

Law office culture — what it is and why it matters

By Emily Morrow

Culture is like air; it's everywhere and nowhere. Most of the time we are unaware of it but sometimes we become exquisitely aware of it. Recall, for example, the extraordinary level of air pollution in Beijing in January, 2014. The air in Beijing became almost opaque, unusually toxic and a worldwide headline story.

Culture is ubiquitous

Similarly, much of an organisation's culture is taken as a given. Like the air, people interact with it unthinkingly; they "breathe" it in and it impacts them, and as they exhale they impact the culture itself. Culture is, therefore, both exceedingly stable and potentially malleable.

Frequently, an organisation's culture is relatively neutral; it has good aspects and not so good aspects. Sometimes a workplace culture can enhance how people do their work and get along with each other. Conversely, sometimes it can be exceedingly unhelpful, if not toxic.

Law offices (whether they be law firms, general counsel offices, barristers chambers), all have unique and pervasive cultures.

Those law offices that function at a consistently optimal level are invariably the ones that understand their culture and how to modify and enhance it when appropriate.

Sadly, in my experience, law offices of this type are few and far between. Most lawyers seldom, if ever, critically examine their organisational culture and how it impacts their ability to work, serve their clients, and get along with each other.

What about your law office? Do people discuss the organisational culture? Do they ask tough questions about it? Are they able to articulate crisply and clearly its core values? Do they compare those to other law offices to identify and incorporate best practices? When problems arise or opportunities present, does the organisation consider them only through the lens of its culture or choose to apply different perspectives?

If your law office doesn't critically examine its culture, there could be benefits in doing so. Understanding your law office culture can facilitate change, identify untapped potential and minimise impediments to success.

Identifying your law office culture

If a law office wants to identify its culture, examine it objectively and potentially enhance it, how exactly can it do so?



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Managing partners and other senior lawyers often say to me: "I suspect the challenges we are dealing with have to do with deeply entrenched aspects of our office culture. However, I haven't any idea how to begin to address that".

I usually say: "How motivated are you and everyone else to take this one on?" If the answer is: "We are highly motivated", I suspect we are off and running.

Edgar Schein, in his fabulous book, *Organizational Culture and Leadership*, provides an excellent framework for organisational culture analysis. Like many profound things in life, it is deceptively simple, easily understood and surprisingly challenging. It consists of the following:

"Cultural artifacts"

Which Schein defines as including "all the phenomena that one sees, hears, and feels when one encounters a new group with an unfamiliar culture. Artifacts include the visible products of the group, such as the architecture of its physical environment, its technology and products, its artistic creations, its style, its published lists of values..."

"Espoused values"

Or "what people will say in a variety of situations but which may be out of line with what they will actually do in situations in which those beliefs and values should, in fact, be operating."

"Basic underlying assumptions"

Or "theories-in-use - the implicit assumptions that actually guide behavior, that tell group members how to perceive, think about, and feel about things."

A case study at Smith & Same

Let's return to the fictitious law firm of Smith & Same featured in my last article on law firm retreats. *Continued on next page...*

Smith & Same was established in the 1980s by William Same Sr, whose son, William Same Jr (Bill), took over as managing partner when his father retired some years ago. When I first walked into the firm's office, I noticed the photos of all past and current partners on the walls, as well as the comfortable and traditional furniture. Each lawyer's office is personalised, complete with many family photos and memorabilia. I felt welcomed and at ease.

During the partners' retreat, Bill said: "We've been focusing on increasing lawyer productivity but we don't seem to make much progress on this as a firm".

I said: "Tell me about your father". Bill continued: "Dad was a wonderful person, gifted lawyer, very respected professionally and loved to train young lawyers. He got along with everyone, never discussed money and never made much money".

I then asked: "What does the firm do to hold lawyers accountable for their own financial performance?" Bill said: "We talk about the firm's budget and how we all need to do something about it, but beyond that, not much. We don't want to make anyone uncomfortable or adversely affect the great collaboration within the partnership."

I said: "Holding each other accountable for your own financial success is not mutually inconsistent with having a collaborative business environment. It does require a willingness, however, to have some difficult conversations occasionally, something which I reckon does not happen here very often."

Bill and I then discussed the fact that an organisation's founder often has a major impact on the development of its culture.

