FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.

Leadership for Lawyers

Perspectives on Leadership Composed by Members of the FDCC
Foreward by, J. Scott Kreamer, President
Edited by, Francisco Ramos, Jr.

FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.

The Federation of Defense & Corporate Counsel

275 N. York Street, Ste 401

Elmhurst, IL 60126

www.thefederation.org

Editor and Contributor:
Francisco Ramos, Jr.
Clarke Silvergate
Miami, FL

Contributors:
J. Scott Kreamer, President
Baker, Sterchi, Cowden & Rice, LLC
Kansas City, MO

Tiffany M. Alexander
Tanenbaum Keale LLP
Malvern, PA

Victor R. Anderson III
Thompson Coe Cousins & Irons, L.L.P.
Los Angeles, CA

Thayla Painter Bohn
American Fidelity Corporation
Oklahoma City, OK

Stacy A. Broman, Esq.
Meagher & Geer PLLP
Minneapolis, MN

Alison R. Christian
Christian, Dichter & Sluga, P.C.
Phoenix, AZ

Lewis F. Collins, Jr.
Butler Weihmuller Katz Craig LLP
Tampa, FL

Tom Cordell
Frailey, Chaffin, Cordell, Perryman & Sterkel LLP
Chikasha, OK

Evelyn Fletcher Davis & Todd C. Alley
Hawkins Parnell Thackston & Young LLP
Atlanta, GA

Thomas M. Dixon
Clark Hill, PLC
Detriot, MI

Henry Mills Gallivan
Gallivan, White & Boyd, PA
Greenville, SC

Heidi G. Goebel
Goebel Anderson, P.C.
Salt Lake City, UT

Douglas G. Houser
Bullivant Houser Bailey, PC
Portland, OR

Edward M. Kaplan
Sulloway & Hollis PLLC
Concord, NH

Jean M. Lawler
Lawler ADR Services, LLC
Manhattan Beach, CA

David M. Louie
Kobayashi Sugita Goda LLP
Honolulu, HI

Michael T. Lucey
Gordon & Rees LLP
San Francisco, CA

Craig A. Marvinney
Walter & Haverfield, LLP
Cleveland, OH

Donald L. Myles, Jr.
Jones, Skelton & Hochuli
Phoenix, AZ

Michael I. Neil
Neil Dymott Frank McFall Trexler McCabe & Hudson
San Diego, CA

Diane L. Polscer
Gordon & Polscer, LLC
Portland, OR

Timothy A. Pratt
Boston Scientific Corporation
Boston, MA

Marisa Trasatti
Wilson Elser Moskowitz Edelman & Dicker
Baltimore, MD

PRESIDENT'S MESSAGE

Defense Lawyers. Defense Leaders. The FDCC adopted this brand because it captures who we are. Most Federation members are lawyers, but we are all leaders. We lead our firms, companies and our communities. Leadership is in the DNA of the organization. Also part of the Federation's genetic makeup is our continual pursuit of excellence – to become more effective leaders tomorrow than we are today.

The diversity of leadership styles amongst our members is equal parts extensive and impressive. We each have forged our own paths to leadership. Along the way, we have accumulated a treasure trove of experiences and wisdom.

Gathering together in one source the broad cross-section of lessons and experiences so that we can learn from each other is invaluable. All this is precisely why this book was written. We hope that reading this will inspire you to become even better leaders.

-J. Scott Kreamer

EDITOR'S MESSAGE

FDCC wrote this book because it recognizes that in these times of change – change to our profession, to how our clients do business, to how we communicate, to the fabric of our social construct and to the very viability of our principles and values and our firms and our organizations - now, more than ever, leadership is craved to provide a rudder to the ship and a map to the voyage. Great organizations have an inspired vision and a strategy to bring it to fruition. They have leaders who see the big picture and the skills to implement it. If we want our firms, organizations and clients to grow and overcome obstacles and challenges they face, we need to develop our partners and associates into today's and tomorrow's leaders.

I've been blessed with two strong leaders at our law firm, Bud Clarke, and Spencer Silverglate, who have led our firm through the good and bad times, and have never lost sight of our goals and how to achieve them. They are leaders in their families, houses of worship, their voluntary bar associations and in their neighborhoods and communities. They understood that everything starts and ends with quality leadership. In fact our firm's tagline is a Firm of Leaders. They taught us not only how to be leaders but lived as exemplars of how it was done. We authors of this book, all FDCC members, share with you our experiences, our values, our upbringings and what we have learned that works and what does not to lead your law firms, clients and organizations. Whether it is taking the lead in a bet-the-company lawsuit, a downturn in your law firm, changes in legal trends or growing your book of business, we share our insights on improving your leadership skills and tackling and overcoming all the disruptors our firms and clients face in these tumultuous times.

We hope you enjoy this book as much as we enjoyed writing it. It reflects our collective experience and wisdom on leadership for lawyers. If you want to learn more about our organization, please visit our website at www.thefederation.org.

-Francisco Ramos, Jr.

Table of Contents

Leadership For Lawyers
Perspectives on Leadership Composed by Members of the FDCC

5 Traits of Great Leaders

Henry Mills Gallivan

There are literally thousands of books, tapes and programs on leadership development, each with its own recipe for great leadership. As defined by Merriam-Webster, leadership is "power or ability to lead other people". This is a simple and clinical explanation of the word. It tells us what leadership is, but it gives no direction on how to do it, much less how to do it well, or with greatness. In today's world, executing the "action of leading" with greatness is that with which so many of us struggle the most.

Many of us judge the greatness of leaders in the context of our own moral, social and/or personal compass. For example, let's compare the characteristics of two global leaders. Both were engaging, courageous, strong, decisive, made public mistakes, etc. So who was the greater leader, Fidel Castro or John F. Kennedy? Your assessment of who was greater is likely not based on their shared, or differing, characteristics, so much as it is on how they leveraged those characteristics and put them into action.

In March of 2017, Fortune magazine released its list and ranking of the top 50 "World's Greatest Leaders". It's a diverse group of successful, popular, and beloved leaders. I encourage you to look at it, consider the traits they (and other great leaders) share, as well as the ways they leverage them in the "action of leading". In my opinion, there are five fundamental traits that great leaders possess. These are not intended to be exclusive; rather they are observed behaviors, that in my opinion, every great leader exhibits. It's my hope that illustrating how others have brought the "action of leading" to life will help make your leadership journey easier.

1. LEAD WITH **PASSION**

Inspired leaders understand and believe passionately in their purpose. They know why they exist, why they are where they are and why their leadership is needed to accomplish a specific goal. More importantly they are "all in" when it comes to leading because they are personally committed; they have skin in the game. We have all heard the one liner, "Is the Pope Catholic?" However, this is more than a rhetorical question; it is the essence for great leadership by Pope John Paul II and Pope Francis. They are Catholic in every sense of the word and their passion for the Catholic Church and its teachings governs all of their leadership decisions. This question works when looking at all great leaders, "Was George Patton a warrior?" "Was Mahatma Ghandi a man of peace?" If you are in a leadership position or considering taking on a leadership role, ask yourself, "Am I ______?" and completely comfortable with being totally identified with this group or organization. If your answer isn't an unqualified "yes", you may lead, but achieving greatness will be a struggle.

2. LEAD WITH **GRIT**

Think of John Wayne as Marshal Rooster Cogburn in the movie True Grit, not Joe Pesci in My Cousin Vinny asking, "What is a grit anyways?"

Merriam-Webster defines grit is defined as "firmness of mind or spirit: unyielding courage in the face of hardship or danger". For me the GRIT exhibited by successful leaders is an acronym for, **G**reat **R**esolve and **I**nner **T**oughness. A leader must be self-disciplined before he or she can create or motivate others to accept the discipline needed to achieve the leader's goals. Every leader will face challenges, setbacks, and in some cases strong opposition. When the challenges come, success or failure may turn on many external factors, however, success is DOA unless the leader has the resolve and the inner toughness to see the job through.

In October of 1941 and in the face of England's near certain defeat by Germany, Winston Churchill said, "…never give in, never, never, never, never – in nothing, great or small, large or petty – never give in except to convictions of honour and good sense." Great leaders exhibit this kind of resolve and inner toughness and it is their

GRIT that drives flawless execution and finishing strong. Leaders who have GRIT can more easily inspire others to follow them and to totally commit to achieving the goals which define success.

3. LEAD WITH **ATTITUDE**

We have all seen or heard the platitude "Attitude Determines Altitude". Great leaders fully understand that their attitude is the conduit for transferring their GRIT to their followers. The leader must have a "Can Do" attitude and the self-awareness, insight, EQ or instinct to understand the impact their attitude has on their followers. Also, leaders who love their followers have an immediate advantage. A "Can Do" or positive attitude is more than leadership style although it is inherent in the exhibited yet distinctive style of each leader. Alabama Head Coach, Nick Saban's attitude is simple, "Every man follows the process and we win"; versus Clemson Head Coach, Dabo Sweeney's attitude, "Have fun, finish the closer, and we win". Both work because their followers have fully bought into their leader's attitude.

As a boy, I had a poster in my room that depicted a scene from the Boxer Rebellion in 1900. The U.S. Army's 14th Regiment was pinned down at the base of the Great Wall of China. There was a call for volunteers to scale the Great Wall; E Company Trumpeter Calvin P. Titus stepped forward and said; "I'll try, sir!" In a daring solo ascent, he scaled the wall and was quickly followed by the rest of his company. The U.S. Army then went on to relieve the besieged legations in Peking. Calvin P. Titus was awarded the Congressional Medal of Honor for his courageous and daring deed. His attitude of "I'll try, Sir!" inspired others to follow and the transfer of attitude into execution resulted in a significant victory for his Regiment.

When I ask my 3-year-old grandson Benjamin if he can do something he always responds, "Sure, sure I can!" It is this type of positivity that inspires others and helps them believe in themselves as well. Great leaders inspire their followers to adopt their "Can Do" attitude.

4. LEAD WITH **SELFLESSNESS**

I know many very smart, commanding and highly successful lawyers who, for a myriad of reasons, function as a "quintessential lone wolf". To succeed as a sole operator, one must exhibit great self-awareness. To lead with greatness, one must exhibit great selflessness in addition to great self-awareness. The greatest leaders are those who know themselves well. They recognize their own weaknesses and potential blind spots. The role of leading others demands the sacrifice of independence in favor of interdependence. This sacrifice of self, from a self-aware leader, especially when executed with excellence, results in trust, respect, commitment and loyalty. It transforms the dynamic of the team and usually, it yields success. More times than not, the reward is achieving a goal that is not possible with individual effort, no matter how great the effort. In theory, this seems like a simple aspect of leadership. We all know that together, we can accomplish far more than we can on our own. However, the ability to lead with selflessness and self-awareness is where the rubber meets the road. Great leaders know how to lead great teams to incredible success and accomplishments that dazzle ordinary teams with ordinary leaders. Ordinary leaders may have the skill set to lead teams to success, but who wants mere success? Great leaders want dominating successes. They seek the hallowed ground of the teamwork exhibited by groups like Seal Team Six, the USAF Thunderbirds, the Vince Lombardi Green Bay Packers and Jeff Bezos/Amazon. Countless hours have been spent analyzing the leadership and teamwork of super performing teams. A leader's greatness is dependent upon his or her willingness to delegate and to rise or fall with the team's performance.

My dear friend, the late Commander Sandy McMillan of SEAL Team Two, explained that for SEALs, leadership decisions are delegated to the expert in the field. The best skydiver leads the HALO jumps, the best SCUBA diver leads the underwater missions, the best shot leads the sniper missions, and so on. Very simply, leadership and success are dependent upon defining responsibility, delegating authority and strict accountability within the team. The team commander subjugates himself to the person best qualified to lead the team successfully at a given point in time.

Great leaders know how to get the most from a team to achieve 10x performance or more. This level of leadership and success is highly dependent on a mutual trust which develops as the team realizes the leader has their backs and is willing to also roll up his or her sleeves and do the dirty work. Ultimately the team understands that accountability applies to the leader as well as the team and that all rise or fall together.

5. LEAD WITH **FOCUS**

Great leaders have an ability to maintain an unwavering focus on their goals and to keep the attention of their team (or followers) focused on their shared goals and desired end-result. It requires a truly extraordinary team to be able to pick up the slack and deliver success when their leader loses focus. Such teams do exist, but building and leading one is a topic for another day.

For purposes of this discussion FOCUS is an acronym for Frame, Observe, Communicate, Understand and Stay the course.

The leader must:

- Frame the mission by clearly defining the goals, the strategy and the tactics.
- Observe the environment of the mission and be constantly vigilant for obstacles.
- Communicate the mission to the team and do so in a manner that gains the complete buy-in of the team.
- Understand, fully, the team, including individual capabilities and weaknesses.
- Stay the course through the good times and the bad.

A leader cannot underestimate the value of communication. He or she must be able to effectively translate and transfer their inner positivity and "Can Do" attitude. A great leader's inner "I got this!" will quickly become the team's "We got this!"

Credible leaders must consistently and realistically communicate both good news and bad news. Their honesty builds trust, the kind of trust that a team needs to go "all in" and follow their leader's vision to accomplish the team goals. A well led team knows that their leader has their backs. They know that their leader always does what is in the best interest of the team in accomplishing their mission/goal. As situations evolve and adjustments are needed, a trusted leader can more easily change tactics or strategies to keep the team on course, even in the most difficult times.

In many respects, FOCUS is the sum of the previous four traits of leadership. A leader must have the PASSION to exclude distractions from the true mission of the team; he or she must have the GRIT, the pure raw determination to stay on track notwithstanding setbacks; the leader must have that inner "Can Do" ATTITUDE to defeat the voices of negativity; and, the SELFLESSNESS to put the needs of the team above his or her individual needs and/or goals. When a leader possesses these skills and is able to communicate the right messages, it's not a question of "if" success will happen; it's a matter of "when" it will happen.

In the end leaders must want to lead. You can call it passion, drive, determination or any number of things. It is that burning desire to accomplish something and the will to make it happen. There are many ways to do this and everyone will lead differently. Great leaders are bold and have the self-confidence to accept both failure and success as simply road markers on a much greater and longer journey.

General George S. Patton said; “If everyone is thinking alike then somebody isn’t thinking!” and to paraphrase one of America’s greatest battlefield leaders, “If everyone is leading the same way, then somebody isn’t leading!” Like General Patton, we should all lead boldly and authentically.

--

Leadership Starts With Thinking Like A Leader

J. Scott Kreamer

Some men see things as they are and say why. I dream things that never were and say why not?
-Robert Francis Kennedy

Great leadership changes the world. Without it and the visions of the leaders, our society, organizations and companies would not evolve. What distinguishes a follower from a leader who dreams of things that never were?

Leaders clearly possess an array of attributes that set them apart and define them as leaders. This book captures a multitude of these attributes including ethics, courage and conviction. While these are important, I would suggest that truly remarkable leaders distinguish themselves because they think about things not just as they are, but how they can be.

I challenge you to name a great American leader from George Washington to Eleanor Roosevelt to Bill Gates and everyone in between who was <u>not</u> a great thinker. You will not be able to do so because there are none. Leaders distinguish themselves as leaders because they take time to think about where they are heading.

Any great vision begins with a thought. Leaders focus their thoughts and energy on the opportunities that lie ahead rather than the problems of the past. The institutions and advances we enjoy today were the result of leaders who dared to think beyond the standard conventions of the day to what could be possible tomorrow.

Bobby Kennedy's brother, John F. Kennedy, was not constrained by conventional wisdom when he challenged the nation to send a man to the moon by the end of the decade. He thought big, convinced a nation his idea was possible and we followed. Leaders know how to solve problems, they know how to unleash possibilities and they know how to achieve the impossible.

Apple CEO, Steven Jobs, had a vision of how computers and phones could be used that was revolutionary and changed the way we do things. A little closer to home is John Appleman, who had a vision to develop the preeminent defense organization – the FDCC.

Some may be thinking that this is all fine and good for the few who happen to win the gene pool lottery that allows them to think on a different level than the rest of us and in turn be genetically predisposed to being a great leader. Science shows us, however, through brain scans that there is no significant difference in the way leaders' brains work.

Researchers have found that rather than genetics, leaders come by their talents mostly through hard work and persistence. In fact, one study from The Leadership Quarterly on heritability (that is, the innate skills you bring to the table) and human development (what you learn along the way) estimated that leadership is 24 percent genetic and 76 percent learned. See The Leadership Quarterly, Volume 24, Issue 1, February 2013, pp. 45-60. Another study confirms existing research that leaders are made, not born finding that leadership ability is roughly 30% genetic and 70% learned.

The good news is that we all have the ability to learn to become effective leaders. This does not simply happen, however. Just as we have to work at becoming great attorneys, leadership requires a focused and concerted effort.

So how do we do this? I want to share some specific ideas and steps you can take that will enable you to be a more effective leader.

1. **Take Time to Think Like a Leader**

Leadership is a mindset. It is a way of thinking and an approach to life. No matter what your occupation or your station in life is, start thinking like a leader because you really have a choice when you go out in the world every day. You can be a follower or you can be a leader. The more you practice showing leadership in your work, showing leadership with your family, showing leadership in your community, showing leadership in your private self, the more you start to step into the mindset of a leader. Practice drives performance.

Leadership performance starts with thinking and thinking requires time and dedication. Where do you spend most of your time? Do you take the time to step back and think about the big picture or are you focused on the issues of today? It is hard to see the forest when you are focused on the tree standing in front of you. Leaders recognize that they need to step away from the trappings of normal daily activity and elevate their vision to see the entire forest.

You may say that this is easier said than done as the demands on our time in today's society have never been greater. There is no doubt we are all being asked to achieve more in less amount of time. The result is most people operate out of necessity like a firefighter – going from one fire to the next only to do the same thing tomorrow.

The daily grind becomes draining and most people become too tired to want to think about the future. One suggestion to avoid this cycle is to take breaks and recharge the batteries. But take a real break – not watching T.V., skimming Facebook or other social media. Let your mind clear with exercise, meditation, yoga or creative activities, which actually boost brain activity. Then get back to connecting the dots on your ideas and you will be prepared to seize an opportunity when the time is right.

Taking the time to focus on the strategic vision of the organization is necessary because without it ensures only the status quo or something worse. Today, leaders must purposefully focus on taking the time to engage in big-picture thinking. Stepping back periodically from daily activities allows you to gain perspective and see things that you would not have otherwise seen, size up a situation and take all the variables into account.

Freeing yourself from the demands of the day to focus on the vision of tomorrow needs to be intentional. To ensure you are thinking about the big picture items, you need to schedule time for strategic thinking. Some would say you should devote as much as an hour a day focusing on the 10,000 foot level issues. Literally set time aside on your calendar where you can think about things that matter in your company, your firm and your life.

2. **Develop a Vision – Go Big!**

Bobby Kennedy put his finger on what I believe separates leaders from others. Leaders do not simply accept things as they are in their life, their firm or the world, but rather imagine what could be. Challenging people's ideas of the possible falls right in line with Apple's slogan back in the 1990's - "The people who are crazy enough to think they can change the world are the ones who do."

As you consider your goals, set them so high that you even question whether they can be attained. Your goals should make you sweat a little when you think about it. Doing so has its benefits as seen in a study published online in the Journal of Consumer Research, which concluded that being more ambitious actually makes you happier. Those who set high goals are more satisfied than their counterparts with lower expectations.

University of California-Riverside professor Cecile K. Cho had one group of research participants pick stocks and set a high target rate of return. They were told they could set a rate of return between 6% and 20%. The results of the study were interesting as the low goal setters were not nearly as happy with their winnings and were more disappointed by their losses. Alternatively, higher goal setters happier with their winnings and less disappointed by their losses.

If development of ideas is what sets leaders apart from followers, the magnitude of the idea or goal is what defines leaders. In sports, Michael Jordan did not set a goal of simply winning his division or even making the Championship Series. He wanted to win the Championship and he wanted to be the greatest of all time. When we set big goals, we get big rewards. Even if we lose, we feel like we gave it our best try, which is fulfilling in its own way. Leaders never set a goal they know they can achieve. Their fear of failure sparks their fire.

As attorneys the odds are that our creative juices are not going to be focused on developing the first manned mission to Mars or curing cancer, but as leaders in our firms and organizations, we can nevertheless set challenging goals. Maybe it is overhauling your firm's business, expanding into new markets or merging. Your goals as a leader need to have some oomph. Shoot for the stars. Go big or go home! So, push yourself, set big goals and get big rewards.

3. **Harness Focused Thinking**

Focused thinking shuts out interruptions and interference, allowing you to concentrate on the task at hand. When you can focus your thinking on issues at the 10,000 foot mark, you are able to bring clarity to the challenges, targets and results. Schedule time outside the office to think. You need to avoid distractions and focus on big goals and other meaningful steps you can take to move forward.

Engage in inquisitive thinking. Successful leaders spend their time questioning everything they know and everything they do not know. When you question, you gain knowledge, and when you gain knowledge, you have impact. To be impactful, you to have to question what everyone else is taking for granted. That alone can give you a leg up on innovation and creativity. In fact, Steve Jobs believed that intuition based on accumulated experiential wisdom is very powerful and more important than intellect.

Leaders may or may not achieve all their goals, but need to have unwavering conviction of what they want to do. In his book, Good to Great, author Jim Collins talks about effective leaders and concludes that the best ones will do whatever it takes to make the company great. They also maintain an unwavering resolve in the face of detractors and naysayers to do whatever must be done to produce the best results, no matter how difficult the task is.

What does this type of thinking look like? First, leaders think about ways to improve the organization. Leaders aren't content to find problems and complain about them – they think in terms of solutions, says J. Randolph New, management systems professor at Virginia's University of Richmond, where he teaches leadership courses. At the most basic level, leaders identify things that should be different and work toward making them better.

Next, leaders think about the greater good of the organization rather than themselves. They will step into the leadership role, even if no one else is willing to do so. Leadership thinking does not consider the personal benefit of doing so. The leader does not expect a reward – he or she just leads because it is necessary.

Finally, take time to reflect on your ideas before you act. When you take the time to reflect, it gives perspective. It allows you the bandwidth to see what is truly going on without being emotionally charged. Reflective thinking enables you to distance yourself, so you can see things with a new pair of eyes.

4. **Think Collaboratively with Others**

Do not be a lone wolf. Collaborative thinkers like to hear what other people are thinking so they can expand their own ideas. As much as we like to think we know it all, the best kind of thinking--the kind that brings the greatest return--is not done solo but is shared. Make sure that the others you collaborate with are also strategic thinkers who can help you move easily from where you are today to where you want to be tomorrow.

Bringing in others can simplify the difficult, prepare for uncertainties and help you to reduce the margin of errors. Thinking big involves risk and if the rest of your team is not on board with what you want to do, you are doomed to fail. You need to bring in others who will help you to achieve the goals you set.

Leaders learn from each other and as they do, their opinions are likely to change because they are more concerned with looking for the best action rather than looking like the smartest person in the room, says leadership expert G. Shawn Hunter, author of Out Think: How Innovative Leaders Drive Exceptional Outcomes. In fact, even their quest for information may make them appear like better leaders to those around them.

This does not mean that leaders are easily swayed by opinions of others. Leaders have critical thinking ability which allows them to objectively look at situations and determine the reality from wishful thinking. Given that the future is uncertain, opinions about how to proceed are necessarily required to be relied upon. Leaders analyze the opinions and determine moving forward what will work and what will not work.

Conclusion:

As a Federation member you have already been identified as a leader. In other words, you have the 30% genetic makeup to be a great leader. To maximize the other 70% of your leadership ability, intentionally take the time necessary to think like a leader. Start today to develop new dreams that will lead to profound and lasting change. Life is short, live it to the fullest and leave your fingerprint on what you do!

--

Servant Leadership

Francisco Ramos, Jr.

Jesus called them together and said, "You know that those who are regarded as rulers of the Gentiles lord it over them, and their high officials exercise authority over them. Not so with you. Instead, whoever wants to become great among you must be your servant, and whoever wants to be first must be servant of all. For even the Son of Man did not come to be served, but to serve, and to give his life as a ransom for many."
-Mark 10:42-45

Everybody can be great, because everybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve…You only need a heart full of grace, a soul generated by love.
-Martin Luther King, Jr.

Servant Leadership sounds like a paradox. How can you lead if you are a servant? How can you head an organization if you're subservient to everyone in it? The key, of course, is that to lead, you are assuming responsibility for others. You are putting their interests before yours. You're not leading because you want a title, a position, power or publicity. You're leading because you want to serve. You're not out for yourself. You're here to help. Wanting to serve comes first. That desire to serve compels you to lead, to make things better for those in the organization and for those served by it. Having a servant's heart comes first. Leadership naturally follows.

Some attribute the term Servant Leader to Robert Greenleaf. In his 1976 book titled *Servant Leadership,* he states that the true servant leader must first be a servant:

> "It begins with the natural feeling that one wants to serve, to serve *first*. Then conscious choice brings one to aspire to lead. That person is sharply different from one who is *leader* first, perhaps because of the need to assuage an unusual power or to acquire material possessions."

Though the term "servant leader" has been attributed to Greenleaf, examples of servant leaders go back much further. In fact its roots may be found in Judeo-Christian teachings. From the Old Testament, where the Kings of Israel who served God and the Israelites were exalted and those who served themselves and their own interests were brought down, and from the New Testament, where Christ taught his apostles that to be first they had to be last, to lead they had to serve (which he demonstrated by washing their feet), and to save others they would have to lay down their own lives (all of them, except John, were martyred). There are modern examples of servant leaders, including Martin Luther King Jr., Nelson Mandela and Mother Theresa.

Today, leading companies espouse this approach, including Southwest Airlines, Starbucks and Chick-fil-A. Companies with a servant leadership approach often make the Best Companies to Work For list, which attracts the best people, which in turn makes them better. Servant leadership works.

There is also a moral aspect of servant leadership. It focuses on those being led, not those doing the leading. It focuses on their needs, not yours. Servant leaders do, they don't simply speak. Platitudes are not enough. Action is required. Treating others the way you want to be treated, putting others before your own wants and needs, the self sacrifice of it all – suggests a moral code of leadership. Servant leaders go beyond results to doing what's right. They exemplify self sacrifice, humility, empathy – qualities found in most, if not all, moral codes. Servant leadership requires, no, it demands, dedicating yourself to a higher purpose beyond your own self interests.

A servant leader is not egocentric. You don't ask, "What can I get out of this organization?" Instead, you ask, "What can I give?" It's not about what a title will mean for you, but rather how the opportunity will help others. You take yourself out of the equation. "Can I contribute?" "Do I add value?" "Can I help lift others up?" "Can I help advance the organization's mission?" You're not the center around which the organization revolves. You revolve around it. Never make it about you. It's not about you. You let your ego get in the way, and make it about you, and the organization suffers. Pride comes before the fall. Nebuchadnezzar. Xerxes. Ramses. Nero. Napoleon. Mussolini. Everyone assumes all civilizations, sooner or later, come to an end, but the seeds of their destruction are planted by those who assume their reigns and direct the chariots on the path to their own glory. The pyramids were built on the back of slaves to honor a handful of men as gods. The pyramids remain as a reminder that they were not the King of Kings.

Leadership titles can be lost. But no one can take from you your desire to serve. You may not secure a position on an organization's board or become one of its officers, but you don't need a title to exert positive influence on and in the organization. If you start with the intent to serve, you will influence others to follow you, and by definition, you'll be leading. Influence the organization for the better, and whether you have a title or not, you'll be considered a leader. Just as leading through serving sounds counter intuitive, pursuing the organization's best interests above your own, not focusing on securing the title will often lead to having a title too. Serve the organization and with time, others will come to recognize you as a leader, and the title will follow. Serve and the titles will take care of themselves.

In becoming a servant leader, consider the following traits and practices:

Servant leaders take time to get to know those in their organization. Since servant leadership is about others, you need to listen to others in the organization, take the time to understand their needs and wants, not just the organization's needs, empathize with them and get to know them. You will be working with them, alongside them, defining the organization's goals and developing plans to fulfill those goals. They need to know you care about them individually just as you care about the organization collectively, and that you consider their needs as well as those of the organization.

Servant leaders listen. You're not imposing your will on the organization. You're listening to hear what others have to say about the organization, its missions, its goals, its history, its successes and it failures. You listen to what others have to say, both by their words and by their silence.

Servant leaders seek to understand. As Stephen Covey says in his book the *Seven Habits of Highly Effective People*, "seek first to understand, and then to be understood." You want to seek to understand what the organization needs, what its goals are, its mission and its history. Once you know where it wants to go, you can help get it there.

Servant leaders care. Those who serve do so because they care about those they're serving. You give because you want to improve others' lives. You care about the organization and those in it and those it serves. You care for those in the organization beyond what they can do for the organization. You care for them as individuals. You want them to prosper in the organization and beyond it.

Servant leaders have a vision. You have a vision that brings everyone along, that has an important role for everyone to play, and benefits the collective, not you.

Servant leaders build consensus. Because your focus is on others and not on yourself, on how to serve them rather than how others can serve you, you're interested in creating an environment where everyone in the organization serves each other, and in so doing, you're creating an environment where you create consensus around what best serves the organization and those in it.

Servant leaders serve the organization's mission. Most organizations have mission statements. They take them to heart, and their focus is directing their energies and time to fulfilling the mission. They empower others in the organization to do the same and they're always thinking of new and better ways of doing so.

Servant leaders lead by example. By serving others, you set an example for others on how to treat their peers in the organization. You do onto others as you want them to do onto others. You roll up your sleeves, to encourage others to do the same.

Servant leaders are humble. Serving others brings out your humility. When offered the credit, you freely share it with others.

Servant leaders invest in their people. You understand that what makes your organization great is the people, and you invest in them and their development, both for their good and the good of the organization.

Servant leaders mentor others. You take the time to bring others up with you, so when you move on from a leadership position you have prepared those who will come after you.

Servant leaders empower others. You give others the tools to assume their own leadership positions and help them use those tools to advance the organization's mission.

Servant leaders encourage others. Because your focus is on others, not on yourself, you focus on the person – their needs and wants –and build them up to help advance the organization.

Servant leaders develop other servant leaders. You develop others who share your view of leadership. For servant leadership to work, the leaders in the organization all have to buy in and exemplify the characteristics of a servant leader.

Servant leaders inspire loyalty. By putting others first, those in the organization come to appreciate you putting their interests above yours, fostering loyalty.

Servant leaders inspire trust. As with loyalty, by putting others before you, you inspire others' trust. Others come to learn that you're in it for them, not for you.

Servant leaders relate better to Millennials. Millennials want to work as part of a team – they don't want to simply be told what to do. Servant leaders are more collaborative, are more open to listening to others' views and opinions, and they incorporate others' views into the organization's plans when appropriate.

Servant leaders serve a larger purpose. When it's not about you, or about your ego or goals or dreams, you're doing something bigger than providing for yourself.

Anyone can be a servant leader. You don't have to have a title to be a servant leader. By definition, you are serving others, and through that service, you are leading. Everyone in an organization should be serving it, serving the greater good, serving others in it, serving its customers and its clients. And therefore anyone can be a servant leader.

Consider becoming a servant leader and developing other servant leaders in your organization, because it is through this mutual self sacrifice, when everyone has everyone else's interests at heart, organizations can leap to the next level of success, growth and productivity. Apply these principles of servant leadership and you will realize that what appeared to be a paradox isn't a paradox at all.

--

Challenges Leaders Face

Donald L. Myles, Jr.

If you don't know where you are going, any road will get you there.
-Lewis Carroll

When to reassess goals. I wanted to be a professional baseball player. Everything I did up until the age of 13 was consistent with my goal of playing major league baseball. I was on the road to the "Major Leagues." It was at the age of 13 that I learned that even though I was on the right road, the destination was unattainable. Striking out three times in a game made me realize it was time to reassess the goal. Later in my life, I chose a more practical goal – to become a lawyer. No one in my family was a lawyer. I didn't know any lawyers, and I didn't know what a lawyer did. I have to admit, it just sounded good. However, I didn't like public speaking, and I wasn't exceptionally good in school. However, I was blessed with a fairly quick wit and the ability to take a thorny set of facts and spin an alternate reality. A talent first recognized by my parents. Unfortunately, my earliest tribunal, my mother, called this "talent," being a "smart mouth" and treated it by washing my mouth out with soap. Clearly, I was finally on the right track.

