

# LEGAL MANAGEMENT

3<sup>rd</sup> Annual  
BONUS ISSUE

OCTOBER/NOVEMBER 2007

VOLUME 26 | NUMBER 6



## Make Your Law Firm an **EXTRAORDINARY** Place to Work

Understand What Your Young  
Associates Really Want

"Greening" Your Office

Wellness in the Workplace

Decontaminating  
"Toxic People"

Resolving Conflict

and much more!



THE JOURNAL OF THE ASSOCIATION OF LEGAL ADMINISTRATORS



# DECONTAMINATING Toxic People

Every workplace, including law firms, has its share of difficult people. Learn how to deal with them, and ensure your office is a better place to work.

BY MARSHA PETRIE SUE

Law office growth, efficiency, and success can be doomed because of difficult people creating a toxic environment. In your day-to-day business interactions, has someone said to you, "You're going to apply for what? Why?" Difficult people may say to you, "Are you sure you could handle that?" or "But will a CLM help you do your job?" Or how about, "Why are you going to risk failure again? Remember what happened last time." Your reaction to the mental hold-up can strip you of your will to take a chance. A toxic spill has occurred, and you are swimming in toxic soup.

Get out your Hazmat suit and get ready for the cleanup by polishing your listening skills and interpersonal communications. Managing toxic people will provide immediate results by improving business relationships, whether inside or outside your law environment. Fight back on these intellectual raids. If you really want to achieve the success you and your firm deserve, strap on your mental flak jacket and block out difficult people's debilitating words. Stop and remind yourself of what it takes to beef up your psychological security. Constantly target what is real and true about your capabilities.

## SEIZE YOUR WEAPONS

The field of law continues to grow at a mind-spinning pace. In 1980, there were approximately 500,000 associates and lawyers in the United States. Soon, that number is expected to grow to more than 1 million. This surge of competition and differing behaviors can create toxic environments, and you will be tested.



## SHORTCUT

Legal administrators must constantly consider the appropriate ways to manage difficult people in the workplace to ensure their firms thrive.

When the toxic types are mentally mugging you, your self-confidence is in harm's way. Here are some weapons that can help you to take aim:

- **Relive a confident moment.** Dig back in your memory bank and recapture an event when you delivered the kind of success you want. Remember as much detail as you can. It's true – you become what you think about.
- **Stop "awfulizing."** You must train yourself to put on the brakes when your thinking wanders to a devastating event. Every time you relive a mental mugging, it seems just a little bit worse and becomes an even more awful event. Get a good weapon to take out the mental terrorists.
- **Put on your rational fighting gloves.** Learn a positive quote, saying, or mantra to replace the negativity. Try this one: "No matter what you say or do to me, I'm still a worthwhile person." Use the broken record technique by saying it repeatedly to yourself.
- **Arrest the mental muggers in your life and send them to solitary confinement.** Enlist people that are supportive of you. Welcome people that will keep you realistic and focused on strengths while keeping you grounded in reality. And listen to them. Continue to learn as much as you can!
- **Learn to stand up for your rights.** When you are given objective criticism, don't take it as a mugging. Question the input (and that's all it is – input). Your perception makes it a mental mugging. Store these words so you can use them quickly: "You may be right. Help me to understand where you're coming from."

### WHY IT MATTERS

A positive attitude may not solve all of your problems, but it will annoy enough people to make it worth the effort. Remember the old childhood rhyme, "Sticks and stones can break my bones, but names will never hurt me?" You are the one that perceives what the words actually mean, not

someone else. This is one reason you must train yourself and your work group to be better at handling difficult people in the workplace and to approach situations with positive intent.

The cost of not taking action can be significant. For example, it costs a law firm more than \$200,000 on average to attract, hire, and train a new associate. If this new employee cannot tolerate the managing partners' or attorneys' scorn for "not doing it their way," they will leave. Understanding the changes in generational, gender, and critical thinking from 20 years ago is essential. Firms that embrace and maintain flexible thinking ultimately reduce turnover.

