

Problematic Partners:



Handling Underperformance and Misbehaviors

May 25th, 2016

Dr. Sharon Meit Abrahams, Director, Foley & Lardner LLP

Joseph B. Altonji, Principal, LawVision Group LLC

S. Dan Anderson, Chief Operating Officer, Dentons (Retired)

Who's in the Audience?



➔ **What size firm are you with?**

Small less < 100

Medium 100 to 250

Large > 250

➔ **What role?**

Office Administrator/Manager

Finance

Other?



**Do you ever deal with
cranky attorneys?**

Overview



- Definitions
- Partner Expectations
- Reasons for Underperformance
- Coaching the Underperformer
- Identifying Bad Behavior
- Addressing Bad Behavior
- What if Nothing Works?

First Things First:



Underperformance and Bad Behavior are NOT the Same Thing...



First Things First:

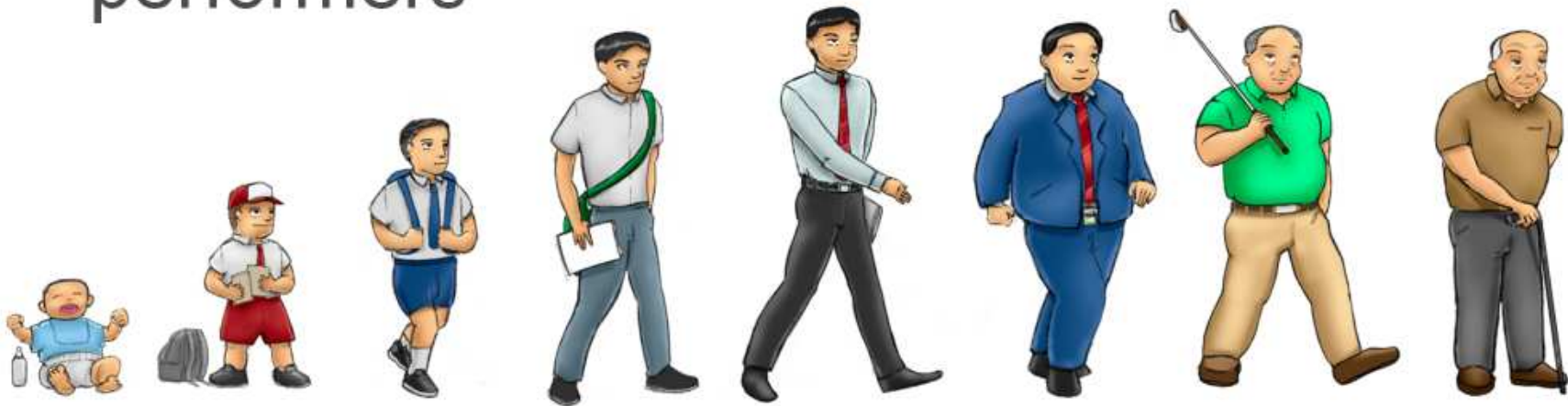
**Underperformance and Bad
Behavior are NOT the Same
Thing...**



Let's Start with Underperformance...



- Relatively few partners start off as poor performers



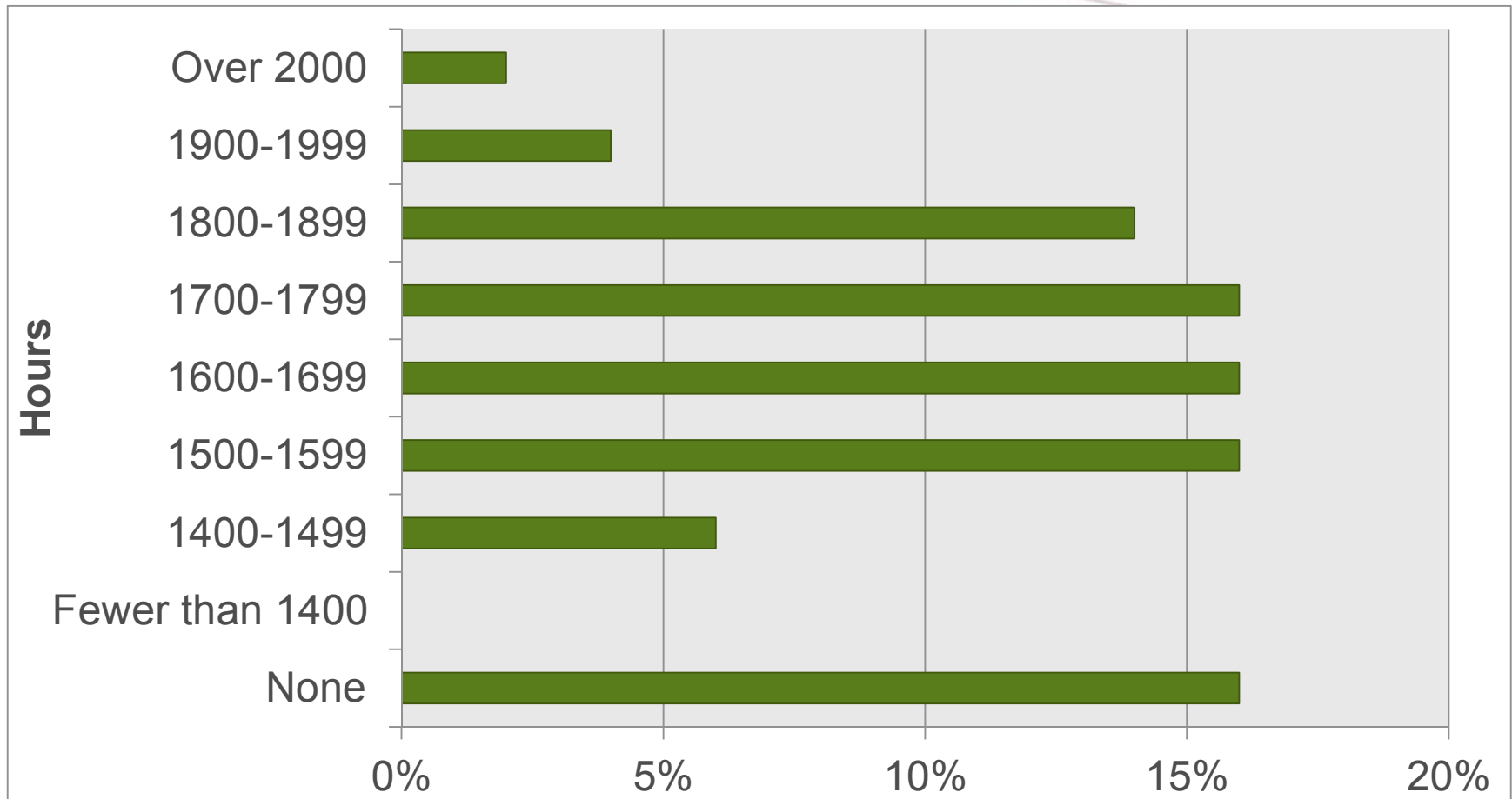
But sustaining performance over time is a different issue!

