

PRACTICE

Let's demystify culture change in law offices

BY **EMILY MORROW**

FUELLED BY THE #METOO MOVEMENT, the Dame Margaret Bazley report, the Justice Kavanaugh confirmation hearings and other events, there is a lot of talk about culture change in the legal profession. Lawyers ask me “What is culture change, does it matter and how does it happen?” Culture and culture change can seem esoteric and perhaps too hard to tackle.

This article is an attempt to simplify and demystify the topic a bit. Culture change isn't easy to achieve, but the concepts behind it need not be as complicated as they can sometimes seem. These are my perspectives only and are far from final or authoritative. They reflect my best thinking to date based both on what I have studied and what I have seen, heard about and experienced in legal workplaces across New Zealand. I offer them in the spirit of what I have seen work in real workplaces.

To me, culture is ultimately about values, behaviour and accountability as follows:

Values

Typically, organisational values present in two primary contexts: “espoused values” and “basic underlying assumptions” (Edgar Schein, *Organizational Culture and Leadership*). Espoused values reflect strategies, goals, philosophies and stated justifications. They have to do with an organisational sense of

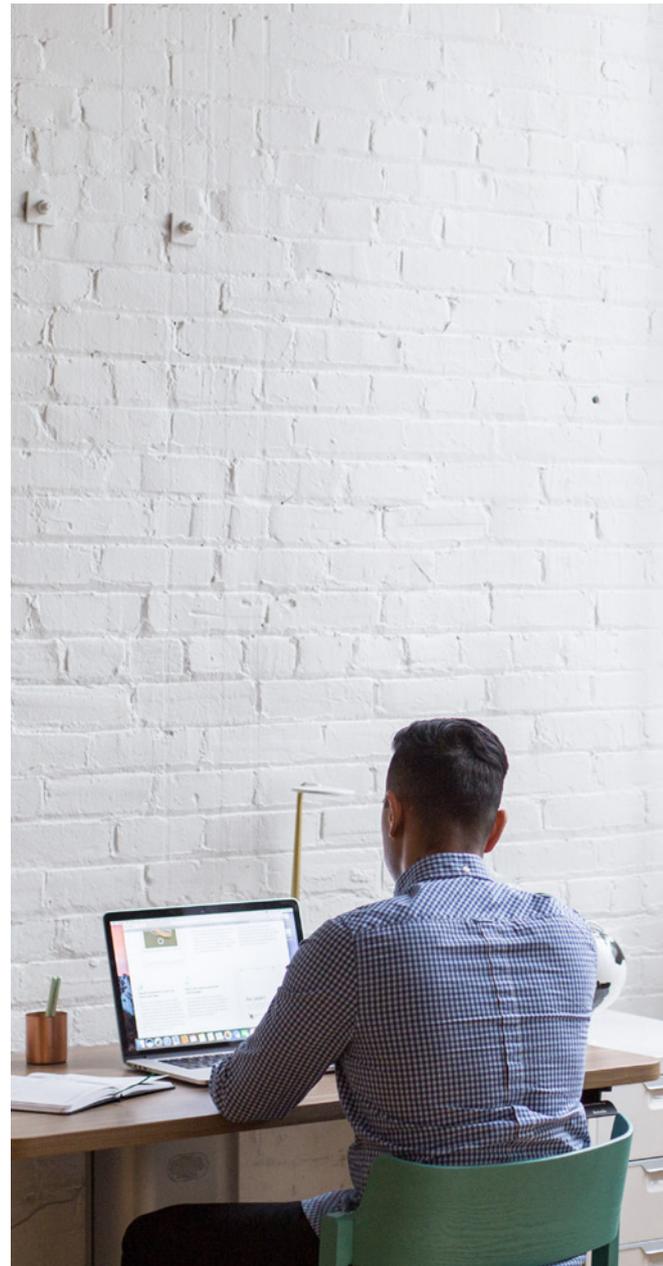
what we want to be, as opposed to what we actually are. Basic underlying assumptions reflect unconscious, assumed beliefs, perceptions, thoughts and feelings and usually are the ultimate source of values in action. They reflect what really happens and why it happens. They drive behaviour.

Behaviour

Behaviour is how people actually manage themselves, either because they choose to do so or because they are responding reflexively. Sometimes participant behaviour aligns well with an organisation's espoused values because the organisation's espoused values and basic underlying assumptions are similar. Frequently, however, participant behaviour is at odds with espoused values. In such cases, behaviour is likely to be motivated by basic underlying assumptions which can be quite different from espoused values, resulting in distrust, perceived hypocrisy and cultural misalignment.

Accountability

When behaviour violates organisational espoused values, leadership can ignore the problem, and act decisively to bring participant behaviour into closer alignment with espoused values or anything in between those ends of the spectrum. Corrective actions can include punishment, shaming, education, training, and creating an environment in which



organisation members experience the benefits of change and choose to change how they think and act in ways that achieve better cultural alignment. To be effective, corrective interventions to hold individuals and groups accountable need to be consistent, bespoke and timely.

Consider the following scenario. Let's assume that in a particular law firm there is evidence to suggest a lack of ideal alignment between the firm's espoused values (having to do with optimal people management, diversity and supporting lawyer professional development) and leadership/partner behaviour. The evidence of lack of alignment includes “presenting symptoms” of negative staff feedback, low morale, high turnover, mental and physical health problems and difficulty attracting new talent. The partners have become concerned. They are noticing the “presenting symptoms” empirically. They continue to give lip service to the firm's espoused values, but inadvertently and unintentionally their day

to day behaviour in terms of people management is not aligned with the firm's espoused values. What should they do? How might they enhance the cultural alignment in the firm?

