

# WHY LEADERSHIP DEVELOPMENT IS SUCH A HARD SELL IN THE LEGAL PROFESSION

Article by Herb Rubenstein, President, Sustainable Business Group, and  
Author, *Leadership for Lawyers*, 2nd Edition, American Bar Association (2008)

## Introduction

As a practicing lawyer for 26 years, and a graduate of the largest law school in America, Georgetown University, I have watched my profession from a very close vantage point. I have written the first book on leadership ever directed toward lawyers and law students. I have been a member of the Board of Directors of the International Leadership Association and have taught leadership seminars to lawyers in six States and the District of Columbia. I have met with Continuing Legal Administrators from almost every State of the Union and I have discussed leadership for lawyers with lawyers and staff in over 100 law firms.

In order to introduce significant change into any profession or any organization, one needs to know the reasons why that change will be resisted, or even worse, ignored. The legal profession has offered up a significant amount of information as to why in our profession leadership development is a harder sell than it is in business, psychology, engineering, teaching and education, and many other professional fields. This article outlines some of the reasons why leadership development is not viewed by many in the profession as being a source of professional improvement or competitive advantage. From my writings, especially in my most recent book, *Leadership for Lawyers*, (2nd edition, American Bar Association, 2008), one can learn many reasons why leadership development can be very beneficial to lawyers, law firms, in-house counsel, judges, paralegals, legal administrators, and all those who work in our profession.

## The Nature of The Legal Profession

Not all resistance to or apathy about leadership development in the legal profession can be attributed to individual lawyers who proclaim not to see the value to them, their firms and their practices of becoming a better leader. Rather, there are three aspects of the legal profession that create a culture or mind-set that one would expect would be biased against the whole notion of leadership development.

First, our profession views itself as part of the elite of society. Lawyers think they are leaders, and good leaders, just because they are lawyers. However, since law students receive no training in leadership development and only a few, but growing number, of continuing legal education courses teach leadership development, there is a truth that our profession would hate to acknowledge. That truth is that many lawyers are terrible leaders, or worse yet, not leaders at all. In fact, most lawyers know so little about leadership theory or good leadership practices, they don't have a clue how bad a leader they are.

Second, our profession, while intellectual to the core, is basically a vocation, and our practitioners are artisans. Just as one would not see much benefit for a carpenter, or cobbler or violin maker to take a leadership development course, lawyers in practicing a vocation see little benefit of leadership development study or taking leadership courses or even working at being a better leader in a systematic manner.

Third, Jay Foonberg reveals a great truth about our profession when he says, "There are sole practitioners. There are small law firms which are groupings of sole practitioners. And there are large law firms. They are comprised of groups of small law firms."

With so many lawyers either working alone, or with one or two associates, one or two paralegals, a secretary or administrative assistant, or one or two clerks, they legitimately question why they need to be a better leader since they actually lead so few people on a daily or regular basis.

Fourth, while some lawyers believe that a central role of their professional career is to lead clients, the legal profession is built on the notion that the client is the "principal" and the lawyer is merely the agent. The notion of the "hired gun" does not evoke any leadership images.

Fifth, while litigators know their job is to lead judges and lead juries, and even lead opposing counsel, the number of lawyers in court a majority of the time is very low indeed, possibly in single digits.

Sixth, although there are large law firms, some law firms have delegated leadership of the firm to law firm administrators, to their technology providers, and even to their law firm librarians. Some law firms have reduced actual leadership demands to just one lawyer or a small group of lawyers on an executive committee which often meets weekly or monthly.

Finally, many lawyers often feel uncomfortable in leadership roles. Of course, this is exactly what you would expect of people who are very highly trained in the practice of law, but have little formal training in leadership development. While lawyers are great communicators for their clients and to their adversaries, many are limited in their ability to listen to subordinates, include peers and subordinates in real decision making, in developing long range strategic plans for their law firm, and in delivering the type of constructive criticism and mentoring that exemplary leaders know how to do with ease and grace.

### ***Is Promoting Leadership Development Hopeless in the Legal Profession?***

The easy answer is no. The funny answer is yes. And the truth lies somewhere in between.

There are good reasons why our profession will soon recognize that we need better training in leadership development through our continuing legal education programs. First, law schools, in general, will never teach leadership because it is not on the bar exam and the primary purpose for the existence of a law school is to train its students to pass the bar exam. Law students may be better leaders before they go to law school than when they graduate and pass the bar. Since leadership development is not taught in law school, the legal profession starts with a significant deficit in the leadership arena compared to the other professions, like

education, engineering, psychology, business, and others because they all devote a significant amount of the graduate education of their students to the study of leadership development.

Second, since first year associates in large and small firms are usually given limited opportunities to lead in any significant aspect, there is little hope that these bright new lawyers will gain significant leadership skills during their early years in the profession.

