



## The Top Myths Arising from the Pandemic



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The problem with myths in general and specifically for law firms is that they risk perpetuating erroneous ideas and solutions. These have a double whammy on a firm's costs – the cost of pursuing a false solution and then the cost of reversing the erroneous solution in both time and money.

There are several myths, to be tactful, arising from the last two years that need to be put to rest and quickly! The premise for treating some of the current thinking as myths stems from Dr. Larry Richard's, of LawyerBrain LLC, widely accepted advice on the most effective way to deal with millennial lawyers, which includes:

- Provide autonomy to associates – give them choices discretion, even in small ways;
- Foster ways to provide them with an experience that gives them meaning and purpose in their work;
- Increase their opportunities for social connection, particularly in three areas: feeling included; opportunity to collaborate; opportunity to form friendships at work; and
- Please pay attention to the continual development of their mastery of the skill set that helps them become increasingly competent as lawyers.

The cost of creating the above-envisioned environment is substantially less than the cost of continuously attracting and losing young lawyers.

The other basis for recognizing that firms (not all, of course) are erroneously attempting to build their firms on myths stems from a commonsense definition of insanity, which goes along the lines of *"Insanity is doing the same thing over and over and expecting different results."*

The legal profession has a long history (more like a tradition) of their first instinct to throw money at any issue they are confronted with (unfortunately, the second is to try and ignore it in the hope it will go away).

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The myths that create the most significant concern for the future of law firms include:

**1. The basis behind the "Great Resignation"**

**is money.** Everyone needs to pay their bills, but it is a fundamental mistake to believe because firms waive higher salaries and bonuses that they will keep or attract lawyers in the medium to long term. Money does not make everyone feel included, give meaning, and purpose to their work, or enhance their competency. That is why the significant hike in lateral movement is the "Great Reassessment," whereby lawyers have increased the value placed on freedom/flexibility and decreased the value placed on net worth. And the pandemic has created a sense of freedom. An insightful comment in a recent article<sup>1</sup> I read suggested that firms needed to be *"engaging in an innovation war - not a wage war - to earn the loyalty of current employees and the trust of new applicants."*

**2. Hybrid work policies are a temporary issue and not the basis of a new, more effective operating model.** In the enthusiasm about the return from remote working, law firm leaders run the risk of actually increasing disconnect between themselves and their people. The idea that we will cross a finish line and suddenly be done with all the hard stuff seems to exist only in the minds of senior Partners. In survey after survey, employees favor a more flexible working arrangement in the future. There is a growing body of evidence that *"tone-deafness of the messaging may also be accelerating what's already shaping up to be the "great attrition" of 2021 (and 2022 and even 2023)".*<sup>2</sup>

**3. Lawyers must return to the office to maintain productivity levels and develop better lawyering skills.** In the recent study *2022 Report on the State of the Legal Market*,<sup>3</sup> the average hours worked per month by lawyers (124) in 2021 was the highest average since 2013. And while not at the 2007 average level of 134, it is fair to say the entire profession has changed since then.

If you remember the definition of insanity, a simple return to the office will not result in better lawyering skills or retention. Three issues impacting lawyering skills include uneven workload balance, mundane administrative tasks, and access to advice/guidance. Firms have not historically successfully addressed these issues being under one roof in the past, and a simple return to the office will not solve them now. Instead, what is required is an investment in some innovative technology like:

- **Capacity** - *"is a work distribution platform designed to address significant inefficiencies and inequalities in how firms hand out work."*

- **Avvoka** - *"is an online document automation platform designed to radically reduce the administrative burden on junior lawyers."*
  - **Define** - *allows users to instantly access all defined terms and references without ever having to leave the clause or provision they are working on."*
4. **The leadership skills pre-pandemic will be the same as those required post pandemic, so no change is needed in selection criteria.** Law firm leaders will require extra strong human capital management ("HCM") skills. It will not be enough to possess the following traits, but equally critical will be how they are deployed, including relationship-focused continuous dialogue; descriptive communication style; focus on situational emotions before dealing with problems; emphasis on verbal encouragement and praise; and collaboration in managing conflicts and tasks. The "good old boy" selection of the firm's leader will not result in the HCM skills necessary to create a legacy firm and reduce attrition to an acceptable level.
5. **The pandemic resulted in a larger than usual exit by female and minority lawyers.** *"Diversity, Equity & Inclusion (DEI) encompasses the symbiotic relationship, philosophy, and culture of acknowledging, embracing, supporting, and accepting those of all racial, sexual, gender, religious and socioeconomic backgrounds, among other differentiators."* Just because leadership says it strongly supports DEI and has policies that lawyers follow neither ensures their execution as intended nor matches peoples' experience. It is only lip service to the issue if not enforced. Until leadership roles are filled or even created in firms that the marginalized groups serve, no "real" inroads will likely be made into dealing with the "exit" issue. If the concept of success achieved through balance does not appeal to your partners, then discuss the opportunity cost every time a lawyer leaves the firm (current estimates range from \$200,000 - \$500,000 as the amount of investment loss when they walk out the door).

The real danger of basing your response on myths was perhaps best captured by John F. Kennedy when he pointed out that

*"The great enemy of the truth is very often not the lie—deliberate, contrived and dishonest—but the myth—persistent, persuasive and unrealistic."*

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1. The winners in law's "Great Resignation" will be firms that focus on innovation, not compensation, William Dougherty, February 22, 2022
  2. It's time for leaders to get real about hybrid, Aaron De Smet, Bonnie Dowling, Mihir Mysore and Angelika Reich, McKinsey Quarterly, July 2021
  3. Thomson Reuters Institute and Georgetown University Law Center on Ethics and the Legal Profession, 11 Jan 2022
  4. What Is Diversity, Equity & Inclusion (DEI)?, Lisa Dunn, November 6, 2020
  5. Yale University Commencement Address, delivered 11 June 1962, John F. Kennedy
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