

Changing direction

**Create a culture of
continuous innovation**

10 Questions: Ian Jeffery

How Lewis Silkin will succeed
without mergers

Pricing for value

Develop a winning value-based
pricing strategy

Human law

How soft skills will differentiate
lawyers from robots



Human law

Soft skills will secure lawyers' future in the age of artificial intelligence, says Rachel Brushfield

With advances in artificial intelligence heralding a new age of cyborg lawyers,¹ it's more important than ever for lawyers to focus on the human qualities that cannot be easily replicated by robots.

This article discusses how law firms should develop soft skill training programmes for partners under the new self-monitoring continuing professional development (CPD) regime for lawyers in England and Wales, which can be opted into from 1 April 2015. It looks at the different kinds of learning that should be used and encouraged, and explores some creative approaches to equip partners with good interpersonal or soft skills.

'Soft skills' is a broad term for non-technical, interpersonal skills that are necessary for professional success. They enable partners to connect with clients and to get more done through and with their colleagues.

As Charlie Keeling, global head of HR at Clyde & Co puts it, "soft or interpersonal skills are the non-technical skills lawyers need to manage and develop their interactions with clients and colleagues for effective working relationships".

Comments Neil May, executive manager at Hogan Lovells: "Professional services are relationship based. The greater a partner's acuity, the better they will understand the client's wider challenges, and so the better business adviser they will be."

Soft skills is a complex, multifaceted topic that includes non-verbal communication,

which words are used, tone of voice, the use of silence/pauses as well as business etiquette and manners such as who walks through a meeting room door first or opens discussions in a meeting.

"Interpersonal and 'soft' skills are the glue that holds an organisation together and ensures that partners and their teams build rapport and effective working relationships with clients," suggests Charles Jennings, director at Internet Time Alliance.

Soft skills are a subjective perception, hard to measure compared to legal facts. They cover behaviours, habits and attitudes, so are less tangible than more clear-cut types of development such as client relationship management. Specific soft skills include the ability to listen to another's point of view, empathy, self-awareness, managing difficult conversations, influencing and building rapport.

Jennings categorises soft skills into five groups:

1. communication skills – for clear and open dialogue;
2. active listening skills – the ability to provide clear feedback;
3. team skills – the ability to work productively with others;
4. mentoring and reverse-mentoring skills – the ability to help others reach high performance; and
5. empathy skills – the ability to put oneself in others' shoes.

Business impact

Interpersonal skills have a high impact on engagement. Research shows that senior people and managers who are focused on and effective at supporting the development of their teams can increase performance by 27 per cent.² Improvements to the interpersonal skills of people managers can contribute to increased engagement (40 per cent), employee satisfaction (37 per cent), employee commitment (29 per cent) and employee adaptability (8 per cent).

“Soft skills can make or break employee engagement, they are that fundamental”

Charlie Keeling, Global Head of HR, Clyde & Co

“Soft skills can make or break employee engagement, they are that fundamental. Both intellectual intelligence and emotional intelligence are important for success as a partner, but the impact of emotional intelligence is growing. All the evidence is that good leaders with excellent soft skills tend to develop high-performing teams,” says Keeling.

Good soft skills build stronger, more resilient and more sustainable relationships

internally and externally. They enable better business development and client retention. Soft skills therefore translate into hard results, which are crucial in increasingly competitive times.

"A partner with good interpersonal skills can often get work done more quickly, effectively and efficiently. This can reduce the hours it takes to complete a client matter. In a market where fixed and capped fees are increasingly common, soft skills enable the protection of profit and equity," comments Paul Matthews, MD and founder of People Alchemy.

Adds Jennings: "In our increasingly interconnected and personalised world, those firms that engage effectively with their clients and their employees will succeed. Those that don't will fail. High-level interpersonal skills are essential for this connectedness between people."

Research indicates that only 40 per cent of a buying decision comes down to objective factors such as the suitability of the technical solution on offer.³ The rest comes down to emotional factors such as the ability of the lawyers pitching for the work to build personal rapport, trust and show understanding and empathy.

Change of approach

Law firms typically tackle soft skills development through a combination of formal partner development programmes, ad hoc conversations and feedback, evaluation through performance appraisals and informal briefings on topics such as mindfulness, client expectations and networking.

Many partners only get involved in interpersonal skills training to collect some of their annual compulsory 16 CPD points. The new CPD regime, which comes into full effect on 1 November 2016, relies on individual lawyers taking responsibility for their own development without monitoring.

Whether a tick-box exercise or not, the old 16-hours CPD system provided a structure and clarity about what needed to be done. This has now gone so, with lawyers placing technical knowledge above interpersonal or soft skills, the new CPD regime is worrying.

