



Courageous Leadership

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By David H. Freeman, J.D.

How did it feel when you came to work this morning? Were you light, excited, looking forward to the challenges and opportunities, and eager to interact with friends? Or was it more of a dread, a heaviness, a loathing, frustration, or a feeling of not wanting to see certain people? How do you think it feels for others who operate in different groups in the firm?

A 1999 Notre Dame study stated that “lawyers suffer from depression, anxiety, hostility, paranoia, social alienation and isolation, obsessive-compulsiveness, and interpersonal sensitivity at alarming rates.” Lawyers topped the list (of 104 professions studied), suffering from (major depression disorders) at a rate 3.6 times higher than non-lawyers who shared their key socio-demographic traits.

Further search on the Internet reveals more alarming information. In 2006, Michael Cohen, Executive Director of Florida Lawyers Assistance, presented a session entitled “Chemical Dependency/Stress,” and some of his findings included:

- 15%-18% of attorneys will have substance abuse problems vs. 10% of general population.
- Over 1/3 of attorneys say they are dissatisfied and would choose another profession if they could.
- Attorneys have the highest rates of depression and suicide of any profession.

What Does This Mean?

It is clear that law firms can be very stressful places. While this may not be news to you, it does raise some important questions. What responsibilities do we, as leaders, have to reduce some of this stress? While in the short term, we may not be able to change the nature of the work (*e.g.*, pressures generated by billable hours requirements), can we change the nature of the *environment* in which we work?

First, let’s look inside our firms to identify some of the sources of this stress. When communities of people get together, there are always potential rubs. Put them in high-stakes, high-tension situations, and the friction increases. Add to the mix people who are perfectionists, who possess the behaviors stated in the Notre Dame study, and who are products of systems that generally reward self-centered behaviors (law school grades, origination credits, etc.), and the temperature rises. Throw people from different cultures into the pot (*e.g.*, diversity, laterals, mergers), and you add even more fuel. The stifling lid on this cauldron is the tendency of those in power to ignore these factors because, as a profitable profession, they don’t want to disrupt what “works” from a financial perspective. And, in such a profitable profession, those in power often ignore these problems because they don’t want to mess with what has proven to “work” from a financial perspective.

This pressure-cooker environment has many negative ramifications. People are underproductive, they poison the environment for those around them, they leave for other firms or professions, they get sick, or even die. All in all, we are not creating fertile ground for high performance. It must be the job of leaders to remove obstacles and create environments that allow highly motivated, highly talented, and highly-strung people to thrive.

It Takes Courage

What must leaders do to create the right environment? Digging through our leadership toolkit, we need, first and foremost, to find courage. As poet and consultant David Whyte points out, we need the ability to engage in courageous conversations. We need courageous listening, courageous decision-making, courageous action, the courage to set and enforce standards of behavior, and the courage to do what it takes to change destructive existing habits.

Courageous leadership requires people to see what others don’t want to see, and do what others don’t want to do. At a recent conference, a speaker related a Sioux Indian saying that reminded us to “Listen to the whispers before

they turn into screams.” Our whispers may include associate dissatisfaction, low diversity rankings, client complaints, dysfunctional group meetings (“we should be fighting our competitors, not each other”), and weak cross-selling activity. The screams — wholesale partner defections, lost clients, weak lateral recruitment, or even dissolution.

We have the ability to make the necessary changes, but it requires courageous leaders who possess strength, conviction, and the stamina to hold on through the inevitable resistance. Chuck Yeager, the first person to break the sound barrier, reported that as he approached the barrier, it was the most turbulent ride of his life, but once he broke through, it became the calmest. Courageous leaders need to focus on getting to the other side of our barriers.

Courageous leadership exists everywhere. Since culture is the sum total of all the personal interactions in an organization, leadership must come from named leaders, partners, associates, and staff. It is in these interactions that leadership moments arise, and how we deal with those moments can make all the difference. Let’s look at some change agents from various firms to see examples of the power many of us possess.

