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WHAT TO DO WHEN MORALE IS LOW

by

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If you lead a law firm¹ today, then one of the things that probably keeps you up at night is thinking about maintaining the morale and *esprit de corps* among your lawyers and other professional staff. You may use other language to describe it, but we're talking about the same thing—engagement, cohesion, motivation, attitude, commitment, climate²—these are all slightly different ways of saying that we want our lawyers and other professionals to *want* to work at our firm, to like working there, and we want them to (a) give 110%, (b) be loyal to the institution, and (c) maintain a positive, hopeful, firm-first attitude most of the time.

And if you're like most law firm leaders, you probably see considerable room for improvement in your firm. I've written extensively elsewhere about the negative, skeptical, autonomous, low-resilience personality traits of lawyers. While most of the traits I've profiled are the very things that help a lawyer to be effective at practicing high quality law, those same traits can seriously impede some of the other things we expect and hope for from our lawyers. For example, the better one is at practicing law, the more challenging it may be for that individual to be effective at:

- Leading
- Supervising
- Managing
- Collaborating/Teaming
- Innovating
- Adapting
- Transitioning your work at the end of your career to younger lawyers

¹ While this article is written about leaders of law firms, nearly all of the ideas apply with equal force to leaders of corporate law departments.

² While these terms are often used interchangeably, there are subtle differences among them. Yet all have one thing in common—the mindset of your employees along a dimension that runs from negative to positive. In this article, I'll use the most common—and less scientific—term “morale” as a surrogate for all of these.

- And maintaining morale

For these reasons, a high level of morale does not naturally develop on its own in a law firm; it requires leadership. There are steps that leaders can take—encouraging certain practices, implementing certain policies, role-modeling certain behaviors—that will foster high morale and a cohesive culture. These steps work whether your starting point is fixing a serious morale problem, or just trying to improve the level of cooperation in an otherwise healthy firm. (When morale is seriously damaged, there are several additional required steps which I'll address at the end of the article.)

Let's start by understanding what undermines morale. Yes, our personality traits can make it challenging to build warm and fuzzy workplaces, but there are over a dozen other factors that can send your firm's morale in the wrong direction. Organizations operate like living organisms, and certain practices can cause morale to deteriorate systemically, just like a small cold virus can cause your entire body to succumb to malaise.

There are well over a dozen factors that can cause morale to plummet in a law firm or law department. Here are some of the major ones:

1. Rude behavior. Incivility tolerated or even role-modeled. People need positive interactions to thrive.
2. Poor supervision. For example, when supervisors are condescending, abrupt, or insensitive.
3. Lack of connection – with each other, with supervisors, with other groups— people need to feel connected; an isolated office climate is a low morale climate. Loneliness causes physiological and psychological damage.
4. Poor leadership at the top—lack of vision, direction; poor decision-making; changing goals or strategies (“moving the goalpost”); internal conflict; secrecy; favoritism; politics; or fostering uncertainty about job tenure; playing one group against another; or self-dealing (instead of acting in the interests of the organization or the employees.)
5. Moral failures—when prominent partners do something inappropriate or illegal, or when the entire organization is implicated in an immoral behavior or one that is seen as taboo.

6. Nepotism, dramatic income inequality, and other practices that make the game feel rigged to the average employee.
7. Work-life imbalance; unreasonable workload.
8. Disconnect between what's promised and what's delivered. Fuzzy or unmet expectations.
9. Employee misalignment: Wrong person in the wrong job.
10. Inadequate recognition.
11. Lack of challenge in the work, or lack of coaching, feedback or development to help your lawyers prepare for the requisite level of challenge.
12. Lack of growth opportunities.
13. Lack of trust in people. A culture of mistrust.
14. Micromanagement. Overly restrictive rules & regulations, red tape.
15. Raises and promotions frozen; compensation not at market value.
16. Inappropriate compensation levels. Often presumed to be the main reason for low morale, but rarely is.
17. Failure to deal with underperformers.
18. Failure to deal with jerks or 900-pound gorillas.
19. Poor communication—Does management keep employees informed? Does management listen to employees?
20. Can you think of others?