Before you can be an effective leader, you must do an honest self-assessment. Leaders must first know and understand their own strengths and weaknesses. Rarely, will a leader be the smartest person in the room or the most vocal person in the room. It is important for leaders to surround themselves with people who have qualities and talents they might be lacking. The role of a leader is to recognize and promote the best ideas regardless of the source. Sometimes during discussions, others will articulate the exact same idea you believe is necessary for an organization or project to succeed. As a leader, supporting and promoting ideas of others helps build consensus and can more effectively shape a common goal embraced by the entire group.

As we all know, the most efficient type of leadership is similar to the most efficient type of government; dictatorship. Although this type of leadership may be effective in the short run or as long as you have ultimate power, once it begins to erode, leadership ability will cease to exist. Leadership is patience and listening. People are much open to follow ideas or policies they had a hand in creating. Along these lines, it is very important to give credit where credit is due. Giving credit to others for ideas substantially increases the credibility and persuasiveness of any leader. There are times when leaders must simply exert their authority and "cram down" a decision which is believed to be vital to the success of an organization. In order to cram down a decision with minimal or little opposition, you must have built enough trust and respect to ensure support for a position even if there is disagreement. However, this should be a tool of last resort and should be used with caution to avoid losing group consensus and credibility.

One of the most pervasive issues that leaders will always face is "complaining." People love to complain about everything from work environment, compensation, and how hard they work. These complaints/criticisms will never go away. They can, however, be successfully managed. Walt Disney, it is said, would not allow anyone to complain about a problem or process unless that person had a solution. We all know it's easy to complain and criticize, but it is much more difficult to come up with a workable solution to a problem everyone recognizes. World hunger is a tremendous problem that exists worldwide. Is there anyone who cannot articulate how serious this problem remains? It does not take a genius to recognize the problem, but it is an extremely difficult problem to resolve. Setting aside the world hunger problem without getting too political, Leaders should actively engage and challenge "complainers" to find solutions that can be presented to the group rather than allowing them to repeatedly vent about issues without a plan. Effective leaders create an environment where others feel heard and involved in moving the organization's agenda forward.

In today's climate, everyone is talking about "marketing." Get a better website, launch a blog, or start tweeting. Become a super lawyer, a best lawyer, or the lawyer of the year. Most clients do not know the difference between a super lawyer or a best lawyer. One thing that has remained constant is that friends make the best clients. There is no substitute for the trust that your lawyer will be looking out for your interests first. Leaders recognize that cases can be lost, deadlines can be missed and undoubtedly will be over a span of years. However, the friendship will persevere. Get to know your clients and what they need from you. Understand their business; their responsibilities; to whom they report; and what they need to succeed. Your job is to help them succeed in their job. Friends do things to help each other succeed. For you to succeed, help your clients to succeed. Become an ally and friend to your clients, and not only will you succeed, your work will be more rewarding.

One of the difficult jobs and challenges leaders face is to get members of their own firm or entity to work together as opposed to against one another. Many people believe the only way they can succeed is if others fail. If this attitude permeates an organization, with everyone hoping others fail, then the organization as a whole will experience limited success. The difficulty and challenge of leadership is creating an atmosphere that promotes the success of everyone. Undoubtedly in any organization, there are those who will <u>not</u> get on board with such a program. They will look out for themselves first at all times. We all know who they are and many times they can be powerful individuals within any organization. The very success of an organization may ultimately turn on how you deal with these one or two individuals. It may also dictate what type of leadership style you employ going forward. Are you going to manage around them? Are you going to placate them? Or, are you going to confront them? In law firms in particular, this can be a challenge. Big business producers can be big bullies. They can ruin the collegiality and atmosphere of a law firm or organization.

So, what's the best approach? Being a baseball fan, I support the "three strike rule." The first pitch is "blame yourself." It goes like this: As a leader, I did a poor job of articulating the goals of the organization or the firm and I wanted to take the opportunity to clarify any misunderstanding. It's my fault. Strike one. The second pitch: "high and tight." It seems like you have some difficulties complying with some of the goals we established. How can I help you achieve those goals? Strike two. The last pitch is what I call "the fastball" down the middle. You either swing and play ball and hit the pitch which is being thrown hard right over the middle of the plate, or you can let it go for strike three and … you're out. The last pitch is a firm pitch with the description of the specific consequences if you don't play ball as a member of the team.

A warning: effective leaders shouldn't attempt to manage the bottom 10% of any organization. Corporations have gone broke and law firms have disintegrated because they spent the majority of their time trying to lead or manage the bottom 10%. Studies have proven it's a waste of time and energy. You know who they are right now in your own organization. Hours and hours are wasted creating rules, developing specific procedures, and threatening the bottom 10% with the hope of getting them to "turn it around." Get rid of them. Their success is fleeting at best. This may sound harsh, but reality is the bottom 10% consumes the most time and resources of an organization. Every sports team competes to be the best they can each year. Not a single sports team keeps the same underperforming player year after year. They identify the weak spots on the roster and try to get better. Law firms and business must do the same. We all understand this principle but many times fail to implement it when evaluating our own businesses. The bottom needs more training; requires more supervision; makes more mistakes; complains more; and ultimately loses clients. Spend your time and resources on the top 25%, not the bottom 10%.

In closing, leaders need to determine where it is the organization is going, assess the strengths and weaknesses of yourself and your team, focus on the positive changes that you wish to make, and enlist the best and brightest around you to accomplish those goals. In the end, give them the credit and accolades for the success in what you accomplish. You need not tell anyone you are the leader; those around you will know it.

--

Leadership in Charitable Giving

Victor R. Anderson III

An ancient Latin proverb: "Hilarem enim datorem diligent Deus." Translation: "God loves a cheerful giver."

This proverb prompts the question how does one motivate his/her fellow citizens to participate in charitable giving? It takes benevolent leadership to inspire people to contribute to a charitable cause. Consider the inspired words of the apostle Paul when he encouraged the Corinthian Christians to support the relief work for their needy fellow believers in Judea. Did he try to force the Corinthians to give? On the contrary, he wrote: "Let each one do just as he has resolved in his heart, not grudgingly or under compulsion, for God loves a cheerful giver." Let us take a closer look at that admonition.

"Just as he has resolved in his heart." A genuine altruistic person gives because he has decided "in his heart" to do so. Because it is the right thing to do.

"Not grudgingly or under compulsion", two types of giving that have no place among genuinely altruistic givers. The Greek expression "rendered grudgingly" literally means "out of sadness or grief." A grudging or reluctant giver gives "from a heart made sorrowful at the thought of parting with money," explains one reference work. A forced giver gives because he feels pressured to do so. Who of us really wants to receive a gift from a reluctant or forced giver?

One should not ask others to do what they themselves have failed to do. For example, it is not unusual for charitable foundations to require the entire board of directors of a non-profit organization to donate money to the non-profit entity before the foundation will consider making a donation. In other words, why should others contribute to a cause that is not worthy enough to get you to donate? It's not enough for you to simply volunteer your time. These foundations want the board members to have "skin in the game" before they will donate money. In other words "lead by example and put your money where your mouth is."

Once you decide to give, you should do so cheerfully, or with joy, not expecting anything in return, including a "thank you." Happiness is a by-product of giving when it is properly motivated. The cheerful giver can hardly hide his joy. In fact, the term "cheerful" could very well describe both the inward feeling and the outward expression of the giver. A cheerful giver touches our heart.

Whether you are giving of your time, energy, money, or material possessions, use your head as well as your heart to make informed choices about charitable giving. According to Charity Navigator, there are three main things to look at when evaluating a charity:

1. Examine the charity's financial health

Program Expenses: The majority of charities - seven out of ten non profits - spend at least 75% of their expenses directly on their programs. That means the organization should spend no more than 25% of their total expenses on administrative overhead and fundraising costs combined.

Growth of Program Expenses: Determine if the charity you are considering supporting is expanding or shrinking over time. While the growth doesn't need to be dramatic, charities that are shrinking are very likely cutting the very programs that you want to support.

Types of Support: Some charities rely heavily on membership dues, or government support while others survive almost solely on individual contributions and fundraisers and still others depend on program service revenue.

Having multiple sources of revenue can be beneficial for a charity. For example, if an organization experiences a drop in donations from individuals, then it can draw from other revenue sources to sustain its programs.

Executive Pay: As you examine salaries, keep in mind that a variety of factors impact pay including geographic location, size of the organization, and type of work performed.

Professional Fundraisers: Use of professional fundraisers in and of itself is not necessarily a bad thing. Professional fundraisers can be more efficient and effective at raising funds for the charity than staff or volunteers would be and some of the costs spent on these third party companies are funds that would also have to be spent on staff, equipment, and technology if the campaign were entirely managed in-house as well. However, if the charity is spending a lot on outside fundraising firms with little going towards its charitable mission, then you may want to look for another charity to support.

2. Check for evidence of the charity's commitment to accountability and transparency

Website: The best charities are transparent and accountable to the public. You should be able to see evidence of this in the information they provide on their web site. Can you readily find information about the charity's staff and Board of Directors? Did the charity publish its financial information such as its most recently filed Form 990 or audit?

Respecting Donors: Find out if a charity has a donor privacy policy. If you can't find the privacy policy on the organization's website, ask to see it in writing. You should have the option to request that your name and address not be shared with other organizations, if you wish.

Read the news: Check the charity's recent media coverage through Google news or another similar service.

Form 990: Look at pages 3-6 to see if the charity is committed to best practices. For example, does it have a conflict of interest policy? Does it have a whistleblower policy? Does it have a process for setting the CEO's pay?

3. Investigate the charity's results

Learn about a charity's accomplishments, goals and challenges by reviewing its website and/or talking with staff. They should be able to tell you about the quality and depth of their results as well as their capacity to continue to get these results, not just the number of activities or people served. This is critical step, after all, the charity's ability to bring about long lasting and meaningful change in the lives of people and communities should be the key reason for your financial investment.

True altruism is inspired by people who like to give. Whether you are giving of your time, energy, money, or material possessions, use your head and your heart to make informed choices so your charitable giving is as impactful as possible. Although God may love a cheerful giver, as a leader, your constituents will not be cheerful if you encourage them to support a charity that is unworthy. Lead by example!

--

Thoughts on Leadership - Leading A Practice Group

Stacy A. Broman, Esq.

As we look ahead into the next century, leaders will be those who empower others.
-Bill Gates

I. PERSONAL EXPERIENCES: CLOSING IN ON 30 YEARS OF PRACTICE.

For the past 25-plus years I have been with the law firm of Meagher & Geer, P.L.L.P. in Minneapolis, Minnesota. I practiced for three years with a three person firm before joining Meagher & Geer. Because of the size of the firm, we obviously did not have any practice groups. We were the practice group. I joined Meagher as an associate and was voted a partner in the fall of 1997. While the firm's practices are diverse, I practice in the area of insurance coverage litigation. In my first years at Meagher & Geer, environmental insurance coverage litigation was booming. Many of the key provisions in general liability policies had yet to be litigated and, as such, the case law changed rapidly. Discovery disputes were hotly contested with insurers objecting to producing claim files, underwriting documents, files regarding policyholders whose claims were not at issue, reinsurance documents, and a broad assortment of other documents. The insureds, in turn, took the insurers' reluctance to produce these documents as a sign of hidden treasure. There were few reported appellate decisions and trial court decisions were being cited to and attached as exhibits in courts across the country. To keep up with the changes, the insurance coverage practice group met weekly at 7:00 a.m.

As associates we loathed the weekly 7:00 a.m. meetings (although our positions softened as the partners began to bring more and better pastries). In reality, the weekly meetings were essential to staying up-to-date and ahead of the changing law. As the years passed, the discovery issues were settled and the central policy provisions were litigated. The appellate courts issued an increasing number of written decisions and those decisions grew widely available through various electronic resources. Over time, the weekly meetings became monthly meetings, the monthly meetings became quarterly meetings, and, at some point, the meetings stopped altogether.

Meagher & Geer's insurance coverage practice group today is more informally structured than it was when I joined the firm in the early 90's. I have watched the formalities of the group wax and wane as the times demand and as personalities came and went. A near constant source of discussion at the firm today is whether we should require structured, well-defined groups among all practice areas. Ultimately, whether required or not, it is up to the leadership in each practice area to discover and implement that which works best for the particular area of law, the clients, and the lawyers working within each practice group.

II. THOUGHTS ON LEADERSHIP FROM OUR FORMER MANAGING PARTNER.

Meagher & Geer consisted of around 50 lawyers when I first joined the firm. During 14 of my years as partner, Gregory Stephens led the firm as managing partner. During his tenure, Greg Stephens led our law firm during a time of robust growth, growing from 50 lawyers in 1991 to over 75 by 2016. During this time we also added two offices – Scottsdale, Arizona and Bismarck, North Dakota. Until his retirement in 2016, Greg Stephens faithfully served Meagher & Geer, and I credit much of our firm's success today to his leadership.

While completing her MBA in business at the University of St. Thomas in Minneapolis, Greg's daughter interviewed her dad on his leadership style and philosophy. With permission, I have reprinted a portion of that interview because his thoughts on leadership provide useful insight to any person leading a practice group or firm:

Q. What is your leadership behavior/style?

A. I consider myself a servant leader who looks for ways to help everyone become more successful, and who asks the question, how can I help you become more successful? A servant leader provides regular and specific feedback on performance. A servant leader knows that people who feel valued and good about themselves produce better work. A servant leader delegates authority and empowers people to do their job, but at the same time accepts responsibility for the finished product.

Q. What are your top three leadership skills?

A. My top three leadership skills are an ability to build trust, motivate people, and listen well.

Q. What is one characteristic that you believe every leader should possess?

A. Good character-trustworthy, ethical, and moral.

Q. Why should someone follow you?

A. People follow me because they know that I am trustworthy and have no hidden agenda. In addition, I explain in clear terms why it is in their best interest to move from Point A to Point B. I have learned that if you are at Point A, and you want to motivate people to help you move to Point B, you need to show them where you are headed, why you are headed there, how you plan to get from Point A to Point B, why their contribution is important, and what is in it for them.

Furthermore, I spend time building and maintaining relationships and trust. I spend time developing, maintaining, and modeling the traits of a leader that are necessary in order to motivate people. I spend time to know the people who I lead and especially the "key players" to find out what inspires and motivates them. And then I tailor my motivation accordingly. I make people feel valued and needed. I tell them why their work is important and how it fits into the big picture. I provide clearly defined and understood goals and expectations to keep people motivated to achieve them.

Q. Do you think that leaders are born or made and why?

A. I think that leaders are made. Therefore, I agree with Vince Lombardi, the great Green Bay Packers' football coach who said, "Contrary to the opinion of many people, leaders are not born. Leaders are made, and they are made by effort and hard work."

We are not born a competent leader. It takes time to develop knowledge, skills, and competence. For a person to become competent, they must be committed to excellence in everything that they do. They must learn to become a problem solver. They must learn how to listen well. They must continually seek ways to improve themselves and others.

But at the same time, competence does not make a great leader. Great leaders do not fail because of incompetence. Leaders fail because of a failure in character. And it takes time to build one's character so that one always does the honest, right thing even when no one is looking. Therefore, leaders are made over time.

* * *

Today, my office is filled with books, articles, workbooks, handouts, worksheets, and checklists on leadership and practice group planning. The majority of these authors reach remarkably similar conclusions on leadership that I believe Greg Stephens's remarks exemplify. He mastered consensus building. He was always able to make people feel valued and motivated. Most importantly, he built relationships which allowed him to successfully organize and lead our firm in his 14 years as managing partner. It is upon his leadership style that I attempt to demonstrate leadership within the firm.

III. HOW THE EXPERTS RECOMMEND A PRACTICE GROUP BE LED.

As aptly stated by John P. Kotters in his renowned article and book of the same name, *What Leaders Really Do*, "Leadership is different from management[.]"[1] Management is the discipline of organization and administration; it is concerned with how to effectively and efficiently accomplish a specified task or series of tasks.[2] Leadership, on the other hand, is often directional, involving decision-making as to which tasks should be pursued in the first place.[3] Managers direct and control.[4] Leaders influence, inspire and challenge.[5] "Management is about coping with complexity. Leadership, by contrast, is about coping with change."[6]

This is not to say that management and leadership are or should be mutually exclusive or that one is superior to the other; both management and leadership are essential and have their appropriate roles within a law firm. But, directing and controlling a group of attorneys (a task which sounds nearly impossible) is more difficult than it sounds. As Gutterman states, managing a law firm is not simply a matter of "herding cats," but rather it is the task of "herding lions and tigers."[7] Leadership, therefore, can be a powerful tool.

Recurring problems with practice group leadership are readily identifiable and widely experienced. Overarching everything, practice group leaders, or attorneys for that matter, rarely receive any form of leadership training. Compare this to large accounting firm managers who often must complete between 300 and 600 hours of leadership and management training before assuming a managerial position.[8] It is nearly axiomatic that lawyers don't always make the best leaders. Another problem is role identification. Thomas Clay of Altman Weil, Inc., a legal consulting group, states that the largest complaint among practice group leaders is that they do not know or fully understand what their role is as a practice group leader.[9] According to Clay, this results in ineffective practice group leaders who struggle with the inherent conflict between administrative tasks (management) and strategic tasks (leadership).[10] Additionally, the firm's qualified leaders may already occupy other leadership positions or may have never been nominated to leadership positions in the first place. For obvious reasons, the attorneys in the firm identified as having the strongest leadership characteristics are most often placed into firm-wide leadership positions, such as by appointment to a management committee.[11] Adding to the problem, persons picked or nominated to be practice group leaders tend to receive the position in reward of bringing in the most clients and business.[12] While these individuals may be "rain-makers" for the firm, they may not be leaders or have the time or interest in doing so.[13]

One could spend a lifetime writing or lecturing on how to be a strong leader. Indeed, many have made their livings doing just and only that. But for me, leadership boils down to just a few simple principles. First, a

1 John P. Kotter, *What Leaders Really Do*, Harvard Business Review, Reprint R0111F, reprinted December 2001.
2 Alan S. Gutterman, *The Scholarship on Leadership*, Hildebrandt Handbook of Law Firm Management, § 3:2, August 2016
3 *Id.*
4 *Id.*
5 *Id.*
6 *Supra*, note 1 (kotter)
7 *Supra*, note 2 (gutterman 3:2)
8 Thomas S. Clay, *A Litmus Test for Practice Group Effectiveness*, Of Counsel, 24 No. 3 of Counsel 8, March 2005.
9 *Id.*
10 *Id.*
11 John W. Sterling, *Unlocking Value and Performance Through Better Practice Group Management*, Smock Sterling Strategic Management Consultants, available at: XXX
12 Institute of Management and Administration, Inc., *Critical Points Help Efforts to Shore Up Firm Practice Groups*, 04-11 Law Off. Mgmt. & Admin Rep. 1, November, 2004.
13 *Supra*, note 11. (sterling)

strong group leader will understand, or make every effort to understand, why their practice group exists. Does it exist solely because more than one attorney at your firm happens to practice in the same area of law? Hopefully not; hopefully it serves some higher purpose. But all practice groups need not fill the same role or purpose. Practice groups may operate to attract new clients, to drive growth, or serve the diverse needs of individual clients.[14] Practice groups can be used as a marketing tool; sold to clients as a pool of resources, knowledge and experience. They can be used as a developmental tool; educating clients, the public, or the staff of the firm. They can be used as a social tool, both internally and externally to the firm to build relationships and cohesiveness within the practice group. Before one can effectively lead a practice group, the group's purpose must be understood. Strategies can then be developed to fulfill that purpose.

To accurately and honestly understand your practice group, it is essential that you engage all in the group and firm hierarchy. Work to develop an understanding with management of what is needed from your practice group and how your group can best serve the firm. Be honest and open. Seek feedback. Reflect as to how the practice group can serve your clients' needs. Consider how you can use the practice group to develop cohesiveness within your firm and how your group can interact with other groups within your firm. Develop a written plan as to how you can fulfill the purpose of the practice group. Always address your practice group and the actions you take in service of it in relation to the purpose you have given it.

Second, as the leader, you must also be aware that while the individual attorney is there to address his or her client's immediate legal needs, the practice group, in contrast, should contemplate broader, long-term goals.[15] It should focus on the industry, market, and the emerging trends and plan as far in advance as possible strategies for navigating the twists and turns and hills and valleys of its particular area of practice. While one of the roles of the practice group may be to serve the needs of the client, the group must take a more comprehensive approach to its dedicated area of law.

Third, a leader must lead and a good leader must learn how to lead. The "best leaders are the best learners."[16] While this statement is self-evident, leadership is not a skill that attorneys often consciously think about, let alone actively cultivate. It is absolutely essential, therefore, that you make a conscious effort to understand leadership, to recognize and develop a style of leadership, and to actively and continually work to improve your leadership abilities. To this end a virtual plethora of resources is available. If you wish to be a successful practice group leader, make the investment to educate yourself on what leadership is and engage in thorough self-inventory. But be aware, leadership is a skill and learning how to lead is highly individualistic. Often, experience is the best teacher.

To this end, the best leaders are those who know his or her weaknesses and build groups with individuals who complement and supplement their own skill set. You should identify your strengths and weaknesses, but you must resist focusing on the weaknesses and ignoring the strengths. To the contrary, research suggests that a better strategy is to focus on improving your strengths.[17] You will gain more and be a better leader by improving that which you are already good at and addressing your weakness by staffing your group with those that are strong in the areas of your deficiencies and placing those individuals in areas with their own leadership responsibilities.[18] Along this line, learn to delegate.[19] The day-to-day administrative tasks of running a practice group can bog you down and take your eyes off of the long-term strategy. Remember, leadership is about setting a course and taking the journey. Delegating the routine administrative tasks can free valuable time that can be better focused elsewhere. Moreover, assigning responsibility will foster trust and confidence and promote growth within your group. And delegation of responsibility is itself a tool to teach leadership.

---

14 *Supra*, note 11.
15 *Supra*, note 11.
16 James M. Kouzes & Barry Z. Posner, *The Truth About Leadership*, 2010.
17 Alan S. Gutterman, *Skills of Effective Law Firm Leaders - Importance of Competencies*, Hildebrandt Handbook of Law Firm Management, § 3:6, August 2016. *See also* Deborah L. Rhode, *What Lawyers Lack: Leadership*, The Lawyers Role and Professional Formation, 9 U. St. Thomas Law Journal, Fall 2011.
18 *Supra*, note 16.
19 Thomas C. Grella, *Mountains and Molehills: The Challenge of Law Firm Leadership,* 41 No. 3 Law Prac. 60, May/June 2015

Fourth, the most effective leaders are those who are viewed as exceptional at what they do by those they lead. According to Gutterman, "for a leader to be regarded as an excellent leader, s/he must be perceived by followers as consistently behaving at an extraordinary high level[.]"[20] Being good at what you do is not enough. To be an effective practice group leader, you must always work to be viewed as the best, most capable attorney practicing in your particular area of law. Leaders lead by example, and if you wish to be an effective practice group leader, you must instill confidence in your staff that you should be followed.

Fifth, learn how to judge your practice groups effectiveness. As discussed above, you must understand the role and purpose of your practice group in the firm, industry and market and develop a written plan to fulfill that role. Drafting a written plan will permit you to establish guideposts through which you can evaluate whether you are fulfilling your purpose. Likewise, you can evaluate your group's performance by soliciting consistent feedback from the client, your staff, and firm leadership.[21] It is not uncommon for groups or individual attorneys to be unaware of client dissatisfaction until it is too late to remedy the situation.[22] Moreover, clients are nearly universally willing to help you improve performance.

Finally, when you experience success in your group, celebrate and reward it. There is little that is more effective of motivating a group than recognition of good deeds done.

CONCLUSION

I chose Bill Gates's quote on leadership to begin this article, "As we look ahead into the next century, leaders will be those who empower others." The goal of practice group leadership should be to empower others to lead your firm to future years of success.

--

20 *Supra*, note 17.

21 *Supra*, note 8.

22 *Supra*, note 8.

Increasing Your Influence

Heidi G. Goebel

Everyone likes to feel like their voice has an impact, and that their opinion matters. That they have the ability to have an effect of the character, development or behavior of a group. Or that they can influence the course of action of the community in which they reside, whether it be their law firm, volunteer organizations or even their family. Rarely does a person step into a new situation and instantaneously command the respect and admiration of the entire group that they are being introduced to for the first time. So, how do you increase your influence in a group? The answer is that such influence develops over time in a variety of ways.

This article provides several tips on increasing your influence. The advice in this paper consists of general guidelines that will work for most individuals. However, not every tip works for everyone, and it is important to be true to yourself, and the strengths and talents that are peculiar to you. The golden rule that overarches all is that you be a genuine and authentic version of yourself when interacting with others. Insincerity is easy to sense, and insincerity breeds mistrust and suspicion. It is difficult to create influence when folks are skeptically looking around the corner to see what is being hidden from them.

Be A Good Listener

First and foremost, listen. Listen hard and listen well. It's impossible to have much influence over a group of people if you don't understand what their goals are or what is important to them. One of the best ways to develop that type of comprehension is to pay attention to what people are saying in meetings. Be mindful not only of the words they are using, but also of the tone that is used and the intensity with which points are made. If you are truly listening to the views of the group you will develop a good idea of where the strengths and weaknesses of the organization lie, and where you could have a positive impact.

Don't be Afraid to Speak Up

There are times when you are new to an organization when it can be intimidating, or even frightening to offer your opinions, insight or observations. Have the courage to voice your opinion or share your insights, even if your opinions are different than those being voiced. Be respectful and thoughtful in the way that you share your insights and opinions. A group is strengthened by the diverse background and experiences of its members, and sharing a viewpoint that has been otherwise overlooked can be one way to help increase your influence in a group, especially when your input is well-reasoned, and supported by facts and information.

Doing so needs to be done with the right amount of tact and diplomacy. No one likes to have ideas forced upon them. It is much better to build a consensus amongst a group than to try to impose a single point of view

Be Curious

Ask questions and learn as much as you can about the history of the organization. Often policies that seem unusual or difficult are the result of some prior event in the organization's history. If you are looking to change that policy, it is best to know how the policy came to be. You may have some very strong mindsets that led to the creation of that policy to overcome. You may also gain some insight about other considerations that have to be addressed before the policy could be changed. It is best to know all of the issues and components of a policy before making a proposed change.

Be Consistent

Showing up for meetings regularly is important. A drop off in attendance will not lead to optimal influence for a variety of reasons. First, it is hard to develop the kinds of relationships with individuals that result in true influence on an ad hoc basis. Events occur during meetings which become inside jokes, or which were tough challenges to overcome, that create bonds between participants over time. Skipping meetings means missing those key interactions with the key people in the group

Second, you may fail to pick up crucial information about the group's goals which is discussed during meetings if you aren't there. You definitely aren't going to be able to sense more subtle changes in the group's general mood, or overall organizational tensions, if you aren't in attendance on a regular basis

Third, if you are consistently present, you will remain in the forefront of the minds of the leadership as someone who is committed to the group. They are likely to consider you as someone who is reliable and who can provide benefit to the organization – and someone who may have valuable potential to add to the organization.

Be Positive

Be the kind of person who is building people up and working towards a better future. People are drawn towards positive energy. Great leaders are often infectiously enthusiastic, even about the tiniest of things. That enthusiasm often has a group following along with leader before they even realize what has happened. If you make things fun, you can create a lot of momentum in favor of your idea or cause

Be the Kind of Support You Would Want to Have

If you want people to support you, you need to be supportive of them. As an associate in a law firm, the best way to develop your influence is to make yourself indispensable to the partners you work for. Be reliable. Be timely. Be helpful. Be prepared. Be ready to catch things before they fall. Listen. Listen closely. Think about what you would want someone to have put together for you if you were getting ready for a hearing, deposition or meeting, and put that together.

The same holds true with organizations other than law firms. Those in leadership positions tend to be overloaded and over committed. Following these guidelines will make their lives easier and make them look good, which will cause them to appreciate you, and regard you in a positive light. At which point in time you will have had the chance to influence the decisions they are making, simply by helping get the information to them. Additionally, you will be a "go to" source in the organization for information and advice.

Be a Confidante Who Can be Trusted

There are times when sensitive or confidential information is divulged in an organization. If you receive this information, KEEP IT CONFIDENTIAL. Proving that you are a person who has the judgment to know when certain items are not for public consumption and keeping them quiet is a trait many do not possess. Demonstrating that you are trustworthy and discrete is something that makes you a valuable ally in tough times and in difficult circumstances, and a person of considerable influence.

Give Lots and Lots of Praise

When there are folks helping you, make sure you recognize them for the work they are doing. Do it often, do it publically and do it well. There is little that squelches the enthusiasm to support an individual than when a person takes credit for the work of others. One common way in which enthusiasm is tamped down, and resentment builds up, is by passively accepting credit for others' work by failing to acknowledge the work performed by others.

On the other hand, people feel warm and fuzzy when they are publically praised for their good work. Stimulating that part of people's brain helps to influence positive behavior and positive feelings about you as an individual, and increases your influence.

Paying Your Dues

Sometimes there is no better way to develop influence than just putting in time with a group. There are benefits to starting from the ground up. It gives you the ability to learn an organization from all of the various viewpoints and aspects. When you are there for the long haul you can better gain the understanding of how the needs of the organization can be fulfilled.

Be Fair

There may be times when the best thing for the organization may not be the best thing for you, or your preferred event. In those times, you may need to vote in a way that favors the organization over your personal interests. At a minimum, you need to be sure to treat everyone fairly.

Don't Pull the Ladder Up Behind You

If you have been fortunate enough to make it to a position of leadership, don't forget to serve as a mentor to those coming into the organization. Strangely, this step often gives you the most influence of all. The gratitude people feel for those who have helped them make connections that can be immeasurably stronger. You rarely forget those who have helped you along the way, and the impact those individuals have on your life is lasting and tangible. When you help others, you almost certainly influence their views of the organization in a manner that is consistent with your goals and viewpoint.

Take the time to teach the next generation what has worked for you and what hasn't. Help them stay away from the pitfalls you weren't so fortunate to avoid. Be the kind of person who creates a team and brings people into the group. By opening the door and making it easier for people to get in, you will have widened your circle of colleagues, and just by helping others, you'll have increased your influence and sway throughout the group.

--

Persuasive Leadership

Craig A. Marvinney

Leadership is the art of getting someone else to do something you want done because he wants to do it.
-Dwight D. Eisenhower, 34th President of the United States and Supreme Allied Commander in Europe during World War II

Or, per his predecessor as President, Harry S. Truman: "A leader is one who has the ability to get other people to do what they don't want to do, and like it." Sounds easy, but is it? How can one be a true leader in their career, their organization, their life? It is to learn the essence of persuasion.

Ed Catmull, President of Disney-Pixar Animation, and co-founder of Pixar itself, states in his groundbreaking 2014 book, Creativity, Inc., "[leadership] is the focus on people – their work habits, their talents, their values – that is absolutely central…." Lao Tzu, the ancient Chinese Philosopher, observed: "A leader is best when people barely know he exists, when his work is done, his aim fulfilled, they will say: 'We did it ourselves.'"

Persuasion comes from knowing your team.

People do things for their reasons, not yours. Interact with them as to who they are, not who you are. Get out and into the people you profess to lead. Get up and walk around. Whether really getting up and walking around to speak with your team members individually, or figuratively getting around to personally get in touch with the members of your team. Each one.

Mix with them. And be open to them. Keep an open door and an open mind for and to their concerns. The more you are known and the more you know about your team members, the better you can enhance your persuasive powers. Spending time at your desk shows others you care about yourself and your own interests. Get out and about and engage others!

Find common ground with those who you lead. Attunement. Focus less on yourself, and connect what matters to those you lead to what you need to accomplish. See things from their point of view. What do they think? What interests them? Create positive emotional experiences for your team members. Anchor your relationship with your people and their loyalty earned by you will be a classic gift of leadership. Boost self-esteem of your personnel. Empower them. "If people believe in themselves, it is amazing what they can accomplish." So said Sam Walton. Leadership is unlocking people's potential to become better.

