



IT'S OK TO BE WRONG — SOMETIMES

Ellen Freedman, CLM
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Lawyers are trained to know how to get things done. Lawyers are trained to know how to find answers to legal questions. If you don't know it, you know someone who does. The world views lawyers as the "go-to" people. When someone asks a question of a lawyer, they anticipate an answer. In fact, that's what makes simple cocktail conversation so dangerous. Even when you shoot out an opinion from the hip, even when under the influence, people tend to rely on those answers. And if you're wrong, there is often a hefty price to pay. Claims happen. It's a fact of life.

There is a lot of pressure created by living and working in an exacting professional environment in which error is unacceptable and sometimes costly. Forget the deadlines. Forget the long hours. They may make you miserable from time to time, but they won't kill you. It's the stress of always having to be right which causes the medical meltdowns, substance abuse, and high levels of divorce and suicide.

Many of you have found out firsthand that mistakes will happen. No matter how finely honed your procedures, no matter how carefully you pay attention to detail, it's still possible to err. And the longer your legal career lasts, the more likely it becomes that you will make an error. What do you do when you're just plain wrong? Well, the first thing you have to do is determine what damage your error has caused. Then you need to determine whether you can make it right, mitigate damages, or otherwise make the client "whole." The one thing you do *not* want to do is cover it up.

Malpractice insurance agents tell us that the best strategy to employ when you have discovered you've made an error is to do the determination previously mentioned, and then let the client know what happened, and what, if anything, you can do about it. Don't minimize, deflect, blame, scapegoat, or use any strategy other than taking "ownership" of the error and your responsibility for it. Making an error, even when you can't make the client whole again, doesn't necessarily lead to a claim. It doesn't even necessarily result in a lost client.

Thus far, I haven't told you anything of which you are not already acutely aware. But wait, there's good news ahead. The good news lies in the fact that the legal industry is both a profession and a business. And while the professional side is highly intolerant of error, the business side provides quite a bit of leeway. In fact, in certain areas of management within your firm, a lack of occasional error is not a good sign. It may mean your policies are too stringent relative to the marketplace, that you are not sufficiently delegating responsibility and authority for day-to-day management, or are not innovating or changing with the times.

When it comes to managing the business side of the firm, you aren't expected to know all the answers. And in many cases, there is no bright line in the sand between the right and wrong answers. Instincts aren't infallible, either. You will need to try some things. Some will work, others will not. But certainly the hardest thing of all will be sometimes admitting you don't have the answer, or admitting your answer/decision was wrong.

I can recall the time when I felt I had to know all the answers. As a non-lawyer charged with managing law firm operations, I felt that I had to have an answer for any question asked. And it wasn't even good enough to indicate I would find out and provide the answer later. I felt I was expected to have all the answers on the tip of my tongue. After all, my models —my employers— were the quintessential answer people. How could I provide less? So I read incessantly, attended every educational event possible, and mercilessly picked vendor brains dry. I had an insatiable need for knowledge.

The pressure was intolerable. Over time it manifested in various physical ailments. Psychologically speaking, the bar was set so high it could not be reached. There was just no way to achieve the level of performance I had set for myself. Because no one can have all the answers. And no one can operate in a business environment, making dozens of decisions daily, without making an occasional mistake. The fact that my performance standard was always far above what employers expected, provided solace only in the fact that my employers were always more satisfied with my performance than I was. We are often our own worst enemies, aren't we?

It wasn't until I performed my first mini self-audit that I learned it was OK to occasionally not have an answer, or occasionally make a mistake. I could be wrong without being incompetent. It was actually OK to be wrong, as long as it was infrequent and not of immense irreversible or damaging consequence. As long as I took ownership of it. And took corrective action.

Hmmm . . . OK to be wrong. What an amazingly liberating concept! Take a



moment. Let your mind wrap around it.

Yes, you, the perfectionist that you are. I'm pointing my plump little finger right at you and sporting a big Cheshire-cat grin and a wink. Because while you may not admit it out loud, you and I both secretly know that you've probably set the bar too high yourself in many areas.

