Organization Development in Law Firms:
An exploration of opportunity, challenge and method

Submitted by

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Introduction

What lawyers do and how and why they do it is both long-established and constantly evolving. Advising clients, negotiating agreements, researching the law, and, of course, litigating have long been part of the job. But the environment in which lawyers carry out these tasks has undergone dramatic and disruptive changes in the last two decades (Trotter, 2010; Johnstone, 2008). Beyond the dollar amounts of legal fees and jury awards, negotiated settlements and billed hours, today’s law firms are facing an increased awareness, both within and outside the legal sphere, of how they achieve results. There is an increased focus on understanding clients’ evolving needs, promoting workplace diversity, and having an institutional sensitivity to work-life balance.

While organization development (“OD”) methods and strategies have helped other industries tackle similar issues, the use of OD within law firms has been surprisingly sparse (Letterman White, 2011). This absence of OD practices within the legal industry provides an opportunity to develop thoughtful, deliberate, and authentic ways to impact how attorneys in law firms relate and connect with one another and their clients, build capacity, structure their work tasks and create and deliver value.

Purpose and Relevance of this Research

This research is dedicated to exploring the opportunities and challenges specific to implementing OD practices within a traditional law firm and identifying the methods, models and means of doing so. I believe OD has the potential, promise and means to help individuals and organizations fulfill their greatest power and purpose. As an attorney and law firm refugee, my personal hope is that this research is of service to those dedicated individuals who undertake
the training, testing and commitment required of attorneys, and can help lead them to be satisfied, healthy and self-actualized in what they do.
Literature Review

The field of law is under immense pressure to change how it works. These titles, all published in the last three years, paint a grim picture: *The End of Lawyers: Rethinking the Nature of Legal Services* (Susskind, 2010); *The Lawyer Bubble: A Profession in Crisis* (Harper, 2013); *Avoiding Extinction: Reimagining Legal Services for the 21st Century* (Kowalski, 2012); *Declining Prospects: How Extraordinary Competition and Compensation are Changing America’s Major Law Firms* (Trotter, 2012); *The American Legal Profession in Crisis: Resistance and Responses to Change* (Moliterno, 2013). Henry (2010) calls for a reorder of the profession, insisting it “requires fundamental changes to how legal employers are structured and how lawyers practice law” (p. xxxix). Susskind (2010) bluntly states that “lawyers should change the way they work,” that the legal profession must embrace those changes, and that clients deserve nothing less (p. xviii).

The pressure for change comes from inside and out (Johnstone, 2008). The 2008-2009 recession was “quite devastating: unprecedented layoffs, salary decreases and hiring freezes resulted in an extraordinary number of unemployed law school graduates nationwide, even deaths” (Wald, 2010). Some of the largest and historically most successful and profitable law firms in the country dissolved (Abate & Ross, 2006). Beyond the economy, Henry (2010) and Rosen (2002) enumerates other factors impacting the field: client expectations and demands, workforce diversification, technology, information accessibility, attorney dissatisfaction and attrition; and globalization.

Sager (Henry, 2010) argues that “this new environment requires an entirely new level of trust, transparency, and engagement” where legal professionals must “develop new and creative business models and ways of working seamlessly, collaboratively, and resourcefully
with…professionals from both outside and within” (Henry, 2010, foreword). “Long standing practices and policies…are being re-evaluated and modified to meet this new reality” (Robert Half Legal (Ed.), 2011). Adapting to this new normal requires an examination of firms’ people, systems, and processes (Freeman, 2006).
Methodology

Design

I conducted personal interviews to capture the experiences, perspectives, and reflections of ten consultants who practice organization development and/or psychology within law firms. Of these practitioners, seven were attorneys and eight had advanced degrees in organization development/psychology. I employed a qualitative and phenomenological design, examining and placing value on the first person point of view, and how these practitioners interpreted, described and made sense of their experiences.

Data Analysis

Through analysis and tree-coding of the interview data, grounded theory themes emerged. Once established, I considered the context that connected these themes to the larger question of how law firms can and need to change, how practitioners are responding to this need with OD, and the methods and challenges that arise. The quotes were anonymously evaluated and presented as such, identifying practitioners as P1, P2, etc.

Because the interview data was so rich and precise, I have included extensive endnotes to capture the passion, insight and perspectives of practitioners in their own words. I hope these sometimes blunt and candid reflections are compelling for attorneys, in particular.

Assumptions/Biases/Limitations

I assume OD is a valid, credible and impactful approach for advancing and improving organizations, including law firms. As an attorney who formerly practiced in firms, I relied on my own experience and understanding of law firms to frame and contextualize the interactions, issues and methods described by practitioners.
Findings & Discussion

Finding Leverage and Impact in Firms

Understanding the Attorney as an Individual.