In my latest book, *Toxic People: Decontaminate Difficult People in the Workplace without Using Weapons or Duct Tape*, I identify six types of difficult people: Steamrollers, Know It Alls, Back Stabbers, Needie Weenies, Zipper Lips, and Whine and Cheesers. In the research for the book, I found two of the types were especially prevalent in law firms: Steamrollers, and Know It Alls. The payoffs for their behaviors, how they make you feel, and most importantly what to do about it are critical skills for managing and working with toxic people.

### STOPPING STEAMROLLERS

Steamrollers can also be known as exploders, dominators, tyrants, dictators, bullies, autocrats, oppressors, persecutors, or tormenters. We have all had a few of these in our lives, such as an authoritative parent, partner, boss, colleague, or friend. They are not much fun to be around.

Can you relate to this scenario?

*Late as usual! Jerry huffed into the meeting, dramatically pulled out the large leather chair, and spread his papers over his "allotted" space at the conference table. He took a quick glance at the agenda he had approved and loudly said, "Morgan, I've already told you not to distribute the agenda*



## Managing toxic people will provide immediate results by improving business relationships, whether inside or outside your law environment.

*before I arrived. Do I need to remind you again or perhaps I should get you, my assistant, a keeper?"*

*Morgan explained that the group had requested the agendas so they could begin the meeting to save time. Pounding on the table, Jerry bellowed, "I buy everyone's time, and I will determine how it is used." So, not surprisingly, Jerry's brainstorming meeting was unsuccessful because everyone was terrified to speak.*

Here is what you can choose to do: Listen and be patient with Steamrollers. Don't "knee jerk" and react inappropriately. Steamrollers are much more clever than you and will triumph every time. When they are on the path of confrontation, wait, pause, and think. And remember: Don't attack. They are better at it than you are, and they have more practice.

You do have to learn and be ready to communicate language that will get the Steamroller's attention. Using the same old approach or saying nothing only validates their power. Consider saying, "We wanted to save you time and help us to be more productive. Joe will bring you up to date on what has been covered. Let's take a five-minute break so Joe can do just that."



### COUNTERING KNOW IT ALLS

The Know It All's pattern of behavior is all too familiar, especially among technical experts, doctors, engineers, attorneys, and other highly skilled and educated people. As you know, they are found in the practice of law! These people are also called content experts, authorities, and the "always right."

Can you relate to this scenario?

*Frank was very disgusted with the meeting agenda, the client, and his colleagues. Who were the simpletons that continued to question his skill? Didn't they recognize the extent of his expertise? Sally approached Frank about a problem they were having with the client in hopes of setting a plan before the client's arrival. Frank immediately*

*snapped back at her and said, "I don't know who is more stupid – you or the client!"*

*When the meeting started, Frank's negative attitude and arrogance filled the air. The client was tired of Frank's know-it-all approach and asked that Frank be removed from the project. This was a real problem because Frank did have excellent knowledge and understood what was needed to satisfy the client. He was soon asked to rejoin the project team because of his insight.*

Here is some language to consider with the Know It All: "Frank, you've presented some interesting arguments for additional resources on this project. Now what would happen if ...?" Or, "That sounded like a put-down. Is that what you meant it to be?"

### UNDERSTAND THE COSTS

According to a University of Illinois Law School survey, 100 hiring partners in law firms of various sizes evaluated the factors considered most important, and 84 percent emphasized the importance of oral communication. They went to say that the No. 2 reason for not keeping a person is poor oral communication skills. But, here is the disconnect: Difficult people, bad relationships, and poor communication *can* be resolved by providing resources and training to staff and attorneys.

So, what are you and your firm doing to improve communication among members of your group? What plan do you have in place for managing toxic and difficult people?