Persuasion should be planned.

Plan the message whether it is to be by word, deed or both. Better to be both. Know the objective, know the audience, plan what to say, and seek feedback constantly. How does your idea or proposal address the concerns and needs, the pain points, of your team? Coalesce others around a shared vision. Build consensus in groups. Confront the major anxiety of their people in their time. Pay attention to their needs. Indeed, focus on people's needs, not their feelings.

Know your audience. Demonstrate your focus is on the greater good of the organization, not on you. Shaping your message for your audience shows you respect them and that you have a deep understanding of who they are and what their needs are.

Persuasion in leadership does not mean the entire team must be unanimous. Consensus is good. But measure the impact of focusing too much on the consensus and not enough on the goal and result. Consensus can be the enemy of excellence when one waits too long to get everyone on board. In such a case, the goal can be lost to a myopic or indecisive effort to win all team members over to the plan. The key comes from assuring everyone believes they have a voice, even if they disagree, so that they will trust you if they know you trust in them. In the end, a leader must be right by those being led.

Effective persuasion comes from listening in all respects.

Communication starts with listening. Listen with your ears and your eyes. And with your heart. Listening well requires selflessness, practice and patience. In meetings, stay connected. Maintain eye contact. Do not interrupt. Allow others to speak.

Detect interest, and detect team member's individual and collective investment in the goal and path to get there. Allow them to see themselves doing that which must be done. Check their level of engagement. Are they comprehending? Are they confident? Defensive? Body language comes to play.

Allow people to see you are expert in a certain relevant area, and they will be more likely to listen to you. Being expert in an area is different from being a 'know-it-all'. Expertise can be demonstrated oftentimes by actions, and not by words. Be authentic. We have all seen the 'know-it-all' lose a room, while the expert--the authentic expert--does not need to prove expertise – rather it will prove itself via the expert's authenticity.

One leads not by pointing and telling people some place to go. Rather, one leads by going to that place and making a case. So mused American author and erstwhile philosopher Ken Kesey. Influence will come when others better understand where a leader is coming from. And even if team members fail to understand the long view, they will trust the leader has their needs and the organization's best interests at heart.

Persuasion comes from passion in the heart and mind, not position and authority.

Ken Blanchard, American author and management expert, reflects that "the key to successful leadership today is influence, not authority." If we exercise authority too much, too often, humans will react in one of two ways: comply or defy. So, have passion not position.

Leadership comes not from winning a popularity contest, but rather from an effort to influence. When failure comes (and it will), own it and learn how not to blame others. Provide opportunities for self-direction, help people make progress and allow them to make a difference. Allow them to solve problems without having go "up the chain."

Persuasion is rooted in trust. So too is Leadership.

People need to trust you, to trust in your integrity to do what you say you'll do and how you will support them to succeed. Through that trust comes consent by your team for you to lead. This would not be in the form of a written, express consent, but rather in the implied sense that Abraham Lincoln considered when he said, "No man is good enough to govern another man without that other's consent."

Trust is stability. Ed Catmull, in Creativity, Inc., notes "Leaders must demonstrate their trustworthiness, over time, through their actions – and the best way to do that is by responding well to failure." These efforts must be consistent.

Trust is earned. It is personal, and it is emotional. Trust can shatter in an instant, or it can erode, slowly allowing doubt and fear to corrode the relationship. Broken promises, inconsiderate actions, disorganization, failure to commend good performance, lack of preparation, inaccuracies – all these and more erode trust, and then corrode what is left.

Trust neutralizes the status quo by reducing fear. "Overcoming fear creates courage", observed American World War I flying ace, Eddie Rickenbacker, later chairman of Eastern Airlines. The leader has the ability to control what people are allowed to see. Exercise that judgment, that control. Think well and hard before speaking, before taking action.

Trust derives from character, fundamental to persuasion.

The true leader seeking to persuade, separates his or her own ego from the right path for the organization. Others will not follow the leader's ego, they will devote themselves to what they believe is the right path for the organization when viewed through the lens of their own needs. A leader should show a solid strategy and great character – but as General Norman Schwarzkopf said, if one has to go without one of them, go without strategy.

Persuasion, and hence good leadership, derives from humility, clarity and courage.

Character begins and ends with humility. And with humility, closely allied come clarity, and courage.

--Persuasive leadership begins with humility.

Humility is at the epicenter of leadership effectiveness. Openness, listening, authenticity, likeability, kindness and wisdom are all elements of humility. Listening has been discussed above, along with openness and authenticity.

Likeable does not mean being shallow or manipulative. It requires a sense of integrity in all to be done. There is that 'character' thing again. Kindness is not softness, it is the opposite—a good leader's actions should put the Golden Rule to work! Wisdom, achieved by acting not from self-centered insecurity, but through a countenance reflecting the needs of the team members measured with a patient and confident devotion to character, integrity and the overall goal of the enterprise.

Humility is so important that one of the most recent major reports on leadership and failure of leadership makes it clear. Recently and in 2017 in particular, the United States Navy experienced a collection of mishaps and collisions of its ships with others. The Navy's Fleet Forces Command in October 2017 completed its Comprehensive Review of Recent Surface Force Incidents, stating in its report: "Command leadership, regardless of experience and rank, must have the humility to constantly encourage their subordinates to ["use their voice to provide forceful backup when they see a deviation from procedure or dangerous situation developing."]"

--Clarity gives strength to persuasive leadership.

Clarity comes with a clear definition of the organization's goals as well as those important to the individuals on the team. It means the leader removes roadblocks that impede reaching the goals – and this might just mean the leader's own behavior has to change. Effective leaders reinforce winning behaviors in others and in themselves.

--Courage to trust and to take action, that is, to persuade, provides true definition to leadership.

Take courage. Courage carries two prongs: the courage to trust people on the team, and the courage to get into the ring for and with the team. As a leader, trust team members just as you need them to trust you. One time U.S. Supreme Court Chief Justice Oliver Wendell Holmes wrote, "Many ideas grow better when transplanted into another mind than in the one where they sprang up."

The Chinese proverb applies here: 'It is not the cry, but the flight of the duck that leads the flock to fly and follow.' A more moving and inspiring message of taking the courage to get into the ring came in the early Twentieth Century, when in his famous 1910 speech at the Sorbonne in Paris, Theodore Roosevelt took to the podium and declared:

> "It is not the critic who counts; not the man who points out how the strong man stumbles… The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again … who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

Put people first; connect; Position people to win; build trust and create positive emotion experiences. Through planning, humility, clarity and courage, earn the right to the priceless gift of leadership and continuously re-earn it through positive and effective persuasion in both word and deed.

--

Hiring Leaders

Tiffany M. Alexander

If your actions inspire others to dream more, learn more, do more and become more, you are a leader.
-John Quincy Adams

The success of any business depends on the quality of its people. This is true whether the business is a law firm, a consulting firm or a Fortune 500 company. The challenge for firm and business leaders continues to be finding and retaining the best people with the skills to lead, innovate and grow the organization into the future. All too often, it is the lack of quality leadership which leads to employee disengagement and costly turnover. According to a recent Gallup study, "[O]ne in two employees have left their job to get away from their manager at some point in their career". [1] In the legal profession, where time is money and the market is more competitive than ever, it is critical to build the most talented team to meet your client's needs. While many studies have identified leadership traits, there remains great debate as to whether these traits are inherent or transactional, but it is safe to say that you know good leadership when you see it.

1. **Hire for a purpose**

The decision to hire should not be made lightly. It is important to first define the needs of your client, the nature of your practice and the skill set required to meet those needs. Hiring based on an immediate need, such as sudden influx of work, or a discrete project, is certainly inevitable, but if the goal is to bring consistency and cohesiveness to the firm, consider the role this candidate can play in mentoring and developing others in the firm and their potential for business development and marketing, and try to engage them on a larger scale than just the initial project.

For that to work, the candidate must possess the right skill set for the task and be the right fit for the firm environment. Work experience and education are always important, but perhaps more important are the skills that cannot be taught, such as confidence, personality, good verbal communication, drive and high moral character. In my years of experience hiring in business and the legal profession, some of the most successful hires had little to no experience with the posted position, but because of these "intangibles", were very successful given the right training and mentoring.

That said, where the candidate does have experience, it may speak volumes to their true interests and ability to fit your hiring needs. For example, while hiring associates for a trial practice, many candidates told me they want to try cases, yet their work experience was completely unrelated to litigation, they never participated in a mock trial or jury research and didn't take any practical courses in law school related to trial practice. Because there was no past indication of the slightest interest in trying cases, it was difficult to perceive how they could be the best fit for the firm's business model or the clients we served.

2. **Focus on the team**

The most effective leaders leverage their own strengths to complement those of the team. If, during the interview, you ask a candidate why they want to join your organization, the response can be very telling. In some cases, candidates have told me that they want to join a successful firm so they can develop their own business and make partner. Compare that to the candidate that tells you their strengths align with the firm's practice and they look forward to serving their clients' needs as well as growing a successful client base. Both goals are fair, and likely true, but the "me" candidate will never motivate others to collaborate with them, which will leave a gaping hole in the leadership track. Look for the "us" candidate, who will be much more inclined to work with others to achieve a successful result for the client.

1 State of the American Manager, Analytics and Advice for Leaders – © 2015

One method I've used with great success while interviewing associates is an ambush of sorts, engaging multiple associates who, unannounced, conduct their own interviews without any partner in the room. Associates who were hired after this "gauntlet" reported they enjoyed the opportunity to talk candidly with other associates about the firm environment, leadership and opportunities for growth. Likewise, the associates who participated enjoyed being a part of the selection process for the next member of their team, and felt invested in the success of the candidate once they started at the firm.

The value of mentoring and promoting from within cannot be overstated, and as we move up the ladder we have the obligation to reach back and give future leaders a hand to pull them forward. The successful hire will be a person who understands and ascribes to this, and who has demonstrated, through life or work experience, a commitment to collaborating with and helping others, such as coaching, community involvement or participation in social or political organizations.

3. **Diversity and inclusion are essential for success**

No organization can thrive without a diverse team. With it comes diversity of thought, communication style and an innovative approach to resolving issues. Hiring a diverse team is half the battle, but inclusion is the key to long-term success. It is imperative that leaders create opportunities for diverse team members to play a meaningful role in litigation, negotiations and trial to keep them engaged and to achieve the best result for the client. Clients, juries and judges see right through the illusion when a diverse lawyer is at (or near) the table just for show, and the result is demoralizing and ineffective.

To do this successfully, leaders must confront inherent biases and ensure bias is not part of any hiring or work assignment decision. It is unfair to assume that an individual is not "suited" to a particular task or position because of their gender, family or childcare situation, race, nationality or sexual orientation, but it happens, inexcusably. Simply put, the client is best served with a diverse team and diversity of ideas, and a good leader will empower his or her diverse employees to that end.

4. **Keeping leaders engaged after the hire**

Civility is critical for effective leaders. Leadership by intimidation may get the job done in the short term, but it cannot earn you respect. Creating an environment in which someone is afraid or hesitant to share ideas undermines the confidence of employees and fails the client. It is especially problematic in the legal profession, where advice and counsel is our most valuable asset. Individuals who stay in this type of environment are likely not leaders themselves and cannot lead the firm into the future. Instead, empower employees with clear and concise instruction, follow-up and constructive criticism where needed. Open lines of communication and creating an environment that encourages a full exchange of ideas is best for the client, and provides the "buy-in" that your employees need to stay engaged and productive.

--

Collaborative Courage

Timothy A. Pratt

INTRODUCTION

So much is written about leadership, for good reasons. There was a time when smarts and hard work were the critical keys to success. Those characteristics still count but they largely advance individual rather than team performance. And it's becoming increasingly rare that success rests on the shoulders of one person. Whether it is in a law firm or corporate America, relying on the isolated work of individual contributors is not the recipe for success. Individuals must work together so the team becomes more powerful than the sum of its parts. And the critical aspect of "working together" implicates leadership skills. Think about the unifying aspect of a leader who gives credit rather than takes it, accepts accountability for things that do not work out well, commands executive presence, displays compassion for others on the team, is calm in crisis, and exudes a humility that belies his or her own abilities and accomplishments.

These things will bring people together into a cohesive and collaborative group. They will enjoy the work and each other. They will respect the leader. But the question is this — will these traits alone allow the team to perform at its highest level? I submit the answer to that question is "no." There is one thing missing. A leader who wants to inspire others to achieve heights that they think insurmountable needs to have something that is hard to come by. That is courage. It was Aristotle who many years ago characterized courage the "first virtue" because it is the foundational virtue that makes all others possible. In a similar vein, courage is the foundational virtue of leadership.

WHAT IS COURAGE?

Courage comes in many forms. It is displayed in its most glorious form by our military heroes, our police and fire department personnel and our first responders, where it emerges when the situation calls for immediate action with uncertain, even deadly, outcomes. There is a courage that is summoned when one is faced with a personal challenge — an accident, a diagnosis — where one has to confront the unknowns of tomorrow with hope and resilience. Courage, in all of its forms, requires a person to approach a situation without an assurance of defeating the odds but with an abiding confidence that one must try.

And therein lurks the type of courage that organizational leaders must display. Many business challenges are not simple. They cannot often be solved by the safe route or the common denominator of consensus. They are driven by the leadership of someone who sees solutions beyond the obvious, who thinks and acts boldly. Failure is a possibility but the fear of failure is not an obstruction. Without stretching beyond the comfort zone, one languishes in the status quo and does not get better. Teams that are most successful are driven by a leader who is courageous, decisive and tough. A leader who has the ability not only to suggest novel solutions but also to bridge the chasm of doubt and uncertainty implicated by those solutions. One who has the courage to not only see the future, but also to seize it with gusto.

Courage, therefore, is certainly a laudatory trait, and few would doubt that truism. So, why don't more individuals display it? That is the burning question. The simple answer is that many people are risk-averse. Risk aversion may creep into our consciousness at an early age or due to an early failure. Instead of defaulting to daring, one may be programmed to ask the question, "What's in it for me and is the risk worth the reward?" As we wrestle with questions like that, we tend to look for reasons NOT to do something rather than to do it. There is a certain logic in being daring, but it's also emotional. One has to trust his or her "gut." Yet, when faced with a risky choice, people tend to ask questions—they delay, they discuss, they equivocate and they often talk themselves into doing nothing. Let's take a look at a few of the common questions.

“WHAT IF I FAIL?”

Humans by nature are overly-cautious. Many grow up with the notion that failure is a sign of weakness and the best way to avoid that outcome is to embrace the safest route. We must be powerful and strong, we say to ourselves. We must win. We fear something will go wrong. We fear regret. In his new book entitled *The Undoing Project—A Friendship that Changed Our Minds*, Michael Lewis explores the lives of two Israeli psychologists, Daniel Kahneman and Amos Tversky. These psychologists were intrigued with how people make decisions, and they made it their lifes’ work to answer that question. They developed different theories over time, and one dealt with the concept of “regret.” The thesis was that one avoided making tough decisions that rattled the status quo because, if things didn’t work out, the pain was greater than pain resulting from a less risky decision. As Kahneman said in a note to Tversky, “The pain that is experienced when the loss is caused by an act that modified the status quo is significantly greater than the pain that is experienced when the decision led to the retention of the status quo.” So, why put yourself at risk by rattling cages and disrupting things as they are? Keep your head down. Play it safe. That is our innate default code.

By doing so, though, you will never achieve your full potential or that of the team. Timidity is not a leadership criterion. Sure, there is the risk of pain with failure, but there is also the upside of exhilaration with success. We live in a rapidly changing world where the status quo can become obsolete in the blink of an eye. Any organization that wants to be great must see far into the future and make course adjustments to adapt to expected changes. There are several examples of companies—Kodak and Blockbuster come to mind—that failed because they didn’t do exactly that. Reasons that make sense at the time become untenable far too late for the company to do anything about them. The culture of a great company depends on leaders within the organization having the courage to raise their hands and challenge comfort zones. They may be wrong. The ideas may fail. But that should not defeat the spirit of leaders to continue to challenge things.

Nelson Mandela, who spent most of his life fighting apartheid, knows a lot about leadership and courage. He fought the odds, which were stacked against him. His will was unbroken, even during his many years of imprisonment on Robben Island. His perseverance flows from a belief that he was in the right and that right would prevail. In other words, he had the conviction that things would change and his views would ultimately be adopted. Certainly he had many moments of trepidation. But he fought through them. As he put it:

> I learned that courage was not the absence of fear, but the triumph over it. The brave man is not he who does not feel afraid, but he who conquers that fear.

That is the definition of a leader. When others see you as one who believes in the cause and is willing to risk all to accomplish it, they will follow you. It will inflame them with the same spirit. Success, though not ensured, must be pursued because of the embodied belief that the chosen path is the right one.

“WHAT IF I GET PUNISHED OR EMBARRASSED?”

Failure can have consequences. When you extend yourself and take a chance, failure to accomplish the established goal may generate embarrassment. Yes, others may find out and perhaps hold it against you. Maybe there is a concern that a career might be derailed. These are the concerns that keep people in a cocoon: “Be cautious, don’t take chances, stay invisible.” But people who live in a cocoon can never become a leader of others. How do leaders manage these concerns?

First of all, find or create a culture where courage is rewarded and failure is not treated as catastrophic. Work for a leader who is innovative, courageous and has your back. Yes, there are places where the expectation is that one should not be daring. Such companies have fallen in love with the way things are. They will ultimately fail. True leaders thrive in a culture where innovative and courageous action is not just encouraged but required.

These places exist. If that is not the culture where you work, either change the culture or go elsewhere. Do not be stifled by a workplace where people walk on eggshells and refuse to take necessary steps because they are paralyzed by the notion that the risk is not worth the reward.

Secondly, be prudent, calculate the odds and be "feisty." In her book, *Nimble, Focused and Feisty*, Sara Roberts explored what it takes for organizations to succeed. She concluded that the most successful organizations were faster, more agile, committed to a sense of purpose and played big and bold. Playing big and bold required courage. Roberts described the attributes of a courageous leader as follows: (1) anchors the organization to its purpose and values; (2) sets audacious but not unreasonable goals; (3) communicates honestly and humbly; and (4) is "stubborn on vision and flexible on details." But, being courageous is only half of the battle. To realize the audacious goals, one must also be a "connector," which is similar to being a collaborator. The connector, Roberts notes, will connect the team to a purpose, connect the team to drive results, connect people and efforts in the organization and connect ideas to resources.

By doing these things, you will build credibility. You will create and inspire a collaborative network where all things are possible. The risks you take are bold but calculated. Critically, because of proven results and a support from all layers of the organization, failure is cushioned. There is a recognition that all things do not work out, but the key thing is to keep trying. That is a culture that will keep the creative juices flowing. And that is a culture that will drive an organization, and the leaders within it, to heights they can only imagine.

"WON'T MY TEAMMATES HOLD IT AGAINST ME?"

To start with, the alternative isn't that great either — being fearful will not inspire confidence within you team. Nor will they rally around you if they consider you brazen, rash or impulsive. There is a wide gap between these two ends of the spectrum. The goal is to be courageous AND collaborative. That requires you to involve the team in the whole process, end-to-end. The concept of "collaborative courage" involves several steps: (1) include others in early discussions about the course of action you are proposing; (2) build support for what you want to do — YOUR plan becomes OUR plan; (3) be honest and realistic in discussing the pros and cons; (4) be sure the team understands that you are willing to absorb the consequences; (5) create a work plan with timetables so clarity is brought to its execution; (6) get as many teammates involved in the implementation as efficiently possible; (7) if things go well, share the success; and (8) if things don't go well, accept responsibility and instill a spirit to try again.

There is an important point about all of this. Great companies move urgently and nimbly. You can't rule by committees and consensus. To be truly efficient, a few need to drive change for the many. Collaborative courage does not mean that everyone who may be potentially affected by the decision needs to be consulted and convinced. That would be impractical and is the opposite of "leadership." Bold moves require that a small group of people decide to chart a course and then work together to accomplish the goal. They must work fast and fearlessly. It's that small group of people who must work together collaboratively and feel supported.

One cannot think of collaborative courage without reflecting on the Founding Fathers. This was a small group of individuals representing the 13 colonies who had a lot to lose. They faced personal risks by doing something that would be considered treasonous. They also had the weighty responsibility of not letting down others who trusted them to do the right thing. The future of the republic rested on them. The 56 signatories to the Declaration of Independence in 1776, led by the likes of John Adams and Thomas Jefferson, clearly took a courageous leap into the unknown. Setting aside their personal exposure, the signatories were not sure that the war would be won so the colonies could separate from England. They didn't know whether the colonies, so different in many ways, could even survive collectively. Yet, the leaders leapt into the abyss and declared the colonies independent of England.

That was the first step. What remained to be done, other than actually winning the war, was the creation of a constitutional government based on principles of federalism. Think about how hard that was. Thirteen independent colonies were to join together and be governed by a central democratic government, while preserving many rights to themselves. No one had ever done such an audacious thing. There was no recipe. There were the Articles of Confederation but, after America won its independence in 1783, the colonists began to believe that the Articles were inadequate for their purposes. What was required was a stronger, but not too strong, federal government to mold together a rather loose confederation of states. How in the world could they agree to something like that, especially after they just fought a war to achieve greater independence from an autocratic authority?

The answer was a group of daring leaders who came together to solve this problem by compromise, flexibility and collaboration. Between May and September of 1787, the 55 delegates to the Constitutional Convention in Philadelphia proposed, debated, worked through frustration, compromised and came up with something extraordinary—a document that would serve this country for centuries. The United States Constitution created the three branches of government, provided citizens the guarantees in the Bill of Rights and carefully allocated roles and responsibilities between the states and the federal government. Imagine the collaborative courage that permeated that room. That's how success is achieved. Think greatly as a team and work together to clear all of the impediments. Those 55 delegates surely left Philadelphia in a collegial state of mind and a mutual sense of a "job well-done."

"WHAT'S IN IT FOR ME?"

Being courageous is certainly in your best interests. It is well established that advancement in successful organizations is tethered to one's leadership abilities, and one's leadership abilities are largely dependent on courage and collaboration. By displaying these characteristics, you distinguish yourself and move up the ladder more quickly. Worthwhile places to work both recognize and reward bold innovation. You will also enjoy a higher degree of self-satisfaction. It is exhilarating to take a risky course and deliver great rewards. You will have more confidence as you create or confront new challenges. Within your team, you will have more influence and respect. All of these things will make you a better and more effective leader.

You will also achieve greater outcomes, for yourself and your organization. It is certainly true that meaningful innovation trumps status quo every time. As Will Rogers wisely said, "Why not go out on a limb? That's where the fruit is." Companies that take risks are more innovative and perform better than those that don't. This was recognized by Howard Schultz, the Chief Executive Officer at Starbucks, in a letter to all employees last year:

> Recently, our senior leadership team and the Starbucks Board of Directors approved a long-term strategic plan that will further elevate the company. Our plan does not embrace the status quo. In fact, the plan will require a higher level of thoughtfulness, creativity and discipline than at any other time in our history. To be among the world's most respected and enduring companies, we must constantly look around corners and let our curiosity and courage drive innovation. With this mindset and purpose, I have no doubt we can continue to grow the company sustainably, and in ways that will continue to make us all proud.

A company is only as courageous and innovative as its employees. It is in the best interests of a company to find and retain leaders who think big and do not wilt under pressure. Be one of those leaders.

"HOW DO I DO IT?"

Well, just do it. When faced with a new opportunity that carries risk, and most good ones do, don't wither or dismiss it out of hand. Weigh carefully the advantages and disadvantages. Make the decision that seems a little edgy. Don't be deterred if you take a chance and fail. Being bold requires practice. Make it a habit. Build that muscle. And do not feel that you have to do it alone. Discuss with others you trust, but don't do so with the hope that they will talk you out of what you want to do. Drive action, not inaction. And be balanced. As you discuss the risks of seizing the opportunity, also talk about the risks of standing pat. Often that part of the equation gets ignored. Think — "What if our competitor does that?"

On April 23, 1910, Theodore Roosevelt gave a speech in Paris, France. He addressed the concept of taking risks:

> It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly . . .

If you are going to fail, do it while "daring greatly." This passage caught the attention of Brené Brown, a researcher who explores human vulnerability. Brown wrote a book called *Daring Greatly*, where she talked about how vulnerability keeps us from achieving our full potential. She points out that vulnerable feelings about ourselves may tempt us to wait for a better moment, when we are more ready. However, that would be a mistake, Brown notes:

> When we spend our lives waiting until we're perfect or bulletproof before we walk into the arena, we ultimately sacrifice relationships and opportunities that may not be recoverable, we squander our precious time, and we turn our backs on our gifts, those unique contributions that only we can make. Perfect and bulletproof are seductive, but they don't exist in the human experience. We must walk into the arena, whatever it may be — a new relationship, an important meeting, our creative process, or a difficult family conversation — with courage and the willingness to engage. Rather than sitting on the sidelines and hurling judgment and advice, we must dare to show up and let ourselves be seen. This is vulnerability. This is daring greatly.

In other words, the more we confront vulnerability, uncertain risks and emotional exposure, the more courage we will have. And the opposite is also true. Despite what happened to Icarus, don't be afraid of flying too close to the sun. Dare great, but don't be stupid!

CONCLUSION

There is no silver bullet here. The ideas here are lofted for your consideration. Words alone will not make you courageous. For that, you need to dig deeper. In his Pulitzer Prize winning book, *Profiles in Courage*, John Kennedy told several stories about political courage. He started the book on an auspicious note: "This is a book about that most admirable of human virtues—courage." And he ended the book in this way:

> To be courageous, these stories make clear, requires no exceptional qualifications, no magic formula, no special combination of time, place and circumstances. It is an opportunity that sooner or later is presented to all of us . . . In whatever arena of life one may meet the challenge of courage, whatever may be the sacrifices he faces if he follows his conscience — the loss of his friends, his fortune, his contentment, even the esteem of his fellow man — each man for himself must decide for himself the course he will follow. The stories of past courage can define that ingredient — they can teach, they can offer hope, they can provide inspiration. But they cannot supply courage itself. For this each man must look into his own soul.

For every man and woman who wants to be more, do more and succeed more, gaze into your soul and eradicate timidity, fear of failure and an abiding affinity for playing things safe. Be bold. Be smart. Conquer the world.

--

Leadership In Adverse Times

Michael I. Neil

When the going gets tough, the tough get going!

The true leader is at his best when he or she is tested. Whether it is in a law firm, in some other endeavor in which we participate, or possibly in our prior experience, we have all been tested one way or another. I am going to relate a non-legal story to help illustrate my point.

After I graduated from law school in 1966, I went directly into the Marine Corps with the promise that I could be an infantry officer. Many months later I found myself in Vietnam as a Second Lieutenant Platoon Commander. In early August of 1967, our battalion was on a week-long operation deep in bad guy country, and upon our return to our battalion base, my platoon was assigned to protect a bridge. This particular bridge was just south of our battalion command post, and it was an important link on the highway between Da Nang and Saigon. The defenses on the bridge were in terrible shape. I asked for help from my company commander, and the assistance was denied. On the second night on the bridge, enemy sappers came through our wire in an attempt to blow up the bridge. It was probably the worst night of my life; it was absolutely chaos inside the wire with enemy sappers running around attaching satchel charges to the bridge and shooting at my men. We successfully defended the bridge and kept it from being blown up. However, in the process, I suffered many casualties, including KIAs. I initially thought my career was over because we had allowed the enemy to penetrate our defenses. But, I came to realize that the superior officers within our battalion and regiment recognized the leadership that I had shown in protecting the bridge under the circumstances and understood that no defense is impenetrable.

The lesson that I've carried with me all my life from that terrible night was that no matter how bad things get, and they were bad for several hours that night, you fight like hell; lead your men; let them know you're with them every step of the way, including shooting back; and let your people know of your presence, which was always reassuring. When you have to yell, you yell. And whatever it takes to get the job done, you do it.

While this is a pretty crude analogy to many of the issues that we face in our practice of law, I still think and believe that you learn from experience and you build upon it. In other words, no matter how bad the day or night might be, the sun is going to come up the next day, and let the people you lead know you're with them every step of the way. It may be as simple as walking down to the office of every one of your lawyers and reassuring them that things are going to be okay and that you all are going to be standing together against whatever adversity presents itself, much like a young Second Lieutenant would go from foxhole to foxhole to reassure his 18-year-old Marines that everything was going to be fine. I think one of the most adverse and trying times a leader may face is when a firm loses a particular client that has brought in a lot of business over the years. These things happen, and it is the nature of the beast that clients move on no matter how good the job is that you are doing. Leaders and clients change, and they prefer their own particular friends in other law firms, or there could be 100 other reasons why the change is made, despite your good efforts. These are the times that the true leader steps forward and lets his people know that we're going to go out and redouble our efforts to bring in new business and reassure, especially the young lawyers, that you are behind them and you are going to be leading them and you are there for them.

When you are tested in adverse times, always strive to do the right thing. Don't do something just because it feels good. Make sure that what you are doing is what is right. There is a country western song that I heard recently where the singer says something to the effect that there is no way to make something right by doing the wrong thing. I recall a time when a friend of mine asked me about a financial contribution that I had made, and he asked me if it made me feel good. My response, totally from the gut, was that no it didn't make me feel good but I thought it was the right thing to do. When adverse times befall you, you may be tempted to do the wrong thing, but never, never stray from your principles and what you know is right, and make sure you do the right thing!

Now remember, not everyone is made to be a leader. A leader is of no consequence if he does not have good followers. And the way to have good followers is to set the example all the time and make sure that you spend time with your lawyers, or as in my case in the Marine Corps, with my troops. There is much to be learned from the followers, and you should listen carefully to what they have to say. Oftentimes they do not speak from experience but only from the heart. What comes from the heart is often the right thing. You should be walking around periodically into each office of each lawyer, sit down, and talk with them. Invite them for a drink after work and learn from them the issues that are bothering them. Sometimes as leaders we can get so wrapped up in the world we live in, we forget the other worlds out there that mean so much to us as leaders and to your firm. In other words, take the time to learn from your troops, and when you can, incorporate it into your actions that you take, because the morale of the law firm is extremely important. Don't be a morale killer, be a booster. If that means taking your troops out after work for a drink or taking them to a baseball game, do it. The followers in your firm (or as I sometimes call them "your troops") need to get to know you also. They have to appreciate the stress and strain that you are under often, and that can only be accomplished by getting to know each other.

However, I want to make one thing very clear, I am not advocating that you acquiesce in every wish or dream of your lawyers that you lead. I am simply stating that you have to understand the concerns of the troops to be effective in your leadership capacity. Don't ever lead by trying to get consensus, as Maggie Thatcher said one time when she was visiting Camp Pendleton, "Leadership by consensus is the abdication of leadership." In the end, you have to do what you believe is right and fair for the firm. If that means taking less money, you do it. Adverse times must be shared by all, and make sure that you set the example.

It is extremely important that no matter how difficult or adverse the times become, you maintain your dignity and strive not to show that you are stressed out or overly concerned. Maintain the attitude that the bad times will pass and good times lie ahead, and set the example for everyone else in your attitude and in your performance in the firm.

However, make sure that you acknowledge to any individual member of your firm that you understand that this may be their first adverse time they are going through, and try to belay any fears they may have. There may also be occasions of adverse times for individual members, such as a family issue, and if you become aware of it and its affect upon the individual lawyer, take the time to talk with him or her and try to commiserate with them and let them know you are there to support them. Bottom line, adverse times call for leaders who set the example at all times and do not show fear or to be stressed out. Calm yourself, talk to yourself in the mirror in the bathroom, and reassure yourself that everything is okay. I find sometimes that just closing the door in the bathroom and talking to myself in the mirror and even yelling at myself in the mirror makes me start laughing. If you can laugh through the bad times, you'll be a much more effective leader. The bad times pass and the good times lie ahead should always be your attitude, and that attitude needs to be passed on to your subordinates.

To lead, whether it is a position of leadership in the FDCC or your firm, is an honor. It means that other people recognize your potential, and they are relying upon you. This can be an awesome responsibility. When the adverse times come, and they will, tighten up your belt, square your shoulders, and rise to the occasion. Reassure your folks, never be petty or publicly placing blame. "We are in this together" should be your message, and by a good positive attitude and direction, let them know you will get out of the mess together.