Now don't get the wrong idea. I'm not suggesting you allow yourself to descend into mediocrity. I'm not for an instant saying you should do less than 100% of what you're capable of doing. You should do everything you're capable of, on the business and professional side, to be educated, organized, efficient, logical, accurate, compassionate, and ethical. I'm not advocating for laziness. I'm saying we need to allow ourselves to grow and try new things, without the frequent paralysis caused by fear of failure.

Back to the mini self-audit. What I'm referring to is akin to a mini-retreat. A process of serious examination and strategic improvement planning in a specific focused area. Back in the mid-80's, I was managing a staff of about 99. I wanted to improve my abilities in that area. I decided to perform a self-audit.

My peers around the country —fellow members of the Association of Legal Administrators— thought I was crazy. It was unheard of. Why was I exposing myself willingly to criticism from people I managed? Didn't I know there would be retribution from anyone who had been disciplined, denied a requested vacation day, or denied any request at all? What could I possibly learn?

The self-audit was of such interest that I eventually authored a report of the management exercise, and it was published by ALA.

Back then we didn't have a book such as "*Easy Self-Audits for the Busy Law Office*" by Nancy Byerly Jones. [PBA members can purchase this book at a discount from ABA as a member benefit. If you're a member and don't know how, call or write me at 800-932-0311 x2228 or lawpractice@pabar.org.] And there was no 1 hour CLE course available like "*Law Firm Self-Audits*" which I was fortunate enough to create with the book's author, and continue to present solo throughout the state. So I had to make up my own survey, and methodology.

What did I want to know? A lot. Was I fair? Did I create and maintain a positive culture of teamwork? Was I seen as an advocate for the staff? Did I foster strong intra-firm communications? Did I allow good ideas to bubble up from below? Did I provide credit where it was due?



Did I provide a nurturing environment for new hires, and were they well trained and of consistently high caliber? Was I providing the right tools to get the job done efficiently? Did I make sure the rules applied equally to everyone, no matter who they worked for? Yes, all that and more.

I applied the lesson of *“The One Minute Manager”* by constructing a survey that required a suggested alternative for every criticism. After all, anyone can tear down. A real contributor tears down to rebuild. I made each of them an architect of their future. I also provided a variety of ways to obtain input from newer employees about what other firms were doing better, and what they were doing worse.

My self-audit was a huge success by any calculation. Admittedly there were people who took the opportunity to take cheap shots and land low blows. Some comments even made me cry. Overall, though, the view from the other side of the desk was much more flattering than I had imagined.

But what I was really after —and fortunately found— were those small nuggets of gold hidden in the comments. Like I tell those who attend my seminars, real progress is not usually achieved by making giant leaps forward; it's gotten by taking continual baby steps in the right direction. And there were enough gold nuggets to take lots of them.

The realization hit me that I had to “own” things before I could change or improve them. If they weren't my actions, knowledge, or judgment, how could I change them? That was the moment of my epiphany, which has served me well in the intervening years, and ultimately culminated many moons later in the writing of this article. What stood out more than anything else in the survey feedback, and made the biggest difference in my management style and personal life as well, was the acknowledgement that I might not always know everything, and that I might actually even be wrong on occasion, and that was OK!

And why was it OK? Because the reality is that to be human is to occasionally not have the answer, and to sometimes be wrong. People quickly lose respect and trust for you if you pretend to be otherwise. The key is to recognize when you need to find the answer, or need to take corrective action, and take ownership of it.

This knowledge was empowering beyond belief, and liberating as well. My people-management skills blossomed. A repeat of the strategic exercise two years later evoked no tears on my part. The view from the other side of the table was much more attractive. Clearly progress was made. And yet, there were additional nuggets to be found. And more progress to be made, in baby steps, along the path to



improvement.

No matter how large or small your firm, no matter how long you've managed the business side, there is always room for improvement. Don't close the door on the process because fear of being wrong, or fear of having to admit you're wrong, looms large in your mind. Look in the mirror, take a deep breath, and repeat "It's OK to be wrong — sometimes." Then consider what you want to do about it.

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