### about the author

**Marsha Petrie Sue** is a popular speaker at ALA conferences and author of *The CEO of Y-O-U: Leading YOURSELF to Success*. Her new book, *Decontaminate Difficult People at Work without Using Weapons or Duct Tape*, was released in September. Contact her via e-mail at [marsha@marshapetriesue.com](mailto:marsha@marshapetriesue.com) or by phone at (866) 661-8756, or visit her Web site at [www.MarshaPetrieSue.com](http://www.MarshaPetrieSue.com).

# Law Firm Dysfunction: It's Not Just the Individual's Fault

BY JILL ROSE KOHN

Law firms are particularly vulnerable to becoming hotbeds of hotheads. Consider lawyers' personalities: focused, exacting, precise, and tenacious. These qualities are huge assets when used effectively on behalf of a client. However, when aimed in a hostile manner at colleagues and support staffers, these same characteristics may cause unintentional decreases in work effort, low morale, excessive gossip, and intentional withholding of valuable information.

Usually, however, the problem is mistakenly identified as being solely the perpetrator's fault. The problem individual is often characterized unfairly as some kind of ogre, while the other complicit participant goes completely unidentified. That complicit participant is the firm itself.

Problem behavior happens in an environment that tolerates it. Placing responsibility on the shoulders of only the problem individual will never adequately correct it. Even if the problem individual leaves the firm, another will spring up elsewhere. This is because, as research indicates, the solution must come in the form of effective, enforceable policies, in addition to change within problematic individuals.

## WHAT CAN BE DONE?

Even if leadership recognizes the individual behavior as problematic, it often feels at a loss for how to effectively address it. What leadership often does not know is that ineffective responding creates a culture that supports the behavior. By tolerating such behavior, the firm unintentionally colludes with the individual's inappropriate actions. In order for real change to take place, both leadership and individuals must learn to do things differently. Here are several tactics to accomplish that.

## COMMUNICATION GUIDELINES

Install guidelines for safe, civil communication that emphasize key rights and responsibilities. Your rights include being able to express your needs or wants, ask for help or clarity, or get relief from a co-worker's inappropriate behavior – all without embarrassment or admonishment. Your responsibilities include a duty to be respectful, refraining from using a raised voice or profanity, and even more subtle forms of disrespect, such as eye rolling, impatience and sarcasm. Everyone must agree to these guidelines; merely enforcing these rules among support staff will have no effect and could actually escalate dysfunction.

## POLICY OF CIVIL BEHAVIOR

The firm should also institute a policy of civil behavior that clearly delineates what constitutes unacceptable conduct. Researchers suggest forming a committee that includes at least one member of senior management. Some firms have appointed an ombudsman, an individual who is not the administrator or managing partner, but trusted by most individuals in the firm.

## FEEDBACK MECHANISM

Leadership must have available some reliable, effective feedback mechanisms in order to assess individuals' communication styles. Use of a 360° feedback mechanism is a highly effective means for doing so. Simple questionnaires that ask participants to rate individuals on a 1 to 10 scale can be easily created and administered. These surveys also provide an excellent way to track progress.

## TEACHING SELF-AWARENESS

Individuals need to self-monitor and self-review. This is a critical component to creating lasting change. Inappropriate behavior often happens under distress and, therefore, individuals need to learn when they are becoming frustrated, impatient, or angry. An excellent way for individuals to increase self-awareness – and thereby cut off bad communication before it starts – is to become aware of repetitive, stressful thoughts that indicate internal pressure is rising. By simply educating an individual to pay attention to "you" oriented thoughts (such as, "You are a jerk"), that individual can become quite adept at recognizing that his or her emotional tension is rising and he or she needs to take action to cut off an impending negative interaction.

## PRACTICE AND PATIENCE

Installing these mechanisms in your firm may feel like a Sisyphean task. However, with practice and patience, they can become an important feature of your firm's culture and a natural part of the individual's work routine.

### *about the author*



**Jill Rose Kohn** is a marketing and management consultant for Kohn Communications. For more information on this topic – including a free, downloadable copy of the guidelines of quality communication – visit [www.kohncommunications.com](http://www.kohncommunications.com).