

Law Firm Administration A Special Report

Beyond Fun and Games

One firm leader explains how he gets past the "us vs. them" mentality.



BY SCOTT GILBERT

It was long ago. I was a young partner at a prominent D.C. law firm, standing in the elevator lobby, sporting my usual blue jeans, earring, and, at the time, a ponytail.

One of the firm's messengers was staring at me. Finally, he asked, "How do *they* let you get away with that?"

"I am sorry," I replied apologetically, "but I am one of *them*."

Now, as chairman of a much younger and smaller institution that bills itself as "a different kind of law firm," I am *them* in every sense of the word, and, like other law firm managers, I must confront directly the us/them dichotomy in an increasingly competitive legal environment that relies upon hierarchy and tradition.

Most lawyers accept that there are good business reasons, including operational ease and profit maximization, to support the pyramidal structure of law firms. But, ironically, law firms also prize initiative, responsibility, loyalty, collegiality, and teamwork among their partners, other lawyers, and nonlegal personnel. In fact, given the emphasis on law as a business, for many lawyers these cultural attributes may make all the difference between success and satisfaction on the one hand and failure and unhappiness on the other.

How do you create and maintain a desirable culture in a hierarchy where so many things depend on where in the pyramid you sit? Here are three suggestions.

First, communicate the firm's vision, so that all can be a part of it. Being a participant in a shared vision is an enormous equalizer for everyone in the organization. On the first day of our new venture, for example, we set out our goals: to do well, to have fun, and to give back. We emphasized to everyone that all three goals needed to be accomplished so we could achieve our vision and that it was up to each of the people in our firm to work toward those goals every day. It was important as we went forward that everyone understood and shared the vision of what we wanted to achieve as an institution, and it remains equally important today with every new hire.

Now, I happen to believe that pursuit of our three goals is an important endeavor, particularly in a legal marketplace that has come, at various times, to view them as mutually exclusive. In terms of creating a common link, however, the vision itself is almost less important than the fact that it is clearly articulated and consistently shared.

Whatever the vision, it must be reinforced by the firm's actions in a manner that is consistent with the message. Indeed, we have found that a common understanding of our vision often provides a context for the firm's actions. Our lawyers and other employees understand why our bonuses are merit-based, why senior associates must be promoted to the next associate level to advance their careers, and why regular performance reviews are important: All are a function of doing well.

Similarly, our casual-dress policy, our office décor, our game room, having Zeus the mechanical bull at all of our late-night holiday parties, and the laughter in the hallways are viewed not as individual threads but rather as parts of a cohesive fabric of having fun and being passionate about what we do. Giving back, in turn, is accepted as the responsibility of those who are doing well. Pro bono, charitable, and public-service work are expected of everyone, in one form or another.

Second, encourage employees to develop and meet their own expectations, consistent with the firm's vision. This emphasizes the *us* over *them*. This can be accomplished in traditional ways, through mentoring, focused performance reviews, promotions, and continuing-education opportunities.

Law firms can also make more fundamental changes in the way they do business. Let's use billable-hours requirements as an example. When young lawyers begin at a firm, they likely have spent nearly two decades of their lives in a system in which the measure of success is how well one meets the requirements that someone else has set for them. That is, after all, what grades and tests measure.

ORDER FROM THE MENU

Young lawyers are extraordinarily risk-averse; they want to

understand the rules and to know just what is expected of them, as well as what rewards they will receive if they meet those expectations. Give me a menu, they say, and I will order from it. And we often do. But that doesn't teach them anything about how to cook. So we have thrown away the menu when it comes to billable hours.

We do not require minimum billable hours of our attorneys, nor are bonuses provided simply for meeting billable-hour milestones. Instead young lawyers are reminded that they are professionals, their job is to serve the firm's clients and to develop their potential, their bonuses will be primarily merit-based, and we do not have minimum billable hours or maximum vacation requirements.

This forces new lawyers to experience some degree of anxiety, but it also requires them to think for themselves about what it means to them to do their jobs as young professionals. They create and then meet their own expectations. In fact, with the vast majority of lawyers who join our firm, their own expectations turn out to be quite high. The measurable results are that the billable hours of our lawyers are certainly within the norm for most hard-working D.C. firms, and it would be rare to see any one of our lawyers take more than three or four weeks of annual vacation, all told. The immeasurable results are perhaps more important: the realization by young attorneys that the firm didn't make them meet imposed standards; they each met their own. And it is only the beginning.

My third recommendation is that everyone within the firm understand that the partners, as owners of the business, are responsible for, and care about, the well-being of all employees. This has to be the primary benefit of a pyramidal structure

to those not at the top. We need to remind ourselves that it is all of the lawyers and other employees, and not just the partners, who comprise and define a law firm. It is the partners, however, who ultimately are responsible for the care of the entire group. This includes partners showing respect for, appreciation of, and loyalty to the firm's employees. This enables employees to view the firm as their firm, and it affects every facet of their work experience.

It may be as simple as a matter of mutual trust. We have a game room, for example, with expensive video and audio equipment and a large number of video games. It is open to all of our personnel 24/7, as it has been since we set it up, about three years ago. In all that time nothing—not even a video game—has been taken from that room. Similarly, we have free sodas and snacks in all of our kitchens, and our office-supply room also is open 24/7 to anyone in the firm. There are no inventory irregularities. Why, after all, would anyone steal from themselves?

The attitude of the partners toward employees directly affects loyalty and morale and whether, when it really means something, employees will go the extra mile. If you want to win a battle, you can't charge the hill constantly looking back over your shoulder to see which of your colleagues is following you; you need to know they are there.

Some of these suggestions take money; all take time. We have found, however, that in the scheme of things, our investments of money and resources have been small compared with the benefits derived by emphasizing the *us* in the *us/them* world of legal practice.

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