In fact, "the most important [factor] for cultural beginnings is the impact of founders. Founders not only choose the basic mission and the environmental context in which the new group will operate, but they choose the group members and bias the original responses that the group makes in its efforts to succeed" (Edgar Schein). Bill's father's approach to the practice of law and the functioning of the firm had endured, for better or for worse, for two generations.

Clearly, the firm had espoused values around profitability, personal productivity and the like, but these were at odds with some basic underlying cultural assumptions within the firm around collegiality and not talking about money.

However, in today's competitive legal market, Smith & Same was falling behind. There was an increasing amount of what Schein refers to as "disconfirming data" between the firm's entrenched culture and the external legal environment. What had got the firm to where it was would not get it to where it wanted/needed to go.

Partner discussion

Bill and I discussed the idea of having a partner discussion about the firm's culture to articulate its cultural artifacts, espoused values and basic underlying assumptions vis a vis the need to enhance profitability.

The focus would be on identifying primary underlying assumptions and to what extent they would either support or hinder the firm's ability to operate in a more profitable



and businesslike manner. Finally, the group would identify specific changes in "how things are done" consistent with enhancing the firm's profitability.

Bill scheduled a partners' meeting and asked me to facilitate the discussion. I asked the group to identify its cultural artifacts, which included the physical set up and furnishing of the office, the look and feel of people's individual offices, firm brochures and website and the like. What emerged was a "picture" of a traditional, reserved and polite place.

We then discussed the firm's "espoused values", including its website that described the firm as "providing excellent legal services consistent with a long tradition of putting client needs first in a highly professional and congenial environment". So far so good.

Finally, I encouraged the group to articulate its basic underlying assumptions and how these impact the firm's profitability.

This was a lot harder to do. After some soul searching, however, the group came up with the following:

"It is unprofessional and inappropriate to talk about money in our firm even though we would all like to make more money".

"We don't have difficult conversations with people about their own productivity and profitability because this might make them uncomfortable".

"If you are a great lawyer doing a great work, then you should not need to have to do active business development to build your practice".

I then asked the group to consider these basic underlying



assumptions and critically analyse them consistent with the firm's desire to increase profitability.

The partners all agreed that, although these assumptions had contributed to creating a comfortable and cohesive workplace historically, there needed to be some changes made going forward. They also began to contemplate that, at least in theory, the firm could be profitable and accountable consistent with having a collegial and collaborative work ethic. This was a big step forward for the group.

I asked the group to come up with a crisp, clear one sentence statement of what its ideal culture might look like.

After several iterations, they articulated the following: "We will cultivate an organisational culture at Smith & Same that is personally, professionally and financially highly accountable, while supporting the success of every professional in the firm and valuing collegiality and collaboration".

The follow up at Smith & Same

The next step consisted of the partners deciding how to implement these changes as a practical matter. The decision was made to do the following:

Institute (for the first time), a structured, annual partner peer review process to consider each partner's quantitative/qualitative contributions and set specific goals for which each partner would be held accountable.

Articulate some clear consequences for partners if they failed to achieve their professional and financial goals, including impact on compensation, leadership positions within the firm and the like.

Create a partner mentoring programme for those partners

who were struggling to achieve their goals consisting of a peer mentoring system, as well as utilising external consultants if appropriate.

Have a firm "dashboard" to track success in achieving the firm's financial and other goals by monitoring financial performance, new business development, staff retention and work satisfaction and other tangible and intangible indicia.

Involve all staff in discussing the firm's culture and its enhancement. Soon after the partners' meeting, the firm hosted an all staff discussion about the firm and its culture. The conversation was refreshingly candid and positive.

The process is still underway at Smith & Same. In fact, I expect it will be going on as long as the firm exists and that the goal posts will keep moving forward.

It is a journey and not a destination, but Smith & Same is beginning to reap the benefits of the process. It's not esoteric or difficult; in fact any law office (or other group of individuals) can engage in this kind of discussion and self-reflection. Perhaps it is something that might benefit your office at some point. ■

Emily Morrow was a lawyer and senior partner with a large firm in Vermont, where she built a trusts, estates and tax practice. Having lived and worked in Sydney and Vermont, Emily now resides in Auckland and provides tailored consulting services for lawyers, barristers, in-house counsel, law firms and barristers' chambers focusing on non-technical skills that correlate with professional success; business development, communication, delegation, self presentation, leadership, team building/management and the like. She can be reached at www.emilymorrow.com.