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BREAKING UP IS HARD TO DO, BUT SOMETIMES IT'S THE BEST CHOICE

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I remember the first time I “failed” a consulting assignment. It was a long time ago. I had only been out on my own a couple of years. The firm hired me because they were experiencing internal conflict between partners. My goal was to resolve the conflict and assist the firm to transform into a more functional management paradigm.

All partners agreed that the conflict was increasingly impairing the firm’s ability to take strategic action. And it was becoming apparent in declining profits. In fact, it had taken its toll in many more areas: some recognized, most not.

Decreased interpersonal interaction was apparent. Communications internally were virtually nonexistent. Hostility and mistrust laid openly on the table like greasy fingerprints on a glass surface.

It was affecting the staff. What the partners thought was carefully kept only between themselves had oozed out and infected staff members. Sides were drawn out of loyalty rather than direct involvement. Teamwork had disintegrated.

Unwittingly and unintentionally, some clients had become inadvertent casualties. Caught in the crossfire, they were increasingly barred internal referral to the attorney best suited to manage their matter. As profits fell, inevitable hoarding exasperated the problem. Hoarding of clients is a natural outcome of a flawed compensation system, quickly evident when profits decrease.

The deeper I dug, the wider the divide I exposed. Beliefs and goals so deeply ingrained they were not subject to change. Being an optimist, I was not ready to

give up on the firm. I would find a way to bring them back to their common goal of practicing the law each wanted, for a reasonable compensation, in a pleasant environment.

I eventually uncovered a deep-seated bias based on gender. Male partners felt the “female brain” unreasonableness and hyper-sensitivity was to blame for most of the discord. The female attorneys were equally fed up with the “chauvinist prejudices and dismissive attitudes” of their male counterparts. All lacked the emotional intelligence, in my estimation, to recognize and adjust attitudes and behaviors.

My conclusion was that the firm was a toxic environment. Unless some radical attitude and behavioral changes were made, I warned, the firm was doomed to fail.

You may conclude an exorcist would be needed to fix this firm. And you wouldn't be far off the mark. I made a number of recommendations to the firm. At the top of the list was immediate engagement of Larry Richard, PhD, JD, of Lawyer Brain (www.lawyerbrain.com) . At the time Richard was heading up the Leadership, Organization Development and Conflict Resolution Practice Group at Hildebrandt Consulting.

The firm did not engage Dr. Richard. In short order, the firm dissolved; partners scattered in different directions.

I felt like a failure. I didn't accomplish what I was hired to do. Maybe I just didn't have sufficient experience. I started experiencing increasing thoughts of self-doubt. I was suffering from the “imposture syndrome.” To stop the downward spiral, I invited my colleague, Joel Rose, (may he rest in peace), to break bread. Joel was always generous with his time and advice, for the mere price of a meal at one of his favorite —albeit expensive— restaurants. A tradition I have tried to carry on.

Joel listened patiently. He asked pointed questions to assure he understood thoroughly. I will never forget his words, “Ellen, not every firm *can* be saved. Not every firm *should* be saved. Sometimes the best and kindest advice is to tell all involved it's time to let go.” Based on the satisfied look on Joel's face, I'm sure my gaping jaw and wide eyes were the responses for which he was aiming. Suddenly I realized I did not bear the responsibility of failing to fix the unfixable. The huge crushing weight of self-doubt and failure had been lifted.

Since that time I have continued to hone my skills in identifying situations which are fixable, from those which are not. Fortunately, there have been only a handful of engagements over the years which have brought me to the conclusion that a break-up is the best possible solution. And I have learned how to deliver that message as effectively as possible.

I can't say my recommendation is greeted well. It rarely is. In some cases my recommendation is taken personally. I have been accused of acting out of personal dislike for a particular partner or practice group. Of being unduly influenced by someone and not acting independently. Of failing to properly understand the assignment. However, I stick to my guns.

It bears mentioning that years later I ran into one of the partners of the firm that was my first breakup challenge. At first I was fearful to speak to him. Those feelings of failure lurched back into my thoughts, causing me to swallow hard on the lump that formed in my throat. I got up the courage to approach him as he stood alone from a group.

I stumbled over the words expressing my sorrow over how things turned out. He quickly stopped me. He put a reassuring, warm hand on my arm and said, "Ellen, breaking up was the very best thing that happened to us. We all went on to much happier and financially rewarding situations. We were all miserable and might have stayed that way for years and years without your intervention. You were honest with us and made us realize that the reasons that we formed our firm were long gone. It was time to move on. I can't tell you how thankful I am that you enabled us to call it quits without descending further into outright war and hate."

Most firms experience problems from time to time. Putting one's head in the sand — the lawyer's "go to" method of avoidance — is rarely effective. I encourage firms to proactively address problems sooner rather than later. Work collaboratively and keep focusing on the desired outcome you can agree upon. Get outside help when you need it. An objective eye clearly sees the trees amid the fog of emotional investment and festering resentments.

But, if you no longer have a desired outcome or set of outcomes you can agree upon and if coming to work is more stressful than staying home, it may be time to consider whether it's time to part ways. Be thankful for what once was, and move on to what can be, because life is too short to do otherwise.

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