Affecting change within an organization requires an understanding “of the people who work in the organization and all that is human about their presence. While at times problematic, [people] are the only parts of or organizations that can conceive and implement improvements in organizational processes” (Pasmore, 1988, p. 25).

In understanding attorneys, many practitioners noted their unique personality styles, traits, and preferences. They generally described them as smart—even “super smart”—and introverted (estimates ranged from 50% to 80%), but short on perception and interpersonal skills (one practitioner suggested the lack of interpersonal skills is due to lack of use, rather than innate inability). Attorneys are “off the charts” in being skeptical (P3)—by nature and by training (P6); they are both rationale and rationalistic. And they are also particularly distressed by failure. This fear inhibits growth and learning when attorneys don’t take chances and aren’t resilient, which manifests itself in increased stress and depression. This reinforcing, self-limiting feedback loop at the individual level expands ever wider at the firm level, constraining the ability of the organization to learn and grow, as “organizations learn only through individuals who learn” (Senge, 2006, p. 130).

Understanding these preferences, skills and traits is central to understanding how attorneys relate to each other, and to clients, because “practicing law is all about relationships” (P2). “Job performance isn’t just a function of an individual personality but of role relationships” (P6). Personality and working styles instruments (like the Meyers-Briggs, DiSC, or Enneagram) can provide the insight and self-awareness attorneys need to grow and better
relate (Peters & Peters, 1990). “These people are smart, they’re educable, they want to do right, and they want to succeed…it’s just that they don’t have good information” (P5). This introspection may be new to them: “For a lot of my clients, it's the first time they've ever thought about what their personality is” (P8). Understanding how individuals approach problems is useful for identifying and developing leaders (P5). One practitioner suggests that while most firms don’t recognize emotional intelligence as a skill, or recognize those attorneys that have it, it is important to “identify and support emotionally intelligent lawyers….for dealing with clients, managing the firm, and producing leaders” (P5).

Connecting attorneys to one another is essential to their development and practice: “[w]ork performance is not simply a function of ability and effort but is also strongly influenced by the quality of relationship in which it occurs (Newton, 2010, p. 45). This connectedness also engenders a “commitment to the whole” and a shared vision that permeates the organization and gives coherence to diverse activities (Senge, 2006, p.161). Practitioners consistently identified mentoring, both formal and informal, as a valuable strategy for connecting and developing attorneys’ professional and interpersonal skills. “Early role models influence careers forever” (Kaufman, 2006, p. 44). But how and when mentoring happens is not formulaic. As one practitioner points out, “mentoring either happens or it doesn’t—like love. You can’t ensure it will occur, but can increase likelihood of it greatly [with mentoring programs]” (P6). However, firms must clarify what is and isn’t mentoring, when it happens, and incentivize senior attorneys to do it, while not shifting the burden to clients.

Understanding and Embracing Diversity.

The legal field has been slower than other industries to truly embrace and promote diversity. “The law firm remains a male dominated workplace and one that appears to be headed
for a demographic train wreck—or, the infusion of better values and more humane practices” (Newton, 2010, p. 49). Diversity, or the lack thereof, was the most common and critical issue identified by all practitioners, though their concept or definition of it varied. One practitioner asserted: “Diversity is to create an organization of inclusion, taking into account the realities of power dynamics, racial dynamics, gender dynamics, etc., and I don’t know any law firm that is willing to do that” (P10).

Another defined diversity more broadly:

Real diversity, not to just race and sex, and that sort of thing, is diversity of thought, a diverse approach, a diversity of talent…. [Law firms] are looking for a fairly narrow type of person. Yes, diversity from gender, race, sexual orientation, that all will be great but I’d would much rather see an impetus of diversity of work styles, thinking styles, skills, social skills (P5).

Practitioners posited the culture that has dominated the field may still create resistance to embracing diversity: “Traditionally law firms are such a male-dominated bastion that they say ‘well, this is just the way we do things’” (P1). Another noted that, while there may be “diversity at the associate level, you will not see as much diversity at the partner level, or particularly at the equity partner level” (P8). Others commented on firms’ seeming lack of commitment to diversity21: “[Clients say they] want diversity and inclusion, they say they do but they really don’t. They think they need to do something for a front” (P4).

