

RESPONDING TO THE CORONAVIRUS PANDEMIC

THE PSYCHOLOGY OF LEADERSHIP IN TIMES OF CRISIS

An MPF Webinar – April 1, 2020

by

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BIOGRAPHICAL PROFILE

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Uri Gutfreund is The National Law Firm Practice Leader at Risk Strategies Company, a top 25 national insurance brokerage and The Founder and Moderator of The Managing Partner Round Table™, a regional peer-to-peer professional development group. This unique program has quickly become a leading venue for thought leaders in the legal industry.

At Risk Strategies, Uri is responsible for the development and execution of all insurance and risk management services to the company's law firm clients. He oversees all of law firm specialty areas including: Health, Professional Liability, Property and Casualty, Cyber and EPLI. His practice leadership combines 20 years personal experience with cutting edge innovation remaking law firm insurance programs using the latest technology, peer benchmarking, and real time best practices to serve the company's law firm clients.

He is a Registered Professional Liability Underwriter since 2001 and a frequent speaker and writer on law firm leadership, law firm business practices and insurance and risk management at national and regional conferences.

Selected Publications and Presentations:

- "Everything You Need to Know about Insurance For Your Firm in 60 Minutes," Speaker of the Month, St. Louis, Atlanta, 2016.
- "2015 Tax Deduction Opportunity: 5 Steps to Overpay For Your Professional Liability Insurance," 2015.
- "Is Your Firm the Next Target for Hackers?" Business of Law Conference, 2015.
- "Change or Be Eliminated: Why Every Administrator Should Become a CFO," Business of Law Conference, 2015.
- "Disability Insurance for Law Firms – It's All in the Details," Association of Legal Administrators - Annual Conference Speaker, 2015.
- "Errors, Omissions & Scares-PLI! Professional Liability Insurance Unmasked," Association of Legal Administrators - Annual Conference Speaker, 2014.

- “Buying and Selling a Law Practice,” Westchester Bar Association Speaker, 2014.
- “Suing for your fees: Three insurance considerations to safely collect what’s rightfully yours,” 2013.

April 2019

BIOGRAPHICAL PROFILE

John Remsen, Jr.

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John Remsen, Jr., is widely recognized as one of the country's leading authorities on law firm leadership, management, marketing and business development. Since 1997 TheRemsenGroup has consulted with more than 400 law firms and thousands of law firm leaders to help them develop and implement long-term strategic objectives to improve cohesiveness, profitability and sustainability.

John is a frequent speaker and author on law-firm leadership and marketing topics. He has spoken at national and regional conferences of the Legal Marketing Association, Association of Legal Administrators, American Bar Association, and numerous state and local bar associations. His articles have appeared in dozens of highly respected legal publications, including the ABA Journal, Law Practice Management, Law Practice Today, Law360, Legal Management, Marketing for Lawyers, Marketing the Law Firm, Managing Partner, National Law Review and New York Law Journal.

Since 1988, John has been an active member of the Legal Marketing Association, and he has served as President of LMA's Southeastern Chapter, Executive Editor of Strategies (LMA's newsletter) and a member of LMA's national Board of Directors. He is also an active member of the Association of Legal Administrators and a popular speaker at ALA meetings and conferences.

In 2002, John created The Managing Partner Forum, a highly acclaimed conference series and community for managing partners and law firm leaders. More than 1,200 firm leaders from 900 law firms from 43 states have participated in 26 conferences. In addition, John distributes The MPF Weekly, an electronic newsletter to more than 10,500 firm leaders throughout the U.S., Canada and 28 other countries.

John's influence was underscored when he was inducted as a Fellow of the College of Law Practice Management in 2013, in recognition of his 25 years of demonstrated expertise in law firm leadership and management. Founded in 1994, the College honors those who "inspire excellence and innovation in law practice management." Membership is by invitation only and includes just 200 individuals.

And the College was not alone: in 2016, John was recognized by LawDragon as one of the "Top 100 Consultants and Strategists" to the legal profession; and in 2017, John was recognized as one of the world's top "leaders and influencers" in the business of law by the Association of International Law Firm Networks.

A native of West Palm Beach, Florida, John holds an MBA from The University of Virginia (1985) and a bachelor's degree in Business Administration from the University of Florida (1980). Prior to enrolling in graduate school, John was Executive Director of The Florida Council of 100, an organization comprised of Florida's top CEOs and other business leaders.

April 2019

BIOGRAPHICAL PROFILE

Dr. Larry Richard

Principal Consultant

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Larry is recognized as the leading expert on the psychology of lawyer behavior. He has advised the majority of the Amlaw 200 law firms on leadership, change management, assessment, and other aspects of strategic talent management. Widely known as an expert on the lawyer personality, he has tested over 40,000 lawyers.

A graduate of the University of Pennsylvania Law School, Larry practiced law as a trial attorney for ten years. He then earned a PhD in Psychology from Temple University. For more than 20 years, he has provided consulting services exclusively to the legal profession. Formerly with Altman Weil, and more recently with Hildebrandt, he recently launched his own consulting firm, LawyerBrain LLC, which focuses on improving lawyer performance through personality science.

He is a frequent author and speaker on the use of positive psychology and applied behavioral science in helping law firms to succeed.

April 2019

MPF WEBINAR

Responding to the Coronavirus Pandemic



Managing Partner Forum®
ADVANCING THE BUSINESS OF LAW

Responding to the Coronavirus Pandemic
The Psychology of Leadership in Times of Crisis
An MPF Webinar with Dr. Larry Richard
April 1, 2020 – 2:00pm ET



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John Remsen, Jr.