Third, it is now easier to make leadership development training available through CLE, be it in classroom, or even over the web, or video or telephone. Leadership theory has matured. Leadership best practices have been more clearly identified and catalogued. And, leadership development no longer needs to be multi-day, soul searching exercises to have a significant impact on a person's ability, and more importantly, willingness, to be a leader. These factors are already contributing to an increase in the number of continuing legal education courses that teach leadership development for CLE credit and increasing the interest of lawyers in the notion that leadership development programs and courses could improve their law firms, in-house counsel offices, plus make them better individual lawyers and more satisfied employees and partners.

Another development that is encouraging lawyers to seek leadership development training is that the legal profession is getting more competitive. With over one million lawyers practicing in the United States alone, and over 120,000 law students, lawyers are looking for something that will give them a competitive advantage over their adversaries. Some are turning to leadership development training and one law firm recently announced that it was going to send all of its lawyers to get MBA's. Another development is that many in our profession are not satisfied with their careers and believe that becoming a better leader may open up avenues of satisfaction that are currently not on their radar screen. A third development is that law firms are getting bigger, often the results of a merger, and good leaders are needed to keep the large ship from listing. A fourth development is that there is a huge hue and cry for greater civility among lawyers, and leadership development programs have a great potential to help with the problem of lack of civility in our profession.

### **Successfully Promoting Leadership Development in the Legal Profession - First Steps**

For law office administrators, authors, and leadership consultants, being an effective proponent for leadership development in the profession all starts with understand the huge distrust that our profession currently has of the potential value of leadership development to the individual lawyer and the legal profession. All of this suggests that one needs to introduce the entire notion of leadership development rather gingerly, and most certainly, at that rare moment for lawyers, the teachable moment. The time or times when a lawyer, much less an entire law firm, is genuinely interested in and open to learning about leadership development are quite rare. But they exist. In a subsequent article, I will outline the times and circumstances in a lawyer's career or the life cycle of a law firm or in-house counsel's office, when receptivity to hearing about leadership development would be at its highest.

It must also be recognized that most lawyers generally prefer to communicate with, listen to, and learn from other lawyers when it comes to matters dealing with the practice of law. Therefore, engaging one lawyer in a firm to take the banner of leadership development will be

more effective than the best legal administrator trying to preach to the lawyers the benefits of this course of study.

Bringing in a leadership development consultant to speak to a firm or part of a firm can pay dividends, but rarely are lawyers truly prepared to understand the potential value of leadership development training by the time they are sitting in front of the speaker. And with the huge time pressures on lawyers and everyone in the firm, scheduling a critical mass of the law firm to listen to a leadership development consultant for a full day is hard to do. Law firm retreats might be a good place to introduce the subject matter of leadership development training, but they only happen once a year usually and often the topic of leadership development does not fit well with the rest of the agenda. Further, most law firms do not have law firm retreats. Staff meetings are occasionally a good place to inject the idea of leadership development training, but the idea is best received when it comes from a fellow lawyer, than when it might come from administrative staff. Promoting leadership development to a lawyer, firm or in-house counsel office that is facing significant challenges might seem like a sensible thing to do, except, the pain the lawyer or lawyer is already in stops them from being willing to take what they perceive as bitter medicine. Getting the law firm or lawyer to consider leadership development while everything is going swimmingly, is even a harder sell. Therefore, selecting the optimum time for promoting leadership development in a law firm is certainly tricky business.

So, how can leadership development be promoted more effectively in the legal profession? The Colorado Bar Association has been successful with the leadership development programs they have offered. CLE credit was given and the classes were three hours long. Secondly, if legal administrators could get leadership oriented performance indicators written into job descriptions and personal growth plans for lawyers in the firm, that could be a good start. Third, simply holding brown bag lunches hosted by one lawyer on the topic of leadership might draw some interest and open the door to greater receptivity by many law firms. The tough part is that most law firms do not have personal growth plans for their employees. They do not have job performance factors other than billable and pro bono hours spelled out in significant enough detail so that inserting some leadership oriented factors would make much sense. And, how many law firms invite speakers or have brown bag lunches on a regular basis where all lawyers and staff attend? While each of these approaches is fraught with challenges, they and others like them to have some possibility of success.

### **The Long Range Plan**

Some believe that good leadership development programs and leadership development consulting should make a person a better leader immediately, or instill a leadership oriented culture instantly. Of course, that is rarely the case. Law firms that are experiencing high turnover of lawyers or clients, revenue shortfalls, client complaints, malpractice suits, or a falling reputation are not going to be significantly better off the morning after a day or two, or even a week of leadership development training. These programs cost a significant amount of money and getting the funds into a law firm budget for leadership development program is often harder than getting a hard core felon a light sentence. However, there is a growing body of evidence that improving the quality of leadership in the firm will yield increase law firm profits and improved lawyer satisfaction.

