

The
Mind
of the
Lawyer
Leader



The psychological consequences of change, the lawyer personality, and five key practices for leading in times of change.

By Dr. Larry
Richard

Few law firm leaders today would argue with the proposition that we are in the midst of continuous, external, disruptive, accelerating and exponential change. Bob Johansen, a distinguished fellow at the Institute for the Future, introduced the military term “VUCA” into the business lexicon, which means Volatility + Uncertainty + Complexity + Ambiguity. VUCA neatly captures the swirling sense that one gets that everything we knew and counted on for the past 50 years is about to spin out of control.

This kind of unpredictability has consequences. These consequences have been well documented in the corporate world, and I propose that lawyers suffer from these consequences more acutely than most people in conventional businesses.

We, as humans, are programmed for self-preservation. One way that we protect ourselves from harm is to unconsciously be on the alert for change. To our brains, predictability is comforting; change is threatening. Episodic change—think of your fire alarm going off—is typically the kind of change that we have evolved to cope with quite well. We mobilize our defenses: our attention narrows, looking for the cause of the disruption; our brain secretes stress hormones such as adrenaline and cortisol; our muscles tense; and our sense of vigilance rises.

According to evolutionary psychologists, continuous, exponential change is a state of existence to which we have not yet adapted. It overloads our coping systems and can cause the following reactions:

- Constant multitasking and distractibility.
- Passivity or “learned helplessness.”
- An increase in irritability and other negative emotions.
- Reduced cognitive capacity.
- Mood swings.
- More inclination to turn inward, to protect yourself and focus on your own needs, and less inclination to collaborate, cooperate or team up with others.
- Diminished immune response, leading to slower recovery from health problems and even more risk of illness.

So far, what I have described is how the average person responds to change. Lawyers, however, are at greater risk for two reasons: their negative mindset and their basic personality traits, especially their skepticism.

A NEGATIVE MINDSET

We suffer from an occupational hazard—specifically, the nature of what most lawyers do is that we hunt for the negative in order to protect our clients. We regularly ask questions like:

- What’s wrong?
- What could go wrong?
- Who’s at fault?
- Are there any exceptions to the proposition you’ve just asserted?
- Is there any reason that your suggestion won’t work?

While this problem-focused mindset is needed in our role as lawyers, it's devastating to us as human beings in a time of great change.

Why? First, whenever humans repeat a thought or an action over and over, the brain puts it on autopilot. Instead of consciously thinking each time what questions to ask (which uses precious "working memory"), the brain reassigns it to a region deeper in the brain called the basal ganglia. All it takes is a relatively simple trigger ("Would you review this document?") and automatically you will begin asking lawyerly questions. This automation process in effect "institutionalizes" the negativity, making it a more pervasive mindset that permeates all your interactions. In the practice of law, this is a good thing. But in other roles that we play, it can be a disadvantage.

Second, your brain is also programmed to make generalizations. The first time you touch a hot stove, your brain doesn't say, "Ouch. This stove is hot. I wonder

what the next stove will be like." Instead, it generalizes to the category: "Ouch. Stoves are hot." Such a generalization provides a more useful takeaway that is calculated to protect you down the road. However, the same kind of generalization process applies to your problem-solving mindset. This means that we generally do not limit our hunt for problems only to when we're wearing our lawyer hat. We hunt for them in everyday interactions in all kinds of other situations, settings and roles.

The problem with all of this is that recent research has shown fairly convincingly that a negative mindset generates negative emotions and can actually increase your susceptibility to clinical depression. It also amplifies some of the negative effects of change and uncertainty. Over time you may be less empathic to others, more passive, less collaborative, more irritable, etc.

THE LAWYER PERSONALITY

The nature of the lawyer's work, and how, over time, that produces a problem-focused mindset, can serve to amplify the negative consequences of change and uncertainty. What kind of person would not only be attracted to the world of practicing law but actually find it satisfying and sustaining over the long term? Perhaps someone with a specific set of personality traits that is well suited to that kind of negative job.

My research of more than 20 years concerning the personality traits of lawyers consistently shows that the No. 1 trait that differentiates lawyers from others is a very high level of something called skepticism. Lawyers can score 30 to 40 percent higher on this trait than the general public. Thus it's not only the work that produces the mindset; that mindset gets reinforced every day by the natural personality of the person doing the work.

I have painted a fairly bleak picture of the current state of law practice. Note

that individual practitioners often do not identify with what I have just described—"the last thing a fish would ever notice would be water"—but those who work with them, and especially those who lead other lawyers, tell me they observe these characteristics all the time.