What are the signs of low morale in an organization? Look for any of the following. The more of these you see, the more likely you have a morale problem:

- Closed-door meetings, formation of cliques.
- An increase in gossip, especially when it has overtones of cynicism, particularly about individuals in leadership roles.
- Conflict that gets personal (instead of disagreements about issues).
- People doing the minimum necessary.
- Widespread negative moods—sadness, cynicism, low energy, loss of enthusiasm, irritability, increased criticism and fault-finding, increased defensiveness, passivity.
- Increased absenteeism.
- People arriving late and leaving early from work.
- People quitting.
- Increase in errors.

- Passivity, decline in initiative-taking, “learned helplessness”.
- Secretive gripe sessions.
- Distorted communication (Did you ever play “Whispering down the lane” or “Telephone” as a kid?)
- Complaints from clients increase.
- Fatalistic language, e.g., “whatever”, “who cares”, “what’s the point”, etc.
- Silence at meetings.
- Reduced attendance at meetings.
- Poor performance overall.

When an organization gets to the point where these factors clearly predominate, it’s usually quite difficult for the organization to fix itself without outside help. Even the most well-intentioned efforts to repair the problem are filtered through the lens of cynicism, and met with either indifference or marginalization.

People are indifferent because the above conditions are usually accompanied by a fatalistic mindset, i.e., people feel powerless and that nothing they do will make a difference anyway, so why bother.

And internal efforts to help are often marginalized because some subgroup almost inevitably labels the helping agent as aligned with one of the factions. Once this happens, people in other factions become reluctant to trust the helper, even if earnest and sincere.

So how does an outside agent help an organization to repair its morale?

There are 10 key factors that can transform any organization. These factors, when properly applied, can lift an organization out of low morale, or they can equally transform a well-functioning organization to even higher levels of morale and productivity:

1. Clear & passionate goals, roles and expectations
2. Meaning and Purpose
3. Social Connection & Caring
4. Mastery and competence, strengths & feedback on performance
5. Autonomy
6. Pride
7. Gratitude & Recognition

8. Respect
9. Fairness
10. Renewal

1. Clear & passionate goals, roles and expectations: Research shows that people are mobilized by having a purpose, a mission, a clear direction (and a good reason to go in that direction.) In addition to clear goals, it's also important to let individuals know what their roles are, i.e., "What's expected of you?" Gallup's research has shown that the single question that best predicts whether an employee will be highly engaged or not is "Do you know what is expected of you at work?" Leaders can establish a mission and infuse it through the law firm. It helps if the firm overall has a clear mission, and each practice group has one too.

But goals alone are insufficient to raise morale. Psychologist Robert J. Vallerand has published research on the difference between what he calls "harmonious passion" and "obsessive passion." Harmonious passion describes the mindset of someone who likes their work, feels energized by it, drawn to it, and feels like time disappears when they're doing it. It brings them intrinsic pleasure. They feel like they're in control, and most importantly, their work is "in harmony" with the rest of their life. They feel balanced. By contrast, obsessive passion describes the mindset of someone who is driven to do their job, even though they may not really like the experience they're having. There's a feeling of "compulsion"—"I *have* to do this work" (as opposed to "I *want* to do this work.") Harmonious passion has been linked to higher levels of psychological well-being, while obsessive passion has been linked to burnout. If a leader can facilitate the experience of harmonious passion across the vast majority of lawyers in the firm, it's an instant morale-booster.

2. Meaning and Purpose: Many researchers have shown the vital importance of work that has meaning. When people feel that what they are doing matters, it makes a huge difference. Meaning can be derived from as simple an act as getting feedback about a piece of work that you turned in. One very simple step that a supervising lawyer can take is: when assigning work, give the supervisee some context so that the supervisee has a sense of who benefits at the end of the day from his or her efforts. Teresa Amabile at Harvard has extensively studied what she calls "the Progress Principle". This principle states that a person is likely to be more motivated when s/he

receives regular and ongoing feedback that s/he's making progress towards an important or meaningful goal. When you know that what you're doing is meaningful, it can be a powerful force in raising morale.

At a deeper level, meaning arises when a lawyer is able to see that his/her actions have made a meaningful and positive difference in the eyes of the client. "Making a difference" is not limited to working at a soup kitchen or going on a charity walk; knowing that your analysis helped clear away the legal obstacles to closing a deal can be equally meaningful. People want to know the consequences of their efforts.