Evaluate carefully, without bias, what caused the issue you are facing, seek advice and wise counsel from older practitioners on how they handled their bad times. Gather your board or executive committee and let them know your proposed plan of action. Seek their input and support. Once you have a plan of action finalized, let your people you lead know what you are going to do and how you propose to do it. Then push forward with your plan with energy and determination.

If someone is reluctant or opposed to the plan and does not support your efforts, get rid of them. No one likes a detractor, and by your action, you will show your strength as a leader to others. As I learned from a very wise drill instructor, "If you don't want to lead and you don't want to follow, then get the hell out of the way!" When the crisis or difficulty is over, give praise and thanks to your people and let them know it was a group effort. Do not take all the credit and let everyone know it was a team effort that achieved success.

--

Leadership Vision

Douglas G. Houser

"Never let anyone else carry your briefcase." I got that advice from the senior trial attorney in my firm shortly after I was hired in 1960 by what is now Bullivant Houser Bailey.

In effect, "don't ask someone else to do something you haven't done or would be unwilling to do." "Lead by example." Be the first to unlock the office door in the morning and the last to lock up at the end of the work day. The biblical "Golden Rule" is applicable to law firm leadership: "Do unto others as you would have them do unto you."

Leadership, like most desirable attributes, is a matter of common sense. We can't all be "chiefs." There have to be plenty of "Indians." Otherwise, there would be no one to lead. People will respect and want to follow you and be a part of your "team" after you have <u>earned</u> their respect. Every leader must also be responsible for recognizing and training future leaders who will be prepared to someday replace their mentor.

Every good leader, whether a lawyer leading other lawyers or a business person, needs to have a clear "Vision" of short-term and long-term goals. Be sure that both the short-term and long-term goals are compatible.

Don't ask others to do what you should do yourself. Lead by example. Good leaders "pull" – they seldom "PUSH."

Bill Bowerman, the Olympic Track and Field coach and co-founder of athletic company NIKE, served most of his lifetime (he is now deceased) as the Track and Field coach at the University of Oregon. One spring, he was faced with a dilemma. One of his athletes was a high school high jumper who in college was unsuccessfully trying to play basketball, but was a lousy rebounder and was about to lose his scholarship. The basketball coach and the basketball player approached Bowerman and asked if he would share half a scholarship credit if the "failed" basketball player became a member of the track team. Bowerman needed "a quarter miler," not a "high jumper." It was plain to the athlete that if he wanted the other half of his scholarship, he would have to run rather than jump. The athlete said, "I don't even know how to run the quarter mile."

Bowerman, being the great leader he was, immediately told the athlete that the quarter mile was the easiest race of all to run. He took the young man down to the quarter mile track and said he would "teach" him to run the quarter mile. Bowerman patiently explained that when the starter, at the beginning of the race, fired his gun, the runner should start running as fast as he could, keep turning left, and when he got back to where he started, he would have completed his quarter mile race. Very simple. Simple advice is the best.

The athlete ran in quarter mile races all that spring and qualified for the Olympics and won the gold medal in the 400 meter race as the fastest man in the world in that event. He never lost a quarter mile race. For any track nuts that might be reading this, that athlete was Otis Davis. It helps to have a great coach who leads you to do the things you may not have recognized you could do well.

Good leaders' "Vision" includes being a good listener and a good observer. Know your "team" or "troops" or whoever you have responsibility for leading. Do not ask someone to do something they are not prepared to do and are unlikely to succeed at. The goal is to train people to be successful, not to fail.

"Timing" is vitally important in every aspect of life. Do not ask people to do things they are not ready for yet. "Stretch," but don't "break" your team or you will find yourself without a team of followers.

Whether you are in a "small" firm or a "large" firm, the "Vision" of good leaders are probably remarkably the same.

In summary, some attributes of great leaders' "Vision" include the following:

- Be a good listener.
- Be a good observer.
- Be patient.
- Be honest.
- Use common sense.
- Go first, when appropriate.
- Go last, when appropriate.
- Share the successes.
- Don't find scapegoats for your failures.
- Don't pass the buck.
- Don't get greedy when the dollar pot is being divided.
- Always put more in the pot than you take out.
- Train and prepare your successor.
- Be fair – to your family – to your firm – to yourself.
- Respect minority views – they may become the majority view with or without your support.
- Clearly define expectations – "late is no better than never" – but what is "late"?
- Be humble. Mac Davis (a Country Western songwriter from Texas) explained in one of his songs: "It's hard to be humble when you're perfect in every way."

Country Western songs could teach leaders a great deal. Some of my favorite country western song titles include:

- "You're the Reason Our Baby's Ugly" – accept responsibility for your part of every act – be accountable.
- Or, John Denver's "Take Your Tongue Out of My Mouth, I'm Kissing You Goodbye" – be sure you listen carefully and understand what others are saying.
- Or, "Momma Get a Hammer, There's a Fly on Poppa's Head" – don't over react, and think before you leap from the frying pan into the fire.
- There is an old Navy saying that I think every leader should be mindful of: "The ship (or "firm") is more important than any member of the crew, even if that crew member is the captain."

Lawyers are sometimes criticized for writing a 10,000 word document and calling it a "brief." I am therefore ending this chapter with the hope that the great leaders of this great Federation may in some manner benefit from the thoughts presented in this chapter.

--

The Six Essential Qualities of the Leader Communicator

Michael T. Lucey

INTRODUCTION

When we consider our personal list of great leaders, we typically include those leaders who not only accomplished great things, but those who could also inspire with their words. For example, most would agree that Abraham Lincoln and Winston Churchill were not only great leaders, but great communicators. To many, Ronald Regan was a great leader, and he has since come to be known as "The Great Communicator." This capacity to engage and motivate an entire nation with nothing more that the power of one's personality is truly a gift reserved for the very few.

Brilliant oratory and timeless phrases – "ask not what your country can do for you…" have become the hallmark of the great leader/communicators. For most of us who aspire to be better leaders, the examples of Churchill and Lincoln as leader/communicators are somewhat daunting, because few of us could ever hope to have such a facility with words, or that uncanny ability to say just the right thing at the right time. But if we were to strip the great leader/communicators of their gift for prose and examine their other traits, we would see that there were aspects of their leadership and communications styles that were as essential to their greatness as their facility with the spoken word.

What follows is my list of the six essential qualities of the great leader/communicators. I give them in reverse order of importance.

6. THINK BEFORE YOU SPEAK

"Remember not only to say the right thing in the right place, but far more difficult still, to leave unsaid the wrong thing at the tempting moment." Ben Franklin

This is also a very good rule in life. It is what your mom taught you. Consider the damage that some of our national leaders have done to their image by violating this simple rule. Words can be powerful. When they come from those in leadership, they are even more so.

Because of their power, even subtle shading of your word choices can make a huge difference in your message. It is the difference between a word's *denotation* and *connotation*. The literal definition of a word as accepted in a dictionary is the denotation. But words also have a connotation, or implied meanings: associations or emotional suggestions that are connected to that word. The connotative meanings of a word exist along with its denotative meanings. For example, the denotations of the word snake might be "reptile," or "scaly." Connotations of the same word would include "treacherous," "evil," or "betrayal." Consider both meanings carefully as you choose your words, with particular emphasis on a word's connotative meaning.

Words have a much longer half-life now. With the advent of social media and electronic communications, virtually every public statement is preserved forever. Recent history is replete with public figures who have been confronted with statements from their past that are unflattering at best, and at times far worse. A leader no longer has the luxury of speaking "off the record". Choose your words carefully, and appreciate that every social situation, however causal, presents the opportunity to amplify or denigrate your primary message as a leader.

Cultivate positive speaking: Experts often talk about the power of positive thought. It is equally true that choosing positive words in your communications will increase the likelihood that your message was not only received, but internalized. Strive to make your words positive, forward thinking and relevant.

Finally, ideas have a value. A leader's ideas will not be judged by their frequency, but by their intrinsic merit. Don't cheapen a powerful message by extraneous or off topic remarks. If you have something important to convey, think carefully about how to say it as succinctly and clearly as possible, and then say it just that way. We as lawyers are often taken with those who have excellent extemporaneous speaking skills. They seem to come up with the perfect turn of the phrase, seemingly off the top of their head. The truth is that the truly great speeches were rarely ad-libbed.

It has long been told that Abraham Lincoln wrote the Gettysburg address on the back of an envelope, as if he had a flash of casual brilliance on the ride over to the battlefield memorial, and simply jotted his thoughts down as they popped into his head. In fact, Lincoln had spent almost two weeks on the address, carefully revising and altering it to achieve just the right tone. Three days before leaving for Gettysburg, Lincoln told a reporter that the speech was "written but not finished." There were actually two final drafts of the address: one in ink on White House stationery, and a second in pencil on plain blue paper. This was no spur of the moment speech. In stark contradiction, the main speaker that day, Edward Everett, spoke for over two hours before Lincoln gave his 272 word address. Everett later wrote Lincoln, "I wish that I could flatter myself that I had come as near to the central idea of the occasion in two hours as you did in two minutes."

5. WHEN YOU COMMUNICATE, BE SPECIFIC

This is a corollary to number 6. Ideas, not people drive organizations forward. Often, the wisdom of the proffered path is not obvious or intuitive. In those instances, clarity and specificity are the key to persuasiveness. This need for clear and succinct communication to enhance the persuasiveness of the message is the same in jury trials. How many times have we honed a closing argument so that the message is succinct, clear and strong?

Without doubt, other factors affect whether a group will follow a leader's message: Trust, history, believability, etc. But even with these factors, if a leader cannot clearly communicate what is intended, the message gets garbled, and the initiative is lost. Think of a plenary speaker at a modern CLE event. The speaker starts out with a snappy introduction but soon gets bogged down on minutiae or off topic asides. Very shortly thereafter, the laptops and phones come on in the audience, and the speaker ends the address by talking to the tops of the audience's heads. In today's fast paced society it has become more difficult to maintain an audience's focus. Having a clear thesis, but failing staying on point or speaking in broad generalities is the surest way to losing it.

Keep the topic of your presentations limited to one or two central ideas. From 1933 to 1944, Franklin Roosevelt gave some 30 speeches via radio, now called "Fireside chats", speaking on a variety of topics from banking to unemployment to fighting fascism in Europe. Usually only one issue was addressed in each chat. The first chat was on March 12, 1933 just eight days after Roosevelt's inauguration. Roosevelt had spent his very first week in office dealing with a massive surge in bank closings, which threatened to destroy American's faith in the banking system. Roosevelt had just closed the entire American banking system on March 6, six days before his first chat. Three days after that, Congress passed the Emergency Banking Act, which Roosevelt used to create Federal Deposit Insurance, which in turn was used to backstop depositors' savings. Roosevelt needed to convince a skeptical America that the banking problems were solvable, and that he had the right solution. Predictably, this first fireside chat dealt only with the banking crisis and Roosevelt's plan to solve it. The rest is history. The popularity of these chats grew to the point where millions of people tuned in to hear the President's message. Incidentally, the term "fireside chat" came from a statement by Roosevelt's press secretary, who had said that the president liked to think of the audience as a few people seated around his fireside.

4. ACTIONS SPEAK LOUDER THAN WORDS

What you do speaks so loud that I cannot hear what you say.
-Ralph Waldo Emmerson

"Do as I say not as I do." Did any child ever buy that? If your message is completely inconsistent with who you are and what you do, the message will be ignored, even ridiculed. This is perhaps another way of saying that you must lead from the heart: you must believe in the decisions you advocate. If you don't, you shouldn't be out front.

History has examples of the disingenuous leader who is nevertheless successful. But over time, and across all societies, the leader who lives the message has been far more impactful. Mohandas Gandhi's idea that peaceful nonviolence was the best vehicle for change came at a time when the world had just emerged from a savage global conflict only to find itself embroiled in a second. The idea that massive social change could be accomplished simplify by passive resistance was met with skepticism by average Indians and their British overlords alike. Gandhi knew that he had to live his message if it had any chance of success. He wore simple clothes, so that "looking at him, people would see the condition of India". When he asked his countrymen to boycott the law that required that they buy salt only from the government, he marched 240 miles to the ocean to make salt himself. Gandhi and his followers participated in 18 fasts to protest British Rule. Not once did he ever raise his hand in violence. Gandhi's messages of peaceful nonviolence lead to the collapse of the British Raj in India, and spawned similar movements in America and worldwide that continue today. It seems unlikely that this movement would have met with such success had the messenger not been the living embodiment of the message.

3. LEAD WITH A SERVANT'S HEART.

We have seen that the true leader believes in the message, and this belief empowers the message itself. But what is the underlying purpose of leadership? What motivates the very best leaders to lead?

The idea of the servant leader is as old as antiquity. In the Christian tradition it is referenced in Gospel of Mark ("whoever wants to become great among you must be your servant, and whoever wants to be first must be servant of all") but it can also be found in the Tao Te Ching, ("The Sage is self-effacing and scanty of words. When his task is accomplished and things have been completed, all the people say, 'We ourselves have achieved it!'"). This concept can be found as well in the ancient Indian treatise, the Arthashastra ("The king shall consider as good, not what pleases himself but what pleases his subjects").

For the servant leader, the underlying motivation is the welfare of the followers, in contradiction to those who lead to satisfy some inner ambition, or to achieve some personal goals. This dichotomy was termed "servant-first" vs "leader first" by Robert Greenleaf, founder of the modern Servant Leader Movement at the beginning of the 20th century. This is not to say that a more autocratic leadership style cannot be successful, or that one should completely disregard self interest in pursuing leadership. However, in the context of effective communication, servant leadership, which emphasizes collaboration, trust, empathy, and the ethical use of power, is far more likely to engender effective communication and a positive response.

Chris Lowney was a Jesuit seminarian who left the seminary and found himself in a very successful career on Wall Street. His successes lead to authorship of several books and speaking engagement on leadership, business ethics and decision-making. In his book, *Heroic Leadership*, Lowney examines the Jesuit Order, and he identifies the four essential leadership traits ("Pillars of Success") that made the Jesuits a successful organization for over 400 years. It is a wonderful book on leadership, and I am not going to give you all four of the Jesuit pillars of success - for that you have to read his book. But one of Lowney's four pillars of success is one not usually found on most leadership lists: love. As Lowney describes it, the leader's love for those that he/she serves is reflected back by them in their eagerness to follow and achieve the goals. Some might find the use of the word "love" too strong, but Lowney is really saying what Greenleaf said, what Mark said in the Gospel, and what Lao-Tzu wrote in the Tao Te Ching five centuries before the birth of Christ: that the ideal leadership is a selfless approach that produces progress for the group as a whole.

2. LEADERSHIP COMMUNICATION IS A DIALOG

"Leaders who refuse to listen will eventually be surrounded by people who have nothing significant to say"
Andy Stanley

The traditional autocratic leader figures out what is right, and then persuades others to do it. In contrast, collaborative leaders know when to stop talking and start listening. During the financial crisis, Lehman's CEO refused to accept advice from his team that Lehman was undercapitalized. He persistently rejected recommendations to seek added capital, believing that the federal government would ultimately bail Lehman out. When the crisis finally hit, Lehman had few options other than bankruptcy.

Listen with a willingness to be influenced. People will stop contributing if their ideas are never incorporated into an action plan. Simply "letting them talk" without any commitment to act upon helpful ideas is perhaps worse than refusing to listen at all. People know instinctively when they are being heard and when they are being patronized. Be an active listener: ask questions, react, and engage. Active listening not only improves your leadership skills, but it creates an environment in which the team becomes more self-reliant, motivated, and engaged in the task. People will do more when they perceive that they have a stake in the outcome.

Watch for nonverbal cues. Draw upon your voir dire experience. Just because someone is not saying anything does not mean that they are not communicating We know that jurors say as much with their body language as they do with their verbal communications. Similarly, it is often the case that subordinates who are reluctant to verbalize disagreement will divulge their true feelings nonverbally.

Finally, acknowledge contributions and publicly thank people for their input. Few rewards are as productive as publicly recognizing a valuable contribution

1. DEVELOP AND KEEP THE TRUST OF THOSE YOU LEAD

"To be persuasive, we must be believable; to be believable, we must be credible; to be credible, we must be truthful."
Edward R. Murrow

Trust is the most important attribute of the great leader/communicator. You can have a singular vision, a strong message, good communication skills, and a passion for the cause, but if people don't trust you, you will not successfully lead. This is not unlike a jury trial: the best witnesses and arguments are useless if the jury refuses to believe them. Similarly, each of the preceding five essential qualities of the great communicator/leader either exists to create trust or is meaningless without it.

Here is the hard part about trust: it cannot be conferred. No leader is trusted simply because of his/her title. It is earned through character: right living and right thinking. There are simply no shortcuts here. Character can't be faked, forgotten, or forsaken, and one's credibility depends upon it. As such, it is vital that leaders maintain a healthy self-awareness, to insure that they remain authentic, empathetic and honest. This is no easy task, but as is perhaps obvious, this vigilance has the added benefit of making you a better person

Character alone is not sufficient to create and maintain trust. Leaders also must have the expertise to instill confidence that they can actually accomplish what they say must be done. For example, I trust my wife, but I would not trust her to take a game winning jump shot. The best leader/communicators are lifelong learners who never lose their passion for knowledge and self-improvement, and who have a commitment to excellence. They are usually not the best at what they do, but it is clear to everyone who knows them that they strive to be so.

So, this duality of character and competence must exist for any great leader to effectively communicate. Effective communication is a two way street, such that the benefits of the loyalty (dare I say love) of those you lead enriches you well beyond merely accomplishing goals.

SUMMARY

Communication styles are as unique as the leaders who possess them. There are, however, basic communication truths that many successful leaders adhere to in order to best move their ideas forward. These six qualities are some of those basic truths. While these qualities are straightforward in concept, they can be difficult in practice absent a real commitment to think of leadership as a vocation and not simply a task. The great leaders thought deeply about their role as leaders and how they could best communicate their ideas.

--

Leading Change

Tom Cordell

Change is all around us. Change is constant. Change is inevitable. The only certainty about change is change itself. But like a river, change can occur imperceptibly, with each flow of each different molecule of water. Then, what seems to be imperceptible change, over time, results in a modification of the river course. Change can also occur as a sudden, unannounced catastrophe earthquake for which no one is prepared. Regardless of the type or nature of change, it is occurring around us every day; whether it be in our offices, in our law practice, in our clients' businesses, or our personal lives.

Although change surrounds us, we ourselves are often resistant to change. This resistance is evident in the age-old comments: "If it isn't broken, why fix it?"; "This is the way we have always done it"; "We have been successful for years operating under this model". And, we only contemplate change when forced to do so – billing code requirements, billing audit procedures; loss of staff, associates, partners; technological changes impacting our offices, practices and personal lives.

Our response to forced change is many times reactionary, not well planned, complacent, and marked with a "go with the flow" attitude. Leading change in the 21st Century business and life environment requires more, in order to survive and thrive.

We are pushed to improve the quality and timeliness of our services; to increase productivity; to reduce costs; yet, to also increase profits and find new opportunities. We have to adapt to these shifting conditions. To do so, we must recognize that transforming an organization is required – yet, we simply have not studied or obtained the skills to meet transformational challenges.

Leading change requires a conjoining of leadership and management. Leadership defines what the future shall look like (vision); and engages, encourages, and inspires people to alter their thoughts toward that vision. Management must staff, organize, and create structures to bring the vision to life. Management likes order, structure, certainty, planning, and organizing. Such elements are required to accomplish the vision; and managing the changes necessary. But successfully managing is not the equivalent of leading the change. Many transformational processes have difficulty getting started because management of current processes is engrained; procedures are set; planning is in place; organizational structures are established. At times, management is the antithesis of change. The changes that are needed require leadership to move beyond the current *status quo*.

Transformation requires dedication, creativity, and sacrifice. This transformative process may begin as the mantra of just one voice, or a small group of voices. But, to affect real and lasting change, this mantra must become the hymn of others impacted by the change. This team commitment to innovate, create, and sacrifice, however, cannot be coerced. It must be embraced. This requires leadership. Only leadership can motivate people to move beyond a comfortable and historically effective culture into a universe of visions, experimentation, and innovations where breakthroughs are accomplished and obstacles overcome. Only leadership can inspire a new generation who remain in the rubble of an organization-exodus to rise from the ashes, like the mythical Phoenix, and create a stronger, more resilient entity. Plans do not motivate. Charts and graphs do not inspire. Martin Luther King's great motivational speech did not begin, "I have a plan". He inspired people to embrace transformation by his statement, "I have a dream". Leaders have dreams that inspire people to innovate and create the means to accomplish change. The Japanese use the term "kaizen" – a never-ending quest to do better; continually change and improve.

However, even the most inspirational, transformational leaders understand that the need for change is not accepted overnight. One author describes the process of moving from change avoidance to change acceptance as requiring five steps – denial; anger; bargaining; depression; and acceptance. (Conner, D. (1993) *Managing at the Speed of Change*. You will note that he based his model on *Death and Dying* by *Elisabeth Kübler-Ross*).

Even once accepted, change occurs through stages. Kurt Lewin (Field Theory in Social Science (1951)) theorized that transformation occurs in three stages:

(1) Unfreezing. Old ideals, practices and processes are discarded, so that new ones can be learned and implemented. Yet, doing away with the old is just as difficult as learning the new, due to the power of habit, and the trait of complacency.

(2) Changing. Ideals resulting from the creative and innovative process are accepted. But, accepting is not "doing". These new ideals must be practiced.

> What I hear, I forget.
> What I see, I remember.
> What I do, I understand.
> -Kung Fu Tzu

There will be confusion and overload; but, also excitement and discovery; as new ideals are practiced. But, to not implement and practice these new ideals through the proper procedures, will cause the transformative process to come to a halt.

(3) Refreezing. The new ideals, through processes, are now accepted and practiced.

This area of implementing the ideals is where managers shine. They establish the processes that implement the new direction; direct the implementation; set up measurements of goal accomplishment. Managers are not the same as leaders, but they are indispensable in the transformative process. Warren Bennis observed, "Managers are people who do things right, while leaders are people who do the right thing". (*One Becoming a Leader*).

Other authors and "change experts" have developed other theories on the process of change. Most notable is John P. Kotter. In *Leading Change*, he analyzes the need for change; the manner in which the type of change is identified, and the implementation of change so that it is effective and lasting. He sets forth an eight stage process: (1) Establishing a sense of urgency; (2) Creating a guiding coalition; (3) Developing a vision and strategy; (4) Communicating the change vision; (5) Empowering employees for action; (6) Generating short-term wins; (7) Consolidating gains and producing more change; (8) Anchoring new approaches in the culture.

Kotter and others recognize that change fails at the outset because of complacency. As discussed earlier, "happy talk" within the organization ("If it's not broke, don't fix it" or "We have always done it that way") is indicative of complacency. If complacency is high, transformation fails because the need for change is not urgent. If a major and visible crisis arises (departure of key members of the organization; a substantial threat that clients may change firms; a constant drop in income), a sense of urgency to change is imposed upon the organization. Normally, in these types of catastrophic earthquake crises, there is insufficient time to develop a new vision; communicate the vision; and implement the transformation. And, many times the signs of an impending crisis are well-visible, but ignored. Good leaders realize that visible crises should not be ignored; that renewal is constant; that change is part of life; and, that if change is not implemented as a part of the operational life of an organization, crises will germinate and grow into major crises. Initiating forward-looking dreams and visions when a firm is making record profits, enjoying client growth, and/or receiving achievement accolades, is the trait of a good leader. Yet, these "champions of change" also understand that a sense of urgency must be recognized, or even created, in order to effect change. Complacency is a strong opponent to change. Change leaders cannot go it alone. They must have people to lead; and, people must accept that change is necessary before they will accept the leader's dream. Change is simply not viewed as required when there is no sense of urgency to transform.

Further, leaders of change do not just enumerate their vision and dream. They allow it to be a catalyst for dream expansion. The leader's dream is only a narrow, enchanted, uncharted path through the wilderness. These champions of change allow others to assist in building the path of change; in developing the dream; in expanding the vision's reach. Change leaders share the authority, control, and power of transformation with a core group who understand and see the path of change. The transformation team must carry the enthusiasm of change, clear the path to transformation, and engage others in the task. Some authors call this people-centered leadership.

Are you a change leader? Historically, leadership is reserved for the charismatic, creative, innovative, and inspiring. Leadership skills are thought of as a gift at birth, granted to a few people. The "older model" of leadership is "nearly oblivious to the power and potential of lifelong learning" (Kotter, Leading Change). There are people who instead of slowing down and peaking, kept learning at a rate normally associated with children and young adults. Terms such as dynamic, charismatic, visionary, had never been used to describe them. Yet, as they age, they have become organizational leaders. This is the development of "remarkable leaders" who acquired their skills through "lifelong learning" (Kotter). The relationship between lifelong learning and leadership was demonstrated in a twenty-year study of 115 students from the Harvard Business School, Class of 1974. Kotter saw two elements emerge from this study: competitive drive and lifelong learning. Competitive drive helped create lifelong learning – increasing skill and knowledge levels, especially leadership skills. Lifelong learners possess certain habits born of a desire to leap into the future – taking efforts to grow and embrace change. They are driven by a sense that what they are doing is right for members, their families, and their organization. These habits of lifelong learners are: Risk taking (a willingness to move out of comfort zones); Humble self-reflection (an honest assessment of successes and failures); Solicitation of opinions (collecting information and ideas from others); Careful listening to others; Openness to new ideas (a willingness to view life with an open mind) (see Kotter). These characteristics are reminiscent of Geoffrey Chaucer's description of the scholar in his work Canterbury Tales (1342-1400): "Gladly would he learn, and gladly teach". Lifelong learners actively and carefully listen, and solicit opinions and ideas. They do not assure that they know it all or that others have little to contribute. This pushes them to try new ideas, take risks, embrace change.

Change is inevitable. Leading change is a choice. The techniques necessary to implement transformation are available to be understood, and acted upon. Be a leader of change.

--

Leading and Ethics

Lewis F. Collins, Jr.

It is a grand mistake to think of being great without goodness; and I pronounce it as certain that there was never yet a truly great man that was not at the same time truly virtuous.
-Benjamin Franklin

Ethics have been defined as a system of moral principles. Ethics are the rules of conduct recognized by a specific class of human actions amongst a particular group or culture. As defined, leading and ethics are two sides of the same coin. To use Forrest Gump's analysis, ethics and leading go together like peas and carrots.

Alexis de Tocqueville, the author of *Democracy in America*, came to the United States as a French diplomat from his native France in 1831 to examine this infant democracy and provide social commentary. Upon spending many months examining the American system of governance and leaders, he remarked:

> I sought for the greatness and genius of America in her commodious harbors and her ample rivers – and it was not there . . . in her fertile fields and boundless forests – and it was not there . . . in her rich minds and her vast world commerce – and it was not there . . . in her democratic Congress and her matchless Constitution – and it was not there. Not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her genius and power. America is great because she is good, and if America ever ceases to be good, America will cease to be great.

I believe that putting this template on leadership means that leadership and ethics are inextricably linked. Great leaders rose to prominence not because of their sheer will, determination or hard work, but because people could find something within a leader that would inspire them to be greater than they were. Leaders possess the perfect mixture of strength of moral character, commitment to cause, inspirational oratory, and vision for a better future. Without an ethical overlay, however, their words ring hollow.

As I am writing this, I am witnessing, with great sadness, the 2016 U.S. Presidential race. It appears to me that we are deciding on a leader for our great country based on the *standard* of the "lesser of two evils". It is a sad state of affairs that voters are being asked to pick a leader who does not possess the moral framework that ethical behavior requires. Ethics and politics have seemed to decouple in this election cycle. Moral and ethical behavior is not the standard by which we judge these candidates. What a particular aspirant for office can "do for me" appears to be the unfortunate litmus test. Leaders are not judged by ethical principles – because, it seems, they lack such qualities. But that has not been so throughout our history. Two of America's greatest presidents, George Washington and Abraham Lincoln, are viewed as pillars of ethical behavior, and are perhaps the two greatest leaders to ever inhabit the office of President of the United States.

Abraham Lincoln is my personal guiding star for ethical leadership. As a country circuit lawyer and later as president, he lived his life unabashedly by an internal, personal code of ethics. Foremost among these credos was the "golden rule". He often was quoted as saying that he treated all others in a way that he wanted to be treated. By living his life this way, people naturally gravitated to him and wanted to follow where he led. Lincoln believed that if everyone led their lives by just the first two Commandments, there would be no need for "ethical" leaders. Perhaps that is why he was given the nickname of Honest Abe He described the importance of honesty by telling all who would listen that a good name is to be coveted more than riches. I think that this was a lesson he learned from Solomon – perhaps the wisest person ever to have lived[1]. "*Lincoln's greatness must be sought for in the constit-*

1 Lincoln's personal code of ethics and his view of business ethics, based on an excerpt from the one-man play "Lincoln Live" by Gene Griessman. www.

uents of his moral nature," wrote John Bigelow, a New York journalist who became the American consul in Paris during the Civil War. These guiding tenants of honesty and treating others as you would want to be treated became his moral nature. They influenced Lincoln's heart in a way that caused him to free the slaves and set the country on a path to equality for all. It took a great deal of moral courage to urge the abolishment of slavery in the face of a divided country that promised to be torn apart if his plans succeeded. "Abraham Lincoln is the greatest of all interpreters of America's moral meaning," wrote Lincoln scholar William Lee Miller.

> Lincoln was a particularly worthy interpreter of America's moral meaning, in the first place, because he stated it with a rare eloquence. Secondly, he was the primary voice giving the American idea received from the founders its necessary reinterpretation and fresh critical application because he dramatized the centrality of equality – specifically racial quality – as part of the nation's essence. And in doing those things, he was able, to an unusual degree, to avoid the bane, scourge, curse, and disease that threaten all human statements of moral claims and national ideals – self-righteousness, invidiousness, moral pride and condescension[2].

He paid a hefty price for his ethical leadership – the intolerable strains of a Civil War and death at the hands of an assassin.

The first President of the United States, by selection, became the standard by which all future leaders of this country would be judged. Washington, however, was not a politician. He would have been happiest on his farm, leading a quiet life of working the soil. During his life as a "gentleman farmer," he memorized 110 rules of comportment and conduct that he devoted his life to follow[3]. By memorizing these rules, Washington forced his mind to focus on each rule and principle. He lived his life with civility and respect for others. Malcolm Gladwell in his book "Blink" talks about how being forced to think about doing the right thing in any situation (a/k/a doing the right thing when no one is looking) increases a person's respect for others. Aristotle put it this way: Prudence is a "*pattern or habit that should become ingrained*" in the character, which prepares the morally virtuous person to make sound judgments. Washington by memorization of his 110 rules became a moral leader who made decisions by applying ethical judgments. By leading his life in this way, people were drawn to him. Although neither a polished writer nor spellbinding speaker, the "genius" of George Washington was his character – a character founded in ethical behavior and principled living. Washington was a reluctant leader. Nevertheless leadership was a mantle he accepted. "*His character helped sustain his troops throughout the travails of the Revolutionary War, convince delegates to the Constitutional Convention to assign significant powers to the presidency, secure the ratification of the Constitution, and enable the new republic to survive in a hostile world.*"[4] He was the person to whom this new democracy looked as it began the process of forming the American character that de Tocqueville would come to admire some 55 years later. By his strength of character, he gave this new nation an identity forged in his character mold. Following his presidency this honorable man (yet humble farmer) wrote to his trusted confidant Alexander Hamilton, "*I hope I shall always possess firmness and virtue enough to maintain (what I consider the most enviable of all titles) the character of an honest man.*" This, I believe, should be the desire of any person – the ultimate statement of the crowning achievement of their lives.