- President, TheRemsenGroup
- President & CEO, Managing Partner Forum
- Strategic Planning, Marketing/Business Development, Firm Retreats, COO/CMO Search
- Speaker:
 - American Bar Association
 - Association of Legal Administrators
 - Legal Marketing Association
 - MPF Annual Conference
 - Law Firm Networks
- Education:
 - MBA – University of Virginia
 - BSBA – University of Florida



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Responding to the Coronavirus Pandemic



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Uri Gutfreund

- National Law Firm Practice Leader,
Risk Strategies Company
- Founder,
The Managing Partner Roundtable
- Speaker:
 - American Bar Association
 - Association of Legal Administrators
 - Managing Partner Summit
 - MPF Annual Conference
 - Law Firm Networks
- Education:
 - BA – Yeshiva University



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Dr. Larry Richard

- Founder, LawyerBrain LLP
- Blog: "What Makes Lawyers Tick"
- Leading expert on the lawyer personality
- Altman Weil, Hildebrandt
- Author and Speaker:
 - American Bar Association
 - Association of Legal Administrators
 - MPF Annual Conference
 - Law Firm Networks
- Education:
 - PhD-Psychology – Temple University
 - JD – University of Pennsylvania



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TODAY'S WEBINAR

- Opening Remarks
- Q&A with Dr. Larry Richard
- Lessons Learned from MP Conference Calls

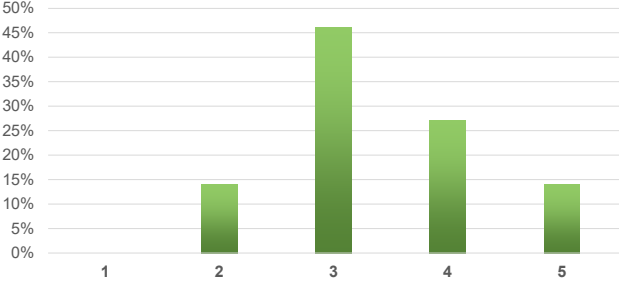


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THE MPF 2019 LEADERSHIP SURVEY RESULTS

How much stress and anxiety for attorneys at your firm the past few weeks?



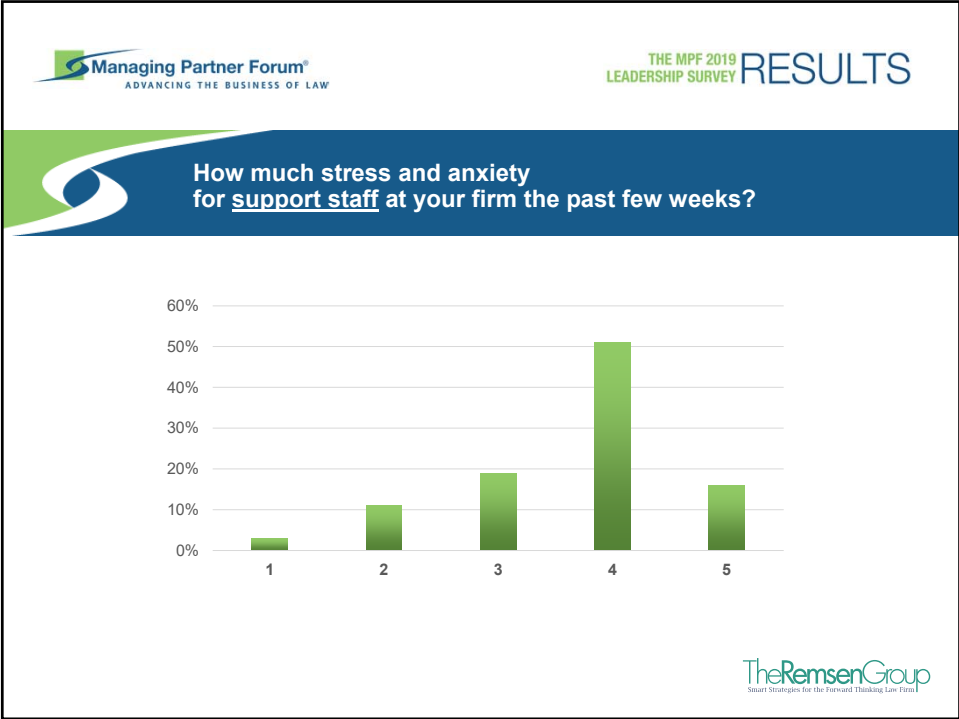
Stress Level	Percentage
1	0%
2	14%
3	46%
4	28%
5	14%



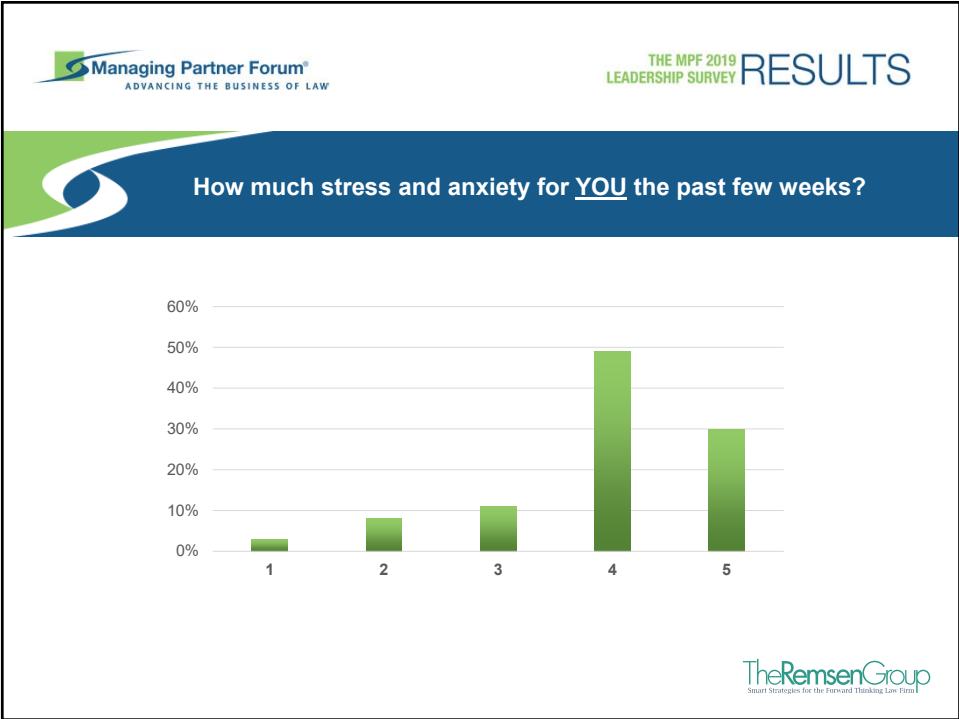
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EXPENSE MANAGEMENT

Tactics to Reduce Short-Term Expenses

- Postpone Major Investments 62%
- Reduced Partner Draws 31%
- Reduced Hours for Staff 16%
- Let Staff Go 16%
- Let Associates Go 6%
- Stiff Landlord 6%
- Other 50%



 

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EXPENSE MANAGEMENT

Other Tactics to Reduce Short-Term Expenses

- Nothing Yet
- Set Up Line of Credit
- Defer 401K, HSA Contributions
- No Travel Policy
- Cancel Non-Essential Subscriptions
- Hold Payments to Vendors
- Salary Cuts for All Lawyers