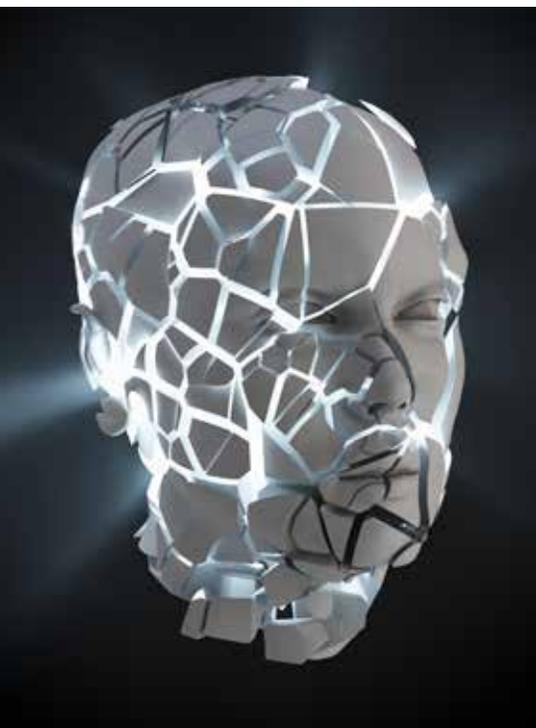
Leaders in a law firm have a particularly challenging job. Leadership is challenging in any organization, but when you are a lawyer leading other lawyers, there are several additional challenges.

John Kotter, emeritus professor at Harvard Business School, has written about the fact that people in organizations feel a need for leadership under conditions of change or uncertainty. The more change and uncertainty we experience, the more likely it will be that we will look to someone to take a leadership role in guiding us forward strategically. In today's VUCA world, the need for leadership in law firms is at an all-time high.

WHAT TO DO ABOUT IT?

What makes leaders effective? There is ample research on leadership effectiveness. One of the most trusted sources is the nearly 30-year ongoing study of leadership conducted by Jim Kouzes and Barry Posner at Santa Clara University. Kouzes and Posner developed a leadership assessment tool called the Leadership Practices Inventory that allows constituents of leaders to evaluate them. To date they've gathered over a million sets of data from organizations of every description in countries all over the world. Their findings are quite consistent: effective leadership boils down to five key "practices." The labels that follow are taken directly from Kouzes and Posner's book, *The Leadership Challenge*.

Model the way. Effective leaders are role models. Specifically, when leaders align their own behavior with widely shared values, others place greater significance in what they say and do. Lawyer leaders do



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a good job of this in their role as lawyers. But how effectively do we model *leadership* attitudes and behaviors?

Inspire a shared vision. Leaders are visionary. They look to the future. Lawyers focus on the problems they may run into if they try to achieve a goal. Highly effective lawyer leaders imagine what they could do if a goal is achieved. Highly effective leaders also bring out the best in people and inspire them to reach beyond the status quo.

According to Kotter, an important aspect of creating a vision is to evoke a positive emotional response from your constituents. Lawyers are trained to emphasize the intellectual issues and to downplay the use of emotionally evocative communication. Lawyers in leadership roles need to use less intellectualization and more evocative visionary language.

In working with many law firms, I have been struck by how difficult it is for their leaders to create a unique vision for the firm, especially one that differentiates them from other firms. Quite to the contrary, most firms seem to devolve into wondering what their peer firms are doing and trying to come up with something similar. This is not leadership. A leader needs to tap into what the firm is capable of doing that is unique, inspiring and a source of pride for the firm's lawyers, staff, clients and community. This is the stuff that visions are made of, and it's what draws constituents to follow leaders.

Challenge the process. Leaders take risks. They experiment. They try things that have never been tried before. They seize the initiative. They innovate. They do not just sit on their laurels. They try to anticipate change and get out in front of it. This practice is challenging for lawyers because we're trained to think of risk as bad.

Enable others to act. Truly effective leaders do not use "command and control" as their primary operating style. In a world of smart, autonomous knowledge experts, a dominant leadership style only causes a defensive backlash. Lawyers have a high need for autonomy and do not like to be told what to do. Effective leaders lead through collaboration; they guide others, encourage a give-and-take, enable others to bring out their best. When a leader truly has your back, and makes an effort to help you be your very best, you are more likely to follow his or her lead for the simple reason that you do not want to let your leader down. This style has proven far more effective than the old-fashioned coercive approach, especially when leading highly autonomous individuals.

Litigators in particular may find collaborative leadership especially daunting. Not only does our training encourage a confrontational style, but we are quite often rewarded for that style. However, when leading other lawyers, that same style can easily backfire. What works with an adversary usually does not work very well with your own partner.

Encourage the heart. Leaders recognize individual excellence. They reinforce "firm first" behavior. They also celebrate small victories on the way toward the larger victory. All human beings respond positively to authentic recognition. Some may do so more readily than others, but all of us are wired this way. An effective leader acknowledges effort and mindset. A simple "thank you" or "job well done" goes a very long way. There is a certain species of lawyer who believes that praise will make people complacent and slack off. This has been extensively studied, and these naysayers are simply wrong. I've spoken to many lawyers who told me that when they were associates, "I only knew that I was doing okay because I hadn't been criticized." I call this "praising by faint damn." It doesn't work, and we need to toss it out of our leadership tool kit at once. Instead, as Ken Blanchard famously said in *The One-Minute Manager*, "Catch somebody doing something right."

If you follow these practices, and remember to do everything you can to reduce the uncertainty experienced by your constituents, you can build an outstanding law firm. **LP**



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