

Teaching 'Soft Skills' Can Be Hard, Worthwhile Work

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In a recent forum on law office management, David Maister, a prominent consultant to professional services firms, was asked whether firms should be reducing the number of partners who are given a full equity stake.

Rather than answer the question head-on, Maister responded that firms should make sure “that all partners with equity make a contribution commensurate with that reward.”

He also indicated that “the first step should be — through guidance, coaching, support, practice group management and the like — to help people contribute.” In other words, law firms that want to succeed should not tell associates to “figure it out for themselves” and deny equity to those who don’t. Rather, they should take the time to get lawyers to a point where they deserve equity.

In this column, I would like to suggest some management practices that are consistent with Maister’s basic philosophy — i.e. consistent with the idea that it pays to invest in professional development.

Internal Solutions

One obvious way to address professional development on a firm-wide basis is to create internal training programs. In the past 15 years, many of the larger firms in Boston have established new training director positions. These individuals are charged with the enormous task of evaluating the firm’s performance gaps and coming up with training programs designed to fill these gaps.

In most firms, this has led to the development of numerous substantive legal seminars on topics of interest to associates and partners. Many of these trainings occur at departmental lunches and are supplemented with outside CLE programs.

Firms that have gone to the next level have also added workshops on legal skills that attorneys need in their respective practice areas (e.g., document production and deposition practice for the litigators, due diligence and preparing for a closing for transactional lawyers and negotiation skills for everyone).

Finally, a smaller number of firms have used training programs to address gaps in soft skills. By soft skills, I mean a broad and overlapping mix of management skills including: time management, delegation, working productively with support staff, dealing with conflict, stress management, supervision and feedback, effective client communication and business development. But calling these skills “soft skills” is not intended to diminish the importance of honing these skills.

While training on substantive legal topics and skills is certainly important in maintaining a high level of attorney performance (and firms generally put most of their training resources into these subjects), it is actually the need for soft skills that causes the biggest performance problems in a firm.

Internal training on substantive subjects speeds up the learning curve for attorneys and helps the firm leverage its collective knowledge. But attorneys are not starting with a blank slate on substantive topics.

In contrast, prior to joining a firm, most freshly minted associates have been given little or no guidance in how to work effectively in a law firm environment. While some junior associates may arrive equipped with the strong interpersonal skills necessary for success at a law firm, many could greatly benefit from the management wisdom of those inside and outside the firm.

Mentoring And Performance Reviews

Training is one way to help make associates aware of some of the soft skills they need to develop and should be the first step in helping associates raise their level of performance.

But learning soft skills usually involves learning new behavior and, according to Harry Keshet, an organizational psychologist who has worked with hundreds of attorneys, changing your behavior takes time.

In other words, one hour of training on time management without any follow up is unlikely to have a dramatic impact on how a lawyer actually manages his or her time in the long run.

Training programs that give the participant the chance to practice the skills that they are learning are more likely to have an impact. But law firms that wish to heed the advice of David Maister (i.e., that successful law firms need to “help people to contribute”) should do more.

One approach is to make sure that the firm’s mentoring program is working. In other words, make sure that mentors are actually meeting with their mentees on a regular basis to discuss how things are going. In this way, there is a regular opportunity to identify skills gaps.

Create a financial incentive for partners to follow through on their mentoring duties and support mentoring with guidelines and subjects to discuss with mentees. Tie compensation at least in part to a demonstrated commitment to mentoring.

If a firm wants partners to manage, they need to pay partners for the time they spend managing rather than penalize them for the hours they are not billing.

Take the performance review process seriously and make soft skills an important part the performance review process. Ask support staff for feedback on the attorneys who work with them. Ask the lawyers who supervise an attorney to measure how effectively the associate is managing his time, working with his secretary, etc., and get feedback from clients who have worked with the associate.

Present the review both orally and in writing to the associate.

External Solutions

Mentoring and performance reviews are good diagnostic tools and getting the diagnosis may be enough to motivate an attorney to change. But sometimes, more work is needed.

If the firm has internal resources to help lawyers who have performance problems (i.e., partners or non-lawyer professionals with solid management skills and time to work with associates), then these resources

should be applied. Given the high billing rates in large firms, however, it can often be less expensive to bring in an outside coach.

Bringing in someone whose role it is to work with a lawyer over time can be a way to help an otherwise talented lawyer to improve his or her performance. In this way, the lawyer can learn to make a valuable contribution to the firm without alienating clients, junior associates or valuable support staff.

Sometimes an outside coach can actually accomplish more because the outsider is perceived as more objective by the individual who is receiving the coaching.

Firms that care about teaching business development skills to attorneys can particularly benefit from an ongoing relationship with an outside vendor. Selling professional services is a subtle skill and requires a sustained approach. Many lawyers come to the practice of law with little or no experience in selling a service (or even an active dislike of sales and marketing).

If a firm wants to keep associates on track developing professional relationships that will over time yield business for the firm, then coaching can help keep attorneys on track.

Conclusion

Recruiting talent is expensive. Aside from any recruiting fees that a firm might need to pay to replace an underperforming attorney, firing a lawyer can have a detrimental impact on office morale, which further hurts productivity. Furthermore, there is no guarantee that the replacement will have both the hard and soft skills that the firm wants.

Lawyers may be resistant to working on these skills. They are bright and accomplished people who do not necessarily see the importance of these less analytical skills.

But attention to these softer skills will reduce turnover, increase productivity and generate more business for the firm. Firms that find ways to teach soft skills through training, mentoring, performance reviews and coaching will do the most to “help people to contribute.”

In turn, these firms will be the winners.