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LESSONS LEARNED

- Disaster Plans Pay Off
- Investments in Technology and Training Pay Off
- Staff Caught Flat Footed in Many Firms
- Communicate, Communicate, Communicate
 - Weekly Town Hall
 - Daily Video Message
 - Facebook “Watercooler”
 - Video Conferencing – Zoom
 - Telephone Trees
 - Virtual Happy Hours
 - More Frequent Mgt/Exec Comm Meetings

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LESSONS LEARNED

- Client Outreach
 - Law Alerts
 - Webinars
 - Personal touch
 - Collections Policy
- Billable Hours Are WAAAYYY OFF, except employment and T&E
- Trying to Maintain Revenue
- Trying to Hold Associates and Staff
- Trimming Expenses Where Possible
- Studying Intently the Federal Stimulus Plan

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Responding to the Coronavirus Pandemic

GUIDANCE FOR FIRM LEADERS

- Demonstrate Care for People, Clients and Community
- Stay Educated and Updated
- Communicate Clearly and Frequently
- Keep Open Communication Lines
- Stay Cool, Calm and Collected
- Refer to the Experts
- Credibility, Reliability, Intimacy



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ADDITIONAL RESOURCES

- [Coronavirus Response](#) - Association of Legal Administrators
- [Centers for Disease Control and Prevention](#)
- [Latest COVID-19 Resources](#) - Society for Human Resources Management
- [COVID-19 Resource Center](#) - Orrick
- [What Are Companies' Legal Obligations Around Coronavirus?](#) - Harvard Bus Review
- [The Coronavirus Outbreak Has Become a Referendum on Remote Work](#) - Correia
- [8 Tips for Working Remotely and Productively](#) - Tabush



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MPF RESOURCES

- Today's Handouts
- MPF Webinar #1
<https://www.youtube.com/watch?v=KlyWnOo55tg&feature=youtu.be>
- MPF Webinar #3 – April 15 @ 2pm
- MPF Listserv and MPIE Conference Calls
- MPF Leadership Conference – Sept 30-Oct 1, 2020



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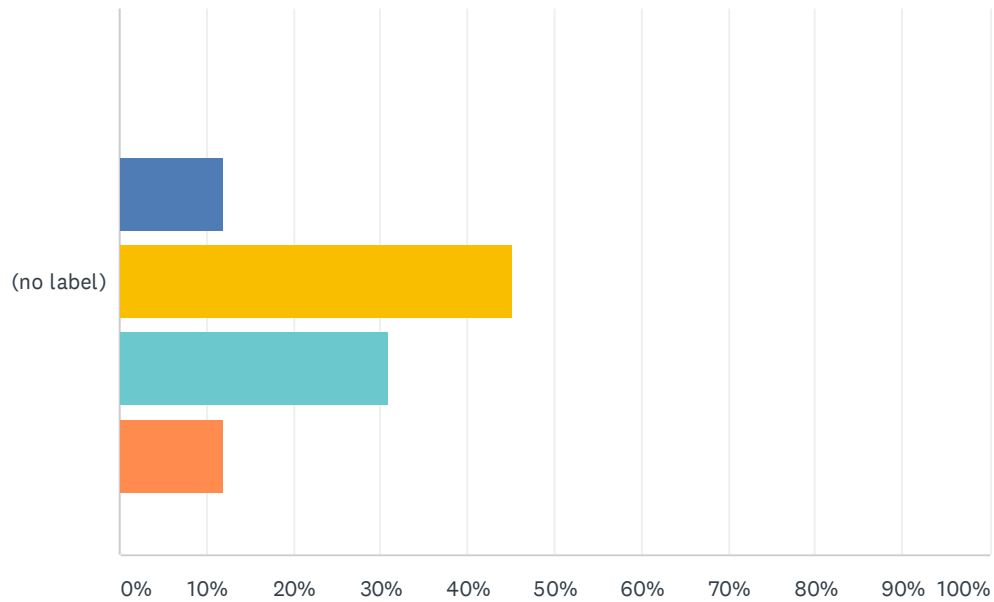
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Q1 On a 1-5 scale, how much stress and anxiety have attorneys at your firm been experiencing over the past few weeks? (5 is the highest.)

Answered: 42 Skipped: 0

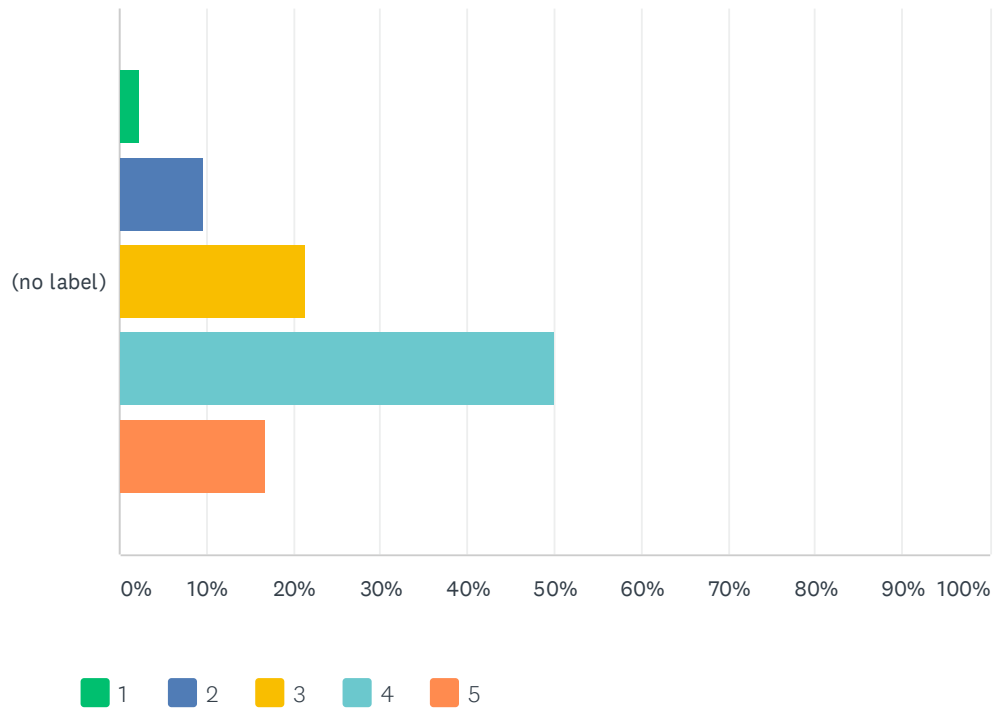


■ 1
 ■ 2
 ■ 3
 ■ 4
 ■ 5

	1	2	3	4	5	TOTAL	WEIGHTED AVERAGE
(no label)	0.00%	11.90%	45.24%	30.95%	11.90%	42	3.43
	0	5	19	13	5		

Q2 On a 1-5 scale, how much stress and anxiety have support staff at your firm been experiencing over the past few weeks? (5 is the highest.)

