

Leadership for Lawyers

Continuing Legal Education

Oklahoma State Bar

2021

Leadership for Lawyers

- Herb Rubenstein, Author, American Bar Association
- Teaches Leadership and Ethics to Lawyers and Accountants
- Goals of this leadership training
 - Better understanding of leadership concepts and principles
 - A path to becoming both a better lawyer and better leader

Lawyers Have a Duty to Lead

- Counselors at Law
- More than agents for clients
- Duty to help build the profession
- Duty to help discipline the profession
- Duty to represent the profession
- Duty to criticize and improve the profession
- Duty to have a vision for the future of the legal profession
- Legal Profession means lawyers and the courts

Role Definition -

- The Role of the Lawyer in Relation to the Client – Principal/Agent or Leader/Counselor
 - Obviously, it depends
 - In general terms, do you lead your clients?
 - Is your client the principal and you are merely the agent?
 - Do you lead your clients with your technical/legal skill?
 - Do you lead your clients with helping them set their reasonable expectations because you have experience they do not? Reorient the client!

Definition of Leadership

- Rubenstein – *The creation and fulfillment of worthwhile opportunities by honorable means*
- See also: ***The Leadership Capital Index***, Urlich, and ***Leadership Theory and Practice***, by Northouse, and ***Managing***, Mintzbery
- Leadership is influence
- Getting others to accomplish a goal

Better Leader – Better Lawyer

- How Improving Your Leadership Skills Can Improve The Quality of Your Legal Services – And Make You A Better Lawyer
- You chose your clients on a great day
- You demonstrate great expertise in a specialty or may continue as a generalist
- You build on your track record
- Enroll, enroll, enroll way in advance

Better Leader – Better Lawyer

- Easier to hire people and work with them
- Easier to tackle and incorporate new technology
- Easier to deal with large scale changes – erosion of lawyer power in setting fees/demise of the hourly rate/commoditization of legal work
- Australia – Publicly traded law firms, Utah nonlawyers can own law firms
- Future in US – Law firms owned by non-lawyers – it will happen – DC 1992 story
- Internet challenges – Document availability

Leaders Improve Organizations

- Careful problem analysis and careful solution analysis to avoid unintended consequences
- Understanding of historical and present and future contexts of challenges
- Focus on the solution
- Future oriented, technologically up to date
- Relentless drive for efficiency, cost effectiveness
- Fan of innovation
- Conducts environmental scans
- Leadership In Bar Associations – Crafting Your Role With Clarity and Clear Goal Setting is Key

Leadership As An Opportunity

- You have a great opportunity at the individual level, at the organizational level and at the level of the entire profession
- Leadership does not mean having to work harder or even more hours
- Leaders are efficient, can delegate, enroll others

Key Steps To Being A Great Leader

- And A Great Lawyer
- Leaders Self-Assess and Assessing Others' Leadership Strengths and Weaknesses
- Weaknesses are often overdone strengths
- Leaders see unintended consequences before they happen *Unforeseeable congruent with Unforeseen...TMI, Fukushima, Soy Bean Sales to China Drop due to Tariffs, Katrina – N.O. ,*
- Discussion

Leadership Theory and Approached

- Northouse, 7th Edition, *Leadership Theory and Practice*
- Leadership Theory
 - Path Goal Theory – My Favorite – Eight Steps
 - Psychodynamic Theory – Understanding and Meaning
 - Transformational Theory – James MacGregor Burns
 - Situational Leadership Theory – Hersey & Blanchard
 - Leaders of Leaders Theory – My own theory
 - Discussion of why knowing leadership theory really helps

What Leaders Do

- Follow 99% of the time
- Set examples, Create A Vision for the Future
- Mentor
- Manage the Conversation, Set the Tone
- Educate, Inform, Keep Abreast of the latest information, cases, ideas
- Define roles and be active, PROACTIVE
- Set standards and policies

Why Leaders Fail and What We Can Learn From Their Failures

- Fail to see barriers, challenges, ok for unknown unknowns, but not known unknowns
- Overpromise and Under Deliver
- Do not delegate properly or get others involved early enough in the process
- Do not assess the strength or sources of opposition
- Fail to include stakeholders – *Nothing About Us Without Us* -

Leadership Failure (con't)

- Do not build and maintain trust/confidence
- Do not see the big picture
- Do not hold others/themselves accountable
- Do not manage their time well or productively
- Inadequate vision for the future
- Overestimate the resources available to them

