

ARE SHARP LEGAL MINDS KILLING HEARTS?

This is a question that **Rachel Brushfield** has been considering.

Recent research has shown that lawyers work in the unhappiest of all the professions. This article, for which I interviewed a range of lawyers and support staff, examines the reasons for this.

Differences in attitude

"There is little difference in people but that little difference makes a big difference. The little difference is attitude. The big difference is whether it is positive or negative" W Clement Stone.

Is a sharp mental intelligence, while an asset when doing legal paperwork or in court, in fact a liability in people management and motivation which actually causes this low morale in law? Do lawyers really lack emotional intelligence and good rapport and interpersonal skills? Or is this a gross generalisation and could other factors be causing this discontent? If so, what are they?

The psychological contract, the bond and affinity that employees either do or do not feel with their employers, can be so easily damaged. The resulting cost can be great, enhanced by the heightened competition and changes in the law profession.

Lawyers are a bright bunch, as sharp as nails. Lawyers typically are very focused, sharp, driven dedicated, sometimes abrupt and yet honest, impatient, thorough, goal oriented and very hard working individuals. The billable hours yardstick of success or failure serves to magnify these characteristics. Throughout their careers lawyers are judged substantially on the amount of money that they bring into the firm so that there is constant pressure to put in excessive hours in the office which can be translated into partnership profits.

"Most lawyers feel that they have something to prove and at the end of the day in our profession, time is money" Merrill April, Memery Crystal

People not money

"To affect the quality of the day, that is the art of life" Henry David Thoreau

Until the time-based structure of success is changed, it is highly unlikely that people development will move higher up the agenda. There is no obvious reward for doing this and quite simply no evidence has been collected which substantiates the benefit of doing it either.

"Lawyers' inability to communicate with support staff leads to an unnecessarily stressful and demoralising atmosphere". Anon

Every personal characteristic has an upside and a downside. The upside of a sharp mind is incisive and analytical thinking, an attribute which is very useful in law. The downside is a picky, negative, critical, even self righteous and dogmatic fighting mentality. This aspect of the legal character is not good for managing and motivating people.

At an extreme, this behaviour is simply bullying. *"My worst experience with lawyers was in a previous law firm where all staff were bullied by a senior partner"* I was told by one employee.

Although in law, the focus is very much on technical skill with little emphasis being given to interpersonal skills, the 'time is money' imperative can lead a firm to consider that time spent on training, even technical training, is a cost rather than an investment. All too often trainees are not given a clear brief and their understanding of their instructions is not checked. The result? The outcome is different from what the partner expects, trainees get told off and feel stupid and demoralised; the work has to be done again often at the last minute and after hours, which further demotivates trainees as achieving any sort of work- life balance becomes even more difficult.

This perception of lack of value is even more likely where the training involved is in interpersonal skills and it is exacerbated where training sessions are put on, and, at the last minute, people are unable to attend because of their high workloads. Training in 'soft' skills is then thought to be a waste of money and the likelihood of attracting participants next time round is lessened.

But some lawyers clearly need to acquire them. The comment that "Instead of listening to what is being said, many managers are already listening to what they are going to say" is unfortunately far too relevant!

"Knowledge speaks but wisdom listens" Jimi Hendrix

The frequent emphasis on billable hours and the lack of time that is invested in the people side of law can lead to the opposite of what is aimed at. Lawyers become demotivated and less productive, resulting in a reduction in the billable hours a firm can achieve. In extreme cases, sharpness and self-righteousness can take the form of bullying, making legal lives a misery; lawyers leave their firms, but at what cost to those firms? The leaky bucket metaphor is very apt. Firms get in trainees and fledgling lawyers at one end, pay for them, develop them and then allow them to leave demotivated so that more young lawyers have to be recruited to go through the whole process again.

Other disillusioning factors

Factors other than lawyers' sharp interpersonal style may also be contributing to the low morale in the profession.

- The billable hours obsession - this can create extreme pressure making lawyers even more critical and abrasive than they would normally be and more perfunctory in their dealings with people. Wasted time is seen as wasted billings.
- Long and inflexible hours - this is starting to change, but until the billable hour structure is changed, little can be improved in this area. The majority of male lawyers either marry female lawyers or PAs who looks after them. But who looks after the lawyer wife? We especially need to change the situation for female working parents.