Notwithstanding history, resistance, or commitment, firms are feeling the pressure to diversify—from inside and out. Internally, combatting attrition and hostile work environments pushes firms toward diversity. Practitioners pointed out that when financial times are good and firms are hiring, diversity issues are more apparent:

People of color are like the canary in the coal mine—they are the ones leaving first because the environment is not conducive to them, then the women start leaving and then everybody starts leaving. This one particular firm was really concerned because they were losing women and it was because the market was good, and then as soon as the market switched the other way, their interest in diversity was gone (P10).
Compounding the problems is the fact that if more diverse associates don’t leave or get fired—constructively\(^\text{22}\) or directly—they sue.\(^\text{23}\)

Externally, firms are feeling pressure from corporate clients\(^\text{24}\), who, on the whole, have a better record of diversity. “One of the only reasons that the large law firms were even trying to diversify is because a number of their corporate clients were demanding it; it’s about money” (P10). In the throes of the Great Recession, however, many noted that the interest in diversity cooled\(^\text{25}\): “Diversity and inclusion were hotter [in good economic times] and that was in response to clients who were demanding it” (P3). Practitioners underscored the value of diversity in meeting client needs and transforming how business is developed and relationships are created.\(^\text{26}\) Coaching\(^\text{27}\), leadership development,\(^\text{28}\) and simple dialogue\(^\text{29}\) around diversity were identified by practitioners as methods for increasing and supporting diversity.

**Building Learning Capacity.**

“Organizations learn only through individuals who learn. Individual learning does not guarantee organizational learning. But without it no organizational learning occurs (Senge, 2006, p. 129). Practitioners all identified training as an approach to individual and organizational learning, though it functioned as an umbrella term for various interventions, both classic OD and otherwise. One practitioner ticked off: “sexual harassment training, diversity and inclusion training, basic skills training, lawyer skills, the business of law skills, communication skills, marketing and business development. The hottest topics now are training for succession planning and project management” (P3). But the training needs to be deliberate and thoughtful; not all attorneys are good at training.\(^\text{30}\)

Training needs and delivery may be different based on seniority. New attorneys are more receptive to training; “they will actually ask questions and admit they don’t know some things”
Mid-level attorneys need training to advance into leadership positions, such as practice group leadership. Some practitioners find training to be less impactful with senior attorneys.

Practitioners also cited coaching as a useful intervention for individual development, but distinguished it from mentoring, because a coach is typically someone outside of the firm. Still, coaching is “not normal for them”; if they use it, “usually it’s for somebody with a problem, or a perceived problem” that they are “coaching out”. One practitioner refuses to “coach out” unless, of course, the attorney wants to be coached out.

Creating, Capturing, and Delivering Value.

“Understanding the ways in which work is performed and experienced” is central to understanding how to improve it. The billable hour, a law firm’s common unit of work, is problematic: it punishes efficiency; promotes churning; and is at odds with client interests because it rewards lawyers for taking more time rather than less. The technical structure of how attorneys create, capture, and deliver value is being transformed, and it requires a systems analysis. Connecting this technical side of performance and the social system is also necessary: “There's a disconnect in most law firms between their revenue and keeping their clients happy.” One tactic is to turn to a project management approach.

Compensation is closely connected to the billable hour, a facet of the legal profession that practitioners identified as a persistently problematic issue. However, many recognized dissatisfaction with the compensation structure as a symptom of something more pervasive within a law firm’s culture: “lawyers are satisfied with how their compensation is if they feel valued and involved in the management. There is legions of data saying that it’s not compensation alone that makes people leave law firms or be dissatisfied.”
identifies status, not money, as important to attorneys’ sense of value. OD methods are useful in surfacing and understanding these dynamics.

**Structuring and Managing the Firm and Its Culture.**

The structure and management of the firm can have enormous impact: “Cold as it sounds, structure is more important for...performance than the people who fill its roles, because a bad structure will defeat competent individuals and a good one will generate overachievement” (Newton, 2010, p. 90). Yet firms lag far behind other organizations in realizing this: “there’s no real management structure” (P7). “If you’re looking at the consequence of structure, look at the role relationships, authority, and accountability. The law firm has raised ambiguity about authority to an art form. It’s rife, it’s everywhere” (P6).

Issues in staffing can divide and destroy: “If you're a non-lawyer, you don’t really count that much. I can't think of another career where people split themselves off that way, like ‘We’re the good people and then everybody else doesn’t count.’ You can't do that in most corporations” (P8). And yet the ability of attorneys to use their time effectively and efficiently depends on staff.44 Even amongst themselves, attorneys aren’t collaborating, which erodes job satisfaction, connection to others, and connection to the firm.45 One practitioner recommends firms “create new structure” by moving offices, taking down walls, and re-configuring reporting relationships.46

Still, many firms aren’t willing or able to do what it takes to impact structure and management. They won’t admit they need it47; devote financial resources to it48; spend the time on implementation49; work together50; or don’t have the skill, resources, or accountability required to make it work.51
The lack of clarity around and commitment to ascension also has a major impact on structure, culture, and retention. “They do a terrible job of preparing the next generation to take over, and they are sure that the next generation can’t do it as well as they do” (P8). Firms that have no plan “tend to have a lot of turnover because junior associates and women at all levels think, ‘These guys are never going to hand this over to me’” (P8).52 Many practitioners identified succession planning as an overlooked53 and undervalued strategy that impacts new and retiring attorneys, along with organizational stability. The retiring attorneys need help with the emotional impact of retirement;54 they want to be confident about turning it over to the next generation55; and they want to maintain status.56 And, if not handled well, a partner may leave in a very destructive way, sending clients elsewhere and destroying the business.57 For new associates, it impacts morality and loyalty, as they “are watching their future being played out” (P6).58

The Chance for Change with OD

“Firm” Resistance to Change.