Leadership Styles

- Over 80 of them – situational leadership
- Participative Leadership
- Leaders of Leaders – set the platform
- Setting expectations
- Setting goals
- Setting procedures, especially reporting
- Active listening to facts, not opinions

Understanding & Promoting The Culture

- Leaders understand the culture of the organization
- Leaders define themselves consistent with the culture they want for their organization and not *too inconsistent* from the culture that exists
- Leaders generate the reputation for themselves, their legal organizations and contribute to the reputation of their profession

Leadership By Example

- Leadership By Example
- Leadership = Repeatability
- Leaders delegate intelligently
- Leaders manage intelligently
- Leaders promote diversity in the profession by actively reducing barriers to women and minorities
- Leaders prevent hacking of computers - why is this an “ethics concern,” DC case.

Leadership and Litigation/Negotiation

- What is the goal of negotiation?
- Maximize the total value of the pie to be divided, then maximize your client's share of the pie = settlement – by Charles Craver
- Leaders know what their clients and opposition fears losing, wants to win (in priority order, and weighting)

Leadership and Litigation/Negotiation

- Leaders know how their clients will be perceived by the other side, judges, juries and take that into account
- Leaders are great active listeners and read body language
- Know the risk tolerance of your client
- See how this litigation fits into their life/corporation and understand context
- Leaders know the law and its evolution and how it plays in the litigation at hand

Leadership and Litigation / Negotiation

- Managing The Discussion, Not Dominating It
- Leaders Anticipating What The Other Side Will Do and Are Prepared For It
- Leaders do, or secure, meticulous Research and Analysis
- Leaders lead Judges, Juries, Opposing Counsel, Your Client, the Opposing Client

Leadership and Conflict Resolution

- Leaders predict conflict/welcome it
- Leaders understand both sides points of view even if one side is crazy
- Leaders treat all parties in a conflict with respect, never belittle, always listen
- Leaders create the intention that they will resolve conflict and the parties will resolve the conflict – Jake Stein story – not a lot at stake
- If you are afraid or feel uncomfortable with conflict – how to deal with this?

Particular Skills of Leaders

- Understand sequence and timing of steps
- Understand what others are really capable of doing and what they want to do – *Don't Put Talent Where It Cannot Get Out* - Story
- Speak simply, clearly and be heard
- Ask great questions like: What is our strategy here? Are we 80% confident now we can succeed?
- Resilience, grit, perseverance, forward looking

Additional Skills of Leaders

- Fast to praise, slow to criticize, even slower to express anger, keep cool – Why? Discuss? Pebble Research on negotiations when one side loses their cool - Charlie Craver – GWU Law School
- Please write down your Acknowledgement Strategy and Discuss
- Caring – Why? People don't care what you know until....Listening is caring...
- Discussion on how to become a better leader
- Leaders help “reorient” others and themselves on a regular basis

Leading and Managing

- Mintzberg view, cite book
- How Leaders Demand and Get Accurate and Timely Reports From Others
- Set the reporting system permanently, or at least for the next year
- Create and Manage the Agenda in terms of schedule and content items
- Ask for and use meaningful reports and data, perform data mining

Key Leadership Role In Organizations

- Being a member of the Board of Directors
- Board and Governance Best Practices
 - Types of boards
 - Experience on boards
 - Failure of leadership or failure of the board
 - Role of each board member
 - Role of the Chair of the board
 - Delegating/Patience/Consensus

Leadership in Organizations (Con't)

- Board and Governance Best Practices
 - No report meeting
 - Annual calendar
 - Peer evaluations twice a year or annually
 - Scorecard – Keeping a record as meaningful as board minutes
 - Director of Board Relations position
 - Committees without Board Members
 - Next steps

Must Be Able to Change Yourself

- The “TO STOP LIST” – FROM PETER DRUCKER
- Why I wrote the book *Leadership for Lawyers* and began my work on improving the leadership skills for lawyers in 2001, 20years ago – so I could be here today and change the profession
- Change is natural – every day is new
- Status quo is a key stabilizer as well
- Leaders grow every day, Learn and Incorporate

Conclusion

- Must set clear goals and every goal has a time dimension
- Must be able to work with others
- Leaders listen and grasp
- Leaders need advisors
- Lawyers often lack key leadership skills
 - Empathy, Team Players, Great Active Listeners
 - Proper self-assessment is essential

Conclusion (Con't)

- Great opportunities
- Can help build a more solid client base
- Can help produce better results for clients
- Can be supported by building your reputation
- Is often hard work
- Need to be both detailed and big picture
- Need to be able to create “we”

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