

Why Lawyers are Lousy Collaborators

At the Intersection: Where General Counsel and Law Firms Connect

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In an evolving legal profession in which the players are ever more functionally interdependent, the ability to collaborate has become a core competency. In managing law firms and legal departments...managing legal projects...in client service and client relations...and in marketing and business development, the ability to play well with diverse colleagues and constituents has become absolutely pivotal.

The Hard Wire

So, if the benefits of collaboration so evident, why are so many lawyers such poor -- or at least reluctant -- collaborators?

In part, it's because so many people who self-select into a legal career are hard-wired to work independently and crave the rewards of individual achievement. Put differently, lawyers are not naturally collaborative, and many do not play well with others. In part this is because their personality does not predispose them to share responsibility, power, turf or glory.

On various personality tests, samples of lawyers generally score near the 90th percentile for autonomy, as compared with about the 45th percentile for the general population. The scores are about the same for skepticism. On the other hand, they are less flexible and adaptable: their resiliency score is about the 30th percentile, far below that of the general population. And get this: lawyers' sociability score hovers around the 12th percentile, while the "other folks" average around the 70th percentile.

In a recent article, ["What Makes Lawyers So Challenging?"](#) Dr. Mark Sirkin suggests, "What is clear is that the personality traits of many lawyers make them less amenable to general law firm knowledge management efforts. When reinforced with 'eat what you kill' compensation systems, they apparently have little incentive to share, cooperate or collaborate."

Sirkin voices concern that the personality type that promoted success in the "pre-collaborative" (and more adversarial) era of law may leave many lawyers "ill-equipped for the new style of lawyering involving project management, focused team work, effective knowledge management and transparency." He wonders if the sea change in the

legal profession may require a basic change in hiring practices to better align lawyer's temperament with today's critical success factors.

There's More to It

This emphasis on personality type may oversimplify things. The real causes of poor collaboration may be contextual as much as temperamental. Collaborativeness may not, in fact, be a simple personality trait, and collaboration is, in fact, a complex interplay of factors and incentives.

People can and will collaborate only if three conditions are met:

- 1) they are *motivated* to collaborate; and
- 2) the perceived rewards of collaborating outweigh the perceived risks; and
- 3) everyone collaborating *understands what to do* in order to collaborate effectively.

The first two conditions relate to incentives (or, conversely, to disincentives) to work in close concert with others. Many legal leaders and managers are surprisingly indifferent to the factors that will promote buy-in and engagement of all team members. They assume that compensation and advancement are lawyers' sole moving forces, and that subordinates will commit to any task their superiors orders them to undertake.

Attitude surveys of associates show how misguided this assumption is: morale is not strong throughout the ranks of younger lawyers these days. Efforts to understand individual lawyers' motivational drivers, build that understanding into personalized incentives, and individualize delegation and feedback can produce remarkable improvement in buy-in, resiliency and personal sense of ownership.

The Crucial Ingredient: Role Clarity

Suppose we can get past the motivational issue and assemble a team of contributors willing and able to function collaboratively. Will they automatically function together like a well-oiled machine? Not unless all players' trust and commitment is supported with a clear and concise understanding of exactly what they are supposed to do.

Before putting a project (or department or company) in motion, the skilled leader should take steps to assure that every participant is fully informed regarding all relevant factors in the "collaboration equation." This happens less often than you'd think. All too many leaders and managers function on a "need to know" basis, assuming that only one person – them – needs to understand all the moving parts. This leads to a hub-and-spokes management style that leaves all the people out on the rim out in the dark. A more productive operational motto: *All stakeholders in the loop, all of the time.*

Roles, Responsibilities and Ownership

The best way to get autonomous lawyers to collaborate more effectively is for their leaders and managers to provide them with *very clear role clarity* that includes distinct boundary lines of responsibility and accountability. Savvy, autonomous people know they can't do everything themselves, so the skilled leader's challenge is to create complementary roles among team members that let each achievement-oriented contributor retain some sense of a personal win even as the team as a whole wins.

Big Problems with Delegation

Across the board, the quality of delegation of tasks and responsibilities to younger lawyers is shockingly bad. Managers often make unverified assumptions about the “delegatee’s” level of understanding and expertise. They give instructions in shorthand and/or at hyperspeed. Any extra time a delegator takes to determine if a particular task is being handed to the right performer, coupled with a moment of extra effort to reality-check that the “delegate” fully understands all what he or she is being asked to do, produces immediate increases in collaborative-looking outcomes – that is, fewer do-overs, write-downs, and dropped balls.

The bottom line is that many of the problems with lawyers’ collaboration come from poor instructions. This suggests, therefore, that one of the best ways to promote collaboration is to spend more time – *at the outset of a project* -- explaining to team players:

- what we’re doing
- why we’re doing it
- what each individual’s role is in the overall project
- the sequence of project’s phases and tasks; and
- the standards by which performance and success will be measured.

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