Despite the external pressures59 for change and the internal advantages of changing, practitioners don’t see firms buying into the necessity to change. “Lawyers and law firms are a tough nut to crack when it comes to changing anything. OD can equip them to deal with the change process and resistance to change” (P2).

Culture is engendered into an organization at the top, and change must originate from the same place:

If I could get the senior leadership to be clearer on what the culture of a firm is, and what the expectations of the firm are, I think that would go a long way. Until they get clear on what kind of firm they want to be, and how they want it run and what they want their culture to be—they will be running into messes all the time (P7).
This requires them to understand “what their own issues are” (P8) and acknowledge that they “don’t know what they don’t know” (P1). It also requires that they innovate, and are open to failing, which they resist.

Practitioners noted that the time for real, transformative change is now. As the economy recovers, firms that embrace this change will gain a competitive advantage. It’s no longer just about maintaining the status quo. And for those that don’t re-think what they are doing and how they do it, it can be the end of the organization.

**OD Approaches to Firms**

Practitioners identified OD approaches they take in working with law firms: “I see OD as being everything from practice group leader training, to actual training of associates and partners on how to do the work or how to do things that make the work easier, like how to write, how to communicate better with each other and with clients or with their staff” (P3). Another practitioner applies OD to working with groups, not individuals. Still another underscored that, when implementing OD strategies, “there always has to be buy-in from the top because you're seeking to affect change that will impact the entire organization” (P2).

Many described conducting classic OD action research. “I start with a sense of what a client wants, gather data, make sense of it, and decide what to do based on data to get them closer to what they want” (P9). Some practitioners extend their interviews to clients and even former employees.

Practitioners discussed their interactions with law firms. They highlighted the distinction between traditional and OD consultants; the misuse of OD consultants to just deliver difficult messages, and that the OD work has to be connected to something tangible. One practitioner
did point out, somewhat positively, that firms are starting to acknowledge and incorporate OD into their daily practice, including hiring internal professionals.\textsuperscript{73}
Conclusion

Law firms are facing external and internal pressure to change their cultures and ways of doing business. Organization Development—in its systems approach to the environmental, the social, and the technical aspects of organizations—offers a holistic perspective, proven methods, and practical strategies to affect these changes. The initial challenge may be convincing law firms they need to change at all. The problems facing attorneys are varied, and OD is not the only answer. But OD methods have the potential to allow them to tap into their existing internal resources at the individual level to impact the organization as a whole. In the face of these new pressures, law firms need new approaches to address them. OD has that promise. Further research opportunities exist to determine the best way to engage law firms with OD, and the best OD methods for enabling law firms to change from within.
References


The new normal is a phrase used to describe the unprecedented change law firms are facing. “Simply put, it means lawyers will no longer be able to achieve financial success while operating with sloppy or ineffective business practices. For years, too many law firms have gotten by with marginal or inadequate management practices.”

“Law firms, like other organizations, are the sum totals of the actions and interactions of people, systems, and processes. If a firm has been in existence for any period of time, many of its day-to-day actions function on a kind of autopilot. These repeatable, predictable patterns of behavior are important operational elements that serve to increase the speed, quality, and profitability of the delivery of legal services….¶…. The quality of these patterns, these habits, helps determine the success of a firm….Two firms may deliver exactly the same services, but while one may have an unusually collegial culture, loyal clients, an energized staff, and less associate turnover, the other may have operational habits that constantly undermine revenue and profit expectations” (Freeman, 2006).

One participant was very clear that he/she did not practice organization development, but instead, organization psychology.

“Lawyers are an interesting breed of people” (P2).

“Most lawyers are introverted, probably more than half. A lot of them are thinkers as opposed to sensors or feelers or intuitors, and particularly introverted thinkers….Introverts often want to work on a problem on their own; they don't want to get together in a group. They don't like anything that's like woo-woo or rah-rah. They want to think about things quietly, individually, and then maybe come together after they had a lot of chance to think about it” (P3).

“I think about 80% of attorney are introverts. So they don’t have great interpersonal skills. They're super, super smart, they're totally brainy and, intellectually, they're great, but when it comes to interpersonal communications, they are really not so good. And they don’t really notice what's going on with the other person” (P8).

“Of the four aspects of emotional intelligence, they are lowest on perception – so they just aren’t very clear on what’s going on around them emotionally” (P5).

