

KNOW HOW

STRUCTURES, STATUS AND STRESSORS

Improving motivation

Mary Taylor of Mary Taylor & Associates explains the practical steps that law firms can take to turn the unique challenges faced by lawyers into career opportunities.

There is much that can be done to improve motivation, reduce stress and overall achieve a better working environment for lawyers within a traditional law firm, but it may take structural change, a better understanding of how to flexibly apply lawyers to tasks and a different approach to managing stress.

Corporate structure

The move away, in recent years, from law firms being limited liability partnerships and towards them being structured as limited liability companies, has allowed for more flexibility within firms around roles and responsibilities (see feature article "Law firm structures: optimising opportunity", www.practicallaw.com/w-024-0714). However, the vast majority of law firms still operate under a rigid pyramid-shaped organisational structure. While there are advantages to this set-up, such as simplicity and clarity, it does present challenges.

For example, there is not necessarily a correlation between legal ability and management capability, so promoting the most capable lawyers into managerial positions can create problems. A lawyer will spend years acquiring specialist legal knowledge and experience, but usually a fraction of that time on learning and developing managerial skills.

This does not always matter. Sometimes, there are happy coincidences where a brilliant lawyer is also naturally an excellent manager. This is rarer in law than in many other sectors due to the fact that lawyers tend to only have

worked within legal practice and, most of the time, only within a narrow specialism. The question for law firms to consider is whether to invest heavily in management development and training for those without natural leadership ability, and whether lawyers should add this to their already significant workload.

However, the best scenario for firms is clearly that lawyers' workload is optimised to spend the maximum time possible on fee-earning. This is usually the best option for lawyers as well: most chose a career in law in order to practice law, not in order to become general managers. Indeed, a lot of lawyers struggle with, and often actively dislike, the managerial parts of their roles. However, a certain amount of managerial tasks are unavoidable and this means that some lawyers simply have to adapt.

Managerial meritocracy

One possible solution is to break away from the traditional pyramid model and operate on more of a managerial meritocracy, where managerial roles are split into elements and these elemental tasks are divided among people according to their aptitudes and capabilities. For example, instead of having all partners performing a variety of managerial roles within the firm, the different managerial tasks could be split between partners after evaluating their natural talents and specialised abilities.

If a lawyer has the ability to "see the bigger picture" and be creative, they could be responsible for contributing to strategic decisions around the future of the firm and have their opinions more heavily weighted in this matter. If another lawyer has a talent for public speaking, and influencing and inspiring others, that lawyer could lead on matters such as client events, media interactions and firm-wide communications.

A meritocracy-based managerial system requires some effort to objectively identify individuals' capabilities using an evidence-based system and then to split allocation of tasks according to subject, rather than simply adding a general group of managerial tasks to the plate of every partner. However, it also provides the opportunity to have the ideal people for each task and to optimise the workload of each lawyer to perform only those functions for which they are best suited. Such a system usually produces better results for the firm and a better experience for all concerned.

Status and titles

The meritocracy-based system can also be used to create more opportunities for lawyers within a firm. Instead of the usual linear progression from trainee solicitor to partner, for example, the meritocratic approach allows firms to select lawyers for specific tasks according to their individual aptitudes, rather than their job title. For example, an associate may not yet be considered ready for a full partnership role, but could be given specific partner-level responsibilities for particular tasks according to their measured, evidence-based attributes.

This serves several functions:

- Putting the person best suited to the task leading it, providing the associate with an opportunity to learn some aspects of a partnership role.
- Allowing them to demonstrate their capabilities where they would not ordinarily get that opportunity.
- Providing a more time and cost-effective result for the firm.

It also often creates a self-perpetuating cycle of achievement. Giving someone more

responsibility encourages them to do a better job and gives them more experience, which leads to them being given more responsibility and so on.

As is the case for most professionals, a lawyer's title, job role or perceived status is an important and relevant aspect of their self-identity and perception of success. The presence or absence of these significantly affects motivation and satisfaction. The meritocracy system allows people to escape the binary outcome of associate or partner, for example, and achieve different levels of recognition and status in different areas. This also helps to create a more cohesive firm where there is less division and distance between the layers of roles.

Impact of stressors

Lawyers are frequently under significant pressure from aspects of their role such as heavy workloads, demanding work content and tight timescales (see *Know how article "Mental health in law firms: shining a light"*, www.practicallaw.com/w-020-2051). There are various techniques that individuals can employ to try to minimise the effects of this

stress and to build resilience against it (see *Know how article "Wellbeing trends within the legal sector: healthy, wealthy and wise"*, www.practicallaw.com/w-043-6832). However, even using these techniques, reducing the impact of stress on lawyers is not easy to achieve. In a system that is largely built around billable hours, it is hard to escape the fact that the more hours a lawyer works, the higher the return for the firm.

When the biggest factors affecting stress for lawyers tend to be long hours and a high volume of demanding work, it is difficult to resolve this conflict. However, law firms can take certain steps to reduce the experience of stress by lawyers. This will be beneficial for the firm in reducing attrition rates, minimising sick leave and improving the quality of work produced (see *Know How article "Law firms and retaining talent: cream of the crop"*, www.practicallaw.com/w-035-3232). One step relates to how much control people perceive they have over their circumstances. In general, people tend to feel more stressed about things that they perceive to be outside of their control; for example, it is often not just the long hours

but the unpredictability of them that is the problem. Consider, for example, a lawyer having to work late one evening. Instead of remaining in the office until the work is completed then making their way home, they can leave the office when they prefer and complete the work from home. A minor difference maybe, but if it is better for them not to make the journey home late at night, or they prefer to work in the comfort of their home, then it makes a big difference to them. This is no real hardship to the firm, they still get the work done, and probably to a better standard if the lawyer is taking their time at home rather than rushing to be able to leave the office.

In general, the more autonomy and control that firms can give lawyers over their work the better. This is not always possible of course, but even small changes can have a disproportionately large impact on the perception that people have of their control over their circumstances, and consequently how stressed they feel.

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