Partner level "culture-deciphering" discussion

A critical step in enhancing cultural alignment is to identify *exactly* what it is that underlies a misalignment between an organisation's espoused values and behavioural realities. An excellent first step in this process is to have the partners engage in a culture-deciphering discussion in which they clearly articulate the flawed, dysfunctional core assumptions that underlie and are inadvertently driving the misalignment. Ultimately, all culture change interventions start with a conversation and a commitment to take on the tough issues. Culture-deciphering discussions are tough and they are also essential conversations.

A culture-deciphering process could include having a partner level discussion to (1) articulate the firm's espoused values and its basic underlying assumptions; (2) identify what is hindering the optimal alignment between these two; (3) generate new ways of thinking and behaving that will better align the two; and (4) develop and implement a plan to achieve better alignment over time.

For example, if the espoused value in a firm is that the firm will consistently combine financial success with excellent people management, why exactly is that not happening? What's the sand in the gears and *what exactly* does *the firm and each partner* need to do to change that? Although external consultants can assist in designing and implementing culture change interventions, they cannot alone

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diagnose the underlying causes of a cultural misalignment. Only the organisational leaders can do so, albeit with the assistance of a skilled facilitator to ensure the group stays on track with the culture deciphering process. Only the organisational leaders can make the necessary commitment to hold themselves and others accountable for success in the change process. Outsiders can assist in the process but ultimately only insiders can decipher and address the culture misalignments.

Team discussions

Where the "rubber hits the road" in the culture alignment process is when behaviour begins to change individual by individual, team by team, practice group by practice group and ultimately within a whole firm. Such change is best guided by the outcomes of a partner level culture-deciphering process.

Firms are often well served by having facilitated, team-based discussions to articulate how teams

should function and how partners/leaders should lead their teams consistent with the outcomes of the cultural-deciphering process. For example, such discussions could focus on identifying (1) any misalignments between achieving profitability and managing people within the team; (2) new ways of working so such objectives are integrated rather than being treated as mutually exclusive; and (3) what needs to happen within each team to achieve better alignment. Frequently the points of cultural misalignment vary from team to team. Similarly, optimal "solutions" are those that are best tailored to each team so they embed over time. Externally generated solutions can prove to be temporary "bolt on" solutions.

Education, training and information

Certainly, education and training have an important role in a culture change process. However, as a skilled culture change consultant from Vermont, Flip Brown, points out: "If education, training and information were all that was needed to bring about culture change there would be no more smokers in the world today". People need to experience, first hand, the damage that cultural misalignment causes and the benefits of enhanced alignment. They need to get it viscerally as well as cognitively. They also need to see organisational leaders holding themselves and others accountable, individually and collectively, for consistently achieving such alignment. Without this, all of the education and training in the world likely won't achieve much.

Lasting change

If things are going to change in a law office in other than minor ways,

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everyone must experience enough discomfort with the status quo that there is a non-negotiable commitment to change (if not a desperation). Something so confronting needs to occur that the desire to retain the status quo is overcome by the desire to change. There needs to be a commitment to more than just behavioural change and a real commitment to think about things in new ways. Finally, there needs to be a process of reinforcing new ways of thinking and behaving. When (1) status quo discomfort; (2) changed thinking; (3) enhanced behaviour; and (4) better outcomes coalesce, then the culture change process will start getting real traction in a law office.

If this sounds like hard work, you are right about that. It can, indeed, entail hard work, but it need not be dauntingly esoteric. Further, if a law office is experiencing major cultural dysfunctionality and fails to respond to it in a timely and appropriate way, the outcomes can be truly problematic. A bit of prevention under such circumstances is worth a pound of cure. Don't wait with the ambulance at the bottom of this particular cliff; intervene well before the edge of the cliff. Don't be put off by seemingly complex professional jargon; get on with business of effective individual and group change. It may not always be easy, but it's not rocket science either. ■

Emily Morrow ✉ www.emily-morrow.com was a lawyer and senior partner with a large firm in the United States. She now resides in Auckland, is a member of the Law Society's Culture Change Taskforce, and provides tailored consulting services for the legal profession. The opinions in this article are her own.

This article is the third in a series co-ordinated by Sarah Taylor which focuses on mental health issues in the legal profession. Victoria Hallum, the Chief International Advisor at the Ministry of Foreign Affairs and Trade, writes about concrete steps we can take to make our workplaces more supportive and resilient.

THERE IS A LOT OF TALK AT THE moment about mental health and the law. When I first heard that lawyers in New Zealand have higher rates of depression, anxiety and stress and report lower levels of mental wellbeing than other professions, I wondered if this was mostly the case in private practice. Were lawyers in government experiencing the same problems? My team is made up of a lot of really committed, capable young lawyers, mostly in their late twenties. They seem energetic, happy and confident and seem to really enjoy their roles travelling the world to international negotiations and providing advice on the significant and interesting issues we cover.

But when I asked them "what worries you at work?" their answers were pretty interesting.

They replied:

- "Getting things wrong."
- "Making a stupid mistake and embarrassing the government."

- "Giving advice that is wrong. Missing something, failing to weigh something properly and people relying on it."
- "Making mistakes. Lawyers in government are given the really tough questions and unlike our policy colleagues we can be proven wrong."
- "I worry about whether the advice I give is right, especially with last minute requests."
- "People thinking I am not good enough."
- "I worry about the significance of our work and the pressure I might get it wrong."

In short, there was a lot more worry and anxiety than I had expected.

So, what can we, as managers, do about this? How can we make our work environments as supportive and positive as possible for our colleagues?

I did some work on this with one of my fellow managers, Alice Revell, and we came up with two things which we are now trying to implement with our staff: creating psychological safety and building resilient teams.

Psychological safety

I was intrigued to find out that Google had carried out a two-year study on what makes successful teams and concluded that the single most important factor was