“The practice of law is so cognitively-oriented that there are a lot of lawyers that I think are deficient in interpersonal skills, not because they can't do it, it's just because they've never done it” (P2).

“Lawyers are very rationalistic, not just rational” (P6). As defined, rational: having reason or understanding. Rationalistic: a theory that reason is in itself a source of knowledge superior to and independent of sense perceptions.

“They’re drawn to law school because they don’t want to fail or be wrong and so they think law will give them the power to do neither. This personality type is so pervasive in most lawyers. They’re worse after they get out of law school but it seems to be that law schools draw these personality types. It gets worse over time and then you see a lot of depression” (P5).
“They can’t accept the chance of failure—even if it’s short term—and you can’t innovate unless you accept failure. And [they think they] shouldn’t ever be wrong. It’s very hard to keep themselves up after a failure. That’s a personality trait that is widespread amongst lawyers and drastically different from the general population. They have a very low resilience” (P5).

“Flexibility is a big thing, not being adaptable. They score low on stress management, on flexibility. They score lower relative to the general population on happiness” (P2).

“There are two of the nine [enneagram] types that show up a lot [in attorneys]: the six and the eight” (P8). The Enneagram 6 type is the skeptic, whose world view is that “the world is a threatening place. I need to look to authority, but I question it.” The 8 is the leader, whose world view is that “the world is an unjust place. I am strong and defend the innocent.”

“If they’re working on how they should structure their management and who they should promote, it’s extremely useful to know some basic things about how those people tend to approach issues or problems with their people so that you have an idea of their natural tendencies—which doesn’t mean that they’re stuck in these boxes, but you just have an idea of their potential tendencies and then it’s easier to look at a balanced approach. So I use emotional intelligence assessments” (P5).

“Attorneys need mentors to help articulate a dream, they need someone in the field. Young people are trying to develop, they know they aren’t fully formed, and that they need help to be the best they can be, and it will get passed on” (P6).

“It has to be structured, people are not going to do it willingly” (P8); compare, “Official mentoring programs don’t seem to work very well, where people are assigned to be mentored by someone, and that’s not the person they would have chosen and vice versa” (P3).

“[Mentoring] is not about making friends. It's not about going out socially too often. It's not about having dinners, etc. It's very important to lay out objectives: what are the desired outcomes, what are we really wanting to focus our time on? Because there's a difference—most firms don't know, particularly between mentoring and championing or having a mentor and having a sponsor” (P1).

“[M]entoring can happen in client calls, the course of trial battle. (P1)

“[W]hat really happens in most firms is there is no mentoring program because the partners won't take their billable time away to mentor people… [It used to be that] one of the senior partners in the firm would come by and say, ‘I’m going to a deposition. Come with me so you can see what happens’ or ‘I'm going to trial. Come and sit in the court room so you can see what happens.’ And that's how people learn—because someone would take them in hand and say, ‘Come with me. You'll just sit there. You won't say a word. And you'll just observe but you need to see how things are done.’ And that doesn’t happen to that extent anymore because, first of all, clients say, ‘Don’t bring an associate because I don’t want you billing me for the associate’s time.’ And the firm can't afford to just have a non-billable day for an associate to be learning things. So they're not having the experiences that they should have on a regular basis” (P1).
“They very rarely want us to call it ‘diversity training;’ it would be ‘respect in the workplace’. And it wouldn’t be mandatory….For the most part I don’t do diversity work because it’s very rare to find any organization where the work will really go forward” (P10); “There’s a tremendous unconscious bias…we’re always trying to make people aware that it’s going all the time intentionally or not, it’s just there” (P8); “You’re never going to find one of these firms having a lot of diversity because of their hiring criteria which I think are ridiculous. Their hiring criteria are that you’ve got to be the top 10% of law schools” (P10).

Women and minorities always feel they are at risk of getting fired, always. And by the way, in reviews, they are criticized much more harshly than the white guys” (P8).

“There are a lot of lawyers that are jerks. And law firms are prime targets for employment discrimination claims … a person maybe a big rainmaker, maybe bringing in millions of dollars of business, but the person may be just a tyrant or horrible to work with and very destructive in the law firm environment. Female attorneys are prime targets for discrimination, and there's lot of lawsuits that get filed against law firms by female attorneys, specifically young associates and then those who have worked a long time but don't make partner” (P2).

“Clients don’t like firms just bringing in the one African American they have in the firm to sell, and then bring all white lawyers to do the work. They really want to see some diversity” (P7); “The typical gender dynamics of the old white guy-dominated law firms coming into organizations is not as welcome as it was in generations past because a client looks different” (P1).

“When it was more of a buyers’ market, companies were saying… we’re only hiring firms that are more diverse and companies were really trying to get more diversity” (P7).

