



## **WARNING: FRAYED WIRES – POSSIBLE SHOCK HAZARD**

Ellen Freedman, CLM  
© 2016 Freedman Consulting, Inc.

---

Far too many people at law firms get caught in the crossfire or suffer emotional damage when attorneys are at war or depart a firm. To be honest, at some firms one or two stressed-out lawyers can create the same havoc. Having suffered all of these situations personally, I know how bad it can be. Or maybe I should say I *thought* I knew how bad it could be, until recently. A hot line call – developing over and lasting several months -- regarding an unhappy and then departing attorney, proved to me that I had not witnessed the truly worst behavior possible. Now I have. And I hope that statement holds until I retire some day.

Friction is virtually unavoidable in law firms. The environment is fraught with conflicting deadlines and a whole heap of stress. Unfortunately, few lawyers develop coping mechanisms which enable them to handle the stress well. Perhaps lawyers should be forced to become serious participants in some form of physical exercise – running, swimming, walking, yoga, tennis – while in law school. It would help a lot.

Lawyers resist most forms of accountability. This leads to resentment by others who follow the rules, reach agreed-upon goals, or have to pick up the slack. Lawyers are equally resistant to being led. This leads to frustration of leaders and visionaries, and often burnout of a firm's managing partner. Couple this with low trust thresholds and a general intolerance to criticism which are built into a lawyer's DNA. This, my friends, is a recipe for nuclear fission, let alone friction.

Some firms manage the inevitable friction better than others. It depends on the firm culture. There is and will always be friction in a law firm. But some manage to keep it simmering quietly, under the surface, where it does not create an intolerable work environment. They occasionally get an eruption here or there, but seem to manage to dispatch it quickly and effectively.

Some firms, on the other hand, have regular blow-outs, and often frequent departures. Teamwork is lacking. The stress is palatable. Conflicts go unresolved. These are the firms where people feel their neck and sphincter muscles tightening as they walk in the door each day.

Speaking generally, I find that firms with the least blow-outs and lower overall stress levels have attorneys with higher levels of emotional intelligence, at least among firm leaders. The concept of emotional intelligence -- EQ -- hit my radar screen about 25 - 30 years ago while attending a seminar presentation by Dr. Larry Richard, who at the time was a consultant with Altman Weil. He is now with LawyerBrain, (<http://lawyerbrain.com>) a consulting practice which helps law firms tackle their most important people issues related to leadership, motivation, talent management, and managing change.

Back then, the concept of emotional intelligence was not on the radar screen of law firms or HR executives. Explosive 900-lb gorillas ruled the roost, or were tolerated, at a large percentage of firms. Most succeeded in spite of the obvious shortcoming. In fact, talented attorneys with a high IQ and low EQ were perceived and sometimes sought out as those with the "right stuff" for success.

I have long since made it my mission to help firms come to the realization that life is too short to allow low-EQ behavior to persist if there is an alternative. Admittedly, at some firms the founder and/or prolific rainmaker is the low-EQ culprit, and the only choice is endure or leave. But I always point out that when your choice is "my way or the highway," leaving is an option to be strongly considered. It's better than becoming ill from continued stress and abuse day after day.

I strongly encourage accountability for unacceptable behavior in the same manner that sloppy work, missed deadlines, or inadequate client communications are behaviors which most firms will not tolerate. However, I find that the majority of firms are still unwilling to deal effectively with low-EQ offenders who are profitable for the firm. Let's be clear: it's a conscious trade-off of money for quality of life.

First, understand that the high-stress environment costs the firm money. Therein lies the irony of making the conscious trade-off. There are a variety of manners in which the stress negatively impacts the firm. To name a few: decreased teamwork, decreased cross-marketing, alienation, decreased productivity, and increased turnover. Each and every manifestation of a high-stress environment created by one or more low-EQ offenders is costly. And at many firms, it is unseen or at least unacknowledged damage.

Unseen, you say? That's because people don't often pay attention to the signs. Closed doors. Hushed conversations. More angry outbursts. Silence at  
Freedman Consulting, Inc.  
(215) 628-9422



meetings. Longer telephone calls accompanied by lower billable hours. Unexplained absences. Increasing departures. And more.

What can your firm do? First, where possible, create accountability through compensation. Unacceptable behavior should be an important factor in compensation. At least for associates and staff. It must be discussed. A raise, or lack thereof, does not speak for itself. Be specific regarding unacceptable behaviors. Document examples and discuss them at review time – plus when they occur – and their impact on compensation. Prompt creation of improvement plans and monitor progress.

What about partners? Depending on your structure, and your compensation plan, you may or may not be able to create accountability through compensation. What remains is peer pressure, and any other possible consequences your agreement allows. No matter what, do not suffer in silence. Don't fault the person; address the unacceptable behavior.

Clear the air regularly. Even firms which keep most of the disagreeable stuff bubbling below the surface need an occasional ability to vent, in order to avoid a bubbling over. Retreats are excellent opportunities to release some of the pent-up frustration and resentment. But a retreat should be facilitated by someone skilled to ensure it has the desired positive outcome.

As a practical matter, your best outcome is most often achieved through personal coaching for the low-EQ culprit. There are lots of people who call themselves coaches, but not all are equally qualified. In fact, most are *not* qualified, in my experience. The good news is that there are a few good ones I can recommend. Remember, I'm here to help. Your dues dollars at work!

*A version of this article originally appeared in the  
October 5, 2015 issue of PA Bar News*

© 2010 Freedman Consulting, Inc. The contents of this article are protected by U.S. copyright.. Visitors may print and download one copy of this article solely for personal and noncommercial use, provided that all hard copies contain all copyright and other applicable notices contained in the article. You may not modify, distribute, copy, broadcast, transmit, publish, transfer or otherwise use any article or material obtained from this site in any other manner except with written permission of the author. The article is for informational use only, and does not constitute legal advice or endorsement of any particular product or vendor.

Freedman Consulting, Inc.  
(215) 628-9422

