PRACTICE

Law Office Retreats: From good intentions to great outcomes

BY **EMILY MORROW**

"[The road to] Hell is paved with good intentions," – attributed to St Bernard Clairvaux (c. 1150)

When I plan a law office retreat, I ask participants "What optimal outcomes would you like to achieve in this retreat?" They often say: "I want the group to make some decisions and then act on those decisions". Many tell me participants have great intentions at a retreat, but these intentions are not actualised.

At a retreat, participants often discuss timely topics such as strategic planning, business development, succession planning, governance, management and so forth. Typical agenda items might include:

- What financial or other goals should the firm achieve?
- What opportunities might there be to build the practice?
- What might success look like if the firm were to achieve these goals?
- What roles might particular lawyers play in the process?
- Should the partners commit to drafting a written business development or strategic plan and, if so, what should the plan address?

Ideally, a retreat provides a venue for all participants to engage in their clearest, crispest, best thinking and discussion. It should be a creative, vibrant brainstorming opportunity. All participants should have a say and a sense of ownership in terms of outcomes. Everyone should leave the discussion energised, motivated and empowered. It's a chance to press the "reset" button professionally and personally.

Let's assume your law office has had a retreat. What next steps should the group undertake when everyone returns to the office? How can your firm ensure that retreat decisions and good intentions will reliably translate into future action and accomplishments? What are the pitfalls for the unwary? Here are some suggestions.

Be crystal clear about retreat decisions

All great retreats have a great, well-crafted written agenda that addresses what will be discussed and that sets the tone for the conversation. Usually, I prepare the agenda based on preliminary discussions with participants to avoid unhelpful surprises and provide a tailored discussion framework. Planning a great retreat is like painting a house. The critical work is the prep work and if you do that well, the paint goes on effortlessly.

Before introducing a new topic, the facilitator should guide the group through to closure on the topic at hand. Skilful facilitation involves knowing the *precise* moment when a group has sufficiently discussed a topic and is ready to move on. When that moment is reached, it often works well for the facilitator to say something along the lines of "As to the current topic, my sense is that you are all in agreement that the partnership should undertake the following actions over the course of the next six months. Am I correct about that?" This creates an opportunity for participants to confirm their consensus and avoid confusion about decisions.

Another way to reach closure is to suggest a vote on a matter, of course, but I generally find consensual decisions withstand the test of time better than majority votes.

Write it down

A participant or a third party should always take minutes during the retreat. These should reflect the process the group went through, decisions that were made and action items. For example, the process might include having small groups suggest a variety of approaches to addressing a particular issue. These suggestions could be considered by the whole group and a blended version of the ideas could be formally adopted. It's helpful to record, for example, the various approaches, as well as the final version. Later on, if an unexpected problem arises with the agreed upon approach, the group may want to reconsider some of the other ideas from the sub-groups.

Identify the external assistance or expertise needed to implement decisions

Let's assume that at a retreat, the partners agree to develop a succession plan and that to achieve the plan, they need to:

- Consider what practice areas have the greatest future potential.
- Determine what opportunities there are for the firm to build its profile.
- Evaluate each partner's practice and staffing needs.
- Hire some new lawyers with appropriate expertise/experience.
- Enhance the firm's overall profitability.
- Take an objective, critical look at what's working well in the practice and what isn't.

Each of these topics will require follow-up work, some of which should be done by retreat participants/partners. However, due to demands on partners' time and a lack of interest/expertise, frequently such work may be better done by others.

For example, to decide how to grow the practice and develop an appropriate succession plan, an objective, third party review of the firm's financials and the marketplace can be critical. It can be difficult for "insiders" to look objectively at these issues. Engaging a third party to assist in the process can be very helpful.

Much of the follow-up work often becomes the responsibility of the firm administrator/GM/CEO. This individual moves the process forward, keeps track of what is being done and what needs to be accomplished, reminds partners of goals that were established, holds partners accountable and so forth. If a firm has a person with the authority, skills and temperament to own this process, it will ensure better outcomes.

Many firms, however, lack such administrative/managerial leadership and support. Sometimes the person tasked with administrative oversight in a firm is more of an "implementor/follower". In such cases, retreat decisions can languish for lack of leadership. It can be helpful to bring in an external consultant to assist in the follow-up process.

An external consultant might, for example, create a checklist of priorities identifying what will be done, who will do what and future issues to address. This "dashboard" gets updated regularly and provides a visual tool to ensure successful follow-up.

External consultants often work closely with partners and others to coordinate efforts, provide necessary research and feedback, assist in decision-making and provide reliable and consistent accountability. They can provide specialised expertise, greater experience, be a sounding board when (the invariable) problems arise, resolve points of conflict, coach individuals and the like.

Commit to follow-ups

At the end of a retreat, I encourage participants to identify what topics need to be discussed at the firm's next retreat so the group has the beginnings of the next agenda. Typically, I suggest the group commit to a follow-up discussion within six to 12 months so there is built-in accountability.

Circulate the minutes and rally the troops

Once finalised, I encourage participants to circulate the retreat minutes amongst themselves to ensure accuracy and completeness. This has the dual benefit of reminding everyone about what was decided and ensuring group buy-in.

If the retreat was attended by some but not all individuals within a firm (such as a partners' only retreat), I suggest retreat participants agree on what they want to report about it to those who did not attend. What message(s) will be shared with the staff? This keeps everyone advised, avoids office gossip about what might or might not have occurred and publicly commits the partners to do what they have said they will do. Again, accountability is critical.

So, if your office has had a retreat, I commend you for having done so. Many firms don't have retreats, or if they do, engage in a relatively casual and less than ideal process. However, if you do have a great retreat, ensure your firm also has a great follow-up to it. Without that, it's just good intentions, and we know where those can lead. ■

Emily Morrow ✉ www.emilymorrow.com was a lawyer and senior partner with a large firm in the United States. She now resides in Auckland and provides tailored consulting services for lawyers, barristers, in-house counsel, law firms and barristers' chambers.