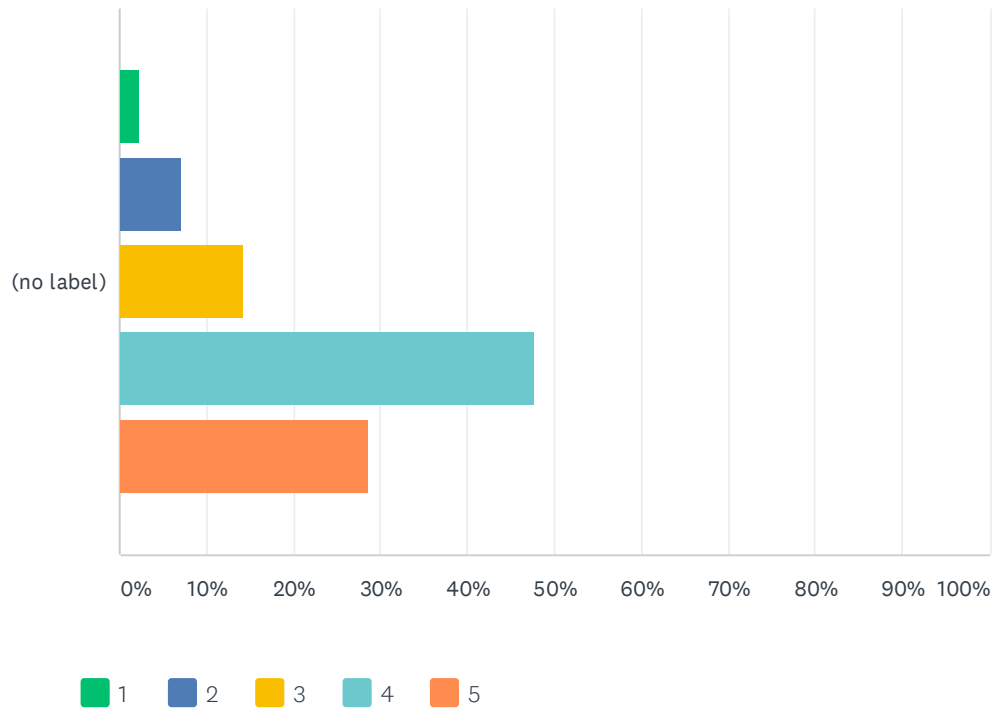
Answered: 42 Skipped: 0



	1	2	3	4	5	TOTAL	WEIGHTED AVERAGE
(no label)	2.38%	9.52%	21.43%	50.00%	16.67%	42	3.69
	1	4	9	21	7		

Q3 On a 1-5 scale, how much stress and anxiety have YOU been experiencing over the past few weeks? (5 is the highest.)

Answered: 42 Skipped: 0



	1	2	3	4	5	TOTAL	WEIGHTED AVERAGE
(no label)	2.38% 1	7.14% 3	14.29% 6	47.62% 20	28.57% 12	42	3.93

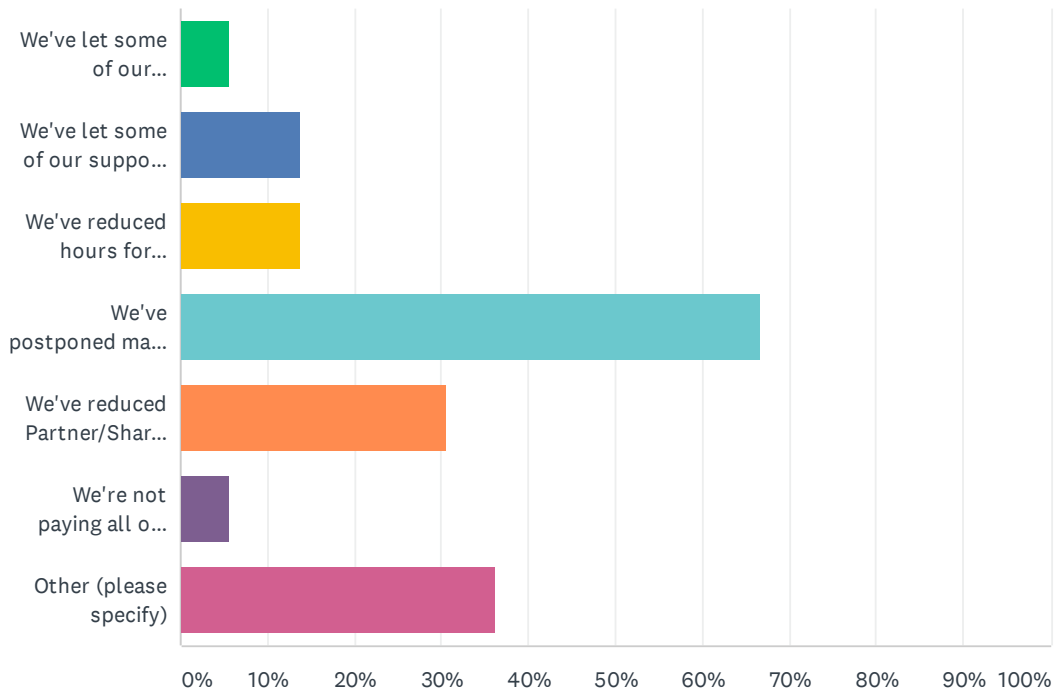
Q4 What question(s) would you like to ask Dr. Richard about leading your law firm in today's crisis situation?