The average partner is not especially reflective by nature, so any soft skills development needs to be hooked onto what motivates them and what they are measured on, helping them to achieve better fee earning, business development,

TIPS TO IMPROVE YOUR LAWYERS' SOFT SKILLS

Do

- ✓ Ensure partners understand the importance of soft skills and how they are not an 'optional extra' for career success
- ✓ Have a leader who demonstrates excellent soft skills and advocates the importance of their development in the firm
- ✓ Consider 360-degree feedback and ongoing measurement to create self-awareness
- ✓ Link tracking and measurement of interpersonal skills with rewards
- ✓ Provide coaching for partners who have very poor soft skills
- ✓ Share soft skills research and their link to performance and productivity
- ✓ Frame soft skills development within a fee earning and client satisfaction context
- ✓ Monitor talent attrition trends in different practice groups
- ✓ Conduct exit interviews to elicit key insights and problem areas
- ✓ Ask competency-based questions at interviews to recruit employees with good soft skills
- ✓ Be explicit about expected values and desired behaviours, and share practical tools and examples
- ✓ Get partners to relate to their own experiences of interactions with different people
- ✓ Encourage lawyers to be proactive and take responsibility for their learning by defining their own learning objectives and having personal development plans to achieve them

Don't

- ✗ Ignore the issue – talent drain on the way out of the economic downturn is a real threat
- ✗ Allow excellent rainmakers to be allowed to get away with poor behaviours
- ✗ Leave the development of partners' soft skills to chance
- ✗ Use a 'one size fits all' approach – consider different personality types and learning styles
- ✗ Forget the importance of reflection about behaviour – create structures to enable this (e.g. time codes with a specific hour at the end of each week)
- ✗ Forget that lawyers don't like showing weakness; give indirect self-service ways for them to understand, learn and develop their soft skills
- ✗ Limit your assessment of soft skills to face-to-face contact; also consider telephone, email and social media contact
- ✗ Ignore cultural differences in verbal and non-verbal forms of communication
- ✗ Allow partners to be dismissive of personal development and self-improvement in general

client retention and improved individual and team reputations.

“Soft skills need to be led and driven by the leadership team and soft skills development built into reward mechanisms,” says Keeling.

Soft skills can be learned, but not taught. They are learned through aligning values, sharing behaviours, role modelling, helping to change mindsets, building the right organisational culture and supporting and rewarding the desired skill sets.

“The new CPD regime aligns with the philosophy of personal ownership and allows greater flexibility over what is seen to count as developing as a professional”

**Neil May, Executive Manager,
Hogan Lovells**

“Lawyers must take responsibility for their own career and development, with an individual plan for focus. The new CPD regime aligns with the philosophy of personal ownership and allows greater flexibility over what is seen to count as developing as a professional. This may enable more creativity in how time and budgets are best spent, but could prove more challenging for the smaller firms without the L&D resources. Equally, they might feel freer to offer the development they regard as the biggest priority at a particular time,” comments May.

Interpersonal skills tend to be developed through practice and exposure to different situations, and then reflect on the degree of success of those interactions.

“The underlying preferences in terms of behaviours are innate or formed in very early life. Lawyers like facts and evidence and so some ‘theory’ is useful in order to help partners to understand the impact of soft skills and also to give them a framework within which to reflect on their behaviours,” comments Matthews.

Partners need to value any training or professional development, especially when it is not compulsory. Involving partners in the

creation of a training programme focused on client relationship management for their area of law or a specific market to improve fee-earning works well, with soft skills development almost an indirect by-product.

“Assisting partners with a process for reflection and some simple ways to look at interpersonal interactions would be useful to most lawyers,” suggests Matthews.

Interpersonal skills exist at an unconscious level. In order to improve a soft skill, it needs to be brought into conscious awareness so that changes can be made to an individual’s approach.

The optimum ways to embed excellent interpersonal skills are through:

- hiring for attitude rather than skill;
- focusing on growing and developing the right organisational mindsets;
- coaching and mentoring desired behaviours and skills; and
- the top-tier of the practice modelling the attitudes, behaviours and skills they wish to see displayed.

Different personality types learn in different ways, and any approach needs to take into account different learning styles. Learning is both formal and informal and can take place equally effectively. But, as Keeling notes, “most lawyers don’t embrace creativity”.

Firm budgets are under pressure with margins being squeezed, so any methodologies need to be time and cost effective – especially for small and medium-sized firms.

The discussion of a matter is an everyday interaction that lawyers find comfortable with from law school. Providing opportunities to develop soft skills through experience, practice, conversations and reflection – including storytelling, role play and simulations, action learning, narrating work and experience sharing – can be very effective.

“Neuroscience informs us about how people learn. It is important to find ways to train lawyers that grab attention and generate insights. As personal insight is the only real precursor to behaviour change, engage emotions and provide space which allows for practical actions to be taken in response to insights and for quiet reflection to embed them,” comments Dr Jacqui Grey, managing director for Europe at NeuroLeadership Group.

“Take regular actions back at work to create habits which form new neural

pathways in the brain. It is much easier to create new neural pathways than to unravel old unhelpful ones. This is known as neuroplasticity. The brain is deeply social, so human connection should also be considered in partner development”.

Career-critical skills

Soft skills are a career and success-critical area of development in partners. The changes to the CPD regime leave their development to chance without robust firm policies and leadership driving and exemplifying good behaviours from the top.

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Scientific evidence about the importance of soft skills competency, together with growth in data about learning and development interventions, will help to provide guidance about which informal, formal, traditional and creative partner development approaches work best. Ultimately, it is the self-awareness of the individual lawyer to create inner change that will be the most critical factor in developing and improving soft skills.

References

1. See ‘Robot law’, Chrissie Lightfoot, *Managing Partner*, March 2015, Vol. 17 Issue 6
2. Corporate Executive Board study
3. See *Professional Development for Lawyers*, R. Brushfield, Ark Group, 2012

Rachel Brushfield is a career and talent management strategist and coach at EnergiseLegal (www.energiselegal.com) and LLClub (www.llclub.org)