Martin Luther King, Jr. and Mahatma Gandhi provide two additional examples of ethical leadership, with a slightly different point of view. They possessed the essential characteristics of an ethical leader: dignity, respectfulness, servanthood, justice, community building, and honesty. These traits are the hallmarks of effective and ethical leaders.[5] I would add to these traits a large helping of humility and forgiveness. King and Gandhi inspired their nations through a leadership style that embraced these elements. Despite violent reactions to their quest

---

achievementdigest.com

2 William Lee Miller, *Journal of the Abraham Lincoln Association, Winter 2001*, pp. 1-2.

3 In 2003, Richard Brookhiser published a book about Washington's rules and how they formed his character and influenced his career. *George Washington on Leadership*

4 The Character of George Washington, Gary Smith march 10, 2010. The Center for Vision & Values, Grove City College

5 Leadership Ethics – Traits of an Ethical Leader Management Study Guide

for equality and freedom, they led with a respect (if not love) for their tormentors - all the while not losing sight of the justice they sought for those denied that precious right. King and Gandhi built a community of followers without sacrificing honesty and fair dealing. Gandhi, a lawyer, first employed nonviolent civil disobedience as an expatriate barrister in South Africa, fighting for the resident Indian community's struggle for civil rights. He spent 21 years there, developing his political views, ethics and political leadership skills. This is where Gandhi was first faced with the discrimination directed at all "coloured" people (as they were classified). King drew great inspiration from Gandhi and adopted his non-violent and ethical response to discrimination. He embraced Gandhi's "truth-force" concept of leadership. King said this of his mentor: "*Gandhi was probably the first person in history to lift the love ethic of Jesus above mere interaction between individuals to a powerful and effective social force on a large scale*"[6].

Like Gandhi, Nelson Mandela was a lawyer who represented people who faced discrimination based on the color of their skin. Mandela, through his non-violent legal counsel, ended up in prison for his political views and later became the first President of a free and undivided South Africa. As his country's leader, he was able to heal the wounds that apartheid had indelibly etched upon his country through a series of "Truth and Reconciliation" hearings held following his election. The goal of these hearings was to restore the divisions in South Africa by giving dignity to the victims of apartheid and uniting the country as a nation of many colors. Mandela lived the principles of an ethical leader by the example of his life. When he was released from the prison that held him captive for 27 years, he said, "*As I walked out the door toward my freedom, I knew that if I did not leave all the anger, hatred and bitterness behind that I would still be in prison.*" Those words became foundational to his leadership style. Mandela lived a life that gave forgiveness in exchange for imprisonment. He said that forgiveness "liberated the soul" and became a "very powerful weapon". Forgiveness a "*weapon*"? This is a telling turn of a phrase. By exhibiting a leadership style forged by forgiveness he also liberated his country in a way that the abolishment of apartheid only began. This powerful weapon of forgiveness (instead of bitterness or retaliation) was used to fuse ethics and leadership together. It was a *weapon* he used to defeat the prejudice and hatred that gripped his country for so many years. A *weapon* he used to put his country on the path to true freedom. As Mark Twain once said, "*Forgiveness is the fragrance the violet sheds on the heel that has crushed it*."

Ethical leadership, therefore, is woven together by five powerful principles which form the foundation of truly motivational and inspirational leader. These five pillars are (1) respect for others, (2) service to others, (3) justice and forgiveness, (4) manifest honesty, and (5) building a community that embraces an ethical leadership model. These guiding tenets hold both the leader and the organization accountable for the ethical DNA that must be tapped into for every decision. In order for a leader to motivate and inspire others, he or she must communicate this ethical model throughout all levels of the organization. Once communicated and understood, it becomes an integral part of every aspect of the organization. It forms the framework by which all decisions are made. These decisions can concern the direction of the organization, the actions of the prospective members who are asked to join the organization, and the structure of the organization, including its bylaws and rules. Ethical leadership must be anchored at the very core of everything.

In order for an ethical leadership philosophy to emanate from the people who are chosen to lead, it must permeate throughout the organizational structure. It must exist through the committee structure and into the membership at large. It must be taught, coached and reinforced. Without such communication and integration, an organization becomes lost. It is, therefore, the job of a leader to inculcate into the community ethical values as discussed above.

The ethical leader (Washington, Lincoln, King, Gandhi, Mandela) becomes a charismatic presence that binds the country, organization or group together. This presence then allows and encourages ethical conduct to spring forth in every aspect of the organization. And it all starts with living a life of moral principles and ethical behavior that, by example and deed, compels others to follow and the organization to adopt and engraft into its

6 The Autobiography of Martin Luther King, Jr.

core values.

No ceremony that to great ones 'longs,
Not the king's crown, nor the deputed sword,
The marshal's truncheon, nor the judge's robe,
Become them with one half as good a grace
As mercy does.

- **William Shakespeare,** Measure for Measure

--

Musings On Law Firm Leadership

Jean M. Lawler

Law firms are interesting and unique institutions. Large or small, they are generally a reflection of the values of the founding equity partners, enhanced or modified by the passage of time and introduction of others into the ownership of the firm. While law firm leadership can share common traits with leadership seen in commercial ventures, because law is a profession and we lawyers like to think that we have answered a "higher calling", leadership in the law firm takes on a number of characteristics not typically found in the commercial enterprise.

Who are the leaders in law firms? Look around. They are at all levels and in all areas of the firm, management, staff and legal professionals. Look at the firm's lawyers for the moment, very competently doing their work and providing excellent client service. They could not do so if they were not leaders. Whether it is coming up with a new legal theory to present to a court, a litigation strategy, ideas to advance the business of the firm, welcoming new employees to the firm, delegating work to others, bringing in new clients, making suggestions to change the manner in which certain internal firm processes are handled, or even in building their own personal career plans -- all of these and more are things that show leadership. Building the firm and the profession in general, if you will - leaders do that.

As an equity partner and certainly as a managing partner, the demands of the firm become the demands of the "business", with all that entails. Ideally the core values of the firm are in place and there is a solid foundation on which to grow because status quo and mediocrity are not the bedrock upon which a law firm can survive. There is oftentimes a distinction made between management and leadership. In the context of the law firm, all good managing partners will have the ability to do both and it is impossible to fully separate one from the other, they can be so intertwined.

Because the managing partner is the number one firm leader, he or she is the face of the firm to the outside world and is called upon to do the many things that only someone in that role can do. He or she is expected to have leadership characteristics that fall under the umbrella of words totally inadequate to express what they really entail, words such as: inspire, challenge, vision, integrity, character, personality, honesty, likeability, dedication, selflessness, concern for employees and clients, confidence, trust, respect, quality, client service, exemplary – and on and on.

Effective law firm leaders are those who can move from the thought and visionary process to the reality process, i.e. they step up and take action. They don't sit back and wait for others to step up. The action can be big or small, but they act. They inspire people to accomplish more than they might have thought they could, or to have bigger ideas than they might have otherwise dreamed, or to make dreams and ideas become reality. They engender at least the respect, if not the actual trust, of the people they are leading. They think of the firm first, before their own needs – and consciously or unconsciously ask themselves what they can do to make that group or organization better. *And, again, they take action.*

Every partner is a firm leader, but most especially the equity partners. Each equity partner needs to have a full understanding of the business of the firm and should be able to step up and lead the firm, firm-wide, if necessary. That means active involvement with the goals and business of the firm - asking questions and not just accepting without thought what is presented, making informed decisions and then supporting the managing partner in his/her implementation of those decisions. In turn, the managing partner needs to show his/her fellow equity partners the respect of transparency and making sure that the direction of the firm is clear and has the support of the majority of the partners. Doing so ensures a cohesive team with focus on a common goal – which can be only accomplished through the leadership of all equity partners.

"Checking one's ego at the door", as they say, may be one of the biggest personal challenges for law firm leaders, but if they can do it, they will be well served. If all is good with the firm, then all falls in place for the law firm leaders – the health and success of the firm is a reflection of their leadership and says it for them.

At its core, it has been said that the job of the firm's managing partner is to make sure that the equity partners get paid. A simple statement but one that speaks volumes because the equity partners only get paid if "all is right" with the firm. If the many tangibles and intangibles of the firm are working together and/or are being addressed when running a bit sluggishly, then "all is right" with the firm and the equity partners are getting paid. When there are internal or external challenges that could upset the equilibrium, then leadership demands that action be taken to get the firm back on all fours – so that the partners are getting paid.

Being a managing partner is a lonely job. Ultimately, the future of the firm and the well-being of all employees and their families is riding on your shoulders and the decisions you make or do not make. Business owners may talk about their experience in having to "meet a payroll". A law firm is no different. Unless one has been a managing partner, I do not think that the personal impact of this responsibility can be fully understood. But if you have been a managing partner, you will understand.

That said, below are thoughts and advice which law firm leaders might consider when leading the firm and its future leaders into the future:

1. *Carpe Diem.* Seize each and every day and whatever it brings. Never tell yourself "no" to trying something merely because you think it might fail – your idea might actually work!

2. *Take Action as appropriate.* Don't let inaction or someone else control your destiny or that of the firm. Make conscious decisions, even if the decision is to do nothing.

3. *Create opportunities. Don't just seize them.*

4. *Think Big.* Stretch yourself. Don't get comfortable. Mediocrity is not OK.

5. *Be Humble.* Think of yourself as a servant of the firm because that is exactly what you are – serving the firm for not just today but for the generations to come. Know that while you are not indispensable, you are where you are, at this time and place, for a reason.

6. *Respect Others.* We are all different but we each bring something of value to the table for the benefit of the firm – or we would not be there – from the cleaning crew to the old retired senior partner.

7. *Have Faith.* Believe in yourself and your ability to carry through - even on the days that are really tough and when you wake up in the middle of a dark night. Look for positive support and assistance in those around you. Understand that some people just by nature have negative personalities but don't get bogged down by those persons or in those negativities – do not internalize their negativity as it can consume you. Trust yourself. If you are a spiritual or religious person, pray for strength and wisdom in your daily interactions, for help to recognize and do the right thing, no matter how hard.

8. *Remember that it is not all about you and that your success is never because of only your efforts.* We all stand on the shoulders of those who came before us, our families and people in our lives. Remember where you came from.

9. *Take time for yourself.* You need to take care of yourself because nobody else will. Manage the stress and keep yourself healthy.

10. *Remember what is important in your life and don't let time with those you love get lost in the shuffle.*

You will be of no good to your firm if your personal life is not in good order. Those who truly love you and those whom you love are at home, generally not at the office. Let those you love and those who love you help keep you focused on what is important in life, which in turn helps keep things in perspective at the office as a law firm leader.

11. *Enjoy the Role.* Your impact as managing partner can be much greater than that of actions taken in any other role. Remember there is no time like the present – and make it count! Once you are no longer managing partner, your title will include the word "former" and your opinions will be just that, opinions!

Being a law firm leader is an incredible honor. At the end of the day, if you step up to take on that responsibility, know that you are not alone and embrace the unique opportunity that you have to *make a difference* for the future of the firm, its partners and employees - and all of those who come long after your tenure has come to a close. Carpe Diem.

--

Mentoring Leader

Francisco Ramos, Jr.

One of the greatest values is the ability to see ahead what others cannot see and to help them navigate a course to their destination.
-John C. Maxwell

If you want your law firm to thrive, you need to teach your lawyers, all of them, how to be leaders. Not just leaders in the firm and in the cases they're handling, but in voluntary bar associations and non-profits. By becoming leaders, they will better serve the firm's clients and the organizations to which they belong. Clients are naturally attracted to leaders. Organizations seek out leaders to help them fulfill their mission. Teaching your attorneys how to become leaders may be the most important skill you pass on.

Reduce your style to writing.

Before you can teach others how to lead, you need to be able to articulate your style of leadership. Sit down at your computer and summarize your style, approach and behavior of leadership. Take some time to reflect on how you got here. What things did you do, what did you read, what organizations did you get involved with and who did you look up to and try to emulate? You need this information if you want to articulate to your protégée how to become a leader. The first question you may be asked is "How did you become a leader?" Take the time to think this through before transforming a mentor to a future leader.

Choose a protégée.

Every young lawyer at your firm should have a leadership mentor. The question is 'Who is right for whom?" Compatibility is important. Do you share the same passions, goals and interests? Do you have similar personalities and backgrounds? Try to match firm leaders with young lawyers who have something in common. If someone is a morning person, who wants to meet over breakfast and get together for runs, don't match them with a person who is a night owl and who has little interest in personal fitness. You're looking to foster relationships that will grow and flourish, through which your young lawyers will love to learn how to become a leader and implement their new skills sets.

Create some guidelines.

Sit down with your protégée and decide on guidelines for this mentoring relationship. What do you expect from her? What does she expect from you? How often will you meet? When? Where? What topics will your address? What are the goals, both short and long term? If you don't go into this with a plan, with a fixed schedule and goals to accomplish, the relationship will end up without a purpose or direction. And you want to know what expectations and needs your protégée has. What does she want out of the relationship and what does she hope to accomplish with your help?

Devise a schedule.

Agree on a schedule to meet and discuss leadership issues. It could be a weekly 10 minute in-office meeting with "assignments" or "homework," such as choosing an organization to get involved with in a leadership capacity or reading an article on leadership you hand selected. Regular meetings create accountability on the part of the protégée to work on leadership skills and regular face to face time is necessary to build any relationship, especially a mentorship.

Read.

Encourage your protégée to read books on leadership. Recommend books you've read on the topic and then discuss them with her. Or perhaps pick books neither of you have read and experience them together. What was the theme of the book? What were the takeaways? What did you learn about leadership? What can you apply? What don't you agree with? Why? What can we apply in our firm, company or organization? What translates well for our needs? What doesn't? Assign a book, set a deadline by which to finish it and schedule a coffee or lunch to discuss it.

My favorite author on leadership is John Maxwell. The first book I read by him was *The 21 Irrefutable Rules of Leadership.* Once I read it, I was hooked. I had to read all his books, including the *360 Degree Leader, The 21 Indispensible Qualities of a Leader, Developing the Leaders Around You, Talent Is Never Enough* and *How Successful People Lead*. John Maxwell, who started as a pastor of a small church in Ohio, knew that to make an impact he needed to be a strong leader and dedicated the rest of his life to learning what makes a strong, effective, charismatic leader and teaching others to become leaders in their companies, non-profits, firms and houses of worship. In 2014, *Inc Magazine* named him the #1 leadership expert in the world. Now, having written so much on leadership, some of his more recent books draw from principles from earlier publications, so instead of buying the library of John Maxwell books, browse through the summaries on Amazon and pick your top 5 books. You and your protégée should order them and set up a timetable to discuss and read them. If you end up reading only one author of leadership, read Maxwell. Other great writers on leadership include Dale Carnegie, Stephen Covey, Simon Sinek and Andy Stanley.

Reading books on leadership should be a staple for anyone who is or wants to become a leader. Google authors and books on leadership and see what comes up. What book summaries resonate with you? What authors seem to be talking to you and your organization? Order those books and share your favorites with your protégée and make them part of your regular discussions. Perhaps enter a friendly contest to see who reads the most leadership books in a year, with the winner buying the loser a memorable token he or she can display in the office.

Also, from time to time, these writers may visit your town and speak on leadership. Consider taking your protégée to listen and watch them.

Break bread.

Meet once a month with your protégée for lunch and discuss leadership issues. What skill set is she working on? What has she learned since your last lunch? What needs improvement? What leadership positions does she have? How is she doing in those positions? Who is she leading? How? Through what style? What's working? What isn't? In addition to leadership issues, talk about whatever is on your protégée's mind, whether work related or social. By getting to know one another better, by understanding what makes each of you tick, what motivates you, what your passions are, you help one another grow as leaders. Often you'll learn as much or more from your protégée by teaching her your brand of leadership.

Study other leaders.

Expose your protégée to other leaders and other leadership styles. Get her involved in organizations where she'll interact with leaders of those organizations and see firsthand how they lead them. Encourage her to break bread with other leaders - ask them to lunch and learn about their leadership philosophies and approaches. A former associate of ours was elected to be president of a local voluntary bar association. Before assuming the role, he invited to lunch the past several presidents who held the same position to learn about what they did –what worked and what didn't, and what leadership styles were most effective for that organization. Also, getting back to reading, recommend biographies and autobiographies of leaders. It's one thing to have one discuss leadership, it's another to see how it played out in someone's life.

Seek opportunities.

Direct your protégée's passion and skills to an organization where she can exercise the leadership skills she is learning in order to develop them first hand. Start with a smaller, local organization, where there is less competition for leadership opportunities and encourage her to get involved, jump in with both feet and seek out opportunities to lead the organization. When I first sought out leadership opportunities, I first started with local organizations in my city, then went on to state-wide organizations and from there graduated to national organizations. Each step along the way, I built on what I had learned to grow my leadership skills and sphere of influence.

Model.

Expose your protégée to times you are leading, whether at your firm or in an organization. Show her how you do it and discuss with her why you did what you did or handled a situation a certain way. Teaching by doing is a great way to show someone first-hand how to lead an organization. If you're on the board of an organization, have your protégée sit in. If you're leading a conference call on a project have her listen in. And then discuss why you did what you did and field any questions she may have.

Tinker.

Regularly evaluate what is working is the mentoring relationship and what isn't. Are you meeting too often? Not enough? Are you focusing your time on developing leadership skills or do conversations often meander to unrelated topics? Are you seeing progress in your protégée? Is she seeing progress? Regularly assess the relationship and see what adjustments need to be made to improve the relationship and improve the protégée's skill set.

Pass the baton.

Part of the reason you're training a future leaders is for her to assume some of your duties and responsibilities and one day lead your firm after you're gone. Organizations have to live on after you leave, but they can only do so if they are left in trusted hands. As the mentoring relationship progresses, pass some of your responsibilities onto your protégée, assess her handling of them, and as she masters them, pass along additional responsibilities. Eventually, she will be able to handle firm leadership as well as you do.

Teaching others to lead takes time, energy and focus. Identify your strengths as a leader, teach that skill set, identify your weaknesses, work on those, and then teach that skill set. You grow as your protégée grows, and you develop your own leadership skills as you pass them on. Any mentoring relationship is a two way street, with the mentor learning as much or more from the relationship as the protégée herself.

--

Leading Your Company

Thayla Painter Bohn

If everyone is thinking alike, then somebody isn't thinking.
-General George S. Patton

Much has been written about what qualities make a great leader in business. Whether leading a law firm, a corporate law department or other division of a company, the same principles apply. Good leaders excel at building relationships based on trust and accountability. Lawyers are uniquely equipped to make these connections by both training and natural disposition. In large part, success in the legal field depends on two simple things: good judgment and people skills. Good judgment means good results for clients, whether it involves case strategy or negotiating a favorable settlement. With strong communication skills and being a generally likeable person, clients are willing to spend time with you and listen to what you have to say. A track record of favorable results and satisfied clients, means more referrals and more business. In the legal world, success breeds more success.

The same is true in the corporate realm. Leading within a company starts with building relationships from the top down. All of those qualities which bred success as a practicing attorney likewise attract internal clients and/or create connections with peers. With relationships comes the ability to influence and lead. The formula for creating these relationships is comprised of the following: emotional intelligence, strategic partnership, and accountability.

THE LAWYER AND EMOTION INTELLIGENCE

In law school, some said that "A" students became judges, "B" students became professors and "C" students became trial lawyers. While it's not so easy to place people neatly into these buckets, there is some truth to the notion that earning straight A's does not guarantee success as a litigator, or in business. There is a component of our intellect, the concept of emotional intelligence, which is not necessarily tied to academic success. The author, Daniel Goleman, popularized this notion with his 1995 book, *Emotional Intelligence*. He has since built on this theme with subsequent books and articles. Goleman characterizes emotional intelligence or "EI" as a "fundamental ingredient of outstanding leadership, as well as an agent in a fulfilling life." [1] (Goleman, 2011, p. 4).

In *The Brain and Emotional Intelligence: New Insights*, Goleman recounts the story of a lawyer who has surgery to remove a brain tumor. Following the surgery, while the lawyer's neurological abilities did not appear impaired, his judgment was lacking. He couldn't decide how he felt about something as simple as when to schedule his next doctor's appointment. Goleman notes, ". . . [When] we don't know what to feel about our thoughts, . . . we can't make good decisions." (Goleman, 2011, pp. 19-20.) In short, after the surgery, the lawyer lost his "gut instinct."

As noted above, having good judgment, is a key to leadership. Hence, when taking on a leadership role at a company, possessing emotional intelligence is equally, or more important than having a high IQ. Lawyers, especially litigators, need emotional intelligence to determine how to approach a witness on cross-examination, what theme will appeal to a jury at trial, or which arguments will be most compelling to a specific judge. These skills utilized in a courtroom can also serve a lawyer well in the board room and beyond.

THE LAWYER AS STRATEGIC BUSINESS PARTNER

The biggest difference when moving in-house or taking on a business role is understanding the relevant industry and the company's strategy for success. This education process requires the attorney to not only form

1 Goleman, D. (2011). *The Brain and Emotional Intelligence: New Insights*. More Than Sound LLC. Retrieved *OverDrive*.

relationships within the company, but also network outside. Taking an interest in the business is critical for an attorney to be viewed as a strategic partner, and not simply a road-block to success.

Legal and regulatory compliance are obviously key to the in-house counsel role. Even those lawyers who transition to other positions within an organization are not divested of their legal knowledge or instincts. Again, it is just these qualities which have led to their success. The question becomes how can the lawyer balance her interest in compliance with the need to drive the business toward profit and growth? The answer is simply to fall back on those qualities which made the lawyer good at her job in the first place, namely, know the facts and think strategically.

The facts in this instance don't mean who ran the stop sign, but involve an understanding of the industry at large, the niche customer(s) and the corporate culture. Lawyers are generally studious people who enjoy learning about new things. The hallmarks of any leader is to continually grow. "Successful leaders are learners. And the learning process is ongoing, a result of self-discipline and perseverance. The goal each day must be to get a little better, to build on the previous day's progress." (Maxwell, 2007, p. 58.)[2]

Reading books, blogs and periodicals to stay abreast of industry trends is only part of the lawyer-leader's toolkit. In order to earn the seat at the table, the in-house counsel needs to align her interests with that of the business. In communicating with company executives, counsel should demonstrate her knowledge of the company's corporate vision. If a new market is being considered, the in-house lawyer should be prepared to discuss the legal and regulatory challenges which may be faced. More importantly, however, the lawyer must offer solutions for overcoming or mitigating such risks. Offering alternatives and thinking strategically means that the lawyer is not just reacting, but being proactive. At this point, the in-house counsel truly becomes the trusted business advisor contributing to the enterprise's success, not just viewed as necessary overhead.

THE LAWYER AS AN ACCOUNTABLE LEADER

Merriam-Webster Dictionary defines accountability as "the quality or state of being accountable; especially: an obligation or willingness to accept responsibility or to account for one's actions." People generally don't want to follow someone who doesn't take responsibility for her words or actions. Lawyers understand the concept of accountability better than most. They take an oath to uphold the law and adhere to a code of professional responsibility. Each time they sign a pleading or address the Court, they are attesting to the accuracy of every word printed or spoken. They are responsible for the work of all those who report to them, such as secretaries and paralegals. If a complaint is not filed on time because a secretary failed to mail it, it is the lawyer's license on the line. In other words, "the buck stops" with the lawyer.

This perspective of accountability makes a lawyer a natural leader. Leaders don't look for others to blame when mistakes happen. They take ownership even when such failures are not completely of their own doing. They look for ways to improve and prevent the same problems in the future. An accountable leader provides a role model for the organization.

In-house lawyers and other legal leaders in a company must lead by example. Others in the organization generally look to lawyers to be the standard-bearer for ethics and equity. Lawyers should embrace this role as they can be instrumental in creating a culture of accountability within the organization.

When taking on new roles in business, a lawyer's communication skill can assist in setting clear expectations for her team. Part of this process includes an explanation of why meeting the goals will further the business. As Di Worrall explained in *Accountability Leadership: How Great Leaders Build a High Performance Culture of Accountability and Responsibility*[3], "The more leaders try to inspire their followers through communicating with

2 Maxwell, J. C. (2007). *The 21 irrefutable laws of leadership: Follow them and people will follow you.* Nashville, Tenn. Retrieved *Overdrive.*

3 Worrall, D. (2013). *Accountability leadership: How great leaders build a high performance culture of accountability and responsibility* [Kindle version]. Retrieved

heart as well as by establishing clear, actionable goals, the more people will want to step up to accountability because they align with core values that truly matter." (Worrall, 2013) In other words, engaged employees understand how their work furthers the company's strategic objectives.

What happens when objectives are not met? Accountability in an organization means more than determining who takes the blame for losses. It also encompasses who is rewarded for the successes. Lawyers understand the importance of strong support staff, and the same holds true in business. A good leader recognizes the contributions of her team. Such recognition furthers employee engagement and promotes continued high performance.

CONCLUSION

As legal counsel, a lawyer focuses on achieving favorable results. Businesses likewise are looking to improve sales, grow in market share, and drive up the value of the company. Lawyers contribute to their organization by utilizing the same skills which drive success in the legal field. Naturally persuasive and possessing a high emotional intelligence, lawyers can exercise positive influence. This influence can be leveraged as a strategic business partner to help further the company's long-term goals. Finally, as an accountable leader, the lawyer can create a culture where others feel motivated and inspired to contribute more of themselves.

--

from Amazon.com

Leadership In Public Service

David M. Louie

What counts in life is not the mere fact that we have lived. It is what difference we have made to the lives of others that will determine the significance of the life we lead.
-Nelson Mandela

Leadership. On May 25, 1961, President John F. Kennedy announced the dramatic goal of sending an American safely to the Moon before the end of the decade. President Kennedy's pronouncement fired the imagination of the nation, galvanizing resources, talent and know-how to get the job done. Eight years later, on July 20, 1969, Commander Neil Armstrong stepped off the Apollo 11 Lunar Module's ladder and onto the Moon's surface. But this was not just the fulfillment of a goal. Instead it was leadership of the finest order that gave rise to an achievement which captured the attention of every man, woman and child on earth, and still inspires all of us today. It gave rise to an ethos and culture of scientific advancement and innovation that changed the world and made life better for many people.

Leadership is the single most important factor for the world and our communities. As the global village continues to become more and more interdependent and closer together, the leaders that our communities, states and nations have, whether good or bad, will determine what kind of a future we will have, whether we will solve critical problems, and whether our communities will succeed or fail. There is an old Arab proverb that says "An army of sheep led by a lion would defeat an army of lions led by a sheep." The caliber of leaders in our institutions will affect whether we can adapt to change, make progress, and achieve positive outcomes. There is evidence of success and failure all around us, many times affected by the quality of the leaders involved – the world economy, whether war or peace breaks out, the environment, human rights and dignity – all are dependent upon the leadership that addresses these issues.

Leadership provides direction, meaning and purpose to groups, organizations and communities. Leaders provide critical analysis and executive decision making to accomplish goals and solve problems. They are anchors in a world of uncertainty and indecision, and provide integrity, focus and responsibility for groups of people. Leadership provides a basis for collective action, which is infinitely more powerful than individual actions, no matter how well planned.

Leadership in Public Service. In discussing leadership in public service, I mean to discuss leadership in government, as opposed to leadership in the private business sector, or in the non-profit sector. While there are many similarities and qualities of leadership that transcend sectors, the worlds of private business and non-profits are very different from the world of government. As described below, there are unique factors which affect leadership in public service.

Leadership in public service encompasses many different potential roles and aspects, at all levels of government. Public service has many different facets and ways in which people contribute. There are political leaders and elected officials. There are officials appointed by elected officials. There are legislative, executive and judicial officers, all of whom may get to such positions by a variety of routes. There are career civil servants and staff who provide support for elected and appointed officials. There are staff who are represented by government unions.

Leadership in public service is not just at the highest levels of elected officials. There are many institutions in government, some with well-defined mandates and others with vaguely defined charges. All have a role to play and a need for leadership within the organization. The quality of the leadership within each individual institution will determine how well the government functions as a whole, whether goals can be accomplished, whether tasks can be performed, and whether the business of government can be conducted.

My Perspective. From 2011 to 2014, I had the privilege and honor of serving four years as the Attorney

General of the State of Hawaii. While I previously held some leadership roles in private practice and public institutions, this was much larger, but also the most gratifying and satisfying thing I have ever done.

Up to that point, I had been a civil trial lawyer in Honolulu for 33 years. I had been a partner at a large law firm, founded and managed a small law firm, tried numerous cases before juries, served as the President of the Hawaii State Bar Association, the Chair of the State of Hawaii Aloha Tower Development Corporation, and on various federal and state judicial committees, published articles, taught continuing legal education courses and participated in many different organizations. In December 2010, Governor Neil Abercrombie appointed me to be the Attorney General of Hawaii. While this was an unlooked for opportunity, I took the job to try to make a difference and contribute to the community.

This was a journey that was both exhilarating and terrifying. Suddenly I had to counsel, advise and represent the Governor, the Legislature and numerous state departments. I had to be proficient in many areas of law. I became the chief executive for the largest law firm in the state, with 185 deputies, 750 employees and a $70 million annual budget. It was a crucible and I had to learn a lot and fast. Fortunately, all of my experience came in handy.

Becoming the Attorney General of Hawaii allowed me to do many exciting and special things. I got to carry a badge, because I was the chief law enforcement officer for the state in all criminal and civil matters. While the badge had no practical usage, it was emblematic of the fact that I represented all of the people of Hawaii, all of the time. Where before I represented the narrow interests of my specific clients, I now had 1.3 million clients, from the Governor to the homeless guy on the street, and I had to think about what was best for all of them. The badge reminded me that the job was to protect and serve.

I had the unparalleled opportunity of coming in at the highest levels of state government, and having a seat at the table on issues of importance to Hawaii and its people, as well as issues of national importance. I worked closely with the Governor, other Cabinet members and the Legislature on many complex issues such as homelessness, health care, native Hawaiian rights and sovereignty, environmental issues and same sex marriage. I also got to work with other state attorneys general across the nation on critical common issues such as the national mortgage foreclosure crisis, gun control, drug enforcement, and states' rights. William Jefferson Clinton, the 44th President of the United States, served as Attorney General of Arkansas before becoming Governor and then President. He is reported to have said that being the Attorney General was the best job he ever had, because he could do what he thought was right, and if people got mad, he could just blame it on the Constitution.

In 2014, Governor Abercrombie lost his bid for re-election, having made some tough and ultimately unpopular decisions to deal with the financial crises that had beset both Hawaii and the nation during his term. In 2015, I returned to the private practice of law, grateful for the experience of serving.

<u>Unique Factors Affecting Leadership In Public Service.</u> Leadership in public service is different from leadership in the private sector. While there are many similarities and common themes about leadership in all sectors, government institutions in the United States are markedly different from private business institutions in terms of motivations, politics, processes, constituencies, special interests and being affected by the media. All of these factors can greatly affect leadership.

First, the motivations are different. While the primary purpose of most private business organizations is to make money, the purpose of government is to provide for the greatest good for the greatest number of people, to promote justice, to maintain public order, to regulate interests, and to promote the general welfare. Most large businesses today are driven by the dictates of the market and their stock prices, which place a premium on short term metrics like quarterly earnings and profits. Business leaders must justify their decision making through the lens of profitability. Public sector leaders are evaluated on a much more ambiguous scale – whether they are "doing the right thing" or representing their constituents on a host of issues for which they may have responsibility. Although governments must pay attention to money and balanced budgets, the functions undertaken by government are varied and complex, so that making money is not the main factor. Instead, policy issues, political initiatives, regulations and social problems that affect the public and different constituencies are important factors that leaders must understand and navigate.

Second, politics and election cycles are overriding factors that confront public sector leaders. Government institutions are ultimately subject to politics and democracy, a process that requires the consent of the governed in regular elections. Most business institutions are governed by owners, either directly or through corporate elections and boards of directors, but they are not subject to the same type of political processes that affect government. Political leaders, in both the legislative and executive branches, as well as career civil servants, all must recognize the effect of politics on policy issues and potential decision making. In the corporate business world, the number of constituencies involved in business initiatives is usually more limited than in government matters. Knowing, understanding and being able to work with all of the different political constituencies that may be interested in and affected by various issues is critical to providing leadership and achieving goals.

For example, many new political leaders seek to make a mark and announce their agenda in their first 100 days. This is done to project an aura of accomplishment, but it is also a recognition that the cycle of elections makes prompt action absolutely necessary. Trying to enact lasting policy changes in government is often constrained by the slow process of government decision making, the need to obtain support and consensus from many actors, and the cycle of elections and politics. Sometimes, important but controversial policy issues cannot be pushed forward when there are upcoming elections, because politicians are concerned as to how such issues might affect their re-election races.