Lawyers like schedules. They do not take courses like leadership development spontaneously. Therefore, leadership development training must be inserted into the law firm plan and law firm budget well in advance of when lawyers, the firm, or the in-house counsel's office will actually take the course or obtain the consulting. There is often a three to six month lag between the time a lawyer, law firm or in-house counsel's office decides to pursue leadership development training and actually taking the training.

The best leadership development programs take days and weeks of preparation, study, the deployment and analysis of leadership assessment tools, and research on the part of the leadership development trainer to find out what aspects of leadership should be emphasized in that law firm, or in-house counsel's office and to the lawyers taking the course. Leadership development consultants who want to promote their trade to law firms better be ready to conduct extensive research on the law firm or in-house counsel's office and the entire company, plus interview numerous of lawyers well in advance who will be taking the course, all well before the course of study is delivered, and even well before the final promotional "pitch" is even made to provide leadership development guidance to the firm or in-house counsel's office and its lawyers. Even after the contract is signed, significant research and analysis is needed of the law firm, its issues, its beliefs, its hierarchy, how decisions are made, its tensions and shortcomings before the leadership development consultant begins to shape the most appropriate type of leadership development program for the firm.

Possibly the best opportunity to promote leadership development in a law firm or in-house counsel's office is when the law firm is considering developing a long term plan. A long term plan is anything over 12 months in our profession. If a firm or in-house counsel's office is considering the development of a long term plan, it is important to know that some leadership development practitioners are also skilled facilitators in long range and mid-range planning. By bringing in a leadership development consultant to help develop the plan, this can pave the way to greater openness by the lawyers and law firm or in-house counsel office to leadership development.

Similarly, using a leadership development expert to help facilitate retreats, partnership meetings, executive committee meetings, to meet one on one with key leaders in the law firm for executive coaching, are also good ways to promote leadership development among lawyers, law firms, court systems, in-house counsel offices, and in other areas of the legal profession.

### **Conclusion**

Just as lawyers often counsel their clients who just happen to be defendants to tread easy in the courtroom, legal administrators should be counseled to tread easy when it comes to suggesting that lawyers in the firm or in-house counsel's office could benefit from leadership development training.

Legal administrators are hired to set up systems and to solve challenges. How we characterize a challenge or problem often points us to a potential solution. Legal administrators can begin to characterize some of the challenges that a law firm, in-house counsel office or an individual lawyer or group of lawyers face as "leadership challenge," and thus, may open the door for better receptivity for additional leadership development training.

The good news is that the legal profession will not stay an island opposing or neglecting leadership development forever in the face of leadership development's tremendous contribution to turning out better practitioners in so many other professions. Our profession was a hold out in using the telephone, in using the typewriter, in using the computer, in using video conferencing, in using spreadsheets, in using email, and in many other areas. But the legal profession when it embraces a technology or an idea, it wants the best, it wants it now and it is willing to pay a lot of money for high quality services.

This should be a source of confidence to legal administrators that in your lifetime that if you are a proponent of leadership development for your law firm, in-house counsel's office or particular lawyers, you will eventually become an effective promoter of leadership development training and you will see the fruits of your labor.

New promotional approaches will always need to be developed to get lawyers and law firms, in-house counsel offices and the courts to see enough value in leadership training to be willing to part with real cash and part with their precious time in order to enroll and participate in leadership development programs. As a few lawyers and law firms start to take leadership development seriously, the floodgates will open and many in our profession will certainly follow quickly and begin to take leadership development courses.

In the short run you might think you are planting seeds for next year's crop or a crop that is many years in the future. You are. But the crop that you have planted by promoting leadership development will bloom over the next decade and lawyers will become better trained leaders to the benefit of our clients, our law firms, our legal administrators, our judges, and most importantly, to our lawyers and this honorable profession.

### **About the Author**

Herb Rubenstein is the President of Sustainable Business Group a consulting firm to businesses. The headquarters of the Sustainable Business Group is Denver, Colorado. He is co-author of Breakthrough, Inc. – High Growth Strategies for Entrepreneurial Organizations (Prentice Hall/Financial Times, 1999). He also serves as an Adjunct Professor of Strategic Planning George Washington University, and has been an Adjunct Professor of Entrepreneurism at George Mason University and Colorado State University. He has his law degree from Georgetown University, his Master of Public Affairs from the LBJ School of Public Affairs, a graduate degree in sociology from the University of Bristol in Bristol, England and was a Phi Beta Kappa/Omicron Delta Kappa graduate from Washington and Lee University in 1974. His email address is herb@sbizgroup.com and he can be reached at 303 910-7961. For more information about the Sustainable Business Group, see [www.sbizgroup.com](http://www.sbizgroup.com).