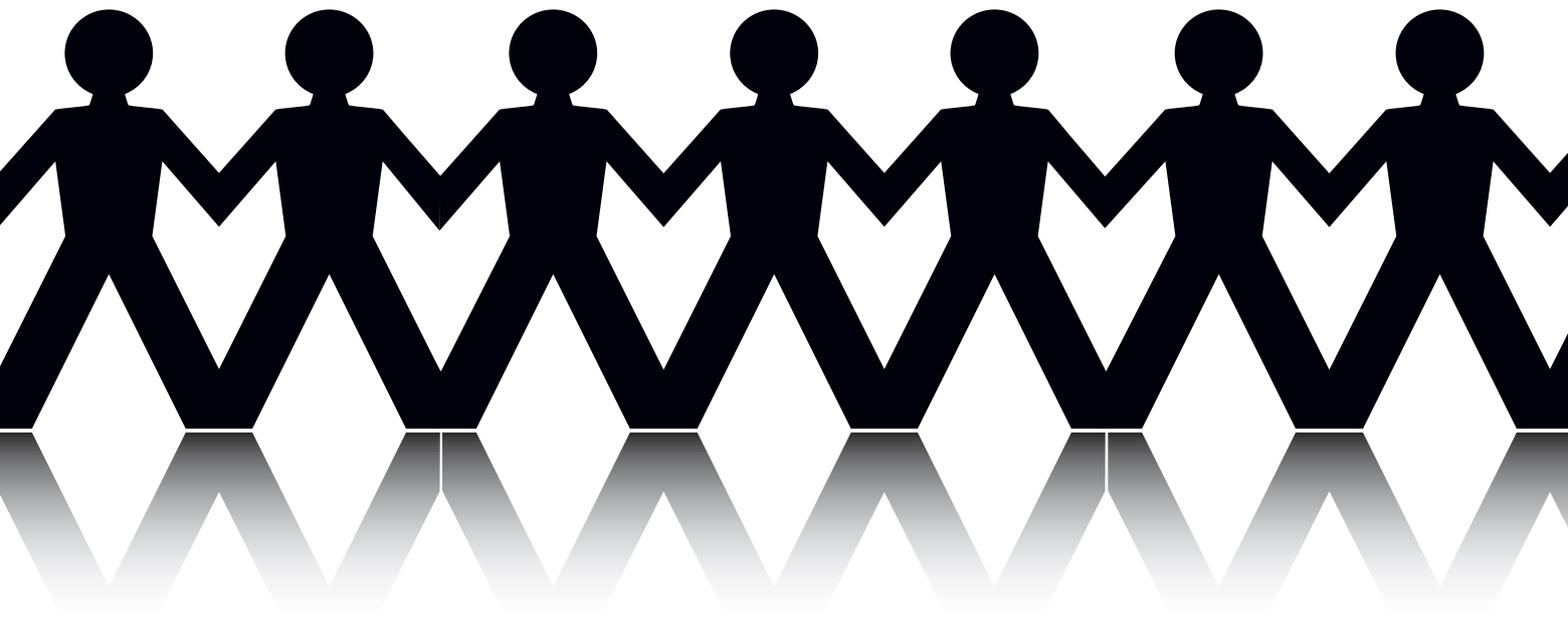


Take a **Bite** **Fight** Out of the

Resolving individuals' conflicts within law firms requires patience, understanding, and an emphasis on the importance of communication and teamwork.



John, a legal secretary at a prominent U.S. law firm, had recently started arriving early at the office, volunteering for additional tasks, and staying late to get everything done.

Normally, enthusiasm and hard work are welcome phenomena at any law firm. In this case, however, there was some collateral damage: John had been cheerfully taking over a growing number of duties from Joanne, a fellow legal secretary who was beginning to feel marginalized and resentful of the intrusion on her turf.

Joanne's irritation with John typifies the nature of interpersonal stress at law firms – high-pressure environments where sensitive people can magnify small gestures by fellow workers to a degree that might seem wildly out of proportion to disinterested observers.