Answered: 15 Skipped: 27

#	RESPONSES	DATE
1	Knowing how much attorneys value authority and how skeptical they are, how to you suggest we approach attorneys with what are truly mandates based on the crisis? We don't usually make rules that cannot be broken, but this time, we are. You CANNOT go to the office; you MUST do your time remotely, on the platform, on time; etc. We simply can't function remotely in an environment of exceptions. Help me message that in a way the attorneys will hear and respect, please.	4/1/2020 1:23 PM
2	Recommendations of best practices to communicate that we are up and running to institutional clients? Do you recommend seeking additional time to pay regular recurring expenses in anticipation of additional pain even if our cash position is currently sound? What are you hearing from clients about their attitudes toward firms offering additional services directed at the COVID -19 disruption, i.e. do they resent the effort to continue to profit during the crisis? Do you recommend seeking the SBA loan even if you don't currently have demonstrable damages, as a backstop?	4/1/2020 12:51 PM
3	What are your thoughts on the CARES Act as it might provide assistance to law firms to keep associates and staff employed?	4/1/2020 10:41 AM
4	Recommendations for morale building in telecommuting environment	4/1/2020 9:11 AM
5	I am a devout Catholic and death does not scare me. How do I relieve anxiety among those, especially the young, who have no faith to sustain them?	4/1/2020 9:10 AM
6	Tips on communicating with staff and associates who are retaining their jobs, but are watching coworkers get laid off and are concerned they are next (and we know they might be)?	4/1/2020 9:08 AM
7	The challenge is balancing how to between attorneys and staff - they have different stresses.	3/31/2020 3:23 PM
8	How much information and what type to share with employees about finances, plans so as to be reassuring, but not unrealistic regarding what we may face in the future	3/31/2020 1:26 PM
9	Everyone person in our firm (attorneys, administrators, legal assistants and paralegals) is working from home now. All have the proper equipment to do so, so having the proper tools isn't an issue. How do we keep the firm operating, behaving and thinking like one firm when everyone is working apart from each other?	3/30/2020 6:41 PM
10	I am noticing that many of our lawyers (partners) do not specifically tell you their fears and concerns, but tend to just act out. Can we get an overall psychological profile of the "typical" partner (attorney) reaction (mindset) to this kind of crisis (one that is not within the control of the person)? It would be helpful to react to our partners in a way which directly addresses anticipated anxiety points, given the "typical" lawyer profiles.	3/30/2020 6:06 PM
11	How do you handle an attorney with hyper sensitivity regarding the crisis to the point they cannot effectively communicate with other people and are almost paralyzed with fear?	3/30/2020 5:54 PM
12	For employees would have stressed to the level thinking they will catch the virus and die. How can you handle and keep them from spreading their fear	3/30/2020 5:47 PM
13	How do you suggest "managing" the highly functional narcissist that does not agree with the remote environment (I'm truly talking about certain partners in my firm...)	3/30/2020 5:43 PM
14	Would like to hear strategies for getting engagement from partners in crisis-related financial planning issues without creating anger or panic.	3/30/2020 5:37 PM
15	Given this current environment, what ways can you help ensure attorneys that it is not about individual numbers but about firm numbers overall. Now is the time to help clients and not worry about OA credit. What is the message to associates about year end stats?	3/30/2020 5:28 PM

Q5 Finally, from the list below, what steps has your firm taken to reduce its short-term operating expenses? Please check all that apply.

Answered: 36 Skipped: 6



ANSWER CHOICES	RESPONSES	
We've let some of our associates go.	5.56%	2
We've let some of our support staff go.	13.89%	5
We've reduced hours for support staff.	13.89%	5
We've postponed major financial commitments (i.e. new lease, firm retreat).	66.67%	24
We've reduced Partner/Shareholder draws.	30.56%	11
We're not paying all or part of our rent.	5.56%	2
Other (please specify)	36.11%	13
Total Respondents: 36		

#	OTHER (PLEASE SPECIFY)	DATE
1	We are meeting next week to discuss shareholder draw reductions	4/1/2020 12:31 PM
2	We are considering reducing draws.	4/1/2020 9:54 AM
3	deferring client advances wherever possible	4/1/2020 9:43 AM
4	We are working form home but have made no other changes	4/1/2020 9:10 AM
5	Nothing yet. But likely to reduce draws and a broad range of operating expenses.	3/31/2020 9:49 AM
6	We put a line of credit in place as an emergency measure to cover any cash flow issues.	3/30/2020 6:06 PM
7	deferred employer 401k and HSA contributions	3/30/2020 5:54 PM
8	Stopped all optional spending and travel	3/30/2020 5:47 PM
9	We are, at this time, in the process of making those decisions.	3/30/2020 5:43 PM
10	we have closely examined and eliminated some expenses and cancelled some subscriptions that were considered non-essential. We have also deferred hiring and reassigned existing talent to higher demand areas in the firm.	3/30/2020 5:43 PM
11	Holding payments to some vendors, at least in short term.	3/30/2020 5:37 PM
12	We have NOT let associates or support staff go, nor have we reduced hours. We're trying to keep everyone whole.	3/30/2020 5:37 PM
13	Considering percentage salary reduction for all lawyers	3/30/2020 5:26 PM

The Psychology of Crisis Leadership

By Dr. Larry Richard, LawyerBrain LLC

Law firm leaders^[1] are intensely focused on responding to the CoronaVirus crisis. However, despite their best efforts, many leaders are telling me that their people are experiencing high levels of stress, anxiety, fear, and emotional overload. That's not surprising, given the pace and magnitude of the changes affecting us all.

This crisis definitely has psychological consequences—specifically, it has upended our basic needs for predictability, control and human connection, and has thereby generated enormous stress while reducing our sense of well-being.

In this article, I'll explain why and how the crisis disrupts these needs. I'll then explain what you as a leader can do to help restore that well-being and ensure that your decisions and actions land in the best possible way.

The Crisis Disrupts

Any crisis creates disruption, but the disruption is usually limited to one realm or another. The CoronaVirus crisis has disrupted almost every aspect of our lives all at once, and it's done so fairly suddenly. We're all feeling potential threats to our health, our finances, and our relationships.

While you can't control the course of the virus and the global consequences it causes, many of you are already taking wise remedial steps to respond to the disruption, such as insuring social distancing, providing tech resources for working remotely, ensuring continuity of service to clients, increasing communication, and making sure that your people are ok.

But taking the right steps is only part of effective leadership. It's equally essential to pay attention to *how* you communicate and execute those steps. Your mindset, your pace, your empathy—all of these have an impact on how effective your leadership actions will be, and on how receptive your people will be. Your style and tone influence whether your people will experience predictability, control and connection, or just the opposite.

Let's take a look at the three needs I've mentioned:

Predictability

In a crisis, people hunger for predictability. We need to know what to expect. Uncertainty is not all bad—our brains rely on it as a signal that a threat is imminent. But escalating uncertainty can trigger anxiety

(which is basically fear about an unknown future). When anxiety is elevated, our ability to problem-solve and think rationally declines, our capacity to connect with others is inhibited, and our immune response is weakened. One antidote is to focus our attention on the things that remain predictable in order to provide at least some stability. Here are three examples of how to do that:

Create small pockets of predictability.

