

Leadership and the Law: How Law Firms Can Fix a Puzzling Quirk

There's a need for greater investment in law firm leadership training, argues Cohen Milstein partner Betsy Miller.

BY BETSY MILLER

Editor's note: This is the first in a series of articles by Cohen Milstein partner and leadership coach Betsy Miller on cultivating leadership in the law.

The success of the legal profession depends on the talent of its people, yet its investment in that talent is alarmingly incomplete. The COVID-19 pandemic has created a need for leadership that is both immediate and requires ongoing investment.

Law firms focus heavily on developing such foundational legal skills as oral advocacy, depositions and brief-writing. With the support of early training followed by years of practice, senior attorneys master the craft of lawyering but arrive underprepared for the next career phase: a very different set of responsibilities associated with leading teams, legal departments and entire firms. Yet, we expect lawyers to make this transition without teaching—or valuing—how to do it well.

As students, lawyers are trained to expose flaws in an adversary's logic and deliver crisp answers to



complicated questions. As practitioners, our success requires those skills, plus winning cases and generating business. Conspicuously absent is training on team dynamics, listening skills and other core competencies of leadership. A lot of law firms fail to adopt many of the basic talent management principles, which operates to their detriment, as a 2012 **Harvard Business Review** piece noted.

A system's incentives dictate its culture, so it should be no

surprise that lawyers, who are compensated by the hour or paid on contingency to deliver successful outcomes, have little reason to focus on developing their leadership capacity. Doing so takes time, practice and organizational support. As Harvard Law School's David Wilkins rightly cautions in a 2014 essay published by that school's Center on the Legal Profession, "[t]he compensation system must evaluate and measure the 'whole partner.'" Metrics that

fail to create financial incentives for emotional intelligence, an ability to guide teams through a crisis, and mentoring the next generation make a shortsighted mistake with a long-lasting impact.

COVID-19: An Opportunity Wrapped in a Wake-Up Call

A reckoning is underway. The profession has been at a crossroads for some time, faced with women and minorities leaving the practice of law—especially Big Law—in disproportionate numbers, and a growing culture gap between the millennial generation (anyone born between 1981 and 1997) and the old guard (the rest of us). Governance models for law firms and in-house legal departments need to evolve more rapidly than ever to adapt to the uncertain and continuously changing dynamics created by the COVID-19 crisis. If we respond to this challenge by *building capacity*, we will fare much better than if we simply *react* to it.

Now more than ever, we should identify and develop the lawyers who are willing to invest in this challenge. These people are not hard to find. They are the ones who have demonstrated a commitment to growth and resilience, shown they value diverse perspectives, and have a track record for combining mission-oriented vision with exceptional execution. They might already be in senior positions of formal authority or they might be rising stars waiting to be recognized. They will *not* have homogenous backgrounds, yet they *will* share these key qualities: unapologetic curiosity for learning; dual capacity for action and reflection; and unwavering commitment to

serving others, no matter their seniority or title.

The profession is facing demanding yet richly navigable tensions around stability and change, ambition and well-being, and short-term and long-term strategies—to name a few. To leverage these dynamics more nimbly than in the past, we must think differently about *how* to lead and *who* should share responsibility for that leadership.

The paradigm shift need not include a large financial investment. Leadership is a learnable craft, and there are many access points, including an abundance of wisdom and training generously being made available for free during the COVID-19 crisis by some of the foremost experts in this field. There are many cost-effective ways to initiate scalable leadership development, simply by sponsoring discussion groups around curated articles or books, encouraging participation in select webinars, and, budget permitting, by offering access to coaching.

A small financial investment will make a large culture difference *if* it is modeled by the people who control compensation and advancement decisions. Our most senior lawyers therefore play an important role at the heart of this change. If those in positions of power and influence show curiosity about developing their own capacity, and they value that trait in others, there will be immediate improvement in retention and career satisfaction, plus the added benefit of smoother transitions.

Cultivating leadership in the law — the next installment

This series will explore the most current thinking on leadership

development and will apply it to pressing questions facing the legal profession. Upcoming articles will explore:

- *Navigating polarities*: identifying and leveraging benefits of opposing, but interdependent, preferences — such as stability and change;

- *Facing adaptive challenges*: using leadership as a vehicle for evolution by building the capacity to function through crisis, uncertainty and transition; and

- *Feedback as a catalyst*: for resilience, growth and high-functioning teams — when practiced skillfully by both giver and receiver.

There is an ancient quote made famous by martial arts master Bruce Lee: In times of crisis, “we do not rise to our expectations, we fall to the level of our training.” There are no shortcuts for practice, and there is no incentive to practice until we value the investment. Leadership should be an inclusive call to service, developed broadly and deeply across an organization. Meeting the future successfully requires a culture change right now. The raw talent is here, and there is no time or reason to waste it.

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