“Interpersonal conflicts are common in any work setting, but law firms seem to be particularly susceptible,” said Becky L. Peterson, Human Resources Director at Indianapolis-based Sommer Barnard, where the conflict between Joanne and John occurred.



SHORTCUT

Legal administrators are often the people in law firms to whom bickering professionals turn for help. Resolving conflicts between attorneys and secretaries and among other staff members requires that administrators focus on communication, teamwork, and understanding of individuals' unique needs.

RESOLVING CONFLICT

When people work together, it seems personality clashes, hurt feelings, imagined insults, and misunderstandings always occur. The high intensities and demanding deadlines characteristic of law firms often spark emotional dust-ups.

When such problems arise, one might expect take-charge attorneys to resolve the issues. Attorneys, however, are often preoccupied with their own demanding schedules, and that means staff tensions sometimes go unacknowledged.

"Lawyers are trained to be confrontational when they are in the courtroom working on their clients' behalf," said Peterson. "In the office, though, they tend to behave in an opposite way, and feel that resolving personal conflicts is outside their focus. They consider it someone else's job."

The "someone else" often turns out to be a legal administrator, human resources director, or other senior-level staff person to whom troubled individuals appeal for help. Often such appeals are requests to intermediate – to speak with a law firm partner, for example, to resolve a difficult problem by means of a lightning stroke from on high. And that's exactly what Joanne requested from her firm's HR director.

TREADING CAREFULLY

Lightning, unfortunately, is far from precise in its target. What a troubled worker sees as a quick fix can actually lead to greater conflict and resentment that can cripple a workplace. "Any time a third party is involved, it creates a negative situation by driving a wedge between two people," said Peterson. At the very least, the subject of the complaint will feel that his or her standing in the firm has been tarnished by the co-worker who sought the intervention, a process that might be interpreted as "ratting." That's not good.

Rather than play intermediary in such cases, then, it's often smarter to be a coach. Consider Peterson's response to Joanne: "I listened and talked about how I might help. Then I asked her to consider how John would feel if I went to a partner and reported this problem. Finally, I discussed the benefits of handling

the problem directly and offered to coach her on how to communicate with the other person."

This discussion led to an "I can do this" epiphany for Joanne, who discussed her concerns with John and was open about her feeling of diminished self worth. Meanwhile, as is so often the case in situations like this, John indicated that he had been unaware of the effects of his actions and agreed to adjust his workload more rationally.

"I invited Joanne to let me know if she needed more help or advice or if things did not go well," added Peterson. That wasn't necessary. "It looks like things are back on track, and that's what I wanted to hear."

THE BEST TECHNIQUES

Law office friction can be costly. Important activities can slow to a crawl when irritated staff members won't cooperate with one another. In extreme cases, conflicted personnel can deliberately sabotage a firm.

While it's vital to reduce the negative effects of workplace conflicts, some people may feel uncomfortable patching up hurt feelings and bruised egos. There's a big temptation to look the other way and hope the parties deal with their issues constructively. The unhappy result: Hidden feuds and disputes can continue unabated.

So what are the best conflict-resolving techniques? One-on-one conversations can be good solutions, as we saw in the story of Joanne and John. The successful approach here involved collaboration, a conflict-handling mode that can be very effective, according to Kenneth W. Thomas, a conflict management researcher and coauthor (with Ralph Kilmann) of the Thomas-Kilmann Conflict Mode Instrument published by Mountain View, Calif.-based CPP Inc.

In situations like that of Joanne and John, notes Thomas, the aggressive individual may not even realize there is a conflict with someone else.

"Joanne may have inferred that John was competing with her, soaking up all the duties and getting all the credit, and so she tried an end-run and went to the human resources person," he said. "The collaborative approach suggested by the HR person was a lot more

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successful than a competitive one would have been.”

In problem solving, you try to get down to what people’s underlying concerns are, and you try to find an optimal solution, adds Thomas. In John’s case, a successful approach would be to find a way for John to work to his potential, but not reduce the status, recognition, or workload of another secretary. “You can usually find a way if you are creative enough,” he said.