Third, the processes of public sector decision making in the executive, legislative and regulatory environments are very different from private sector processes. Many people who are not familiar with government think that government processes are a black box, which cannot be deciphered without knowing the secret handshake. Actually, government processes are usually governed by statutes, rules, tradition and inertia. While such processes are different from business processes, they still have their own internal logic and gatekeepers. Timing can often be everything. Because the process of legislation or administrative regulation is complicated, policy initiatives can be derailed by adversaries who know and take advantage of the rules. Knowing what the processes are and how they function is critical to being able to understand how to provide leadership in government.

Fourth, special interests are often involved in issues. I often thought of the process of government as being like sumo wrestling, where mostly naked interests were pushing and shoving each other around a ring with a lot of money at stake. Government is supposed to be concerned with the public interest, rather than private interests. Special interests are not necessarily bad if they also serve the public interest. Thus, special interests will try to show that their interests align with the public interest. Public sector leaders must be clear eyed about the effects of special interests and money, and how the public interest may be affected.

Special interests bring money to the table for political actors. Jesse Unruh said “Money is the mother’s milk of politics.” Bill Bradley said “Trying to take money out of politics is like trying to take jumping out of basketball.” The reality is that it can cost millions of dollars to run even a modest political campaign in our modern world. Where the money comes from and how it affects decisions is an important issue that leaders in government must be prepared to deal with.

Fifth, leadership in public service is greatly affected by the media. The media takes a keen interest in political issues and the functioning of government. Transparency and open government initiatives over the years have resulted in a free flow of information which can influence decision making by government institutions and leaders. Media coverage as to particular issues can bring attention to both public and private initiatives which may have hoped to fly below the radar and get a result before opposition could be organized by adverse interests or constituencies. Media coverage can also influence public perception for or against various issues. Sometimes, because of the limitations of the reporters or the available space or time to cover an issue, complex issues can be reduced to slogans and simplistic formulations, which may hamper reasoned decision making.

All of the above factors can affect and constrain leaders in public service who wish to exercise authority to accomplish goals. In his recent book, *The End of Power*, Moises Naim writes that "in the 21st century, power is easier to get, harder to use – and easier to lose." Naim describes how governments are increasingly restricted from the exercise of power through traditional leaders and institutions, as recent developments in the flow of information, social media and protests have made political and corporate leadership vulnerable to challenges from smaller, more nimble adversaries. Naim argues the provocative contradiction that societies are becoming both increasingly constrained and more anarchic, since smaller actors now have the power to veto but not dictate, i.e., destroy but not create, thus creating gridlock, anarchy, or both. Naim's thesis is a cautionary warning to those who want to exercise leadership and achieve goals in the public sector.

<u>Key Factors for Leadership in Public Service.</u> There are many different facets to leadership, and many different ways to be an effective leader. I believe that the most important factors are character, understanding the role of leadership, people skills, communication skills and executive decision making. The most effective leaders I have seen and worked with had these traits. While there are some natural born leaders who have phenomenal skills, many leaders have worked at and been successful in acquiring these skills and traits. These are general leadership qualities and factors that are not confined to public service. They have widespread applicability to leadership in the private business sector and the non-profit sector.

<u>Character.</u> An effective leader must have personal skills and qualities that will engender respect, trust and cooperation from those who will follow. Above all, a leader must have a strong moral compass – a sense of right and wrong, integrity, ethics and character. Abraham Lincoln once said "Nearly all men can stand adversity, but if you want to test a man's character, give him power." A person who does not have strong character may occupy a position of leadership, but will eventually be disrespected and not followed. A person of weak character will inevitably make decisions that others regard as immoral or lacking in ethics. Just because a person occupies a position of leadership, does not make them a leader, or an effective leader.

Trust is a critical factor, because without trust people will not follow. A leader who hopes to accomplish goals or real and meaningful change must rely upon other people in the organization to support and advance those goals. In order for people to engage and work on behalf of policy initiatives in government, they must feel that the leader is someone to be trusted and that the policy goals will be "doing the right thing." The personal qualities of discipline, perseverance, commitment and authenticity go hand in hand with character and trust.

Success and failure for leaders is sometimes less about rationality or intelligence, and more about emotion, authenticity, empathy and commitment. One of the lessons I learned from my experience in government was that people do things for their reasons, not yours. While people may be able to articulate their reasons, often they act on their "gut" emotional feelings. If a leader is trustworthy, authentic and can emotionally resonate with people, then others are more likely to follow and carry out the leader's directives in the face of opposition and adversaries.

Character is not something that can be learned overnight in a seminar. Instead, it is a lifelong process that can be developed and fostered by being honest and self-aware, understanding the moral implications of actions, having respect for the dignity of other people and being willing, if not compelled, to always do the "right thing."

<u>Understanding the Leadership Role.</u> It is critically important for a leader to understand his or her role in relation to the group or organization. General Omar Bradley said "The greatness of a leader is measured by the achievements of the led. This is the ultimate test of his effectiveness." The role of the leader is to get the team, the organization, the community to achieve a goal, not to achieve personal glory for the leader. It is the difference between being a mountain climber and a mountain climbing guide. The mountain climber is focused on her own individual achievement in reaching the summit of the mountain. The mountain guide, on the other hand, is focused on having the entire team reach the summit together. An effective leader will give credit where credit is due, and emphasize the achievements of the group, as opposed to his individual achievements. The role of the leader is to work for those who work for him. Leaders must be cheerleaders, persuaders, influencers, manipulators, and realistic assessors. Their role is not to do it all, but to get the team, the organization, to succeed in achieving the vision.

Understanding the role of the leader means understanding both strategic and tactical leadership. Strategic leadership provides vision, direction, meaning and purpose. Strategic leadership helps to decide what change is needed, how much and how fast. Strategic leadership requires introspection, reflection and hard thought. Strategic leadership is all about the big picture, the 30,000 foot view. It is shooting for the stars and landing on the moon. It doesn't always have to be earth shattering, or profound. It can simply be a big picture idea or advance for the team, organization or institution. It is all about assessing where the community is and whether and what to change, improve or make better.

Examples of strategic leadership abound. Take Nelson Mandela. He provided the vision and strategic thinking to overturn untold years and generations of apartheid in South Africa, and to provide for reconciliation and a peaceful transition to the sharing of power in his nation. Although he was unjustly imprisoned for many years, simply for his beliefs and thoughts, he remained focused on how to transform society, to be more just, more equal and more fair.

Tactical leadership is the second but no less important aspect of leadership that a leader must understand and embrace. A leader does not necessarily have to engage in all facets of tactical leadership, but she must understand it and have people who can carry it out. Tactical leadership provides for management and execution of the vision – how to achieve the goals. Tactical leadership helps to decide a plan and the concrete steps needed to actualize the goals – getting from Point A to Point B, communicating to and convincing others, marshaling and deploying resources, timing and execution, constantly assessing progress and small wins, and constantly determining next steps.

Tactical leadership is often described and derided as "management" or "administration," but it is a critical element of actually getting goals accomplished. The D-Day invasion of Europe during World War II could not have been accomplished without all of the management and administration necessary to move immense numbers of men, machines, armor and ammunition to the front line for a coordinated assault. Those who climb Everest must make meticulous plans for every last contingency, and then tackle the mountain, one step at a time. Tactical leadership can occur in any group, large or small. It is all about planning, and breaking down the goal into manageable steps that can be executed and accomplished.

I had the privilege of visiting the U.S.S. Nimitz, one of our nation's nuclear powered aircraft carriers, during RIMPAC, the Rim of the Pacific Exercise, which is the world's largest international maritime warfare exercise, led by the U.S. Pacific Fleet. This was an amazing experience that gave me a glimpse of the power and organization of the United States Navy. The ship had a crew of about 5,000 young men and women whose average age was 22. But through superb organization, and breaking down complex tasks into manageable, bite-sized pieces, the Navy was able to have the ship and its young crew operating as a state-of-the-art, well-oiled machine that projected and protected American interests and power throughout the world. Similarly, a tactical leader must figure out how to accomplish complex goals by analyzing what factors are key and conducting step by step planning in order to realize such goals.

<u>People Skills.</u> An effective leader needs superb people skills, otherwise known as emotional intelligence. A leader must understand the human condition and have both empathy and sympathy, so that he or she can understand the motivations of others. A leader has to be able to dispassionately assess the strengths and weaknesses of others, and treat them all with respect, dignity and fairness. A leader has to be able to give praise and recognition, but also to hold people accountable and give constructive criticism.

Success and failure in leading other people is often less about rationality or intelligence, and more about emotion, authenticity, empathy and commitment. People act, and follow, based on emotion – they feel things from the heart. They act on their gut feel. If it doesn't feel right, no amount of rationality will convince someone. They have to feel right first, and then rationality supplies a logical reason to act. Understanding people and their motivations is the key. The leader asks the question: How can you get people to be excited, passionate and committed to foster and implement change? The leader has to understand how people think and function in order to meet the needs of the team, so the team will achieve the vision of the leader.

Communication Skills. An effective leader needs to have great communication skills. She must have the ability to express herself clearly, both verbally and in writing. She must have the ability to listen to others and to understand their concerns, fears, anxieties and motivations. She must be able to put herself in the other person's shoes and position. She must be able to communicate her vision, with passion and excitement. And she must be practiced in the ability to persuade, to help others understand why her vision is in the public interest or in the best interests of the listener. She has to help others find both the feelings and the reasons why they should help her as the leader, and implement the vision of the leader. She must have superb negotiation skills – the ability to understand the positions and interests of others in order to find shared interests and values that can lead to common solutions. Since people will do things for their reasons, not for hers, a leader must understand both her own reasons and the reasons of others for acting and implementing a vision to lead to accomplishment.

Executive Decision Making. An effective leader must have executive decision making skills. Not all persons who are thrust into leadership positions are able to make decisions. The ability to make a decision based on incomplete information is a critical skill and separates good leaders from ineffective leaders. Some people in positions of leadership are afraid of making mistakes, of offending public opinion or of being wrong. They want to lead from behind, with a poll, a survey, or endless analysis of the pros and cons of the situation to tell them what to do. Unfortunately, the world does not wait for such people and this is not leadership. There will never be complete information available to make the perfect decision in a timely fashion.

So a leader must understand the situation and make the best decision possible with the information at hand, understanding that he could be wrong and will have to adjust. The speed at which a leader can grasp the situation and make a decision is critical, whether that decision is good, bad or ugly. A leader must have the analytical and evaluation skills to avoid the paralysis of analysis, and be able to pull the trigger at the proper time, despite incomplete information and the fog of war. Not making a decision is making a decision.

One of my favorite sayings comes from the mystery writer Dick Francis, in his book, *The Edge* – "Thought before action, if there's time." This aphorism perfectly sums up executive decision making, because timing is everything. A "correct" decision implemented at the wrong time will still be wrong and may lead to disaster or simply be ineffective. A "poor" decision implemented at the right time may allow for adjustment and correction as the situation unfolds.

When I served as Attorney General, many issues would come up quickly and require a response. My first consideration was always, how much time do we have? Determining the time frame for decision making is key, because it allows you to perform analysis and marshal resources, but also identifies the fact that other people may act or events may unfold quickly that render your decision making moot or irrelevant. My second consideration would be to seek to determine the best factual information we could get in the time available. The third consideration would be to identify the key parameters and significant considerations for decision making, and identify and weight or prioritize the values (especially core values) involved in the issue. We would then convene a meeting to get the best minds and thinking into the room to discuss different alternatives and the pros and cons for various courses of action. At some point, I or someone else on the staff would simply have to make the best decision that we could and recommend a course of action for the Governor, a legislator, or another department or agency.

Executive decision making is the one key element that distinguishes effective and great leaders from ineffective ones. A leader must be comfortable enough in their own skin and own intellect to make a decision and then live with the consequences. Harry Truman said "The buck stops here." By that he meant that he was the one who had to make the hard and difficult call, he could not pass it along to someone else. There is a story about Abraham Lincoln, who famously appointed a Cabinet full of rivals and people who often disagreed with him, so he could get the best thinking, the most diverse viewpoints, all possible analyses and considerations for good decision making. In one apocryphal story, after a vote had been taken of his Cabinet, he is reported to have said, "Seven nays and one aye; the ayes have it." The ability to listen to advice, to weigh the consequences and then to make a decision is an absolutely necessary quality of an effective leader.

A Call to Action. If you want to be a leader, and a good one, whether you are in the public sector or the private sector, there is no time like the present to begin the preparation you will need to succeed. You may already be a leader and want to improve your skills. You may be unskilled but have a desire to make a contribution and make a difference. Wherever you are, whatever stage of your career you are in, you can benefit from planning and then trying to execute your plan.

Start at the beginning. First, sit down and make a strategic plan to set forth your own goals. What do you want to be? What is your vision for your own career as a leader? What are the issues and interests that you are passionate about? What are the skills that you have? What are the skills that you need to develop? Second, make a tactical plan with concrete steps that are small enough that they can be executed and acted upon that will lead you to your goals. Break down your goals and decide what five or ten action items you could engage in to help to realize those goals. Third, take action! Begin to execute your plan and hold yourself accountable for following through with the action plan you have devised. Put a timetable on your plan and try and perform within the time you have given yourself. Fourth, periodically review your plan, your action items and how it is going. Adjust and change your plan if things are not working out as you want.

Remember, your journey as a leader, whether in public service or the private sector is a marathon, not a sprint. To be an effective leader takes time, effort, perseverance and opportunity, so keep your perspective.

--

Empower Versus Inspire . . . Kind Of Like The Difference Between Mentor Versus Promote

Marisa Trasatti

In the course of finding my way in private practice, I watched many a Ted Talk™, e.g., Simon Sinek's "Start with Why;" read many an article and book (from the *One Minute Manager*, to *The Nightingale's Song*, to Dale Carnegie's *How to Win Friends and Influence People*, and Jack Welch's *Winning*); and observed many alpha leaders within the firm, within my many professional associations, and in academia. What became clear was that "empowerment" and "inspiration" are strong words that real leaders embrace and live.

In preparing this chapter, I looked for quotes that best summarized my penchant to lead inspired teams. I think this one sums it up best: "Give a man a fish and he eats for a day, but teach a man to fish and he eats for a lifetime."

I also looked at the definitions of empower versus inspire. By definition "empower" means:

> empower
> **VERB**
> [**WITH OBJECT**]
>
> **1** Give (someone) the authority or power to do something.
> *'members are empowered to audit the accounts of limited companies'*
>
> **1.1** *[with object]* Make (someone) stronger and more confident, especially in controlling their life and claiming their rights.
> *'movements to empower the poor'*

https://en.**oxforddictionaries**.com/**definition/empowerment**, last visited October 31, 2016.

It's a great word, but the word implies that, "I have the power, and you do not." This is why I strive to inspire, as opposed to empower, my teams. I start from the premise that we are all on the same team and rowing the boat in the same direction, I just need to find the approach that turns the key in each one of my teammates to unleash their best potential. Sometimes, that is achieved by creating something as simple as a litigation plan, and letting each team member assign himself or herself the task from the litigation plan that he or she believes plays to his or her strength…the old toolbox selection game. Some of the teammates will gravitate to motions writing; some will gravitate to the deposition and field work; others will take on research and investigation. By letting each team member pick his or her task(s), he or she has confidence in himself/herself which generates a sense of inspiration. Leadership of my team begins with my assessing everyone's strong suits and playing on those skills. That provides the building block(s) to inspire more and more excellence. Having worked in sales during college, I recognize that everyone is wired differently, so I have to morph to my audience in order to motivate them and "make the sale," if you will. That's part of the challenge of leadership, but also becomes a reward when you see your teammates achieve.

The word "inspire" means in pertinent part:

> inspire
> **VERB**
> [**WITH OBJECT**]
>
> **1** Fill (someone) with the urge or ability to do or feel something, especially to do something creative.
> *'his philosophy inspired a later generation of environmentalists'*

[with object and infinitive] 'his passion for literature inspired him to begin writing'

1.1 Create (a feeling, especially a positive one) in a person.
'their past record does not inspire confidence'

1.2 Animate someone with (a feeling)
'he inspired his students with a vision of freedom'

1.3 Give rise to.
'the film was successful enough to inspire a sequel'

https://en.oxforddictionaries.com/definition/inspire, last visited October 31, 2016.

I seek to inspire in everything I do. It's a way of life. It's ingrained in who I am. It is me. Applied to my team, and generally speaking, I inspire by trying to instill the same love of the law that I have, the same loyalty and protection of the client that I have, and the same tithing responsibility that I have in terms of bettering the profession. I urge legal assistants, paralegals, law clerks, and associates to think outside the box, and to understand that we all must lift while we rise, a quote that I first heard from a United States District Court of Maryland Judge who was presiding over a swearing in ceremony for new admittees. I was attending as a sponsor for my then-teammate. I never forgot that great statement. By managing down, everyone feels a piece of inspiration and hopefully, feels integral to the final work product.

That's the "why" we should inspire as opposed to empower…now let's talk about how one can inspire? Every moment is a teachable moment. Everyone's approach is different. But below is a top ten list of ways that I inspire my team (at least, I think, this is a recipe of sorts):

1. **Live Inspired:** We inspire by living an inspired life ourselves which comes from inside the firm through professional achievement, but also may be derived from family and friends. Maybe it comes from spending time with your spouse, your children, your godchild, your friends, or just from knowing you are caught up with your work and your clients are pleased. While I lead by example and never ask my team to do any more than I give, there is at least one (1) key realization here: Not everyone will love the law as much as I do and in our multi-generational law firms, this can be challenging as everyone has different priorities. If you accept people for who they are, limitations as well as their excellence, you maximize their contribution regardless of their billable hour commitment. By breeding loyalty, you retain the keepers. It can't be just about the billable hour, if you expect to retain your team and inspire them. I try to set an example for my team by showing them that I do not rest on my laurels, but am continually striving to achieve more and more for myself personally and professionally.

2. **Inspire by leading:** Inspiration comes from doing what you love and loving what you do. As a leader, you must exhibit that daily and be prepared for the distraction from those who live in professional F-E-A-R. We all know them… F-E-A-R, false evidence appearing real, attempts to block the light of inspiration in the dark room. The penultimate compliment anyone ever gave me was that calling me the light in the dark room and it came from the most quiet, reserved, bystander in the firm. But, I never forgot it. I strive to make my team that light. Because you are inspired and confident, you will rise above the less inspired, and the team will blossom together. It is natural to be attracted to, and want to spend time around, inspired people, i.e., people who are passionate about their work, creative, engaged, and fully present. An inspired leader exudes energy and is a force. By surrounding yourself with people who are genuine, and who love what they do, you will be energized and inspired. Steer clear of the uninspired, as they will only slow your roll.

Think about the feeling you get after returning from a DRI or FDCC event. I once attended a leadership conference that FDCC sponsored and numerous DRI Women's Seminars where top flight consultants spoke to us about professionalism, leadership, and skills building, including Marianne Trost, Samantha Holmes, etc. When I am with like-minded people, I am better and I bring that learning back to my team. In those environments, it's not about stratification or delivering power to the unempowered. Instead, it is about a mutually beneficial exchange of ideas from equals, who love what they do, and genuinely want to be better lawyers, leaders, and create a better profession.

3. **<u>Executing an Inspiration Plan Requires T-I-M-E (Things- I- Must- Earn) :</u>** Building an inspired team takes time. You are building relationships which are earned. Just as Rome was not built in a day, neither was an inspired team. It takes energy and patience—and lots of it. There will be many trials and tribulations along the way, where your manager skills, advocacy skills, and knowledge of the human condition will come in handy, sometimes all at once. If you know, however, that your team has tried hard to deliver, and given you their best work product at that time, inspiring them to forge ahead is easier. And, by all means, remember to say, "Thank you." Something as simple as those two words, can inspire your team.

   I will not say inspiration is easy, because it's not, but with a sufficient amount of caffeine, cardio, and love of what you do, you can inspire. The more you see your team succeed, the more inspired you will feel, and the cycle will continue. Inspiration is contagious. Do not let-up on the high standards you set for yourself. Your team members will see how much one can achieve and may gain inspiration to follow your lead.

4. **<u>Create inspiration that lasts a lifetime:</u>** Empower is to inspire what mentoring is to promoting. I mentor, sure. But, I really promote. I empower, but I really strive to inspire. I want my associates to succeed and be independent. I want them to build a book of business, and rack up the defense verdicts, and favorable settlements, because that is satisfaction to me and inspires them to do more, achieve higher, and continue to excel throughout their career. No one was a better promoter in this regard than my current partner. He knows how to provide just enough guidance on client development without overmanaging.

   Your teammates cannot develop their skills if leaders hover and prevent them from spreading their wings. You have to have confidence in your team, trust in their loyalty, and instill in them a drive to succeed and meet or exceed your standards. With that, you are a promoter, not just a mentor, and you inspire, not just empower. You have to open doors to them, but let them walk through the door. That creates accountability and when they achieve, they own that success and want more. My mantra in life is, "If you are looking for a helping hand, look at your own." I try to nurture my team by giving them the confidence to try and test the waters. I do not spoon feed – that would be doing a disservice to my team's potential growth.

5. **<u>The ability to inspire can be learned and perfected:</u>** Are inspirers born or are they groomed? Both! We are products of our environment, and I am the fortunate by product of several alpha male leaders who taught me how to lead, how to argue and write persuasively and practically, how to build a book of business, how to handle difficult personalities inside and outside of the firm, and how to make positive change for the greatest good. By way of anecdote, I began my career the same day that the partners in the firm (where I was beginning my first associate position) split up and started their own separate offices. I had law clerked for them through law school and picking which partner I would follow seemed like the hardest decision I would ever make. Thus began my journey of learning how to inspire myself and ultimately others. This event shaped my career path and exposed me to one of my best teachers who taught me a much needed lesson in loyalty, leadership, and resilience. This particular promoter had lots of interesting quips, but told me point blank, "Your head may go under water, but I will never let you drown." He taught me tenacity in the face of intemperate judges and the value of a team environment in a profession filled with diverse personality types and mindsets. [Incidentally and by way of a sidenote, I also telemarketed

in college and earned the nickname, "The Hammer" for good reason. I learned to fourth, fifth, and sixth effort potential customers until they agreed to try out the credit card or magazine subscription that I was hawking that day. Those real life experiences helped me to instill in my team a "can do" mentality.]

My first mentor also taught me that the best writing is rewriting, and my approach to grooming associate writing mirrors his approach with me. It was through his tutelage that I became a stronger writer and better advocate, as the red ink dwindled on my draft motions. He instilled in me the requirement of producing exceptional work products and never to settle for mediocrity. He taught me to share the credit and when we co-wrote articles and/or motions, he always promoted me and the work product to other partners and staff. That's such an important lesson to learn if you want to inspire.

With respect to client development, my latest promoter shaped my approach with my team in this regard. Again, he opened every door possible, and then stepped aside to let me learn and develop those skills. He was never protective of his client base, and as a result we built a book of business together over time, that was premised on trust and mutual respect. Inspirers trust their team and respect their decisions…eventually.

6. **<u>The Skill of Inspiration Begins at Home:</u>** Obviously, as one of four (4) children (I am number three in the line-up and the youngest of the daughters), I was never going to be too big for my britches. And that is still true. So, I don't want to leave out how inspiration was first learned at home for me. As the daughter of an immigrant Dad and a stay-at-home Mom, it was pretty amazing what Dante and Rosemarie accomplished with their four (4) children—two (2) of whom are in the legal profession, one (1) of whom is a doctor, and one (1) of whom is in sales. My Dad is a clothing designer, and definitely demanded the most out his children, and especially his daughters My Mom managed the home front, and raised responsible, inspired, well-rounded children. There were no boundaries, limits, or stereotypes acceptable in the Trasatti household. You learned to reach beyond your grasp, and you never quit. Never! That kind of parenting profoundly shapes your view of the world and how you run your team. I am fortunate to have two (2) very engaged parents who created a driven personality in me, while also teaching inspiration. Their parenting was not one size fits all, nor can leadership and inspiration be. I have cherry picked the best skills from them and apply them based on my audience and the climate. So, too, must you, if you want to succeed in inspiring others. Without my parent's guidance and inspiration, I would not be the person who I am. I am eternally grateful for the confidence they gave me to stand for what I believe in, and to dispense with limitations.

7. **<u>Inspiration is a Two Way Street:</u>** Be prepared to learn from your team, as that is yet another source of inspiration to you and them. I applaud my team's work-life balance…something I have yet to achieve. They are Gen Y's and Millenials and definitely have mastered that aspect of the practice of law. If you expect to retain them and build loyalty, you must protect their personal time. Recognize that irrespective of personalities and life situations, you share certain commonalities – to generate the best work product for a client, to client develop, to personally develop one's legal skills, and to team build for posterity. Wisdom can come from a seasoned employee or a rookie. Everyone has something to offer if you keep an open mind.

8. **<u>Take a Holistic approach to Inspiration:</u>** You will need to inspire on many levels. It does not end at teaching the law. You have to teach management, building a practice, time management, business acumen, prioritization, etc. All are necessary survival skills in our day-to-day responsibilities. Our colleagues are complex creatures. They will bring to you their family matters, personal matters, legal matters, financial matters, health issues, etc. Inspirers listen and are problemsolvers. You must be a life coach at times in order for your team to move forward and restore and/or maintain a healthy level of inspiration. It's just part of being an inspirer. Be flattered when someone brings you their personal problems, not annoyed, and be in it to win it *with* them. You will breed loyal and inspired workers. Recognize that life happens – be

sympathetic and show empathy when needed, but on the same token, let your team know the expectations of a good performer.

9. **Inspiration envisions mobility:** Be prepared to let your team leave the nest. It is the highest compliment to a leader to have a colleague move on to bigger and better. Don't stop them, but welcome them back if they have second thoughts. Be cognizant that everyone has a personal and professional agenda, and respect and be pleased when those who you promote move on to bigger and better challenges.

10. **Inspiration sometimes requires a rebel mentality:** Be prepared to take the less traveled road and be somewhat of a rebel if it means long term gain and improvement. It's not all about being popular and most liked. Sometimes you have to challenge the status quo, whether that is hirings, firings, diversity, anachronistic thinking, procedures that stifle positive changes, complacency, inequities, etc. You won't always succeed, but some of the most spontaneous and telling discussions with my team occurred during times where I challenged the establishment for the greater good or just to protect my team. Always have a vision for your team and make sure the larger firm culture is conducive to that vision. Be a catalyst for positive change for those who you wish to inspire. Don't ever let anyone stifle who you are or tell you that you have to be anything other than genuine. When that happens, your ability to inspire plummets. Do not assume past ways of doing things are necessarily correct. Situations may require new thinking of ways to improve procedures. Inspirers are not shy about voicing their thoughts, but use their rebel ways wisely.

At the end of the day, inspiration comes from knowing who you are, having a vision, and putting that vision into focus through your actions and that of your team. When done correctly, inspired teams are productive, efficient, happy, and loyal. Inspired teams lead to next generation firms and make succession planning easy.

--

Leadership In Legal Diversity

Diane L. Polscer

And miles to go before I sleep
-Robert Frost

Diversity in the legal profession has come a long way since my first court appearance over 30 years ago when an elderly judge peered over his glasses as he looked at me incredulously and asked, "Young lady, are you an attorney?" Or when I went to my first deposition and opposing counsel pointedly said to me, "Wait a minute, you can't talk. Aren't you the senior partner's paralegal?" And this was already in the 1980's! Thankfully many young female attorneys will not have to face such blatant sexism as I, and as I'm sure many of my generational colleges had to face a few decades ago. But this is not to say that we should stand still where we are.

In my 30+ years of practice, the judiciary has — slowly — grown more diverse.[1] We have reached a milestone in that a slight majority of students entering law school are now women.[2] More and more law firms and corporations are recognizing a diverse workforce can contribute to better business outcomes for their organizations.[3] In fact, a new study of public companies from McKinsey shows that those in the top quartile for racial and ethnic diversity are 35% more likely to have financial returns above national industry medians, and those in the top quartile for gender diversity are 15% more likely to have above-median returns.[4] Another recent study found support for the perception that women are better communicators, which could have implications for the legal profession in terms of witness preparation, trial strategy, and more. The study found that women were less likely to change conversation topics unilaterally, interrupt, or ignore points by others, and were better at drawing others into conversation.[5]

Despite many improvements, we in the legal profession still have miles to go before we sleep. Although women make up over half of law school classes, and become summer associates and associates at rates almost equal to their male peers, it remains the case that fewer women are reaching the highest echelons of the profession. Just over 20% of law firm partners are women, and that number is even lower for equity partners.[6] While minority law school enrollment is approaching 30%, fewer than 20% of associates and fewer than 10% of partners are minorities. Lawyers with disabilities still face significant barriers to entering the profession, particularly in the private sector.[7] Oregon and Washington are two of the only states that keep statistics on lawyers with disabilities;[8] data in Oregon, for example, shows that approximately 3% of attorneys self-report as having a disability.[9]

Fortunately, the overt discrimination that still plagued the field when I was a young lawyer is on the decline. But we must not conclude this means that discrimination in the legal profession has been "solved." As leaders in the profession, we must continue to be diligent in our attention to diversity and inclusion. These efforts range from educating ourselves, to attention to recruiting and retention within our own firms and organizations, to involvement with the broader legal, business, and civic communities. This chapter will address the following six issues: looking inside our own firms and organizations with diversity and inclusion programs; retention and mentoring; work-life balance; organizational leadership within the profession; leadership in business, political, and civic life; and educating ourselves and others.

1 http://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_may2016.authcheckdam.pdf
2 http://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_may2016.authcheckdam.pdf
3 http://www.forbes.com/sites/ruchikatulshyan/2015/01/30/racially-diverse-companies-outperform-industry-norms-by-30/#28469db85742
4 http://www.forbes.com/sites/ruchikatulshyan/2015/01/30/racially-diverse-companies-outperform-industry-norms-by-30/#28469db85742
5 Reported in Defense Research Institute, For the Defense, in April 2014.
6 http://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_may2016.authcheckdam.pdf
7 http://www.abajournal.com/magazine/article/the_biggest_hurdle_for_lawyers_with_disabilities_preconceptions
8 http://www.abajournal.com/magazine/article/the_biggest_hurdle_for_lawyers_with_disabilities_preconceptions
9 https://www.osbar.org/_docs/resources/Econsurveys/12EconomicSurvey.pdf

I. LOOKING INSIDE OUR OWN FIRMS AND ORGANIZATIONS WITH DIVERSITY AND INCLUSION PROGRAMS

Conscious and unconscious bias: impediments to company growth

Commitment to leading on diversity in the legal profession can begin right in our own firms and organizations. Unfortunately, overt discrimination still persists in some corners of the legal profession, and we must speak out loudly when we witness such discrimination happening.

While overt bias is easy to spot, unconscious bias can trigger painful consequences and requires much more introspection and attention in the law firm at all levels. Even among the majority of law firms and organizations that recognize the importance of diversity, and even have policies in place to further the goal of increased diversity, unconscious bias remains a stubborn impediment to progress. Unconscious or implicit bias results from undetectable cognitive processes that we are not consciously aware of. Implicit bias explains why, for example, a study showed that law firm partners judged more harshly a memo they thought was written by an African-American associate as compared to an identical memo they thought was written by a white associate.[10] In another example, a Harvard Business Review study showed that subtle class cues (such as an interest in sailing, or country music) influenced hiring decisions among equally qualified candidates.[11] Implicit bias explains how even attorneys who are consciously committed to diversity may be unconsciously undermining their own efforts, despite having the best intentions. We must continue to hone our hiring, evaluation, and promotion processes to prevent the potential pitfall of unconscious bias as much as possible.

When it comes to hiring, make your commitment to diversity known! My firm's commitment to diversity is highlighted at the top of the front page of our website. Be proud of your commitment to diversity and do not hesitate to publicize it. Do not be afraid to make changes to your practices and processes; leaders must be forward-looking and willing to take a leap away from traditional methods when warranted.[12] Finally, do not forget that hiring starts early. Be sure to consider the role of diversity in your summer associate and intern programs. Many firms also sponsor diversity scholarships for law students.