Establish a regular, periodic briefing time, for example, so that people have a *regular* expectation that they'll be updated about critical information at the same time each day, each week, etc. I recommend doing this even if there's nothing new to report. Steps like this can create a pocket of predictability.

Also, insure that messaging to your people from different leaders is consistent. Nothing kills predictability like mixed messages.

Remind your people of those things that remain stable and predictable.

Remind people regularly about resources that remain available and operational. When our attention is only focused on the uncertainty, it feeds fear; but if you can also re-direct peoples' attention to things that remain unchanged, it can be reassuring.

Be a role model by managing your own fears.

Role-modeling is a powerful tool, particularly in a crisis. In times of uncertainty, people look to their leaders for cues about how to react. Leaders need to remain calm, focused and authentic. Let people know what steps you are taking. Before you speak, ask yourself if others will receive your demeanor as reassuring or as alarming. Even bad news can be conveyed in a way that reassures people that you're on top of it. Your steadiness and emotional honesty can be one of the most important ways you have to restore a sense of calm and predictability among your people.

Control

In general, most people want autonomy, that is, to feel like we exert some *control*, that we have at least some significant input into our lives as they unfold. We want choices. My research shows that we lawyers have an even greater need for this than the general public.

The crisis has disrupted our autonomy already in a number of ways—for example, federal, state and local governments have all issued warnings to maintain social distance, and even to self-quarantine. They've made a number of other recommendations that limit our freedom in the name of protecting everyone's health.

But at the same time, luckily, the crisis offers new opportunities for autonomy—if we capitalize on them. For example, many of us are working from home with the added autonomy that this brings. Try to be sensitive to the need that your lawyers have for some subjective sense of choice and control. Focus on what *can* be controlled more than on what can't be controlled.

Another step you can take: give your people binary choices whenever you make a decision, instead of just imposing a decision on them.

For example, “Let’s set up a call for next week—Do you want to call me? Or do you want me to initiate the call?” It may seem like a relatively trivial choice, but to a brain in high alert mode, lots of simple choices like this one can be calming and serve to restore a sense of control.

Even better, actively encourage your people to innovate as they work from home. Empower them to invent new ways of working in light of all the disruptive changes. One of the strengths of the U.S. culture is our penchant for taking hierarchy with a grain of salt when common sense tells us that improvising is better. Giving your lawyers permission to channel their inner MacGuyver can beef up their psychological sense of control just when it’s needed most.

Connection

More and more emerging research underlines the importance of relationships. They build psychological resilience. They strengthen our immune system—a nice feature when trying to fight off a virus. They increase both personal happiness and work satisfaction. Good relationships have even been shown to prolong life.

The mandate to practice “social distancing” ironically imposes barriers to connection at a time when it would do us the most good.

What can you as a leader do? Convene videoconferences with your lawyers frequently. We often assume that the main benefit of videoconferencing is the efficiency of disseminating information or discussing issues, but they also serve a very important social purpose. Convene them more often than you think is logically necessary.

Also, encourage your lawyers to keep in touch with each other, especially via visual media like Skype or Zoom or even Instagram and other static social media. And encourage them to check in with friends, loved ones, and isolated or vulnerable members of their social circle. Isolation can produce sadness and lower immune response. According to *Harvard Business Review*, the legal profession is already the loneliest profession.

Another aspect of social connection is the need we all have to be part of something larger than ourselves. In a crisis like this, there’s an opportunity to tap into our innate need to feel connected to all others. One potential silver lining to the crisis is that because it’s a threat to the entire planet, people are more inclined to unite around the sentiment that “we’re all in this together.” In fact, it’s dawning on many of us that we are truly linked to all others in very concrete ways. When I seclude myself in my home, I’m not just avoiding my own exposure to the virus—I’m also actively taking a step to protect others in my community from possible infection. Ironically, isolation is itself a community-minded act.

In Summary

Here, in one spot, are the actionable suggestions I've mentioned which derive from the principles I've outlined. I've also added some additional do's and don'ts that derive from the same principles: Set up a *regular* time to communicate with your people, to inform them, to keep them up to date about developments and about steps that you're taking. It's reassuring to know that there's a particular time every day or every week when they'll hear from you.

Overcommunicate. In a time of uncertainty, communication is reassuring, lowers anxiety, and builds community.

Communicate by Skype or Zoom if you can. Video is the most emotionally connected medium, and in a time of crisis, you need to foster connection. If video is impractical, do your updates and check-ins via telephone conference call. Only as a last resort use email—it's less personal, less connected, and invites one-way communication and less give-and-take.

Encourage your people to reach out to loved ones, friends, clients, and others in their communities just to check in and see how people are doing. When people work remotely, it can be isolating. Reaching out is good for your lawyers and good for those they call.

This is not the time for a command-and-control leadership style. Everyone knows that you don't know how this will turn out. Instead, adopt a two-way communication style, seek the input of your people. Care for them, check in with them. See how everyone's doing. Build community. Be as authentic and compassionate as you can. Despite how uncomfortable many lawyers find it, vulnerability in a time of crisis builds trust, bonds, and connection.

Communicate to *everyone*—lawyers, business services professionals/legal operations/admin staff, support staff. Don't use different messaging for lawyers and others—everyone needs to hear the same message. (If you need to discuss financial or other sensitive issues, you can always convene a separate partners-only call.)

Give people an opportunity to express their feelings and report ways that they're coping.

Direct peoples' attention towards those things that remain operational, that remain stable, things they can count on. In a time of change and uncertainty, it's reassuring to remind people about things that *aren't* changing.

Create routines, rituals, things that people can look forward to on a regular basis. The familiar is always calming and reassuring.

Above all, exercise your empathy muscle. Put yourself in the shoes of the other person. Ask yourself what experience they may be having. Ask yourself how your communication may land—are they likely to receive it the way you meant it?

Slow down—pay attention to your demeanor in talking to others. Pay attention not only to the *content* of your messaging but to the *way* you deliver it. Especially in a time of crisis, people are more sensitized to hearing tone and nuance. If you're stressy in the way you communicate, for example, then you'll arouse stress in your listener. Deliver your messages in calm, steady, reassuring ways.

Take time out during the day to manage your own stress. Take long, slow deep breaths. Exhale longer than you inhale. Or, do five minutes of progressive muscle relaxation—starting with your feet, tighten the muscles to a count of 3 (“one, two three . . .”), then slowly relax the muscles (“three, two, one . . .”), and work your way to the top of your scalp. Or consider mindfulness meditation.^[2] You'll be most effective as a leader when you “put your own oxygen mask on first.”

