



MOVE THAT MULE

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I work with a lot of lawyers and firms during the course of a year. When I say a lot, I mean between 1,000 to 2,000. The vast majority contact me through the PBA law practice management hotline. In addition, (with the exception of 2020), I work with law firms privately on assignments where a more hands-on approach is needed.

Although confidentiality is a bedrock for my service, I can't help but notice common trends, which I often address in my articles and seminars. As a result, I am contacted by one or more firms after almost every article is published. They ask if their firm is the example used in the article, and whether someone from the firm contacted me. Or they jokingly ask whether I have a recorder hidden in their conference room. The latter is frequently asked at the end of a seminar presentation.

No, I am not spying. The simple and sorry fact is that most of the issues I write and speak about are prevalent. You are not the only one dealing with them. And many are deep rooted and difficult to eradicate or highly complex. So I return to the same topics from time to time, trying each time to offer a slightly different perspective and action points. As an optimist, I sincerely believe that eventually I will broach a topic and offer action steps just right and enable a firm to make a significant change or two. For me, progress is measured in baby steps, one lawyer, one firm, at a time.

Recently it occurred to me that dealing with the same issues repetitively is a very common theme. For example, a law firm may contact me through the hotline to talk about replacing their time & billing and/or practice management software. We have a detailed discussion, maybe several. Choices are narrowed down to a couple of finalists. Then, a few years later, they contact me again and we restart the process because the firm never made the change. The issue itself — whether it is a new telephone system, rebranding initiative, management change — is irrelevant to the fact that too many times the firm is back to square one.

Lest you think it's just that the hotline isn't effective, I can attest to the fact that private assignments can sometimes bring the same result. For example, a

small-midsize firm engaged me a number of years ago for a management audit. This is a relatively common assignment.

A number of significant and sensitive issues were identified and recommendations were made. All were thoroughly vetted with the management committee and then the partnership. Consensus was reached, and a solid action plan was created. I left them hopeful and prepared to change course.

A few years later the firm contacted me again for the same assignment. To my amazement, the firm had strayed from the agreed-upon action plan on a number of key points and thereby exacerbated some issues. Others aspects of the action plan were not implemented. So little had changed, except for the frustration level of some and a surprising defection.

The exercise was repeated, culminating in consensus and another solid action plan. In order to avoid a repeat, I admonished the firm and management committee about failure to implement. A lot of time and money, and more importantly emotional effort, goes into this type of exercise. People become hopeful for positive change. Another letdown would likely have more devastating consequences.

Sure enough, a few years later the firm contacted me for the same assignment. And yes, as I had warned, things were much worse. Do I need to say why? No, you and I both know that they were essentially still at the starting block. At that point I refused to repeat the assignment.

I had to accept that the firm was not willing and capable of real change. And I was not willing to take their money knowing that it was for naught, especially when I can only help a limited number of firms each year. I'd rather invest my time where it will have a positive impact.

Change. A scary thought. By necessity I remind you periodically that change is necessary in articles like "The Only Constant Is Change," "Managing Partner Burnout," "How Do You Tend to Your Garden?" and "The Art of Making Imperfect Decisions." Strategic planning, planning for and successfully implementing change, must be a top priority for firm management. But inevitably, obstacles of our own making will stand in the way. So you have to expect that and plan for that, too. Let's talk about the top obstacles. Yep, let's just put them right on the table, under the bright light of self-scrutiny. Half the solution is admitting to and examining our problem(s).



#1 Avoidance

From all the studies of lawyer personality characteristics — which I lovingly refer to as lawyer DNA — we know that the most frequent method of dealing with conflict is avoidance. For many lawyers, change is tantamount to conflict. We frequently hear challenges to suggestions of change along the lines of “if it isn’t broken, why fix it?” or “but this is how we’ve always done it.”

When called upon to divert time and mental focus from working to learning, avoidance again comes into play. Whether the learning curve is centered on new workflow models, client service mechanisms, firm management initiatives or new technology, people don’t want to invest the time. They don’t want to have to repeatedly think through things they just did automatically before. It becomes impossible to realize that eventually, if we stick to it, we will be able to make the new method habitual and comfortable.

#2 Adaptability

An Altman Weil survey questioned managing partners specifically on this point. The question posed was “*Most agree that competing in the new legal market will require some changes in how law firms are organized and how lawyers practice. How would you rate your partners’ level of adaptability to change?*” Over 51% of managing partners rated their partners low for willingness or ability to adapt to change. Another 43% rated partners as moderately able and willing to adapt to change. Only 4% rated their partners as being highly open to and able to adapt to change.

Considering that the pace of external change in the marketplace is not expected to slow anytime soon, the far slower pace of internal change caused by sheer lack of adaptability by the firm’s citizens does not bode well for the future of many firms. It will continue to escalate tensions internally. It will no doubt further drive lateral movement to other firms. And most noticeably, we will see increased defections to form new practices, which are based on a paradigm that incorporates changes needed to thrive in the marketplace.

#3 Decision paralysis

Again, we’re back into lawyer DNA. Lawyers tend to be perfectionists. Looking for perfect answers in an imperfect world often makes it impossible to reach a decision. There is the feeling that if we just search a bit longer, gather more data, the decision will be absolutely clear. So we put it aside for later.



Add to that the unusually high fear of failure. What if the decision is wrong? We often conclude that the consequence of a wrong decision is worse than no decision. Particularly when we know our colleagues frequently play the “Monday night quarterback” and openly criticize change decisions after the fact. Lawyers rank high on “fragility” and that criticism really takes a toll. After a while, even the most stalwart may hesitate.

This is not all encompassing by any means. In my view, these are just the top three obstacles to change. They represent the biggest challenges to strategic planning and implementation at most law firms. Rest assured, I have never been a proponent of change for its own sake. But I acknowledge that a law firm is akin to a living breathing entity that must continually evolve and adapt to the surrounding environment. Continued existence in the future depends on it.

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