constitutional correctness and the best interests of the legal profession.

What is of some amusement is some of the rhetoric already appearing in print about the issue. The following is an excerpt from an article about it from [Law.com](#) on June 3, 2011 wherein writer Marie P. Grady attributes the following to Peter Giuliani, a law firm consultant:

“Giuliani, the law firm consultant, said profit drives all businesses, whether they are a law firm or a supermarket. The difference with allowing outside ownership or investment in law firms, he said, is ‘you now have absentee owners as opposed to owner-managers. The minute you have owners other than people actually managing the business, you may have a lot of pressure.’”

Excuse me, has Giuliani checked recently with law firm partners about their level of owner involvement in firms with, say, more than 100 partners (arbitrary cutoff for sake of making a point some would choose a lot lower threshold)? Two things I would point out: I expect he might find that the legal industry is already reasonably populated with “absentee owners”; and those owner-managers managing the firms are already under “huge pressure” to deliver constantly higher levels of earnings.

In a recent reading I was reminded that honesty and integrity are not synonymous. In *Who Moved My Cheese?* author Spencer Johnson wrote that integrity was telling yourself the truth whereas honesty was telling the truth to others. The entire legal industry needs a good dose of integrity as defined by Johnson.

Until next column remember

"fear keeps you humble, and humility makes you wise."

**Comments or Questions?**

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