

LEGAL MANAGEMENT

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Law Firm Dysfunction: It's Not Just the Individual's Fault

BY JILL ROSE KOHN

Law firms are particularly vulnerable to becoming hotbeds of hotheads. Consider lawyers' personalities: focused, exacting, precise, and tenacious. These qualities are huge assets when used effectively on behalf of a client. However, when aimed in a hostile manner at colleagues and support staffers, these same characteristics may cause unintentional decreases in work effort, low morale, excessive gossip, and intentional withholding of valuable information.

Usually, however, the problem is mistakenly identified as being solely the perpetrator's fault. The problem individual is often characterized unfairly as some kind of ogre, while the other complicit participant goes completely unidentified. That complicit participant is the firm itself.

Problem behavior happens in an environment that tolerates it. Placing responsibility on the shoulders of only the problem individual will never adequately correct it. Even if the problem individual leaves the firm, another will spring up elsewhere. This is because, as research indicates, the solution must come in the form of effective, enforceable policies, in addition to change within problematic individuals.

WHAT CAN BE DONE?

Even if leadership recognizes the individual behavior as problematic, it often feels at a loss for how to effectively address it. What leadership often does not know is that ineffective responding creates a culture that supports the behavior. By tolerating such behavior, the firm unintentionally colludes with the individual's inappropriate actions. In order for real change to take place, both leadership and individuals must learn to do things differently. Here are several tactics to accomplish that.

COMMUNICATION GUIDELINES

Install guidelines for safe, civil communication that emphasize key rights and responsibilities. Your rights include being able to express your needs or wants, ask for help or clarity, or get relief from a co-worker's inappropriate behavior – all without embarrassment or admonishment. Your responsibilities include a duty to be respectful, refraining from using a raised voice or profanity, and even more subtle forms of disrespect, such as eye rolling, impatience and sarcasm. Everyone must agree to these guidelines; merely enforcing these rules among support staff will have no effect and could actually escalate dysfunction.

POLICY OF CIVIL BEHAVIOR

The firm should also institute a policy of civil behavior that clearly delineates what constitutes unacceptable conduct. Researchers suggest forming a committee that includes at least one member of senior management. Some firms have appointed an ombudsman, an individual who is not the administrator or managing partner, but trusted by most individuals in the firm.

FEEDBACK MECHANISM

Leadership must have available some reliable, effective feedback mechanisms in order to assess individuals' communication styles. Use of a 360° feedback mechanism is a highly effective means for doing so. Simple questionnaires that ask participants to rate individuals on a 1 to 10 scale can be easily created and administered. These surveys also provide an excellent way to track progress.

TEACHING SELF-AWARENESS

Individuals need to self-monitor and self-review. This is a critical component to creating lasting change. Inappropriate behavior often happens under distress and, therefore, individuals need to learn when they are becoming frustrated, impatient, or angry. An excellent way for individuals to increase self-awareness – and thereby cut off bad communication before it starts – is to become aware of repetitive, stressful thoughts that indicate internal pressure is rising. By simply educating an individual to pay attention to "you" oriented thoughts (such as, "You are a jerk"), that individual can become quite adept at recognizing that his or her emotional tension is rising and he or she needs to take action to cut off an impending negative interaction.

PRACTICE AND PATIENCE

Installing these mechanisms in your firm may feel like a Sisyphean task. However, with practice and patience, they can become an important feature of your firm's culture and a natural part of the individual's work routine.

about the author



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