That the HR director is often the point person for resolution is not surprising to Thomas. A survey conducted by CPP Inc. reinforces the idea that attorneys are likely to favor a competitive conflict-handling style. That proclivity, paradoxically, may make them feel unqualified to resolve interpersonal issues for fear of alienating their staffs.

“For attorneys, the challenge is to shift from courtroom behavior to one of teamwork inside organizations,” said Thomas. “Within an organization, competitive behavior is dangerous; a little goes a long way. It can undermine trust and stifle dissent. If a high-powered attorney tells a paralegal ‘just do it,’ that is not a pleasant experience.”

Support staffers, concludes the same survey, are likely to avoid confrontation or seek some accommodation when faced with conflict.

FACILITATING UNDERSTANDING

Sometimes getting the warring parties together for a pow-wow can be effective. This happened recently at Sommer Barnard, where two accounting staff members had been butting heads about the best ways to carry out certain procedures.

“There was a tension building between the two that was becoming obvious to everyone,” recalled Peterson.

Peterson invited the two people to a meeting, during which she acted as facilitator to bring out their true feelings. She asked questions such as, “How did you feel when such and such happened?” and “When Sam carried out a task in that way, what was your reaction?”

The meeting resulted in the clearing up of misunderstandings.

“There was a healing in their relationship with immediate results that were apparent to everyone,”

said Peterson. Such meetings are often successful because embattled parties typically do not realize how the other person feels. What seems like obstinacy is often a lack of communication.

“Usually what is causing a problem is very minor,” Peterson said.

MATCHING STYLES

Interpersonal flare-ups often emerge between attorneys and secretaries, two categories of individuals who work closely together and whose effective interplay is integral to any law firm’s success.

“When times are especially busy and a lot is going on, the ‘rattle threshold’ tends to be lower,” said Elizabeth Wetherby, Chief Human Resources Officer at Bricker & Eckler LLP in Columbus, Ohio.

Problems can develop when a lawyer and a secretary do not have compatible work or communication styles. The lawyer who is a micro-manager, for example, may not be a good match for a highly experienced secretary whose personal autonomy is part of a robust self-image. Alternately, an attorney focused on higher-level analysis may appreciate the assistance of a self-motivated secretary.

Communication styles can be as vital as work ones. “Very often attorneys can be sharp or condescending in their responses, often not purposefully,” said Wetherby. “In such a situation, you need a thick-skinned secretary who is quite confident and realizes ‘this is not about me, but is simply about the work.’ ”

Conflicts can be largely avoided by assessing attorneys’ and secretaries’ needs prior to assignments.

“When you take care to understand and be forthcoming about how attorneys operate and what their needs are and correlate that to the secretaries, the results are win-win,” said Wetherby.

And then there are the fresh-from-school attorneys who may have no clue about what they need from a secretary.

“First-year attorneys need to understand what secretaries can do for them,” said Wetherby. “When first-year attorneys join us, we provide training on what secretaries can do for their attorneys and how to develop effective working relationships. We

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also try to highlight that attorneys use secretaries in different ways.”

And if things don't work out? Switch attorneys. “We make secretarial assignment changes when we see that the work styles aren't in union with one another,” noted Wetherby. This is somewhat easier in an organization such as Bricker, with its 142 lawyers. The firm was named Best Place to Work in Central Ohio in 2005 and was nominated again in 2007 for its high levels of workplace satisfaction and engagement. Especially pertinent are Bricker's attention to matching work styles and its emphasis on the importance of teamwork.

“If we have an otherwise capable individual and find there is a clash in work styles, we search for the right assignment change,” Wetherby said. “That's harder to do in a smaller environment.”

SEEKING HELP

Most organizations are inclined to resolve their conflicts through native wit and wisdom. Outside assistance, though, can provide the catalyst to get things done. At Sommer Barnard, a martial artist was brought in to conduct a staff retreat on conflict resolution and communication skills.

“The martial artist taught certain body language principles that helped with conflict resolution,” said Peterson. “She gave a number of tips that helped people honor each other's personal space during conversations. Sometimes our body language can seem confrontational when we don't mean it to be.