In his book *Payoff*, Duke University psychologist Dan Ariely makes an evidence-based argument that fostering "meaning and purpose" in your employees is the single most powerful strategy for infusing motivation and morale among the workforce.

3. Social Connection & Caring: Over the past 20 years, there has been an explosion of research into the importance of human connection. We are fundamentally social animals. Lawyers frequently express discomfort around any talk about relationships, seeing it as "soft", "touchy-feely", or worse. (However, if you observe their behavior, they clearly need relationships as much as the next person.) Most lawyers don't realize that science has amassed so much evidence about how much relationships matter—even at work—that it's time to accept their importance. In particular, workplace cultures which foster strong and authentic connections tend not only to have higher morale, but are more productive and profitable. Isolation is not good for business. Unfortunately, the legal profession has a bias towards isolation. Lawyers tend to be more introverted than extroverted, and they tend to have much higher needs for autonomy than other people do. We also tend to have lower psychological resilience, think more negatively, and are more prone to depression as a result. Each of these factors, alone, (except the last one) is perfectly fine, but in combination, they increase our tendencies to be loners—to work alone, to not collaborate, to eschew social events, and to view talk of relationships as worthy of ridicule. This leads to the very isolation that hurts us in so many ways, one of which is the fostering of low morale. Luckily, law firm leaders can build social connection in a number of ways:

- Encourage the cultivation of friendships across the firm. Fraternalization is a good thing.
- Teach your partners and particularly your leaders how to make those they supervise feel “included”. (Hint: This must be done in an authentic, sincere way.)
- Institute opportunities for small groups (5 to 8) of lawyers to periodically meet face-to-face so they get to know each other. Feeling “known” is a vital element in the social connection research. There is no substitute for real face time.
- Teach your lawyers and your leaders about the importance of collaboration. Heidi Gardner at Harvard has shown that collaboration not only increases profitability, but it also makes a practice “stickier” in the eyes of the client.
- Consider architectural tweaks that foster interaction among lawyers who may not otherwise have occasion to interact. E.g., set up a lunch room or some other obvious meeting spot and strategically place it so that lawyers who don’t normally have occasion to interact will naturally end up doing so.

4. Mastery and competence, strengths & feedback on performance: Another major factor in morale, engagement and overall well-being is a feeling of mastery over a skill or competence. People innately need to feel effective. In a law firm, that translates into lawyers wanting to master their craft, to feel like they’re competent, skilled practitioners. Nothing motivates or elevates a lawyer—particularly a younger lawyer—than when a supervising lawyer takes a genuine interest in the development of that younger lawyer, in helping that individual to progressively deepen his/her skillset. It’s even more powerful when the mindset of the supervising lawyer is something akin to “I genuinely care about your development into a competent, highly skilled lawyer, and I will make an ongoing effort to help you get there.” Consider how much more powerful this mindset is compared to this one: “I’m glad you’ve got some billable time available so that I can get this important work to my client.”

In addition to the joy of mastery, research solidly supports the idea that people are energized when we get to use our strengths. That is, when a lawyer gets to do what s/he does best on a regular basis, it’s highly motivating and satisfying. Strengths research even shows that when a person actually works at getting even better at the skills that they’re already

good at, the magnitude of the performance improvements is huge, especially compared to the shorter and more transitory gains experienced by someone working to fix a deficiency. And, most people enjoy using their strengths so much that those kinds of gains can be sustained for a long time. Repaired deficiencies, by contrast, tend to fade fairly quickly. There are many corporations that have cultivated strengths-based cultures in which managers consciously identify, label, cultivate and reward the use of strengths. Few law firms do so, but they would benefit hugely from doing so.

5. Autonomy: People have an innate need to feel that they are effective agents in the world, i.e., when they *do* something, it has an impact. We like to feel that we have the discretion to make choices and decisions, even if they're limited in number or scope. By contrast, no one likes to be micromanaged. It's especially satisfying when we can feel that we have regular opportunities to exercise discretion *about things that matter to us*. Again, law firm leaders can influence the subjective experience of autonomy that their lawyers experience. For example, one simple step is to train partners and senior associates who are supervising younger lawyers about the importance of encouraging some areas in which the younger lawyer is explicitly given the responsibility to exercise discretion, as well as the importance of avoiding micromanagement.