“The gender piece is huge. I think that business development's focus on relationships and the gender dynamics of women and relationships play well together and firms are hopefully beginning to recognize that connection. The old model of the male expert lawyer coming in and telling you what you need to know and ‘I'm going to take care of it, get out of the way’ is not necessarily consistent with what a lot of clients now are looking for” (P1); “The dynamics of gender around how things are done and how relationships are developed and are we just going out to play golf or go drinking or whatever, it's different because clients are different and I think that firms should recognize that that's changing” (P1); “With women and diverse lawyers, where I can get them focused on business development, they become more productive. And in the process of becoming more productive, they actually become happier. So there are a couple of levels. I mean, I think the firms look at it and go ‘Yahoo. These people are billing more hours or they're billing bringing in more business.’ But I also look at it from the perspective of ‘Yes. And they're happier so they're more satisfied with their work.’ They own their client relationships. They feel more secure in the firm. They feel like they can stick around. So there is a retention piece as well as a positive impact on business” (P8).

“I really push firms to have me coach either female lawyers or diverse lawyers both because they're just not getting the same mentoring as the white guys. And actually, the business development ROI is really high for both women and diverse lawyers and it's a higher ROI than with white male partners” (P8).
You have to lead differently when you're leading people from different cultures, and that's true of somebody from Japan or somebody from Mexico or somebody from New York or somebody from Alabama. It's just different. And that's what a lot of my work with firms is about” (P1).

“[I conduct a session] called ‘Communication, Women and Business Development’ focused on discussing marketplace changes like the increased number of women general counsel, women decision-makers, and women points of contact, and how that has changed. What are the gender-related differences in communication and preference that impact relationship-building and client satisfaction? And then we talk about the impact on principles of business development. It was a very, very impactful, powerful conversation that is unusual in law” (P1).

“Sometimes the lawyers who are supposed to be doing the training don't like training, have never been trained to do any training. In some cases, they're really not training. What they're doing is giving out assignments, and then when they get them back, they're redoing the work and not taking the time to explain why what they got back wasn't sufficient” (P3).

“Somebody told them they were the practice group leader but they had no idea what it meant, what they were supposed do to do. Sometimes it’s the blind leading the blind” (P3)

“If I do trainings for groups of partners, I don’t make much progress because they won't admit they don’t know stuff. So my policy has been if they want to do trainings, I'm happy to talk to associates but if they’ve got issues with partners, that's a one-on-one thing” (P8).

Coaching can provide timely assistance for individuals to handle “ethical issues, client management issues, colleague-conflict issues” (P5).

“I always tell them I won’t coach somebody out. This has to be somebody you want to keep. But if they’re at the point of getting rid of them, then they need to figure out how to do that…because I don’t think it’s really fair to put somebody into the coaching process if you want to get rid of them” (P7).

“One of the niches that I’m establishing is attorneys who are not happy practicing law, you know, who either want to leave the law or practice in a way that’s more satisfying” (P10).

“I think there's a disconnect in most law firms between their revenue and keeping their clients happy. For example, in an ad agency, people are very clear about how revenue runs everything. So if an ad agency loses an account, the next day everybody who worked on that account gets fired. Right. It's not a week later, it's not a month later, it's the next day. Everybody who worked on that account and is associated with that revenue loses their job. But in law firms, people don’t seem to make the connection between the clients and the revenue the clients are bringing in and how they mirror existence of the law firm. So they really don’t--I just don’t think there’s immediacy in understanding how your salary is driven by keeping that client happy. And of course, clients don’t always announce to law firms that they're going to drop them. They simply stop sending work” (P8)

“Right now, they can get a lot of bang for their buck on learning how to do project management. And it isn't just in response to what clients are calling for, but it just makes sense. Whether your client is demanding that you work to a flat fee budget or not, wouldn't you be ahead of the game if you figured out a way to do everything as efficiently as possible?” (P3).
40 “I’ve never run into a compensation system that worked that well; there’s always some dispute. I’ve seen disputes over lock-step models, I’ve seen disputes over ones that really avoid the rainmakers. I’ve seen lots of issues on the compensation models, and so I don’t know what the answer is there, but that seems to be an issue” (P7); “Pure seniority is the best way; compensate by years of experience. Performance will follow seniority. Law firms waste an unbelievable amount of time on these questions, it’s an erosive issue. Take it off the table” (P6).

41 “Compensation is usually just a symptom, it’s usually not the problem because we see over and over again in the data that lawyers are satisfied with how their compensation is if they feel valued and involved in the management. There is legions of data saying that it’s not compensation alone that makes people leave law firms or be dissatisfied” (P5); “They're missing that people don't just stick with organizations for the money”(P1).

