

Resilience, self-management and the practice of law



Emily Morrow

By **Emily Morrow**

Sue is a senior solicitor who has been consistently and rapidly promoted during her five years at a mid-sized firm. She is bright, hard-working, mature and highly motivated to progress professionally.

The partner to whom she reports, John, is busy and often does not give Sue much time or feedback about her work. Sue is uncomfortable asking for more guidance because she worries she might appear to lack confidence. Another senior solicitor with whom Sue works, Bill, is very competitive and Sue feels he tries to undercut her success in the team. Although Sue enjoys her work, increasingly she feels less engaged at the firm. Nevertheless, Sue soldiers on.

Does Sue's situation sound familiar?

Sue is no doubt a lawyer whom the firm wants to retain, but her morale is low. Although her current situation is less than ideal, she doesn't know how to change it, but also does not want to leave. However, Sue does have options in terms of how she chooses to manage herself within the firm.

Resilience – the starting point

Resilience is the ability to adapt continually to stress and adversity by facing difficult experiences and rising above them with relative ease.

Typically, patterns of self-encouragement are vital to resilience. In other words, if we have had positive experiences that we actively remember, when we experience difficulties, such memories can sustain us.

Resilience is a state of mind that is key to long-term success in the practice of law. Practising law is a rough and tumble experience. It's an adversarial process that is not for the faint of heart. One's feelings do get hurt and one's confidence can get shaken.

Although resilience is critical, it may not alone be sufficient. In fact, in some cases, just being resilient can present to others as an odd sort of passivity. One just keeps showing up and taking on more burdens, without necessarily changing the situation. When resilience is not enough, self-management skills can be critical.

Self-management – the external manifestation

Let's assume Sue is a very resilient individual. She is emotionally robust, excelled in her legal training and has considerable well-founded confidence in her professional capabilities. However, despite her considerable fortitude,

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she is increasingly unhappy and questioning whether she wants a future in the law. She's getting worn down by the situation in which she finds herself.

Sue told me that although the partner to whom she reports is an excellent lawyer, he is "disorganised, reactive rather than proactive, delegates poorly, is highly critical and never gives praise". Bill, her team member, is "toxic, unaccountable, politically manipulative and often just plain lazy".

I suggested we analyse her situation using the following framework:

- » There is only one individual in the world over whose behaviour one has complete control. That is, of course, oneself.
- » If one makes changes in the way one manages oneself relative to other people, they will likely also change their behaviour accordingly. If one enhances one's self-management, other people's behaviour will improve. The reverse is also true.

- » What are the critical, non-negotiable factors that one needs in the workplace to do one's best work?
- » Which of these factors are currently present and which are absent?
- » How can one change one's behaviour such that others will change their behaviour to better support one's success at work?

When Sue and I discussed her situation from this perspective, she said: "I've never thought about it this way. I've always assumed that when things don't go well, I have very little, if any control over my situation at work. After all, I am a relatively junior lawyer working with very senior people in the firm and they are not going to change what they do just to suit me."

Despite being a smart, ambitious lawyer, Sue was feeling remarkably powerless at work. When I pointed this out, she said: "You're right. That is my mindset and it is very disempowering."

Managing a manager

Sue identified two issues at the firm that were making it difficult for her to succeed.

Firstly, there were some problems in her professional relationship with John, the partner to whom she reports. Secondly, her interactions with her co-worker, Bill, were less than ideal. She decided to focus first on her working relationship with John. Hopefully, if she could enhance how she worked with him that might also improve her interactions with Bill.

I asked Sue whether she thought John, her managing partner, intended

to create a workplace environment in which it was difficult for her to do her best work. She looked surprised and said: “Oh, I am very sure that is not his intention. He is a great lawyer and a really good person”.

I then asked: “To what extent do you think John is psychic? In other words, do you think he has the ability to read your mind and know exactly what you need to do your best work?” Sue said: “No, I imagine he isn’t. In fact, very few, if any of us are truly psychic”.

Finally I asked: “When have you explicitly let John know what you need from him to do your best work at the firm?” She replied: “I have never done that. I have always assumed that as a partner he should know what he needs to do to support my success. However, I am thinking that perhaps this is not always true.”