The bottom line is that your actions as a leader matter more now than ever. If you take those actions in a way that restores some sense of predictability, gives choices to your people, and supports maintaining connections, you will lower everyone's stress, foster greater well-being, and maintain productivity and performance despite the crisis.

X X X

About the Author



Dr. Larry Richard

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[1] For purposes of brevity and clarity, I've addressed leaders in law firms only, but this article actually applies equally to leaders of corporate law departments.

[2] Some suggested books on mindfulness meditation: *Search Inside Yourself* by Chade-Meng Tan; *10% Happier* by Dan Harris; *Mindfulness for Beginners* by Jon Kabat-Zinn. Some suggested apps for mindfulness meditation: Insight Timer; Calm; Headspace; 10% Happier

Leadership in Law Firms: An Expert Guide

EDITED BY LAURA SLATER



PUBLISHED BY **ark**
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Leadership in law firms

By Dr Larry Richard, founder and principal consultant, LawyerBrain LLC

RESEARCH AT Harvard Business School by John Kotter demonstrated that the felt need for leadership increases in an organization when the pace of change increases, especially external change. In times of great change, no one has perfect information about the future. Hence, leaders emerge to guide people in a particular direction despite the lack of complete information. Because of the risks and uncertainties inherent in this situation, the main capital required and utilized by leaders is trust. In order to have constituents follow them, leaders must engender sufficient trust.

This poses a distinct challenge in law firms. In recent years, law firms, like virtually all other businesses, have begun to face dramatically increasing levels of change and uncertainty, and the role of leadership has increased correspondingly. However, law firms are not like most conventional businesses, principally because they are in the business of protecting clients in a very technical way and this, in turn, requires a high degree of skepticism. It turns out that skepticism is an excellent trait to have if one wants to be a top-notch lawyer, but it's a very undesirable trait to have if one wants to be an effective leader. When leaders are skeptical, constituents naturally act reciprocally and become skeptical of their leaders. This deprives the leader of the

very trust needed to get those constituents to become avid followers.

This interplay between trust and skepticism is but one of several challenges lawyers face in becoming excellent leaders. To better understand these challenges, let's first look at the personality traits that are distinctive for lawyers, and then consider how they interact with the five practices of excellent leaders (based on a model developed by Jim Kouzes and Barry Posner).

Lawyer personality traits

Over the past 20-plus years, I have conducted extensive personality research with a wide variety of lawyers, mostly in the US and Canada, and mostly among partners. I have tested thousands of lawyers using a widely used assessment tool called the Caliper Profile. The Caliper measures 18 personality traits. Each trait is reported in the form of a percentile, which, by definition, tells us that your score is being compared to a norm group. For example, a 75 percent score on "assertiveness" tells us that you are more assertive than 75 percent of the people in the norm group.

When occupational subgroups are tested, while individual scores can vary widely, the larger the subgroup size, the more likely it is that the *average* score for each trait will hover around the 50th percentile. Lawyers, however, are outliers on six of the 18 traits, and are trending toward outlier status on a 7th trait.

Specifically, lawyers tend to score much

higher in the following traits than the general public:

- Skepticism;
- Autonomy;¹
- Urgency; and
- Abstract reasoning.

And they tend to score lower than the public in the following traits:

- Sociability;
- Resilience; and
- Empathy.

Here is a brief explanation of each of the traits:

High skepticism

As noted above, this is the hallmark trait for practicing high-quality law. Those scoring high on this trait tend to question assertions made by others. They don't tend to give others the benefit of the doubt. They may wonder what hidden motives lurk behind ordinary behaviors. And they scrutinize documents, decisions, and rules.

High autonomy

Those scoring high on this trait like to be in control – they don't like others telling them what to do. Their preferred guidance system is internal, not external. When others ask them to do something, they will decide if it fits their own criteria first. Surely it is this trait which has led so many to describe managing lawyers as a task akin to “herding cats”.

High urgency

Those scoring high on this trait are impatient. They seek closure. They can't stand waiting. They may finish others' sentences. They often are described by others as “ready-fire-aim” people.

High abstract reasoning

Those scoring high on this trait love to analyze, solve problems, and use their intellect. This is a hallmark trait of lawyers. It's the number one trait that explains who goes into law as well as who stays in law. Overuse of this trait can lead to the classic “analysis paralysis”.

Low sociability

Those scoring low on this trait are very private socially. They prefer not to disclose a lot about their personal life, their vulnerabilities, or their relationships. They don't tend to pay as much attention to the personal lives of others (compared to high-scoring individuals). It takes them a long time to initiate an intimate connection with another person. They often tend to see relationships and related themes as “touch-feely”, lower in importance, or awkward.

Low resilience

Those scoring low on this trait are thin-skinned in the face of criticism, rejection, or setbacks. They get defensive quite easily, and often feel a need to explain and justify their behavior to others. They can be easily wounded by a critical comment, or even by a client's failure to return a call. Lawyers consistently score very low on this trait. In fact, over the past 20 years, over 90 percent of the lawyers we test score in the bottom half of this trait.

Low empathy

In my initial research on lawyers, their average “empathy” score was 63 percent.² However, as I have gathered more data over the years, the average score has become lower and lower. These days, the average empathy score for partners I test hovers around 41 percent.

“Empathy” requires some explanation

– there are at least two kinds of empathy – emotional empathy and cognitive empathy. Emotional empathy has a connotation of stepping into the shoes of another person and feeling what they feel, as in “I feel your pain”. Cognitive empathy, by contrast, has a connotation of *understanding* another person – *intellectually* understanding their point of view, their feelings, how they might react to something, or why they behave in the way they do. Those scoring low on this trait generally pay attention to their own agenda when interacting with others. It may take them additional cognitive effort to shift their attention to enter the world of the other person. A low-scoring individual may or may not actually be skilled at doing this – the score is not a measure of skill – but rather it measures one’s inclination to pay attention to the experience, goals, reactions, etc., of the other person as opposed to one’s own experience, etc.

Kouzes and Posner’s five leadership practices

With this backdrop, let’s look at the research that reveals the qualities of effective leaders, and consider what challenges we might face in law firms in our efforts to develop leaders with these qualities.