42 “I don’t think it’s actually money, I think it’s status. The reason I say that is when I first started as a career coach, I would have a partner come in and say “I want to do something different’. And I’d ask them ‘what’s your financial need and then what’s your financial goal?’ They’d say ‘Oh I need to make at least $500,000, or $300,000—it was a big number. And I’d say, ‘well, so, the reason I ask this is that you’re going to a non-profit, you’re not going to be a judge’ and they’d be ‘oh no, I can be a judge.’ If you get $100,000 as a judge you’re lucky, but they can be a judge. That’s when I realized that it was about the status, not actually the money, after a certain point. It’s just the kind of money because that’s the currency. That’s how status is shown in a firm.” (P7).

43 “They’re way behind for-profit companies and non-profits in terms of even thinking that they have a management structure. So many of them don’t have an executive director, or the managing partner is expected to also practice law. There’s no real management structure. They really need see management as equally important to the substantive work they do” (P7).

44 “There has to be a change in the staffing attitudes. We don’t need lawyers during document review necessarily, we don’t need lawyers doing things that non-lawyers could very well do” (P5).

45 Work does not require them to collaborate, and the consequences are that it isolates attorneys, weakens their connection to the firm, robs them of the satisfaction of good valuable work with colleagues. No wonder they don’t get along, why should they? It just makes for weak law firms where it’s very hard to meet challenges that require collective cooperation. They could decide to have different kind of law firm” (P6).

46 “If the goal is to get people talking to each other, that has to begin where they are working, and the best way is to change structure. Change physical structures—where they are, move peoples’ offices, move walls. Change the non-physical: who works with whom, teams, put people on shared goals” (P4).

47 “Most law firms are managed by lawyers, and lawyers are notoriously bad managers. So the firms that have been smart enough to hire professionals who are non-lawyers to manage the firms do a better job, at least at having a more functional culture” (P8).

48 “They’re just not spending the money [on infrastructure] for the most part. That’s short-sighted, and that’s why law firms who are very good about infrastructure investments understand that if you don’t do anything for three, four or five years, there’s going to be real problems later on. But many firms are just trying to cut expenses and so they don’t support their infrastructure” (P5).
“They say ‘tell me a problem, tell me what to do and I’ll do it.’ But even if they could do it, they don’t because they have to be billing. They want to believe implementation won’t take very long. But if you make structural changes, like practice groups—they are so structural, but people also have to change their behavior, and that takes time” (P6).

“They have hard working people, dedicated, and a lot of them are sort of big picture thinkers and they can envision something different. But until they back off of their requirements and their expectations along those lines, and recognize that being an organization means working together as opposed to individual fiefdoms, I don’t know if they’re going to have that. They’re busy, and they’re always too busy but that’s also self-imposed. They have the mental capacity and the vision, they don’t actually have the time capacity, or they’re not willing to devote that. Until they’re hurting they’re not going to have the desire. They seem to function very reactively, in terms of how they manage themselves. And they seem to work better with pain than pleasure” (P7).

“Structure is not structure until new habits form. Practice groups, work groups, take time, more than a week, more like six months to a year, to become competent. They have to be led, and that leader needs billable hour help and leadership coaching. [But then there is] no accountability for people that don’t participate” (P6).

“I did a project once about why women were leaving, and why women partners were leaving, and a big chunk of it was a lack of succession planning. Because they would get calls from headhunters saying I’ll bring you into this and you can be head of this department and you can learn whatever, and the firms they were with didn’t start grooming them” (P7).

“They don't generally do purposeful succession planning or talent management the way corporations do. They don't think about who they're grooming to be the next leader. It's rare” (P1).

“What succession planning is for them is realizing that at some point they're going to die and not be there. So they don't want to deal with succession planning because that's admitting that you're mortal” (P8).

“They do a terrible job of preparing the next generation to take over. And they are sure that the next generation can't do it as well as they do” (P8).

“There’s no carrot to help these senior people do this planning, so it doesn’t work….Firms have to have a nice path out, where they are useful and still have high status, which is so important to a lot of partners. You know, visible things that they can do so that they are more willing to turn their clients over. And start the planning earlier” (P7).

“The partner retires, refuses to retire or retires in a destructive way” (P6).

“Everyone is watching, and it has an impact on moral and loyalty. Everyone’s future is being played out. A smart law firm will pay for it; they don’t want old bloody carcasses lining the halls” (P6).

“Change is sort of being forced on them” (P3).

“If the most senior people in a firm are willing to go through coaching and find out what they're doing that isn’t working very well, then there's a real chance for firms to have really big change. But until the people who are really at the top of firms recognize their own issues, things are not going to change because people at the top determine the culture and what happens” (P8).
“They have the capacity to change. They don't always have a burning desire to change, but there's not a conversation about OD, but if firms can talk about what they do and what they don't do and why, they'd be having different conversations. They just don't know what they don't know. Lawyers at firms, for the most part, have always been in law firms. Once they jump to the corporate side, either a general counsel's office or something like that, they get to see what they're missing, but it usually really works the other way when they go from a corporate role into a law firm. So I think they don't know what they're missing” (P1).

