

Definitely Mabey

A Leading Lawyer versus a Lawyer Leading

By Stephen Mabey, CA

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One of the single greatest challenges facing many law firms is the effective transition in their leadership as the enterprise grows. As always, let me start with my underlying premise for this month's column—the titular leaders

of law firms must be lawyers.

So why, might you reasonably ask, is it such a challenge given the level of intelligence found in law firms?

There are two main obstacles that intelligence alone can't overcome:

1. How to function as a team
2. How to be a good boss

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

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.
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.

Leading a team is a learned skill and most firms do not invest in teaching or providing the resources for potential leaders to develop the necessary skills. As a result, law firms seem doomed to meet Albert Einstein's definition of insanity when it comes to achieving true leadership: "The definition of insanity is doing the same thing over and over again and expecting different results."

The second of the obstacles I have identified is about how to be a good boss. Robert Sutton, PhD author of the book *The No Asshole Rule*, has recently penned another book titled *Good Boss, Bad Boss* and provided again some astute insight into the differences between the two types of bosses.

Late in the book the author raises one key question that good bosses should constantly ask themselves: "Are you in tune with what it feels like to work for you?" In most law firms this type of introspective feedback does not exist; in fact it is a challenge to get downward feedback to the lawyers who worked on a file let alone upward feedback to the responsible partner. The moral of the story is that bosses should be judged not only for what they accomplish but also how the people they are leading feel along the way.

In addition to the dearth of introspection and 360-degree evaluations in many firms, the mindset of "great bosses" is counterintuitive to that promulgated by law firms. The author identifies the following characteristics of the mindsets of great bosses:

1. Balancing between managing too much and too little.
2. Focusing on the long term versus the short term (marathon versus a sprint).

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3. Accepting to focus on the small things and the big things will take care of themselves.
4. Accepting that if you become self-centred and oblivious to what others need, subordinates will emulate your behaviour.
5. Doggedly protecting their people even at risk to their own position.

Lawyers are inherently micromanagers driven in part by the manner in which they practise law and in part by the way they are compensated. To then ask them to step back and in part trust their fate/results to a group of both lawyers and “non-lawyers” (the profession’s word not mine) runs totally contrary to their experiences and is no easy task.

Many lawyers look only as far ahead as the next draw or paycheque and are reluctant to consider any initiatives that might have a longer payback, particularly if there is any uncertainty in being able to assure them of the results. Again finding a mindset among the partners that is prepared to look at partners draws five years down the road, not five weeks, while not impossible, is certainly daunting.

Control is a trait that is drilled into lawyers both consciously and subconsciously from the outset of law school through to being an associate and partner. Like any strength, control can become a weakness if used out of context and such is the case when many lawyers attempt to carry it over to leading/managing their firms. They can often become so bogged down in controlling the big picture that the small steps required to achieve the big picture are either not executed or executed poorly.

Law firms, like many organizations, are not immune to the concept that success breeds both contempt and arrogance. One form of proof of this is the very image the public has of the legal profession. The manner in which the lawyer chooses to handle this success can be clearly seen in the staff that directly supports them, as who hasn’t been bossed around by an “important lawyer’s staff?” Yet, if raised with the lawyer they are not likely to acknowledge theirs or their staff’s behaviour.

Whether it is driven by practising in solo mode, the compensation system they operate under, the need for a positive shared perception of their “work quality,” paranoia about clients, or other influences, “feeding their young to the lions” is a fairly established norm in many firms.

Whether it is the assistant that you never say anything bad about to his or her face but privately demand that senior staff replace immediately; or the associate who is never advised what he or she did wrong but is just frozen out of work by the partner; or the writeoff of associates’ time at billing by the partner for sloppy work, not sloppy management of the file; or numerous other scenarios — “I got your back” is not a talk that is walked consistently and therefore instilled in the mindsets of lawyers.

The great news for firms is that both the skill to lead a team and the traits of a good boss can be learned. Those firms that invest the time and money into instilling these skills into potential future leaders will reap not only financial benefits when these lawyers move into positions of leadership, but will also cultivate a culture that the best people, irrespective of their craft, will gravitate to over time

Remember as Mark Twain is reported to have said,

“20 years from now you will be more disappointed by the things you didn’t do than by the ones you did do.”



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