Diversity in the hiring process

Another way to cultivate diversity in the hiring process is to consider the accessibility of your hiring process and your firm as a whole. For example, when selecting software for your firm, you might consider whether it is compatible with the screen readers used by many blind and visually impaired attorneys. You could publicize openings at your firm by reaching out to local organizations, or organizations like the National Association of Attorneys with Disabilities, the National Association of Law Students with Disabilities, and the Disability Rights Bar Association. You just might find a whole new pool of talent by establishing your firm as a disability-friendly employer.

Cultivating diversity within your firm brings myriad benefits for your business and network. A 2014 report by the Center for Creative Leadership identified diversity as one of three crucial aspects of network-building for leaders.[13] Diversity of geography, staff, attorneys, clients, consultants, and business contacts will bring a wide variety of perspectives and contributions to your network and your firm's work.

10 http://www.vault.com/blog/vaults-law-blog-legal-careers-and-industry-news/new-study-confirms-what-everyone-already-knew-law-firm-partners-are-racist
11 https://hbr.org/2016/12/research-how-subtle-class-cues-can-backfire-on-your-resume
12 http://leadershipforlawyers.com/wp-content/uploads/2013/11/Four-Leadership-Skills-for-Todays-Lawyer.pdf
13 http://leadershipforlawyers.com/wp-content/uploads/2013/11/Four-Leadership-Skills-for-Todays-Lawyer.pdf

II. RETENTION AND MENTORING

Mentoring is a cause I have been passionate about since the beginning of my career. It is a critical aspect of a successful diversity recruitment and retention effort that is attuned to diversity. Mentoring can also extend to other attorneys and law students outside your firm. Your mentorship of a younger or newer lawyer helps your mentee explore how they want their career to develop and how they might get there. As the saying goes, you can't be what you can't see.

Some might not know where to begin when it comes to diversity mentoring. While some firms have formal mentorship programs, that might not be the right fit for every organization or every mentor. Mentoring could be as simple as inviting associates or colleagues to lunch or coffee, particularly those you might not work with often or have a lot in common with. Take care to let this be an organic process. Get to know your subordinates and colleagues because you truly want to learn more about them as a person and about their strengths and challenges at work, and because you want them to learn more about you as well.

Promoting inclusion in the mentoring process

Firms and organizations can also improve the inclusiveness of informal mentoring by evaluating and varying social functions and informal get-togethers. For example, after-work cocktails might not be very accessible to parents who have to race to pick their children up after work. Golf and tennis tournaments are commonplace in the legal profession, but sporting events could exclude attorneys with physical limitations and those who do not know how to play. It is easy not to think about these considerations if they are not something we personally deal with on a regular basis, but thinking about these other perspectives is important to promoting inclusion within your organization. Social activities can be very beneficial for informal mentoring and should be encouraged. Feel free to continue your favorite traditions, but also think about offering a broad array of activities over time and how you can improve the inclusiveness of individual activities and your social programming overall.

In addition to one-on-one meetings and informal social networking, mentoring could also mean encouraging an accomplished colleague to apply for a promotion or a new role, advocating for him or her before the hiring committee, or writing a letter of recommendation. Research shows women tend not to apply for a job if they do not meet every one of the required qualifications, even if they believe they could do the job well.[14] If research in the political arena is any indication,[15] just asking might be all it takes to increase the diversity of the applicant pool for your next opening or promotion opportunity.

III. WORK-LIFE BALANCE

The retention of diverse talent does not begin and end with younger attorneys and new hires. Another key "leak" in the pipeline to the upper ranks of the legal profession is due to the mounting child care and elder care responsibilities many professionals—and disproportionately, women—face as they approach the midpoint of their careers. Attorneys may also be confronting their own health challenges. But even for attorneys with fewer family responsibilities, a healthy work-life balance is key to a successful career.

Normalizing work-life balance through example and communication

Boutique firms like my own can be especially conducive to work-life balance, as the smaller, nimbler environment can facilitate flexible practices like remote work, compressed schedules, or job-sharing.[16] Work-life balance was at the forefront of my mind when I co-founded Gordon & Polscer just three days after my oldest daughter was born. When I had to take a deposition in Georgia just five weeks after she was born, there was no question

14 https://hbr.org/2014/08/why-women-dont-apply-for-jobs-unless-theyre-100-qualified
15 http://www.nytimes.com/2016/10/25/upshot/the-problem-for-women-is-not-winning-its-deciding-to-run.html
16 http://www.mbabar.org/assets/ml_apr14_final.pdf

in my mind that the baby and my husband would be coming along. Throughout my career, I have dropped my daughters off at school every day, and I still pick my youngest up from after-school sports and activities as often as possible. I have always been up-front about the struggle to manage a growing law firm and my commitment to my family, because I believe that normalizing these discussions contributes to improved practices and policies. I have found that being open about my life outside of work can even be a boon to business. After all, clients have families too! It is not easy, but it is possible to find appropriate ways to incorporate family life into our professional, business, and civic activities.

Men have an active role to play in this discussion, as leaders and employers are increasingly appreciating that work-life balance is not just a "women's issue." It is not even just a "parents' issue." As leaders, we must broaden our approach to issues of family and work-life balance if we are truly committed to furthering diversity and inclusion.

IV. ORGANIZATIONAL LEADERSHIP WITHIN THE PROFESSION

As leaders in the legal profession, it is important to devote attention to diversity both within and outside of our firm or organization. As decisionmakers strive to improve recruitment, retention, and promotion practices, involvement in the larger legal community is equally important. Leadership on diversity in the legal profession often calls to mind affinity groups and groups focused on particular challenges within the profession. I have experienced firsthand the immense value of these organizations.

For example, as the owner of a woman-owned firm and one of the few woman managing partners in Oregon, I am proud to be a member of the National Association of Minority & Women Owned Law Firms (NAMWOLF), and an active member of its admissions committee. NAMWOLF was founded in 2001 and continues to promote diversity in the legal profession by fostering relationships among preeminent minority and women owned law firms and public and private entities. Those not eligible for membership in NAMWOLF may wish to look to broader organizations like the National Association of Women Lawyers, which has been working for over 100 years to advance women in the legal profession and advocate for the equality of women under the law. Other national organizations that might be of interest include the Hispanic National Bar Association, the National Bar Association, the National Asian Pacific American Bar Association, the National Native American Bar Association, and the National LGBT Bar Association.

Be the change you wish to see…

Many of us are also familiar with affinity groups on the regional, state, or local level. Some of these groups are so successful and well-established that it is easy to forget they have not been around very long. When I moved from Washington to Oregon in 1989, I was surprised to learn Oregon did not have a women lawyers association like Washington did. That year I co-founded the Oregon Women Lawyers (OWLS), which has grown into a vibrant organization with local groups across the state. The OWLS email listserve is widely considered one of the best resources in the state for job seekers, and OWLS' reach has grown to encompass continuing legal education, social events, community service, mentorship, and countless other resources for women lawyers in the state. In many areas, organizations like OWLS exist for lawyers of many racial and ethnic backgrounds and for LGBT lawyers. If there is not an organization in your area, it is time to start one yourself! Or you can encourage a mentee or colleague to do so.

We must also emphasize the importance of focusing on diversity in legal professional organizations more broadly, not just in affinity groups. Even, perhaps especially, in organizations that were not formed to focus on diversity issues, it is crucial to seek out new voices and perspectives. When I joined the FDCC in 1998, I was only the second woman lawyer from Oregon to be admitted. Even today, there are only two women members from Oregon. That is one of the reasons I am so invested in the work of the FDCC Diversity Committee, which I chair.

We created the FDCC Foundation Barb Currie Diversity Scholarship to honor the spouse of one of our long-time members, Edward J. Currie, Jr., a champion of diversity in the profession. The FDCC Foundation has also sponsored the Ladder Down program, a year-long program for women aimed at developing skills in leadership, business generation, and mentoring.

The FDCC Diversity Committee has also focused on improving the diversity of both the speakers and attendees at FDCC programs and events. The diversity of speakers can be overlooked at many legal conferences and events. In specialties where women are even more underrepresented, such as technology, the problem is particularly acute.[17] The FDCC Diversity Committee is committed to improving the diversity of its programming by providing speaker suggestions to other FDCC committees, reaching out individually to invite members to events, and inviting non-FDCC members to speak at events, which we have found is also a great way to recruit new FDCC members.

V. LEADERSHIP IN BUSINESS, POLITICAL, AND CIVIC LIFE

Leadership on diversity also extends beyond the legal profession. For example, in 2014, I joined the board of the United Heritage Mutual Holding Company. That company has been in existence for over a century, and I am still only the second woman ever to be on the board. Since I am well-versed in insurance law, learning more about the business from another perspective has been incredibly rewarding. Lawyers who have developed subject-matter expertise in a specific type of business should definitely consider whether there is a place for their expertise and leadership in the business world and improve diversity.

Lawyers can also lead outside the profession through civic and political engagement. Justice Sandra Day O'Connor touched on this point when she noted in *Grutter v. Bollinger* that law schools often serve as incubators for future civic and political leaders. Given the disproportionate number of lawyers serving in elected office and other important community positions, it stands to reason that increasing the ranks of diverse attorneys, and all attorneys who are attuned to issues of diversity, will likely have an impact reaching far outside the profession.

In addition to the business and political spheres, leaders can look to pro bono work as well as community service outside the legal field. Perhaps you could be of service to an organization that is working to improve racial or gender equality. Looking to the lawyers of tomorrow might be more your speed. Many bar associations and other organizations have programs designed to get young people interested in government, law, and the constitution.

VI. EDUCATING OURSELVES AND OTHERS

It can be easier to think about our firm or the profession as a whole when considering diversity and inclusion in the legal profession. But being a leader also requires a commitment to continually educating ourselves and others. The legal profession and the issues facing it are constantly changing. Best practices in recruitment, retention, and management are always improving. Broader social norms are in flux. Even our idea of diversity itself is evolving. It can be easy to think of diversity as encompassing just race and gender, but thinking about diversity in the profession also extends to considerations facing attorneys of varying sexual orientations, gender identities, abilities, disabilities, backgrounds, and religions, as well as the interrelations between these different types of identities (the concept of intersectionality).

Self-education on diversity and inclusion necessitates a lot of listening, particularly when leading on issues with which we do not have personal experience. It might also mean doing some investigating of our own, whether that be through reading books and articles written by diverse authors, podcasts, trainings, or other resources. And leading on diversity means seeking out leadership roles for ourselves, but also encouraging others, sponsoring and recommending them for leadership positions. Increasing our awareness and educating ourselves can be expected

17 http://www.abajournal.com/magazine/article/women_are_squarely_in_the_picture_where_law_and_technology_combine

to pay dividends, not just in recruiting and retaining the best attorneys, but also in improved client relationships and overall business outcomes.

LASTING CHANGE

A final important note: remember that cultivating diversity and inclusion in the legal profession is a long process. In established firms — that may not hire regularly — it may take a long time for the demographic make-up to evolve. The same may be true of organizational leadership, and it is certainly true of the judiciary. That is why one-time diversity initiatives or inclusion-focused activities are not sufficient to produce meaningful change. Improving diversity in the legal field is an ongoing process of improving the norms of our profession. It must be a holistic process addressing facets ranging from hiring to promotion to mentoring to family leave policies. We must consider all of our different identities and their relationships to each other. I am convinced the rewards are more than worth the effort. We can't sleep yet.

--

Lessons In Leadership From My Former Football Coach

Thomas M. Dixon

Leadership can be a slippery concept. While there are scores of writings on the topic, and new so called "revolutionary" articles and books published every year on the secrets of leadership, we will likely always be searching to unlock the basic principles of great leadership. This never ending search is likely because the practical and consistent application of effective leadership in one's own professional career and private life can be, well, easier said than done. So what do great leaders do? Are there common characteristics of all great leaders? Are leaders born, or are they developed, or both? We know there are all kinds of successful leaders, from every ethnic background, every socio-economic level, every level of education and with every kind of personality and temperament. Some great leaders are kind and gentle, others are outright cruel. Many leaders are gregarious; others are introverted. Some lead with fiery rhetoric, others lead only by quiet consistent example. So what is it that separates great leaders from the rest? Do they do things in common that serve to distinguish them as great leaders?

I have had the good fortune in my life to be directly exposed to a handful of people who I considered to be tremendous leaders. First and foremost, I think of my now deceased father, who had a long career as a distinguished attorney and for most of his career managed his law firm. My father led by calm, patient demeanor. He was always deliberate, always thoughtful, and always calculated and intelligent. His consistent application of these traits uniformly commanded respect from everyone who looked to him for leadership, including his family and his law firm partners and staff. His leadership qualities reminded me of the old popular TV commercial — "When E. F. Hutton talks, people listen." My father had a personality that enabled him to lead with these qualities. He was the hallmark of consistency -- never too high, never too low. He was never over-reactive, and he never, ever lost his cool. Indeed, it was because of these traits that he never had to. It was this combination of qualities by which he commanded respect, which in turn enabled him to be provide great leadership.

I had the privilege of being closely exposed to another great leader who will serve as the focus of this article. I played football at the University of Michigan in the early 1980's for legendary coach Bo Schembechler. "Coach Bo" or just "Bo" as he expected us (his players) to call him, was indeed a highly successful football coach, but as the years pass since his 2006 death his true legacy has become that of a revered leader. Although it's been almost twenty-seven years since Bo coached his last down for UM, a short speech he gave to our team in 1983 (now known as "The Team, the Team, the Team speech") is still blared from the video boards in Michigan Stadium every Saturday in the fall. When I think of Bo today, as I often do, I think very little about his success in terms wins and losses, and allot more about his greatness as a leader and the things we as team members learned from Bo about true leadership. I have confidence in knowing that my sentiments are uniformly shared by his former players. I cannot understate the love and respect my teammates still have for their former coach. But why?

In 2007, Bo and writer John U. Bacon published a book titled *Bo's Lasting Lessons*[1] in which they collaborated to identify and describe what Bo considered to be the fundamentals of leadership. Although John Bacon did not play football for Bo, he did an outstanding job of communicating the leadership fundamentals that we, as players, were exposed to every day. I consider John a friend, and kiddingly I once complimented him on his remarkable job of capturing some of the experience of having played for Bo, and offered as my sole criticism that the book does not entirely do justice to the "vigor" in which Bo implemented these fundamentals. That aside, the book is an exceptional read and I recommend it to anyone looking for insights about the basics of leadership. The book offers a host of Bo's leadership fundamentals or the fundamental "*values*" as he terms them. However, as a former player, there are certain of those fundamental values that I believe were most important to Bo's effectiveness as a leader. Few leaders in my experience have consistently demonstrated these values better than Bo. For purposes of this article, I have identified four tenants of Bo's approach to leadership that have left the greatest impression on me. I believe these four fundamental values should be important considerations for anyone who strives to achieve

1 Bo Schembechler and John U. Bacon, *Bo's Lasting Lessons, (2007).* John Bacon completed and published the book a year after Bo's death in November 2006.

greatness as a leader. The formula to great leadership becomes less elusive when you focus on a handful of basic fundamental values, just as Bo did. When you exercise militant observation of these core values, consistent application of leadership qualities tend to fall into place.

Honest Communication

Bo was a great communicator. In fact, he was the best communicator I have ever known. As a player for Bo, you never once had to guess what Bo was thinking --because he always told you. And the reason that he was such a good communicator is simple; because he was always honest with you. Bo spoke the truth. He was a truth teller. As players we learned that we could count on hearing the truth from Bo. There was a consistency that was undeniable. Now occasionally his players didn't want to hear the truth, but you always knew it was honest if it came from Bo. Now it's tempting to think that the value of honest communication to achieving great leadership is obvious. But consider this; think back on the many people in leadership positions that you have been exposed to over the years. Were you always able to count on honest communication? Could you always take comfort in knowing you were hearing the truth? I know that I often could not.

So why was Bo's lesson of honest communication so important to his effectiveness as a leader? That's because as a player, the message from our coach was always crystal clear. You could always count on Bo to be direct and honest with you, and often brutally honest. There were never any mind games (a tactic used by some coaches), no misdirection, and never any confusion in the expectations. As players we always understood what the goals were, we knew what our job was, we knew the rules of conduct ("Bo's rules"), we knew the high expectations and we knew with absolute clarity if we failed to meet those expectations. Of course leadership requires communication, but the leaders who are truly revered and most respected, are those who tell the truth.

In practice, strict adherence to honest communication with those you are leading can be challenging. Any host of things can interfere with the honesty of the message, be it conflict avoidance, concern about offending others, desire to be liked as friends, or just plain lack of honesty. Bo, as tough and demanding as he was, the coach who was notorious for tantrums on the sidelines and who was often depicted as a bully by the press, was one of the most compassionate people I know. But, he never let his compassion get in the way of honest communication. He never, ever avoided telling someone something they did not want to hear. Bo never let anything interfere with the delivery of an honest message.

Loyalty

Bo states in his book, "If you want your people to perform for you, they can't just fear you. They have to respect you, and feel a real sense of loyalty to you that goes beyond the task at hand. Now how can I get that kind of loyalty? There's only one way know of: You have to give it to them first." In other words, loyalty begets loyalty. And I might add, it must be genuine. Bo understood the importance of loyalty to his players, and he lived it every day. In fact, he lived it long after his players graduated and could no longer produce wins for him. It is a gross understatement to say that Bo was difficult to play for. He demanded more than we thought we could give, he pushed us to the limit, he criticized us, he screamed at us, he broke us down. But despite all this, in the back of our minds, we knew that Bo genuinely cared about each one of us. As important as winning was under Bo, we knew there was more. We knew that Bo would always have our backs when we needed him.

Bo's loyalty to his players was demonstrated in countless ways. From the very first day of practice as freshman, Bo made clear the expectation that every one of us will graduate with a degree; no exceptions. During fall camp every year he personally conducted special full-team meetings so he could teach the freshman how to properly calculate a grade point average at the University. Now it may seem a bit ridiculous that Bo spent precious time during training camp to do this — but think about the profound message it sent regarding the importance of being a student as well as an athlete. The goal of obtaining a degree was a mantra from Bo that never ceased.

Twice annually Bo conducted private meetings in his office with every one of his players. During my four years of meetings with Bo, he only briefly mentioned football. Rather, all the focus of those meetings was on school, my goals, and my future beyond college. Bo demonstrated his loyalty to his players in countless ways. We believed that as long as we bought into Bo's program and his concept of what it means to contribute to a team, he would do anything in his power to help us.

Know Your People

Bo writes in his book that the single most important thing you do as a leader is know your people. In order to lead people, you must know where they come from, what their goals are, what motivates them and what their strengths and weakness are. Bo cites this practice as the single biggest failure of head coaches who are not successful. Also, it's important to appreciate that knowing your people is not a task that can be effectively delegated to others. While playing for Bo I was always amazed at how Bo seemed to understand each one of us. Sometimes I it felt like he was a mind-reader. How did Bo seem to always know what I was thinking? *How is it that a 100 players can all feel that they have a very special relationship with him?*

Now putting the rough exterior aside, Bo was a people person. And knowing his people may have come naturally to him. But in a leadership position, being a people person is not enough. The demands placed on leaders can be over-whelming. It's tempting to think that the priorities of the day do not allow sufficient time to foster such a deep understanding of those you lead. But, knowing your people does not happen naturally or on the fly. Bo's magic in knowing those he was leading was not magic at all. He simply took the time to listen.

Bo states in his book that you cannot lead if you cannot listen. If you are not willing to listen, you will eventually fail. Bo made listening to his players a priority; always. We all understood that. He knew what we were thinking because he made the time to talk to each one of us. One of Bo's rules was that when any of his players ever had a problem we could talk to him. He made that clear to all of us from the very start of our playing careers at UM. He made sure that his assistant coaches and his staff all knew that his players were allowed access to him, if and when we felt we needed it. He had a standing rule that if one of his players came to see him, he was to be interrupted, regardless of what he was doing. He would routinely interrupt meetings to see one of his players. Now, understand that going to see Bo with a problem was not always pleasant or comfortable -- knowing that you may very well not like what you were going to hear. Because of that fact my teammates were selective about the frequency of trips into the office to see Bo. But what was of utmost importance to each of us as players was the fact that we knew we had access to Bo if we needed it. We always knew, every one of us, scholarship player or a walk-on, four year starter or demonstration player, we could have immediate access to Bo if we needed it. We knew he cared enough about us to take the time to listen.

Great Leaders Must Develop Great Leaders Beneath Them

As a former player, I am convinced that the single most important contributor to Bo's continuum of success in terms of wins and losses was his emphasis on senior team leadership. As a young player at UM, I needed to look no further than my senior teammates to see and understand the road to success. It was obvious -- just do what they did, and their success would eventually become my success. Bo had a sign hanging on the wall of the locker room that we walked by every day to the practice field: "Those who stay will be Champions."[2] By the time you were a senior at Michigan, you had fully bought into Bo's program. You appreciated that Bo had provided us all with a blueprint to be successful. You understood the key to success was tireless preparation, and that there were no short-cuts to winning. You understood that there was a method to Bo's madness and that Bo's many rules served a purpose in winning. And, critically, you appreciated that everyone played a meaningful role in winning, from the All-Americans to the demonstration players, the seniors and freshman alike. Most importantly, you knew as a younger player, that the seniors, in their hearts, genuinely believed they would win every game, and they believed

2 Indeed, every Michigan football player who played for Bo for four years left Michigan with at least one Big Ten championship ring.

that nothing short of winning every game was acceptable. Now of course we didn't win every game, but how often was the difference between winning and losing bridged by our belief as a team that we would win?

The positive influence of senior leadership on Bo's teams was no accident. This was by design. Bo knew that a succession of secondary leadership was necessary to continued success of the program year after year. He knew that his leadership alone was not enough because he could not do it all. He knew that younger players respond differently to their senior teammates who had already proved to be successful in past seasons. Bo enabled his seniors to take leadership roles on the team and he placed tremendous expectations on them to lead the younger players. He continually emphasized the leadership role of his seniors to all his players. He encouraged the younger players to look to them for leadership.

I'm convinced that this continuum of senior leadership is a significant reason why some football programs tend to be perennial winners, and others perennial losers. The teams I played on at Michigan did not win because we always had the best players; in fact, we didn't. There was enough parity in recruiting that the margin between winning and losing was much thinner than most people appreciated. Building the momentum of a winning program year after year is difficult, and it can be easily lost. Fostering secondary leadership with the seniors was the inertia that kept the fly wheel moving year after year. Bo fully appreciated that that to be successful as a coach he could not do it all — he needed internal leadership supporting him.

--

Leading Millenials

Alison R. Christian

Should you ever find yourself on your path, moving along in spite of fear, wondering if you're ready or not to rise to the next level, chances are great that you will not be ready. Rise anyway.
-The Universe

This quote captures the Millennial mindset. They are a generation unbound by limitations. They know what they want and they are not afraid to go after it, even if they ruffle a few feathers along the way. Resist the temptation to lump them into negative generalizations and judge them by stereotypes. Like it or not, Millennials are shaking up the legal profession. For the better.

I know what you are thinking. *They are so entitled! They want accolades and accommodations! They don't understand the importance of hard work! How can we work with them if they are always on vacation?* I hear your concerns and, trust me, I know what you mean. Not only do I have the honor of being a Millennial (barely), but I also have the pleasure of leading Millennials on a daily basis. It is not an easy task, but it is one that has forced me into mindful leadership; it has made me a better, more conscientious, leader.

In exchange for an FDCC participation trophy (I kid, I kid!) I agreed to share my thoughts on how to transform this generation of lawyers into your firm's most valuable players.

1. WHO ARE "MILLENNIALS" AND WHY DO THEY MATTER?

The definition of Millennial varies depending on the source. It typically includes anyone born between 1980 and the mid-1990s, although that same time period has also been described as Gen Y, Echo Boomers, and the Net Generation.[1] According to the abridged version of the 2016 Gallup report, "How Millennials Want to Work and Live," the term "Millennial" includes the roughly 73 million individuals born between 1980 and 1996.[2] The satirical website, Urban Dictionary, defines "Millennial" as:

> Special little snowflake. Born between 1982 and 1994 this generation is something special, because Mom and Dad and their 5th grade teacher Mrs. Winotsky told them so. Plus they have a whole shelf of participation trophies sitting at home so it has to be true. They believe themselves to be highly intelligent, the teachers and lecturers constantly gave them "A"s in order to keep Mom and Dad from complaining to the Dean. Unfortunately, nobody explained to them the difference between an education and grade inflation so they tend to demonstrate poor spelling and even poorer grammar. At work, millennials believe themselves to be overachievers who just aren't understood by their loser bosses. Even Mom said so when she showed up for the interview. They are the only generation in the universe to understand the concept of work life balance and to actually want to find a fulfilling career. All those Gen X losers just don't get it, what with hoping to keep their jobs and pay the bills, but they are just corporate drone so who cares what they think? They should be smart like Millennials and get Mom and Dad to pay for that stuff until they can work out what they want to do with their lives and then get rich doing it.[3]

That is the image most people have of Millennials. Partly due to Millennials' actions. But largely due to an institutional reluctance to embrace change.

---

1 Philip Bump, *Your Generational Identity Is A Lie*, THEWASHINGTONPOST.COM, April 1, 2015, https://www.washingtonpost.com/news/the-fix/wp/2015/04/01/your-generational-identity-is-a-lie/?utm_term=.6b5670a169bf.

2 Jim Clifton, *How Millennials Want to Work and Live (Abridged)* at 4, GALLUP.COM, (2016), http://www.gallup.com/reports/189830/millennials-work-live.aspx.

3 http://www.urbandictionary.com/define.php?term=Millennial

No generation is without its challenges. The challenge for Millennials is that they are the first generation of lawyers to grow up with technology. Gallup CEO Jim Clifton describes them as "first generation digital natives who feel at home on the Internet."[4] This is an advantage. Even though most of them wouldn't know that a pocket part isn't a skinny jean trend, they have better and more comprehensive access to legal research tools than any other generation of lawyers. Laptops, wireless internet, and mobile devices make it possible for Millennials to be as productive remotely as they would be in the office (if not more so). Videoconferencing, real-time transcripts, and webinars make it easier for Millennials to interact with clients and other lawyers without disruptive and expensive travel.

The challenge is that technology can also take its toll. Baby Boomers logged long hours at the office, but didn't risk getting an email from the boss or a client once they got home. Millennials are "available" around the clock, with many firms expecting increased productivity and responsiveness as a result. Even most airplanes, restaurants, and hotels are equipped with wireless internet. Vacations aren't really vacations anymore. This heightened accessibility forces Millennials to be more intentional about setting boundaries and taking personal time than any other generation. I saw a post online the other day from someone complaining about an "out of office" response that said the person was "unavailable". The comment said there was no such thing anymore and it was unacceptable to suggest otherwise. This atmosphere means Millennials need to initiate conversations about personal time more than other generations. That alone creates tensions in law firms.

Millennials are also the first generation unmotivated by purely financial gain. Hefty salaries and year-end bonuses used to provide firms with enough leverage to demand 2000+ billable hours a year from associates. These days, firms must offer much more than money. Don't get me wrong – Millennials still want to get paid, and paid well. The challenge is that firms must communicate a purpose and meaning beyond financial incentives. They must have supervisors who are willing to teach and train young lawyers, not just assign projects. They must be committed to finding opportunities for their associates to grow their strengths. Most importantly, they must have leaders with a vision.

As Jim Clifton asked in the Gallup report, "Why does any of this matter?"[5]

Law firms should care about keeping this generation engaged a great deal. According to the 2016 Minnesota State Bar President, Robin Wolpert, Millennials "represent 40 percent of *today's* workforce and are the biggest and most powerful customer group *today*. By 2017, they will carry the bulk of the world's spending power. By 2025, millennials will make up 75 percent of our employees and customers. If we want to thrive and succeed as a profession, we cannot afford to ignore millennials. They are our clients and potential clients. They will soon be the face of our profession in every sector of the legal services market."[6]

Only 29% of Millennials are engaged at work, however, and another 16% are actively disengaged (meaning they are out to damage the company).[7] Even though 21% of Millennials reported changing jobs within the last year, 60% of Millennials remain open to a different job opportunity.[8] Millennial turnover costs the U.S. economy an estimated $30.5 billion each year.[9] As summarized by Mr. Clifton in the Gallup report, "If millennials cannot find good jobs, the economy will continue to lag. If they are not engaged in those jobs, companies' profitability, productivity and innovation will suffer. And if they are not thriving in their well-being, they will struggle in life,

4 Jim Clifton, *How Millennials Want to Work and Live (Abridged)* at 12, Gallup.com, (2016), http://www.gallup.com/reports/189830/millennials-work-live.aspx.

5 *Id.* at 4.

6 Robin Wolpert, *Empowering Our New Lawyers*, mnbenchbar.com, November 3, 2016, http://mnbenchbar.com/2016/11/empowering-our-new-lawyers/ (emphasis in original).

7 Jim Clifton, *How Millennials Want to Work and Live (Abridged)* at 7, Gallup.com, (2016), http://www.gallup.com/reports/189830/millennials-work-live.aspx.

8 *Id.* at 9.

9 *Id.*

affecting how they perform as citizens, consumers and employees."[10]

2. WHAT DO MILLENNIALS WANT?

A recent blog article for Hired.com by Whitney Ricketts lists three characteristics that Millennials look for in an employer: opportunities for growth, quality management, and interesting work.[11] These sound simple, but they continue to present a challenge for law firms. Decades of tradition established a framework for how law firms operate. Associates are recruited from top law schools to work grueling hours for the first few years of their careers. They are assigned the least desirable projects and typically have little say in what lands on their desks. They meet with management for formal feedback once a year during year-end reviews. If they are lucky, a successful partner takes an interest in them and shares advice on how to develop a book of business. A select group of associates then goes on to become the next round of partners and the cycle continues. One can see why this model may not entice entrepreneurial Millennials.

"Interesting" work is often in the eye of the beholder (says the insurance coverage lawyer who could gleefully discuss the meaning of the word "occurrence" for hours[12]). Determining what interests your young lawyers is the first step in cultivating a good relationship with them. Presumably, they came to work at your firm for a reason. Engage them early on and identify that reason so you can find opportunities for them to cultivate it. If you have associates who want to handle litigation files, don't assign them to a transaction team. Similarly, if you have lawyers who want to make a difference in the world, see if they want to take on the firm's pro-bono projects. Having these discussions early and often will benefit the firm, and its Millennials. The relationship will never work long-term if their needs are not aligned.

The next characteristic – opportunities for growth – also calls for greater communication within firms. Do you know your young lawyers' goals? Where do they see themselves in five years? What organizations do they want to join? What social causes are important to them? How much time do they have to devote to professional development? These are good questions to ask, even if young lawyers do not yet have answers. As Ms. Ricketts' blog points out, 87% of Millennials cite development as an important job factor, but less than half of them agree that their current job provided outlets for learning and growth in the past year.[13] The first step in providing those outlets is initiating conversations to understand what growth looks like for each individual.

The last characteristic, quality management, is where law firms may run into the biggest growing pains. Mr. Clifton reports, "The relationship between manager and employee represents a vital link in performance management. As is often the case, communication is crucial for that relationship to succeed."[14] The Gallup report also noted, "The more conversations managers have with their employees, the more engaged their employees become."[15] The time of year-end reviews as the only opportunity to sit down and evaluate both the law firm and the lawyer is over. Millennials want frequent and meaningful feedback on their performance.

Millennials also expect more from management – "they don't want bosses – they want coaches."[16] Put another way, Millennials do not want to be *directed*, they want to be *empowered*. For anyone supervising Millennials, this requires greater effort. I had several Millennial lawyers tell me that they want their input considered and

10 *Id*. at 5.