It’s about *clarifying group perceptions*. One boutique firm recently described a cultural fable that lives in many of our firms. During a retreat, one partner proudly reinforced the platitude that they should think of themselves as “family.” A courageous partner stood up and said, “I don’t agree. Families can be painful and highly dysfunctional places where unacceptable behavior often is tolerated. I believe we should aspire to treating each other like good friends. We would never treat our best friends like we treat our families.” The room fell silent as people realized the behaviors they permitted as a “family” didn’t belong in a law firm.

It’s about *rebalancing power*. In one firm, where some powerful lawyers were not sharing origination credit in an appropriate manner, a group leader is stepping up on behalf of his group members to change the system.

It’s about *leading by example*. In a firm where cross-selling potential is not being fully realized because of the chilling historical practices of major rainmakers who keep too much (if not all) of the originations, a partner who couldn’t change the system changed her way of sharing. For work she gives to others, she offers a significant portion of credit, thereby breaking the loop of unproductive behavior. With the people she works with, she has created a culture of sharing with the hope it will spread to others.

It’s about *asking for forgiveness rather than permission*. A marketing director insisted as a condition of his employment that all attorney contacts be included in a centralized database. Despite vigorous backlash from a few dissenters, he created a unified contact management system that saved money and was much more effective in reaching out to firm contacts.

It’s about *setting the tone*. In more than one firm, I have seen and heard about main receptionists who are so client-focused, so friendly, so nurturing and caring of the people in the firm, that they are credited with creating a stronger feeling of community in their offices.

It’s about *enforcing standards*. Kudos to those leaders who have demonstrated the courage and conviction to enforce partnership behavior standards by getting rid of the 800-lb. gorilla partners (with large books of business) who terrorize associates and cause them to leave in droves.

It’s about *admitting weakness*. During a leadership training and planning session, one leader who realized he didn’t have what was needed to effectively lead, admitted it and asked for someone else to take his place.

It’s about *doing what you believe in*. At a boutique firm that is populated with lawyers from the best schools in the country, I learned that one recent associate lateral took a \$100,000 pay cut to join the firm in order to “do what I went to law school for.”

It’s about *standing up for yourself*. One associate who was being verbally and emotionally abused by an overbearing partner called a meeting with him, defined his behavior as unacceptable, told him she would no longer accept that behavior, and together they agreed upon ground rules for their future interactions.

It’s about *breaking old patterns and building new ones*. A leader of a Labor & Employment group was relentless about building relationships with other complementary group leaders, getting cross-groups to regularly meet, and demanded commitments for cross-group action, all resulting in significant new revenue to the firm.

It’s about *protecting your turf when necessary*. A group lateraled into a large firm, and one of the new partners was designated the leader of an existing group. The new leader funneled all new work to the partners who came with him, cutting off a partner from the legacy firm. The partner confronted the leader, called him on his behavior, defined her market, and protected her practice.

It’s about *taking risks*. The insurance defense and Workers’ Comp practices that could live with the devil they know (long hours at low rates), but have risked building new practices that could be more personally and financially rewarding.

Questions to Ask

How can we become the kind of firm we wish for? We can start by answering questions like these:

- What kind of firm do we want?
- How would a brave, integrity-filled firm act?
- What is getting in the way of becoming that kind of firm?
- What must we do to remove obstacles?
- What are our standards for interacting with each other?
- How should we enforce our standards, and what are the implications of non-compliance?
- How should we treat our associates (as slave labor or future partners/potential referral sources)?
- What is my role in making this a better (or worse) place for me and my colleagues?
- What would courageous behavior from me look like?

Imagine the kind of firm you'd work in if these questions were asked and addressed. The good news is that you possess the power to step up, to be a catalyst, to squeak the wheel, and ignite a fire. You can take on the responsibility to encourage others to throw their kindling upon your flame and fan it until the blaze destroys negative patterns of behavior. Poet Marianne Williamson provides excellent guidance by telling us "... playing small does not serve the world."

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