6. Pride: Two recent studies—one at Facebook, the other undertaken in China—strongly support the importance of evoking a feeling of pride in your employees as a route to engagement and high morale. Pride has always been seen as a positive emotional state to foster, but these studies finally give us some hard evidence that there is a direct social and business impact when pride is fostered in an ongoing way. You can evoke a feeling of pride on an individual basis by offering *genuine* compliments to an employee when they've done something commendable. And you can evoke pride on a more widespread basis by operating the firm or law department in a way that does good in the world, takes the moral high road, or makes a meaningful contribution (behaviorally, not financially) to a worthy recipient (e.g., *pro bono* work.)

7. Gratitude & Recognition: Most human beings respond very positively when their work or their efforts are noticed by a supervisor, a firm leader, or a client. Simple recognition, or recognition coupled with an expression of

gratitude, is uplifting for an employee. Recent evidence suggests that the positive emotional benefits of gratitude last much longer than most people intuitively guess. And, there's a hidden plus to gratitude—not only do regular doses of authentic gratitude increase the mood and morale of an employee, but they are immensely beneficial to the *giver* of gratitude. Robert Emmons, the leading authority on this powerful emotion, enumerates the following list of benefits of being grateful to others—these are all taken from peer-reviewed scientific studies:

- Reduces physical symptoms (fewer colds, headaches) (plus lower levels of biomarkers for inflammation).
- Produces greater life satisfaction.
- Makes people more optimistic about the coming week.
- Creates higher states of alertness, attentiveness, determination and energy, and reports of sustained better moods.
- Results in fewer absences.
- Causes people to be more helpful to others.
- Leads people to report fewer hassles in their lives.
- Fosters better sleep quality.
- Creates an increased feeling of being connected to others.
- Generates higher productivity.

8. Respect: Christine Porath, a professor of management at Georgetown University, has written extensively about the price of incivility in the workplace—in particular, she focuses on the lack of respect and how it lowers morale³. The flip side is also true—treating others with respect and kindness can have a direct impact by increasing morale, productivity and work satisfaction, and reducing turnover and absenteeism. In 2007, the *Wall Street Journal* reported that Rodgin Cohen, the legendary Chair of Sullivan & Cromwell, implemented a policy requiring partners to say “please” and “thank you” to associates, and this small change reduced associate attrition. If you want to maximize morale in your firm, fostering respectful attitudes and behaviors among *all* personnel, regardless of status, is a wise strategy.

³ For example, see “The Price of Incivility: Lack of Respect Hurts Morale—and the Bottom Line”, by Christine Porath and Christine Pearson, *Harvard Business Review* (January-February 2013)

9. Fairness: Human beings (and apparently many other species) have an innate sense of fairness. In a famous video that went viral, animal researcher Frans de Waal conducted an experiment in which he demonstrated that Capuchin monkeys that were fed a less desirable food (cucumbers) while their cagemate received a more desirable food (grapes) reacted just like many humans who've been treated unfairly. The unfairly treated monkeys rejected the cucumber they'd been given and threw it at the experimenter. (See YouTube clip: <https://youtu.be/meiU6TxysCg>) In the workplace, special treatment, favoritism, unfair treatment, or irrational and unequal access to valued resources can trigger resentment against management and a lowering of morale. And creating a culture in which fairness is the cultural norm can be a strong morale-building mechanism.

10. Renewal: The practice of law today has become more intense than ever before. Technology has dramatically increased the amount of information we have to take in, and it has also shortened the time within which we are expected to respond to clients and others. Competition has increased. Most law firms have grown, and many practice groups span large geographical footprints, making it more challenging to stay in touch and even more challenging to build cohesion. But human nature hasn't changed. Tony Schwartz, in his book *The Power of Full Engagement*, made the case for managing *energy*, not time. He makes a compelling argument that human beings simply perform better when they periodically take time out to renew and recharge. While it may subjectively feel like we're being efficient to go full speed with no breaks for a long time, we're really deceiving ourselves. It's good business to create a culture that sends a message to your lawyers and other professionals to take time off. Schwartz recommends doing so hourly, daily, weekly and yearly. Firm retreats serve an essential purpose. Some firms have mandatory sabbaticals. And some firms have a limit on the *maximum* number of hours one can bill. The bottom line is that a workforce that has opportunities for regular renewal and recharging is vastly more likely to also have higher morale.