11 Whitney Ricketts, *What Do Millennials Want at Work? 3 Employer Dealbreakers,* Hired.com, December 8, 2016, https://hired.com/blog/employers/3-things-millennials-want-work/?utm_source=pocket&utm_medium=sponsor&utm_campaign=(a-all)(l-all)(r-all)(q1-17-jan-dedicated-email-what-do-millenials)&utm_content=dedicated-email-v2

12 Don't forget the lesson Tom Hanks taught us all in Bridge of Spies: insurance coverage lawyers are heroes.

13 Whitney Ricketts, *What Do Millennials Want at Work? 3 Employer Dealbreakers,* Hired.com, December 8, 2016, https://hired.com/blog/employers/3-things-millennials-want-work/?utm_source=pocket&utm_medium=sponsor&utm_campaign=(a-all)(l-all)(r-all)(q1-17-jan-dedicated-email-what-do-millenials)&utm_content=dedicated-email-v2

14 Jim Clifton, *How Millennials Want to Work and Live (Abridged)* at 10, Gallup.com, (2016), http://www.gallup.com/reports/189830/millennials-work-live.aspx.

15 *Id*. at 11.

16 *Id*. at 3.

their ideas valued, both in terms of specific projects and in strategic firm planning. They also prefer to understand objectives and be consulted about potential ways to achieve them, rather than simply be assigned tasks. One Millennial I interviewed said, "Millennials do not want to be cogs, they want to know that their contribution is valued and appreciated. That said, Millennials also want to make sure they are actually contributing, so helping them do so in a constructive, encouraging way, will help them be the contributing colleague you want them to be and will also motivate them."

This departure from tradition is a source of friction within firms. At our small firm, for example, we struggled with this element because there are fewer supervisors to go around. Giving each young lawyer the coaching he or she deserves means partners need to invest more non-billable time in the firm. And any time firms ask partners to invest more non-billable hours, they are asking them to give up either profits or personal time. Neither is particularly appealing; hence the friction. Another Millennial I interviewed, however, suggested that this coaching does not necessarily have to come from a partner. He said, "By mentorship I don't necessarily mean from the leaders themselves. Suggesting that a long-term employee or senior associate mentor a new (millennial) associate, or introduce them to a friend or colleague outside of the office that the millennial can reach out to would work, too."

Discovering what success looks like for your firm's young lawyers, providing them with interesting opportunities through which they can thrive, and guiding them with individualized attention will require time and energy. Not all firms are up to the task. Admittedly, Millennial "job hopping" has made it very difficult for firms to invest energy in this talent pool; 60% of them are open to switching jobs in the next year. But as I once read:

CFO: "What happens if we invest in developing our people and they leave us?"
CEO: "What happens if we don't, and they stay?"

3. WHAT CAN LAW FIRMS LEARN FROM MILLENNIALS?

Whenever I encounter a negative experience – a difficult attitude from opposing counsel, an unexpected outcome, an unhappy employee, rejection from a potential client – I take a step back and ask, "What I am supposed to learn from this?" I reflect on aspects of the experience that were in my control and identify different choices I could have made to influence the outcome. I find myself taking this same approach when leading Millennials.

One common Millennial trait is that they are hungry for praise and appreciation. They want to know that their strengths are identified and developed. They do not want to talk about their weaknesses.[17] This impacts my leadership style a great deal. For example, I am a notoriously difficult editor. It's not my fault; it's genetic. I never hesitated to take a heavy red-pen to associate drafts in order to get the best product out the door. After hearing from more than one associate, however, that my editorial style made them want to crumple their draft into a ball, light it on fire, and throw it at my head, I decided to revisit my approach. I learned that they wanted me to focus on what they had done right and emphasize those "successes" before I identified what needed to change.

I can hear you now. *Why should we coddle them? No one praised my tiniest effort when I was an associate and I turned out fine. The most important thing is a good product.* I challenge you to think about the "product" a little differently.

Millennials do not have the same job loyalty as other generations. In fact, "The new normal is for Millennials to jump jobs four times in their first decade out of college. That's nearly double the bouncing around the generation before them did."[18] These statistics should startle law firms. When disenchanted associates leave, it impacts firm morale, profitability, and reputation. Firms that believe young lawyers are fungible do not yet understand

17 This is a very productive trait. Gallup discovered "that weaknesses never develop into strengths, while strengths develop infinitely. This is arguable the biggest discovery Gallup or any organization has ever made on the subject of human development in the workplace." Jim Clifton, *How Millennials Want to Work and Live (Abridged)* at 3, GALLUP.COM, (2016), http://www.gallup.com/reports/189830/millennials-work-live.aspx.

18 Heather Long, *The New Normal: 4 Job Changes By The Time You're 32*, MONEY.CNN.COM, April 12, 2016, http://money.cnn.com/2016/04/12/news/economy/millennials-change-jobs-frequently/.

Millennials. They risk watching their truly best "product" – people – walk right out the door.

As a result of circumstances largely out of their control, Millennials grew up hearing the message they could, and should, have anything they want in an environment that catered to instant gratification. Want to know the answer to a question in seconds? Just Google it. Want to have an amazing meal delivered to your door within minutes? Download the UberEats app and click order. Don't want to risk the crushing humiliation of being rejected in person when asking someone out on a date? Match.com to the rescue. Believing that you are entitled to exactly what you want, exactly when you want it, is dangerous enough. Living in a technological age that has made it possible is a recipe for psychological disaster.

Simon Sinek is one of my favorite lecturers on leadership. His TedTalk, "How Great Leaders Inspire Action", is a must-watch.[19] His October 2016 appearance on "Inside Quest" about Millennials in the workplace is directly on point for this chapter and I recommend you also watch it.[20] One of his overarching themes is that people want to be inspired. They want to work at a place with an articulated purpose alongside leaders with a vision. This is one of the reasons Millennials struggle at law firms – they are notoriously traditional institutions whose "why" is rarely challenged.

If you asked most Traditionalists or Boomers why they became lawyers they would give you two answers: financial security and prestige. Law firms did not have to tout their ability to provide personal happiness and professional fulfillment as a recruitment tool. As Mr. Clifton recognizes in the Gallup report, "Back in the old days, baby boomers like me didn't necessarily need meaning in our jobs. We just wanted a paycheck – our mission and purpose were 100% our families and communities."[21]

As author and Duke Law School graduate Tucker Max observed, however, "Millennials have straight up rejected this system. They won't give their lives away just to 'win' an unwinnable race. Instead of the illusion of financial security, and the scarcity of status and prestige, Millennials have two primary ways they measure success: 1. Millennials want to be a part of something they find meaningful. Their work needs to matter, both to them and to the world. 2. Millennials want to build deep, authentic connections with people. They want real relationships."[22]

Millennials are therefore the first generation to make law firms answer the question, "What is our purpose?" The process in finding the answer will be as important as the answer itself. Many firms may discover that they have objectives (i.e. develop more clients, increase profitability, expand into a new practice area, etc.). They may even have a plan for achieving those objectives (i.e. join professional organizations, reduce expenses, attend seminars, etc.). But in order to keep Millennials engaged and happily employed, firms need to articulate why those objectives matter and how they can be achieved while still enjoying a balanced life.

This is where most firms encounter resistance. The changes that Millennials are asking for from law firms are *good* changes. They want greater flexibility in when and where they work, more attention paid to their professional development, a voice in firm decisions, freedom to spend guilt-free time with their families, and improved communication with firm management. These are all good things that would benefit most lawyers (a notoriously unhappy group of professionals). Problems arise, however, in the way the Millennial message is delivered.

Millennials tend to get in their own way. They enter the professional realm burdened by the expectation created by their childhood – "I want it, therefore I shall have it" – and when communicating their desires to law firms, Millennials overlook the sacrifices made by those who came before them. There are women who endured blatant sexual harassment for decades. They were trying to make it in a man's world with very few allies. Some of

19 Simon Sinek, *How Great Leaders Inspire Action*, Ted.com (Sept. 2009), https://www.ted.com/talks/simon_sinek_how_great_leaders_inspire_action.

20 David Crossman, *Simon Sinek on Millennials in the Workplace,* youtube.com (Oct. 29, 2016), https://www.youtube.com/watch?v=hER0Qp6QJNU.

21 Jim Clifton, *How Millennials Want to Work and Live (Abridged)* at 3, Gallup.com, (2016), http://www.gallup.com/reports/189830/millennials-work-live.aspx.

22 Tucker Max, *Millennials Aren't Entitled – They're Just Better Than You*, Thoughtcatalog.com, December 15, 2016, http://thoughtcatalog.com/tucker-max/2016/12/millennials-arent-entitled-theyre-just-better-than-you/.

them sacrificed getting married and having children just so they could succeed as a lawyer. And for those who tried to have a professional and a home life, no one made it easy on them or cut them any breaks.

There are also men who put in fifteen to eighteen hour billable days for years, grinding away just trying to earn a living. Some of them rarely saw their wives and children, and never got to take the family vacations or make it to the weeknight sports games. They were constantly trying cases and were expected to "suck it up" if they were sick. Hobbies? Yeah right. I can assure you no one was checking on the "personal fulfillment" level for these men.

The Millennial mindset can breed resentment in older lawyers, understandably so. The same lawyers whose life-long sacrifices created many of the law firms we know today are the ones being asked to accommodate a new generation of lawyers who expect to have it all at once. I get it. It doesn't seem fair. But there is a huge opportunity here where everyone wins. If Millennials want their message to be heard within firms, they need to work on their delivery. They should approach firms with greater humility, be ready to cooperate and work hard, and show respect to those who came before them. They should be patient, and should look for opportunities to demonstrate their commitment to the firm.

On the flip side, the Boomers and Gen X-ers need to open their minds, improve their communication skills, and be truly willing to try new things. Most importantly, however, they need to let go of resentment. The best way to do that is to set aside time for themselves. At our firm, for example, our partners started to recognize resentment building when asked to accommodate young lawyer (and employee) vacation schedules. Part of that stemmed from the fact that the partners were not taking vacations themselves. We did our best to enjoy marketing trips and conferences, but it wasn't the same as truly "turning off." To counteract that resentment, we made a point to set aside time for the partners. Ideally once a quarter. The change made us happier, more productive lawyers and is an example of the good that can come from embracing the Millennial mindset. Now, when partners are asked to carry an extra load while associates take time off, the partner knows their time will come, too.

4. WE CAN'T LIVE WITHOUT THEM, SO HOW DO WE WORK WITH THEM?

Our small firm is a living organism. If one person is having a bad day, everyone feels it. If there are too many closed doors, people get nervous. If a deposition goes awry and people start throwing water bottles at each other across the conference room table while shouting at the top of their lungs, everyone wants to poke their heads out and see what's happening. Hypothetically.

Learning to lead this "organism" is an amazing experience. When I first became partner and was trying to get my sea legs, I read a book by Tony Hsieh called *Delivering Happiness*. Tony joined Zappos.com as an advisor and investor and eventually became CEO. He helped Zappos.com grow from almost no sales to over $1 billion in gross merchandise sales annually, while simultaneously making *Fortune* magazine's annual "Best Companies to Work For" list.[23] The book is about his belief that happiness is a business model – a very good business model.[24] As their website describes, they "discovered that happiness is really good for business, increasing every positive business outcome including 300% more innovation [HBR], 37% increase in sales [Martin Seligman], and 31% increase in productivity [Greenberg & Arawaka] and decreasing everything that you don't want, 125% less burnout [HBR], 66% fewer sick leaves [Forbes], and 51% less turnover [Gallup]."[25] This idea of developing happiness first resonates with Millennials.

Seven of our firm's ten lawyers and two of our staff are Millennials. Naturally, happiness is something we actively cultivate. For example, we have two associates who bring their dogs to work. Margo, the long-haired red dachshund described as "half-dox-full-fox", comes on Tuesday and Friday. Casey, the golden retriever with an

23 http://deliveringhappiness.com/book/about-the-author/
24 http://deliveringhappiness.com/
25 http://deliveringhappiness.com/company/

impeccable knack for knocking food out of your hand at lunch, comes on Monday and Wednesday. Thursday is Steve Dichter's day, since he still doesn't understand why we need dogs at the office. They have plush beds, toys, and their own special treats. They meander in and out of our offices and cubes, with a sixth sense for who needs them most. Their presence creates a noticeably improved and more relaxed atmosphere. More than once, I have hung up after a difficult conference call to sit in the hall and play fetch. Trust me, it helps.

In line with my role as Chief Happiness Officer, I implemented an associate incentive program last year that achieves two goals: capturing more billable time and getting our firm together for a meal every day. We noticed that associates were struggling to put their time in contemporaneously, causing productivity (and our administrator's sanity) to suffer at the end of the month. To encourage better time entry, we offered to buy everyone lunch (up to $10/day/person) for the week if every associate has their time entered for the previous week before our administrator gets in Monday morning. Each associate is in charge of ordering the firm's lunch one day a week.

The program was a positive change for a couple reasons. First, we get our invoices released and out the door quicker because we are not waiting for attorneys to enter time at the end of the month; quicker invoicing means quicker payment and improved cash flow. Second, the associates spend less time worrying about and getting lunch because for four days out of the week all they have to do is place an order and it comes to them. Third, our firm has a much greater sense of camaraderie and connection. The conversations we have around the lunch table get us out of our offices and talking. Some days we roundtable recent cases or brainstorm strategy. But more often we discuss important issues in the world and in each other's lives. This kind of authentic communication builds relationships and strengthens "purpose."

We also restructured our approach to annual reviews. Rather than meet once a year, we schedule two formal reviews (one mid-year and one at year-end), and we involve the associates in firm decisions throughout the year. For example, we started discussions about what kind of office space everyone wants since our lease expires in two years. We asked whether people want to work from home and share offices, what features are most important to them, what part of town they want to be in, and whether they are comfortable spending more on space if it means we will all make less money. We also assigned an associate to work with our administrator to look at options and do site visits.

Along the same lines, any decisions about hiring are made as a firm. Everyone is invited to look for potential candidates, and is part of the decision about whether we want to hire someone or work more hours and make more money. The interview process usually involves coming to our firm for lunch and getting to know the team. We make it clear to the associates that everyone's input is valued and appreciated. I understand that some of these examples are much easier for a small firm to implement, and firms have to determine what works best for them. But the objective (increasing associate involvement, cultivating happiness, and building meaningful relationships with your colleagues) are ones that firms should build into their cultures if they want to retain Millennials.

5. **LEADING THE CHARGE**

The FDCC's motto, "Above and Beyond", is more than words on a page to me. I am convinced there is not a more talented group of lawyers out there. What I love most about this group is that they are not just good lawyers, they are good people. They care about each other and the betterment of our profession much more than one might expect. The FDCC membership is also uniquely situated to institute the kind of changes needed to effectively lead Millennial lawyers in the future. Many of our members serve on compensation committees and hiring committees within their firms and have the ability to create programs that will improve camaraderie and retention. They have the power to change policies, to influence attitudes, and to encourage their firms to adapt. When they talk, people listen.

As with all sustainable change, we must start at the top. Fortunately, that's the FDCC. Going "above and beyond" is our calling and is it exactly what is required to meet the Millennial challenge. I welcome the opportunity to hear your thoughts and share successes on this topic at the next FDCC meeting.

--

A Different Strategy - Lead From Behind

Edward M. Kaplan

I've been asked to share my views on "leadership." In other words, to share what I believe to be important for a person who achieves a position of leadership; and to discuss the principles that are important (to me) when one takes on a leadership role.

In 2010 Professor Linda A. Hill of the Harvard Business School began writing about a particular leadership concept identified as "leading from behind." Professor Hill wrote that she developed this leadership concept from reading Nelson Mandela's autobiography in which Mr. Mandela discussed leaders as shepherds leading their flock from behind. Because this concept of leadership style seemed to be consistent with my own view that the best leaders place others in positions to stand out while they lessen their own limelight, I explored "leadership from behind" more fully and have come to believe that in the right circumstances it can be an effective leadership tool.

Before I read of Professor Hill's work, statements by two different individuals expressed my vision of leadership. These statements envision a "quiet" leadership when others are placed in front and are encouraged to come forward to develop their talents and ideas to improve and advance the organization.

> "No man will make a great leader who wants to do it all himself, or to get all the credit for doing it." Andrew Carnegie.

> "A leader is best when people barely know he exists, when his work is done, his aim fulfilled, they will say: we did it ourselves." Lao Tzu.

Now, however, my favorite quote, for its simplicity is:

> "Lead from the back, and let others believe they are in front." Nelson Mandela.

As briefly noted above, Mandela's leadership concept and writing lead to a theory of "leadership from behind." Mandela equated this style of leadership to a shepherd and his flock. Typically, the shepherd is in the rear pushing his flock forward. On occasion however, the shepherd must move to the front to protect the flock, or to deal with dangerous situations, or to correct the course.

Mandela's theory when put into action requires a type of "rethinking" for the leader. The idea of what he or she needs to do to improve the organization remains the central concept. However, the implementation of those ideas takes an approach somewhat different than traditional leadership styles. The leader must focus first on developing a clear agenda of ideas and then finding the people who can support the leader's vision.

Leading from behind will more often than not place the leader in a supporting role and out of the limelight. This background role is not always acceptable to someone who has finally achieved what they believe to be "their" leadership position. For that person, leading from behind is unlikely to work successfully because he or she will be unable to move aside and empower others to come forward with ideas as they develop their own leadership skills.

One who leads from behind does not take a vacation from their leadership responsibilities. While the leader remains in the background, skills must be used to keep the organization moving in the right direction so that it can accomplish the agenda of ideas originally laid out and supported by those who are working to accomplish the vision (i.e., "the flock"). The leader will continue to provide inspiration through discussion and interaction. He or she will work to develop a collaborative environment in which individuals can comfortably come forward with new and innovative ways to achieve the goals that have been set out. It is within this collaborative environment where discussion of different goals will take place as those who support the leader begin to move forward and lead on their own.

My Federation experience provides an example of this concept. Certainly, when I became president, I had some ideas that I hoped to put in place; some changes that I thought would be helpful; and some critical evaluation of the processes we were following that would benefit the organization. My first step was to identify individuals within the Federation who had the interest, talent and time to take on the projects. My next step was to sit with them as we took an idea, molded it into a specific goal and developed an action plan to achieve the goal. This action plan became "their" action plan because to a large degree, it was. They would select the people to work with and the assignments given to each person. Or, considering the particular goal, they might decide it would be best to complete the work without additional help. In other words, they would become the leader! My job was to continue to evaluate the work of those who were now leading, and to make certain we continued in the right direction. Once the goal was achieved or the task completed, my job was to move aside and give them credit for a job well done.

As noted above, the challenge to this type of leadership is being willing to forgo the spotlight and to foster a process that purposely puts others in front. In fairness, leadership from behind cannot work in every organization. Since the theory of leadership from behind requires the nurturing of others, rather than bold action by the leader, it takes time and it requires that "the right" individuals be available to develop their own skills. If an organization is in need of immediate action, or is in a crisis mode, typically one person will need to step forward and take charge leaving the development of others to a later time.

However, when leading from behind is successful, those with the most talent and desire will move ahead while the rest follow along. Those who have pushed to the front may never realize their journey was always being directed from the rear!

--

Law Firm Succession - Plan For The Inevitable

Evelyn Fletcher Davis & Todd C. Alley

When you have a choice and don't make it, that is in itself a choice
-William James

When confronted with possibilities, those in charge of organizations are counted on to make the right choice. True leaders of organizations, however, do not simply make choices. Leaders make decisions. Decisions, in the context of organizational leadership, are not best made when choices are thrust upon leaders by outside forces, but rather are best made through a cognitive process - identifying the need for a course of action, gathering information, preparing criteria, and identifying and selecting alternatives based on the values and preferences of the organization.

Such organizational decision-making is no better applied in the leadership of law firms than in the context of law firm succession. In this chapter, we will discuss:

- what succession means and why it is important to plan for succession in your firm
- the key considerations when planning law firm succession
- strategies for succession planning
- common mistakes that law firms make when engaging in succession planning

LAW FIRM SUCCESSION: WHAT IS IT AND WHY IS IT IMPORTANT?

Gray hair is a crown of splendor; it is attained in the way of righteousness.
-Proverbs 16:31

I once read that the law is in one of a very few professions in which one's value and earning capacity continues to increase well into a person 50s, whereas in most careers this arc tops out in the early-to-mid 40s. In other words, gray hairs on an attorney are not a sign of someone on the downslope of their career. Everyone, even the very best in the business, leave the profession at some point, however, opening the doors for others. According to the American Bar Association, in the ABA Journal of August 2016, "Nearly half of the partners in the nation's top 200 law firms are Baby Boomers or members of the older Silent Generation. And that means there will be a wave of upcoming retirements . . . Sixteen percent of partners will retire in the next five years and 38 percent will retire in the next decade."

This means that a lot of leadership, experience, wisdom, and yes, revenue generation, will be leaving law firms too - unless proper succession planning is done. Too often, though, law firms assume that the next generation of leaders will appear intrinsically from the firm's crop of young, competent attorneys. Or leaders believe that succession planning will engender concerns of problems in the firm, both from within the firm and from clients and others outside the firm. If done properly, however, succession planning will do just the opposite; it will: increase morale and confidence in the firm's partners and employees; ensure that clients stay with the firm after the departure of a senior partner; and, secure continued profitability and success for the firm. Succession planning is a difficult, but essential, strategy that all law firms must develop to guarantee sustainability.

KEY CONSIDERATIONS FOR LAW FIRM SUCCESSION PLANNING

We must all suffer from one of two pains: the pain of discipline or the pain of regret.
-Jim Rohn

We've all heard the snarky retort: "A lack of planning on your part doesn't constitute an emergency on mine." While it is often true, failure to plan for succession in your law firm may very well result in an emergency situation for those who should have planned for it. Succession planning may not seem as sexy or urgent a topic as client development, billable hours, budgeting or personnel matters, but it is a requisite to future success for a firm. And, it requires the pain of discipline now to avoid the pain of regret later. "Succession planning" may, at first blush, appear to be a single topic, it is really two separate issues: one focused on the continued viability of the organization; and the other focused on the vital issue of sustained profitability of the firm. Those two issues are leadership (or "management") succession and client succession. One is not necessarily more important than the other, but it is important that both are planned for to ensure the firm's continued success.

To begin leadership succession planning, firms need to know who may be leaving and when - that is, what are the firm's demographics and outlook for retirement. Firm management should chart and analyze the demographics (age, years of practice, number of attorneys in each practice group) of the attorneys. This will create a graphic representation of whether or not there is the right mix of attorneys to continue the work when older attorneys leave. Another layer of analysis is to chart billing numbers as a function of age to provide insight into how much money generation is on the way and in the up-and-coming ranks. A firm's senior leadership should continually evaluate this data, perhaps at an annual partners' retreat, to ensure the right "horses are in the stable" at present and for future years and to prevent being caught in the lurch when a senior leader retires or otherwise departs.

Likewise, planning for client succession - the retention of a client after the departure of the attorney responsible for relationship - should not be delayed until a retirement is announced, but should be planned and discussed with the client long beforehand. Some may be concerned that planning for such an eventuality and talking about it with the client suggests instability or provides the client with a natural opportunity to cast about for new counsel. Good client succession planning, however, requires gathering information about what your clients' future plans and needs are and having conversations with your client about who will carry on the relationship after the senior partner leaves. Seek your client's feedback and incorporate that into your succession planning.

Finally, it is important to remember when planning for succession that not all departures are planned, such as retirement. Partners leave for other firms or to go in-house and some, literally and figuratively, die at their desks. Not to be overlooked is the possibility of an aging senior partner simply no longer being capable of functioning at the high levels expected or needed in the firm, and thus necessitating a change in that partner's role. These sudden and unexpected departures are frequently more shocking and destabilizing than the long-coming retirement of a grizzled and gray senior partner, so they must be acknowledged and incorporated into succession planning.

Planning ahead for succession in expected and unexpected departures requires knowledge of your firm's and your client's particular demographics, current circumstances, and projected positions. But because succession planning is so vital to your firm's continued viability and success, doing so will foster confidence in the leadership of the firm, boost morale, and engender hopefulness for the future.

HALLMARKS OF AN EFFECTIVE SUCCESSION PLANNING STRATEGY

The best laid schemes o' mice an' men / Gang aft a-gley.
-Robert Burns

Even in 18th Century Scottish, Burns' meaning is clear – even the best plans can fail. What is also clear, yet won't be found in Burns' poem, is any counsel to skip on the planning altogether. One will find no counsel from Burns or anyone else to simply avoid planning for the future because the plans may not work out. In fact, military leaders have for centuries followed the adage that "Prior Planning Prevents Piss Poor Performance." (Burns was never so eloquent.) To prepare for succession within your firm, you create the best strategy you can and when it goes "a-gley," you adjust your plan. There are a variety of articles and website posts out there which provide guidance and insight into preparing an effective law firm succession plan, and all agree that certain aspects must be taken into consideration. An effective law firm succession strategy includes dealing with partners' roles and responsibilities, developing new leadership, transitioning clients and internal expertise to the next generation, and addressing compensation and retirement.

In order to have a plan for younger attorney-leaders to succeed seasoned attorney-leaders who retire, depart, or simply need to be replaced, there must be clearly defined roles and responsibilities for the senior partners. One cannot succeed another in a role if that role and its duties and responsibilities are not defined. By doing so, the firm creates a blueprint for carrying success forward as each partner will know and understand what is expected of them and younger leaders will have the framework for progression into the senior roles. This also identifies the critical roles in the firm and defines the skills required to effectively perform in those roles. However, the senior leadership must also be encouraged to mentor and develop the younger leaders and to recognize when the time has come to pass on their client relationships, their accumulated expertise, and their control.

New leadership development is the crux of succession. It requires active participation of senior leaders and cannot merely be left to occur intrinsically (i.e. "when the time comes, she'll step up"). Prospective leaders with the skill sets to match the critical roles in the firm must be identified from within the ranks of junior partners and associates, and those persons identified should be matched with leaders in those roles to establish a matrix of future leaders in those roles. There are a multitude of methods that firms can use to develop their next generation of leaders, such as:

- Creating sub-leadership or "shadow" leader positions. If your firm has a managing partner, it should also have an assistant managing partner or a younger partner who shadows, or works directly with, the managing partner on a daily basis;

- Requiring mentoring of younger attorneys to continue past the attorney's first year or two with the firm. Having lunch and drinks with a senior partner and a client is great, but younger attorneys identified as future leaders in the firm should be made protégés, allowing for the transfer of expertise and the introduction into community and industry groups;

- Providing leadership training and development to younger attorneys who are identified as potential future leaders. As attorneys, we often focus on our CLE requirements, business development training, and nuts-and-bolts legal skills, but training on leadership, management, and communication should also be considered;

- Bringing future leaders to the decision making table. If a firm has a management committee, younger partners should be given a seat on the committee or on sub-committees not only to learn what goes into the firm's management and decision-making process, but also to have a voice in their firm's future.

These suggestions for development of future leaders in the firm are not novel approaches, but they do require focus and action on the part of the firm and its senior leaders. "Leading by example" is simply insufficient; developing future leaders takes action.

To encourage and provide for a winning succession plan, firms must consider new approaches or changes to its pay and incentive programs that promotes senior partners entering their final years to cede power (and money) to younger partners. Most law firms reward partners who bring in clients and money, but this becomes a disincentive to retirement or stepping aside. As senior partners get closer to retirement, they should be rewarded for developing younger partners and connecting them with new clients, for mentoring younger partners in current client relationships and firm leadership roles, for delegating their work to younger attorneys and staff, and for bringing in less revenue and allowing others to handle their clients. Effective retirement and compensation planning will help to accomplish the firm's succession planning goals.

Planning, mentoring, and development of the next generation of firm leadership would all be for naught without planning for successful transition of clients from one generation to the next. If a successful relationship with a client has been created, developed, and nurtured over the years, it is a good bet that the client is loyal to the firm and the partner responsible for the client relationship. Unless a law firm really fails a client somehow or demands an unjustifiable rate increase out of the blue, a client will, generally speaking, stick with the firm. However, the departure of the senior partner in charge of the client relationship or the failure to address the need for a change in the client relationship partner when the partner becomes no longer effective can provide a client the excuse to go shopping for new counsel. Thus, preparation for client succession within the firm must be a constant and ongoing process. Some considerations for handling the transition of clients from one generation to the next are:

- Clients are concerned about the stability of the firm and its counsel, so keep the client involved in and informed of succession plans;

- Keep the firm client-focused. Doing so will ensure that client concerns and feedback are incorporated into planning for the future;

- Prepare for the retirement or departure of your contact at the client's company or business so that the new client contact won't consider bringing in a new lawyer when they transition into the role;

- Prioritize the clients on whom you spend the most planning time and effort – not all clients are equally valuable to the firm;

- Have a broad stable of attorneys working with each client so that adjustments can be made in the succession plans based upon performance and development of relationships with younger attorneys;

- Give younger lawyers direct access to the clients to build confidence and trust in the younger attorneys. Clients will stick with relationships, not firm names, and if the only attorney with whom the client has developed a relationship leaves, so might the client.

The best succession plans take time to develop and to work through the inevitable hiccups, and often succession planning seems to conflict with the day-to-day operation of the firm and the urgencies of revenue, billable hours, and client needs. However, a firm that promotes and undertakes succession planning, taking into account these key considerations, will ensure the sustainability and success of the firm as leadership passes from one generation to the next.

COMMON MISTAKES TO AVOID IN SUCCESSION PLANNING

The past is where you learned the lesson. The future is where you apply the lesson.
-Unknown

It would be easy to say, simply, that the common mistakes to avoid in succession planning boil down to not following the guidelines set forth in this chapter. While that would be one, highly accurate, way of putting it, as human beings we process information affirmatively, rather than through inverse extrapolation. We prefer to be given the rules ("do this, don't do that") in clear fashion. With that in mind, here are some common mistakes that law firms should be aware of and avoid when engaging in succession planning:

- *Not planning for the inevitable retirement or unexpected departure of the lions of the firm.* Even when the senior partners, who bring in the most revenue or manage relationships with the most important clients, say they are going to work forever, this is not true. And even if they want to work to their last breath, they may simply not be effective after a certain point (or their last breath may come sooner than they think!) and will need to be replaced.

- *Waiting too long to plan.* Unlike fine wines, succession planning does not get better the longer you wait to uncork it. Succession planning involves many people, complexities, and personalities, and may take some time to work through and develop. Waiting until the last minute may result in plans that are haphazard or not well thought out and may leave key considerations out of the decision-making process. Moreover, new leaders must be identified, selected, mentored and developed to step into roles with greater responsibility, and this takes time as well. We have all had the experience of forgetting an important date (anniversary, birthday, etc.,) of a family member and having to rush at the last minute to make dinner reservations, plans, or to buy a gift, with disastrous results. Do not let this be your model for succession planning in your firm.

- *Overlooking the interconnectedness of succession planning.* Succession planning is not an isolated concept, but rather is part-and-parcel of a firm's overall long-term strategic plan. Selecting new leaders as part of a plan is merely one piece within the larger plan for the firm's growth and sustainability. A thoughtfully constructed succession plan, effectively communicated to the firm, will also boost the confidence of the firm's attorneys and staff in the strength and continued viability of the firm. Succession planning is not just about picking new leaders for the firm, it is about projecting confidence and stability to those inside and outside the firm.

- *Not preparing clients for transition.* Because clients are also concerned about the long-term stability of its law firm, clients must be included in succession planning. Clients should be consulted on the issue of succession on a continuing basis and their input and feedback included in the planning, and clients should be informed of the firm's decisions on succession. Most people do not like or adjust well to sudden, unexpected change, and our clients are no different – if clients are involved in the succession discussion, changes that occur as a result of retirement or other departure will not be disconcerting, rather they will be seamless. The goal of any law firm is to get and maintain clients, and thoughtful, orderly succession planning that includes client input is one way to accomplish this.

The year 2016 marked 70 years since World War II ended and the baby boom began, and those "Baby Boomers" born in the years following the war are reaching the end of their work life. The attorneys who founded or expanded what are now major law firms are retiring or otherwise departing these firms and, without proper succession planning, will take their knowledge, expertise, earning power, and client relationships with them. Law firms must take the time and make the effort to develop an over-arching strategy for retirement and succession from first generation to second generation leadership, keeping in mind the needs of the firm and of the firm's clients.

Federation Of Defense & Corporate Counsel
Officers & Directors

FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.

275 North York Street, Suite 401
(630) 433-4517
fdcc@thefederation.org
www.thefederation.org