- Lack of career structure - it is taking longer to get to partner level, 6-10 years. This is uncongenial to the younger generation who have been brought up with a 'get it now' expectation, and who show less loyalty to firms than the older partners are used to.
- More competition - competition is hotting up, so firms need to differentiate and market themselves better. Marketing, networking and commercial skills all need to be developed. *"The level of competition in many large law firms is such that a lawyer is inevitably as much fighting the enemy within, let alone all the other battles with opposing parties and clients. Part of the problem is the fairly limited career structure available in most law firms."* Anon.
- Cut throat women - some highly ambitious women feel that they have to fight harder which could have a detrimental effect on their ability to manage and motivate people.
- 'Them and us' culture - lawyers tend to respect support staff less than other lawyers, George Orwell's aphorism, *"everybody is equal but some people are more equal than others"* comes to mind. Is this surprising when it is the lawyers who are seen to fill the coffers through the hours they put in, and therefore are thought to be more important and of more value? But imagine life without support staff and things would grind to a halt. Support staff are the oil that enables the cogs and wheels of law firms to run smoothly. *"Lawyers need to understand how important every person in a law firm is to the overall service provided by the firm"*, counsels Janet Gaymer, Simmons and Simmons
- Law is still a male dominated traditional world but it is important to be realistic. As Yvonne Gallagher of Lawrence Graham, says *"Progress takes time. You can't expect change to happen overnight. It's now reaching a tipping point in the profession."*
- The attitude of older partners - 'we didn't have any support to get where we've got to so why should you?' *"Treat people as if they were what they ought to be and you help them to become what they are capable of being."* Goethe
- For trainees, the reality of being a lawyer is very different from what they believed and envisaged, and many spend most of their time either photocopying, being a gopher or conducting research on nice points of law without really understanding the practical context.
- Competitive career minded women may sacrifice their personal lives and even marriage for their careers. This can create internal frustration which they unconsciously take out on their colleagues.

All these factors can combine to create less than ideal morale in the profession.

The advantage of women

Lawyers would not be lawyers if they didn't have sharp minds and it is important to remember that we as individuals can't please everybody all of the time. But, it is time that interpersonal skills were placed higher up the agenda, Women are known to have better interpersonal skills than men, this is proven by research, it's not a feminist 'rant'.

Women typically have better emotional intelligence, listen more and are better able to pick up the nuances in communication, both spoken and unspoken. They sense things that most men just don't see. Whether we like it or not, we are still intelligent apes, descendants from ancestors where the males went out and focused on hunting and the women stayed

at home nurturing the family and multi tasking. But perhaps we could now ask whether law could change radically, let go of its cautiousness and create partners with the specific role of focusing on developing people? Might women solicitors be the best qualified lawyers to foster *"Continuous development, including interpersonal skills, over a career through a proper career structure, education, training and overall support"* Janet Gaymer, Simmons and Simmons

What law firms need

"What is needed is a mix of lawyers skilled at getting in clients plus lawyers with good people skills. Both, not just one. It's all about balance." Yvonne Gallaghe of Lawrence Graham

The skills required to develop rapport and to create and build relationships are becoming more important in the legal profession, in order to attract and retain the best staff and the best clients. Firms need to recognise that people make choices based on their emotional connection with someone or something and that there is a high price to pay longer term where they neglect the softer less tangible people side of law. The younger generation want both more from their careers sooner and also a better work/life balance and they will vote with their feet if they don't get it. This modern approach is a shock to what is quite a traditional profession - the expectations of the older and younger sections of the profession are often very different.

A more open culture would also benefit law firms. While doing research for this article I found the profession to have a 'high proof, low trust' culture and uncovered a lot of fear - people were concerned about the consequences of sharing what they really thought and had experienced. Fear does not create a healthy environment for happiness, nor build a good psychological contract between employer and employee.

Law is all about tangibles and absolutes. When working out the Return on Investment it is easy to discount interpersonal skills, marketing and networking because they appear less tangible than some other activities. However, marketing is not as 'fluffy' as many think; there is much hard assessment of what works and doesn't work. Measuring staff turnover, the value of partners' time, the costs of recruitment, of training up trainees, of dealing with recruitment and billings, and assessing the budget for training and development should give a reasonably accurate picture of the true cost of people to law firms.

What next?

In the next issue of Link I will explore different ways of addressing these problems, to help the profession go through the paradigm shift that it needs to, with building relationships both internally and externally and developing interpersonal, marketing and networking skills moving higher up the agenda. The article will explore how lawyers can work smarter not harder

I would like to thank the lawyers I interviewed for this article for making time in their busy schedule to answer questions.

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