Building Morale

If your firm is relatively healthy, and your goal is to lift the morale above the current level, you can apply any or all of the preceding ten strategies. I've listed them in order, from most to least impactful. All have impact—it's just that the first five have more impact.

None of these strategies occur on their own. All of them require *Leadership*. That means that it's not just a simple matter of disseminating a memo. Rather, you need to train your firm's leaders about how to infuse each strategy *in an ongoing way*. There are dozens (maybe hundreds) of things competing for the attention of your lawyers on any given day. In order to achieve any impact with these strategies, they must be delivered in a sufficiently frequent and noticeable way. And this requires training.

If, on the other hand, your firm is not as healthy as it could be—if morale is noticeably low, and your goal is to transform it from a low-morale firm to a highly functioning and fully engaged one—then the required approach is a bit more complex.

There is a critical set of steps that need to take place first. The most important first step when morale is low is to provide a forum for your employees to voice their concerns. It is essential that when they do so, that they feel completely heard. This means that the person(s) leading this process must be highly skilled in “active listening”, by which I mean the art of hearing and validating the core ideas of an individual in such a way that s/he feels like you “get” their point, you deeply understand their feelings, concerns, and point of view. If the facilitator reacts with even the slightest bit of lawyerly repartee, challenging an idea, raising his/her eyebrows, not accurately reflecting back the core ideas—then rapport is broken, and you may have worsened rather than improved the situation. I can't underline this enough—when morale is low, people tend to feel cynical and powerless, and so if a firm leader asks them to take a risk and share their concerns, and they feel anything less than 100% heard, respected, understood, it will simply deepen their cynicism.

There are two approaches to conducting this type of listening. The first is to have one or more trusted firm leaders schedule listening sessions with each lawyer or other professional. This can sometimes work if the individuals are seen as having high integrity and excellent listening skills. However, there is a certain tipping point in a low-morale firm where the level of trust is so low that even the leader with the highest integrity will be met with a cynical reaction.

In this case, it's necessary to bring in an outside consultant who has the requisite skills, who usually conducts individual confidential interviews. In such cases, pay very careful attention to the actual process of bringing that

consultant into the firm. For example, in many low-morale situations, there are also often factions that have formed. If a firm leader is seen as aligned with one of these factions, then any consultant s/he brings in will be tainted in the eyes of those in rival factions. In other words, the person responsible for bringing in an outside consultant needs to be a person of the highest integrity, be widely seen as having a “firm first” mentality, and not be widely perceived as aligned with or advocating on behalf of any faction. To ignore this principle is to undercut the ability of any outsider to establish the requisite level of trust needed to do the job.

Assuming you can accomplish this first “listening” step, the next step is to create an opportunity to get as many stakeholders in a room—in person—as possible for the purpose of discussing the findings and having a give-and-take with firm leadership about their proposed remedial steps. Again, the level of cynicism can make this a very challenging exercise, and it’s almost always a good idea to engage an outside facilitator who is seen as trusted and nonpartisan.

The purpose of this meeting is twofold. First, it serves an informational purpose by allowing the lawyers to all hear what up until now just selected individuals have heard. And it gives firm management a chance to reassure the lawyers that they understand the problem and have a plan to fix it.

The second purpose is purely psychological—it is an opportunity to begin the process of building trust and reducing cynicism.

These two elements must be in place before firm leadership makes any attempt to implement any of the 10 practices outlined above. Even the most noble, well-meaning leader will fail if the rank-and-file lawyers don’t feel that management understands them. (And it doesn’t matter if management believes they do—perception is far more important than any “objective” reality here.)

Finally, the best way to implement any of the practices is to enlist volunteers from among the rank-and-file lawyers to help in the process, rather than having management implement them as a top-down mandate. The more participation, the more commitment and buy-in.

Morale can be a delicate thing. The more you consistently apply the core principles, though, the more likely you'll be able to build and sustain morale at a high level.

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About the author:

Dr. Larry Richard, founder of LawyerBrain LLC, is widely regarded as the leading expert on the psychology of lawyers. He practiced law as a litigator for ten years, and then earned a Ph.D. in Psychology from Temple University. He's been studying lawyers for over 25 years, and turning that knowledge into techniques for performance improvement. He is a trusted advisor to leaders of law firms and law departments around the world. www.lawyerbrain.com