Effective leadership is a series of behaviors. The leading empirical model of effective leadership has been developed by Jim Kouzes and Barry Posner, authors of the best-selling book *The Leadership Challenge*. Here are the five core practices, according to over 30 years’ worth of research that they’ve conducted, that the most effective leaders do and do well, paraphrased from their writings:

Model the way

Leaders serve as role models. They set an example for others to follow. And they

establish standards of excellence about how people should be treated, how goals should be pursued, etc.

Inspire a shared vision

Leaders passionately believe that they can make a difference. They envision the future, creating an ideal and unique image of what the organization can become. Through their magnetism and quiet persuasion, leaders enlist others in their dreams. They breathe life into their visions and get people to see exciting possibilities for the future.

Challenge the process

Leaders search for opportunities to change the status quo. They look for innovative ways to improve the organization. In doing so, they experiment and take risks. And because leaders know that risk-taking involves mistakes and failures, they accept the inevitable disappointments as learning opportunities.

Enable others to act

Leaders foster collaboration and build spirited teams. They actively involve others. Leaders understand that mutual respect is what sustains extraordinary efforts; they strive to create an atmosphere of trust and human dignity. They strengthen others, making each person feel capable and powerful.

Encourage the heart

Accomplishing extraordinary things in organizations is hard work. To keep hope and determination alive, leaders recognize contributions that individuals make. In every winning team, the members need to share in the rewards of their efforts, so leaders celebrate accomplishments. They make people feel like heroes.

Effect of personality on leadership

How do the common lawyer personality traits affect the execution of these five practices?

Model the way

Effective leaders build trust, treat others with respect, listen well, and subordinate their own interests to those of the organization. Skepticism, the hallmark trait of lawyers, is the opposite of trust.

The good news: although most personality traits are more genetic than learned, skepticism is a mostly learned trait. This means that a lawyer-leader could conceivably be skeptical in his/her lawyer role, and dial back their skepticism in their leadership role. In actual practice, however, this is rare.

Urgency is another challenge that lawyer-leaders need to manage in order to increase their leadership effectiveness. It is generally an advantage to be urgent in managing a case for a client – clients usually place a high value on responsiveness. However, urgency can interfere with a leader's efforts to be open-minded and to be a good listener. One can learn to manage urgency, but it generally takes intense coaching, lots of rehearsal, and patience.

Inspire a shared vision

The most powerful visions are positive portraits of a desired future that evoke a passionate desire in the hearts of constituents. Skepticism again becomes a potential spoiler for lawyer-leaders seeking to inspire. Lawyers are trained to spot problems, identify risks, and focus on what won't work. By contrast, leaders need to arouse constituents' passion about what *will* work.

Challenge the process

Leaders take risks. No leader ever

has complete information, so leaders must choose a direction with imperfect information. Lawyers are trained to avoid risk. In particular, the low "resilience" scores of lawyers induce them to avoid taking any action for which they might be criticized. Leaders are far more often the targets of criticism than others are, and they need to be thick-skinned enough to tolerate the criticism. Luckily, resilience is another exceptional trait that has a strong learned component, which means that lawyers can learn to become much more resilient by applying a relatively simple set of cognitive strategies and rehearsing them until they become habitual.

Enable others to act

Leaders foster teamwork. They realize that they can't do it all themselves, and they willingly involve others in moving a goal forward. Lawyers with high "autonomy" scores like to retain as much control as they can. This is further amplified not by personality, but by the ethic that permeates the legal profession of protecting confidentiality. This mindset leads many lawyer-leaders to guard information closely and only provide it to those with a "need to know". This strategy, unfortunately, can lead to an emphasis on individual performance, undermine teamwork, lower trust, and place greater responsibility on the shoulders of the leader instead of allowing him/her to share responsibility with others.

Encourage the heart

Finally, leaders are generous in recognizing the efforts of others, and in rewarding small steps that incrementally move toward the larger goal. The low "sociability" scores of lawyers can make them insensitive to this valuable practice, and avoidant of praise, which they often see as "touchy-feely".

This deprives the lawyer-leader of one of the most effective forms of non-monetary reward.

What you can do about it

Lest you think that it's impossible for lawyers to be effective leaders, let me offer a ray of hope. Think of personality traits as one's "default" strategy for approaching the world, or as one's "comfort zone". A personality trait describes how we *prefer* to behave when no other factors are influencing our behavior.

However, human beings are excellent at learning new behaviors, and provided there is sufficient motivation to improve, nearly any lawyer can learn how to manage their strongest personality traits so that they can be toned down when you're in a leadership role.

The key to this kind of "management" is mental rehearsal – the more one practices new ways of responding in old, familiar situations, the more likely it is that you can build new repertoires of behavior. Let me give you an example from my own experience. I have a very high "urgency" score. In fact, I score in the 99th percentile. That means I'm more urgent than 99 percent of the norm group. That also means that my comfort zone is manifested by my finishing others' sentences, jumping to conclusions, and being impulsive.

These qualities can be quite helpful in some situations, but they are toxic in a leadership role. The key to managing any personality trait is to become aware of the "thought" that takes place between the "stimulus" and the "response", and then to modify that thought.

Contemporary psychological science has demonstrated that "thoughts" lead directly to "feelings", which lead to "behaviors", and thus if you become conscious of your

thoughts, and modify them, you thereby produce a different feeling, and ultimately a different behavior.

This sequence – often called the "CBT model" after cognitive-behavioral therapy (the field in which this model was developed) – is very effective in managing a wide range of behaviors, and it's quite possible to see a significant amount of improvement in managing unwanted behaviors even through a self-help strategy. Knowledgeable coaching can effectuate even more profound and long-lasting change.

In summary

To summarize, rapid change produces a need for effective leadership. Law firms are undergoing just such rapid change, and need leadership. However, the kinds of personality traits that typify lawyers – and which can help them to be really excellent lawyers – can inhibit their excellence as leaders. Nevertheless, a mindful lawyer-leader who is willing to mentally rehearse new thoughts and behavioral repertoires can dramatically improve their leadership effectiveness.

About the author

Dr Larry Richard practiced law for ten years, and then earned a PhD in psychology. He chaired the leadership practice at Hildebrandt International for seven years before founding his own firm, LawyerBrain LLC, which provides consulting services to the leaders of the largest law firms. You can find his blog at www.lawyerbrainblog.com.

References

1. The Caliper doesn't measure "autonomy" per se; it measures a trait called "external structure". When an external structure score is low, it often means that the individual has a higher need for autonomy, and vice versa.

I just find it more user-friendly to speak of this trait as "autonomy".

2. This didn't make sense at the time, and it makes even less sense now. Either my sample was skewed, or lawyers' cognitive empathy scores have become lower, or both.

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