“Within the past few months, we have engaged the services of a professional coach,” she added. “We have started with team-building exercises with staff people, and I believe there is a possibility of attorney coaching in the future, and that might include conflict resolution.”

A third party can be especially valuable when resolving issues between attorneys.

“A professional executive coach who specializes in law firms can bring about some good things here,” said Peterson. “It takes someone from the outside because it is difficult for attorneys to approach one another. Attorneys don't want to micro-manage each other. They want to treat others the way they want to be treated – to be left alone and allowed to do their thing.”

GROWING AWARENESS

In recent times, law firms have become more aware of the harmful effects of interpersonal conflicts and the need for everyone to work as a team.

“Years ago, the law firm environment felt very different,” recalled Wetherby. “There was much more of a class structure in which the attorneys were the professionals and everyone else was a second-class citizen. Today there is a greater level of respect for the critical role every person plays in the firm.”

Despite the greater awareness, however, conflicts will still arise.

“When you have people-to-people interactions, you have heightened conflicts that occur,” said Wetherby. “It's part of life. We believe that communication is critically important. Attorneys must talk to secretaries about their needs, and secretaries should similarly learn the nuances of the attorneys they support.”

Communication is the key, concluded Peterson. “What are the expectations? Make them clear. That sounds simple, but it's not. It is a constant challenge to communicate in a clear way because every individual and situation is different.”

about the author

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Conflict Resolution in Law Firms: Take the Ball into Your Own Hands

BY JANET ELLEN RAASCH

Conflict is no stranger to a law firm. In fact, much of what a lawyer does is based on the avoidance or resolution of disputes – using a standardized set of skills and rules.

Given this environment, is it any surprise that conflict regularly “spills over” to affect the working relationships among lawyers, managers, and staff? Unfortunately, the skills and rules that win in the courtroom differ significantly from the skills and rules that lead to good conflict resolution in the workplace. It can be hard for lawyers to switch.

Many times, people who are involved with a workplace conflict believe that resolution has to do with getting the other person or entity to change – a situation where you win and the other party loses.

“Part of reclaiming your life in a conflict situation is realizing that you do not have as much control in changing the world as you do in changing your response to the world,” said Kathy Stroh, who has presented more than 1,500 workshops on conflict management. “This is not easy. It takes courage for one party to stop putting the blame on the other – and focus instead on changing his or her own behavior in a conflict situation. However, this approach is the only one that works.”

Stroh, who addressed the subject of conflict resolution at a program presented by the Association of Legal Administrators’ Mile High Chapter, also emphasized that, for most people, “learned helplessness” is the greatest barrier to effective conflict resolution. Learned helplessness occurs when individuals feel they lack the knowledge or skills to change a conflict situation and when they have fallen into particular response patterns in such situations. Overcoming these barriers requires that people learn new, objective ways of looking at a conflict and break out of old patterns.

“Objectivity is the essence of intelligence,” said Stroh. “Objectivity is the ability to see a situation for what it is in real time – not for how we’re interpreting it based on our previous experience.”

Before participants can successfully resolve any conflict, each party must be able to stand in the other’s shoes.

“It takes a lot of courage to be objective when someone has just blasted you,” said Stroh. “Generally, you will need to walk away for a while to let the situation calm down. Then, you need to go back to the person and say, ‘Before we can deal with this issue, we need to come up with a way that we can understand each other and rules we can use to talk to each other.’ ”

When needs are understood, it is time to invest time and energy into coming up with new, clearly defined ways to meet these needs – and to practice these ways.

For example, a secretary might express the need for more “respect” from a lawyer. What does this mean? To the secretary, it might mean a pleasant greeting when the lawyer passes her desk, a request about her availability before making an assignment, and corrections to her work that address the project – not her personal character.

“Each person must have the courage to stop what he or she has been doing,” said Stroh, “to drop old patterns, and to roll with another plan.”

“Each of the individuals involved will have an entrenched pattern of reacting to conflict – a pattern that has theoretically ‘worked’ for them in the past,” added Stroh. “Unless a person learns new skills and practices a new pattern of response, conflict will continue to surround him or her at your firm.”

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