We then discussed how Sue works and what she needs to succeed. She likes some structure, being given timely feedback about her work, having projects rather than tasks delegated to her and receiving some praise as well as constructive criticism.

Sue decided to initiate a conversation with John in which she would state her desire to do her best work for him, and then make some suggestions about how they might better collaborate. She was not going to tell John what to do, but she was going to provide him with some information that he might find helpful.

Sue was a bit daunted by the prospect of initiating this conversation with John because she had never been particularly assertive about her own professional needs. Nevertheless, her discussion with John went extremely well and they identified ways in which they could work together more effectively.

This small change in how Sue chose to manage herself proved to be extremely beneficial. She realised that although she reports to John, she has a responsibility to manage her manager to some extent through what she says and does.

Neutralising toxic competition

Bill, Sue’s colleague, never misses an opportunity to criticise Sue, undercut her work and elevate himself in the team at her expense. Although Sue works harder and is a more capable lawyer, Bill frequently

manages to take credit for her work by being politically adept. Sue finds this demoralising and frustrating.

I asked Sue: “To what extent do you think Bill intends, through his behaviour, to thwart your success in the team?” Sue said: “Absolutely. I can tell he does this because he believes we are in a zero sum game and only one of us will be promoted”. I said: “Okay, then your choice is whether you want to engage in similar behaviour, or whether you want to take the high road and rise above the situation”. Without any hesitation, Sue said: “Definitely the latter. I will leave the firm before I will do what Bill does”.

We then discussed how Sue wanted to manage herself in relation to Bill. I asked Sue what her intention was in terms of her professional relationship with Bill. She said: “We will never be friends, but I want to have an appropriate collegial relationship with him so we can collaborate effectively when necessary.” We agreed this would be a good outcome under the circumstances.

As next steps, Sue decided that when Bill took credit for her work, she would speak directly with him about this and let him know she was aware of his behaviour. She would make it clear that she was going to hold him accountable for his actions.

This might not change what Bill did, but it would allow Sue to maintain her self-respect. Secondly, Sue decided that when Bill criticised her, she would resist the urge to respond in kind. She would ignore his comments and keep focused on her own success. As Sue said: “If the firm decides to promote Bill instead of me, so be it.” If that happened, Sue would know she had managed herself with dignity, which is critically important to her.

Sue began to act accordingly and noticed Bill was becoming more collaborative in his work with her. This, along with Sue’s enhanced communication with John, proved to be a successful combination.

Although there will always be some situational competition and friction between Bill and Sue, she feels more fully respected and appreciated by John and the firm. Sue’s attitude and level of engagement are greatly improved.

The “knock-on” effect

Interestingly, Sue has also noticed that

some of the younger lawyers in the team are beginning to collaborate more effectively with her and with each other. For example, Karen, a grad, recently initiated a good conversation with Sue about how Sue could better supervise Karen’s work. Sue thanked her and immediately made those changes.

By modifying how she manages herself at work, Sue is modeling behaviour that is likely to enhance the overall functioning of the team, and perhaps the firm as a whole. This is predictable. When one person in a human system chooses consistently to act in a more responsible, productive, accountable and collaborative manner, others tend to follow suit.

The behavioural changes Sue made took considerable courage. She chose to act out of character and outside of her comfort zone. It was helpful that Sue is naturally quite resilient. However, she needed to harness that resilience in terms of her behavioural choices and interactions with other people.

The changes she made were subtle, but yet significant. Sue may or may not stay long term at her firm, but her day-to-day experience at work is significantly improved.

Both “good” and “bad” behaviour is contagious. Being aware of this “contagion” is the first step. Making realistic, well considered choices is the next step. Behaviour/self-management is where the rubber hits the road. One never “arrives” in this process, but one can always progress in the right direction. ■

Emily Morrow was a lawyer and senior partner with a large firm in Vermont, where she built a trusts, estates and tax practice. Having lived and worked in Sydney and Vermont, Emily now resides in Auckland and provides tailored consulting services for lawyers, barristers, in-house counsel, law firms and barristers’ chambers focusing on non-technical skills that correlate with professional success; business development, communication, delegation, self presentation, leadership, team building/management and the like. She can be reached at www.emilymorrow.com.