“One of the problems is that—to do change right—you have to be willing to fail a little bit. Lawyers are such professional second guessers. Almost anything you propose, they can say, ‘But what if this happens, or what if that happens or what if that happens?’ It’s very hard for them to say, ‘You know, we screwed up or we didn’t do well on that particular trial, we’re going to try something else.’ I like Churchill’s quote, that success is going from one failure to the next with undiminished enthusiasm. That’s what most law firms can’t do” (P5).

“What I hear from the firms is, ‘We're all doing the best that we can. We all know that there's other things we can be doing, but this is not the time to do it.’ [But firm leaders who] recognize this as a competitive advantage will capture market share, particularly within women's initiatives and in that world, word gets out about who's paying attention to this” (P1).

“They tend to measure themselves by the law firm down the street and the industry is in such an old-fashioned mode. In the last century, there’s very little agile, innovative stuff going on. So usually they want to hear is that 98% of law firms do it this way and so that’s what they’re going to do too” (P5).

“Unfortunately for the law firms that didn’t address the problems that were going on, some of them have disappeared. If they’d been paying attention earlier, they probably could have prevented that from happening but for some, they were so caught up in doing it the way they’ve always done it that they were missing all the signals that they were in trouble. So I think unfortunately for law firms, it's not like you're a manufacturing company and you just make something different. If you lose your clients and you lose your staff, you have nothing to sell. And of course, they don’t think they're selling anything. They don’t think of themselves as people who are selling which is what—which is part of the whole business development discussion with them. There are lot of lawyers who think that's beneath them” (P8).

“I see OD as being everything from practice group leader training, to actual training of associates and partners on how to do the work or how to do things that make the work easier, like how to write, how to communicate better with each other and with clients or with their staff. I've communications styles training, using Myers-Briggs and some other psychological instruments. I've seen firms do project management training and I think of that, in a way, as organizational development. I look at it from a pretty broad perspective. To me, anything that makes the organization better and makes it better able to function internally or to deliver at services externally, that's what I think of as organizational development” (P3).

“[OD] is where you’re working with a whole group as opposed to one person, where the group as a whole wants to make some sort of change in some direction. It’s where the group dynamics come into play. Because sometimes
people call, they'll be like we want strategic planning, but really it's more they want to make some organizational changes” (P7).

68 “I do classic OD action research. I start with a sense of what a client wants, gather data, make sense of it, and decide what to do based on data to get them closer to what they want. It’s very collaborative with the client; the data collection and sense making is done together. We come to some sort of conclusion, I submit a proposal, identifying they understand what can be done in terms of OD process. I may interview people who have left the firm, or do exit interviews. You have to create engagement in the system that you work with if you want them to change behavior. The feedback session is one-on-one first, then joint feedback. I present data in a manageable way, so they know its theirs and they own it” (P9); You do your entry and contracting, see who is going to be in the room, and then you get your data, usually through interviews. Then you have a feedback meeting after you sort of theme the data figure it out, and then interventions” (P7).

69 “There are certain firms where I have talked to their clients to get input on them” (P8).

70 “[For firms], the difference between a traditional consultant and an OD consultant: the traditional one is someone who’s an expert in a substantive area and that’s it, brought in for cost reduction or coaching or something. OD consultants are always thinking about the intersection of psychology and business” (P9).

71 “The trickiest part I think of that transition is many clients don’t want to hear what you think; they want to hear what they think. Often consultants are hired to either cover someone’s ass – excuse my French – or to deliver a message from a more ‘independent party’ that they would like to deliver themselves but they’re trying to find somebody else, a different messenger. They already know the contents of the message, who is going to deliver it. That’s a big problem I think in consulting that really surprised me. Some people may hear what you’re saying but when it comes down to it, they want you to say what they want you to say. It’s sort of a show game, an unfortunate use of money” (P5).

72 “For lawyers, it has to be connected to something tangible now. Firms don’t invest in people. It's not what law firms are about necessarily and that's fine, but I think that because of that, they don't invest in people. They will invest in things that will bring them business or prevent them from losing business or to cut their operating budgets. So they will invest in systems that they think will help them operate more efficiently. They'll invest in marketing people and marketing departments, particularly if it'll minimize the amount of time that lawyers have to spend researching and doing things like that, right, because they want the lawyers to be billable as fully as possible” (P1).

73 “In terms of OD, law firms can get a whole lot better at it. Some firms are doing quite well. Some firms have directors of professional development on staff and have for quite some time. But I think the scope of those positions is changing and the bar is really being raised to the level of people who are occupying those position seem to be getting better. So I think there's some uncharted territory or at least, let me put it this way, if it's not uncharted, it's certainly unmastered, or so it seems to me” (P3).