Common Partnership Expectations

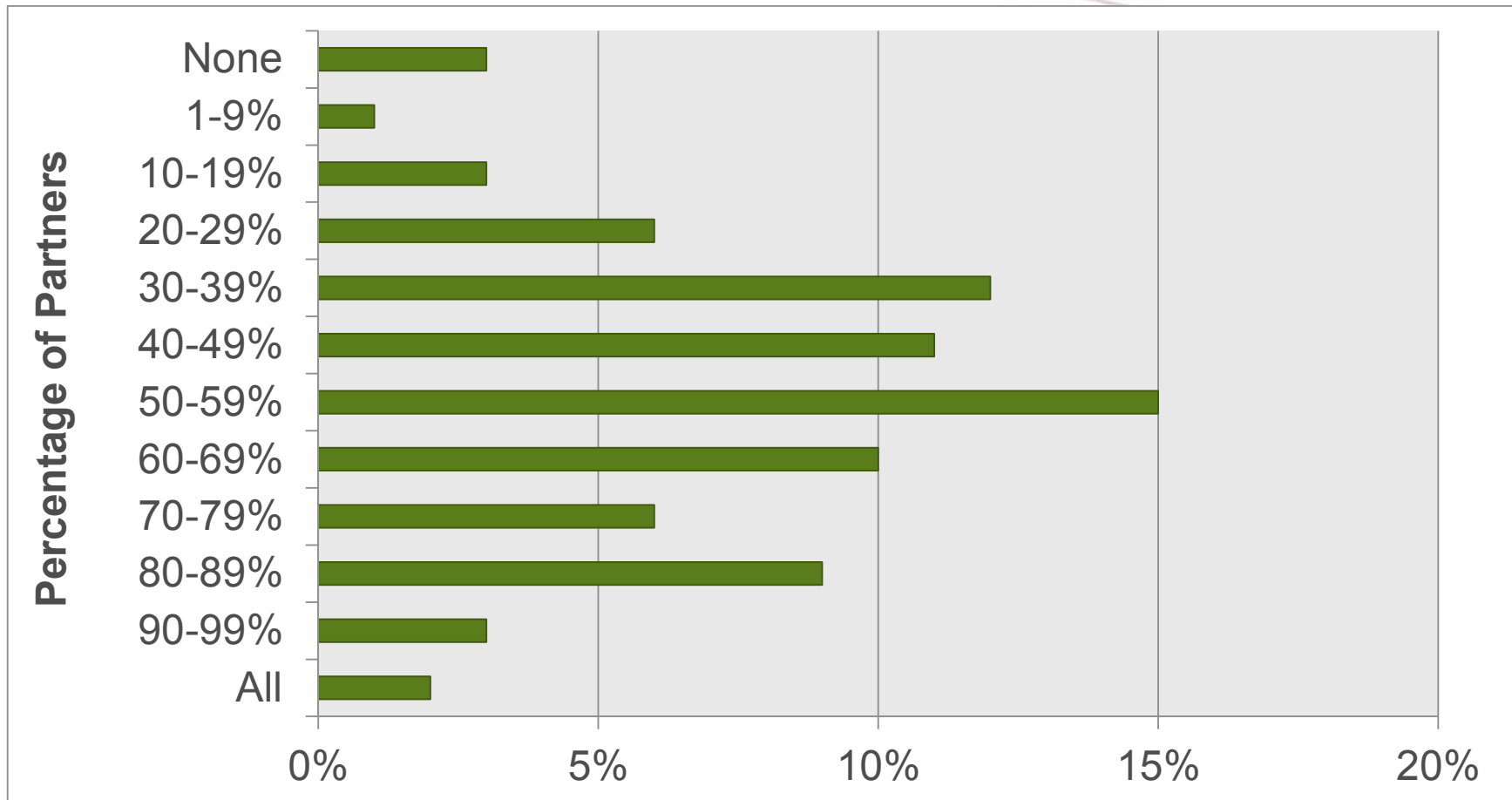


- Partnership standards – the trend is toward setting standards
- Common criteria include:
 - Billable hours/ Total hours
 - Client development
 - “I know it when I see it”
 - Firm Citizenship
- There is no “one size fits all” set of expectations

Average Minimum Billable Hour Targets for Partners

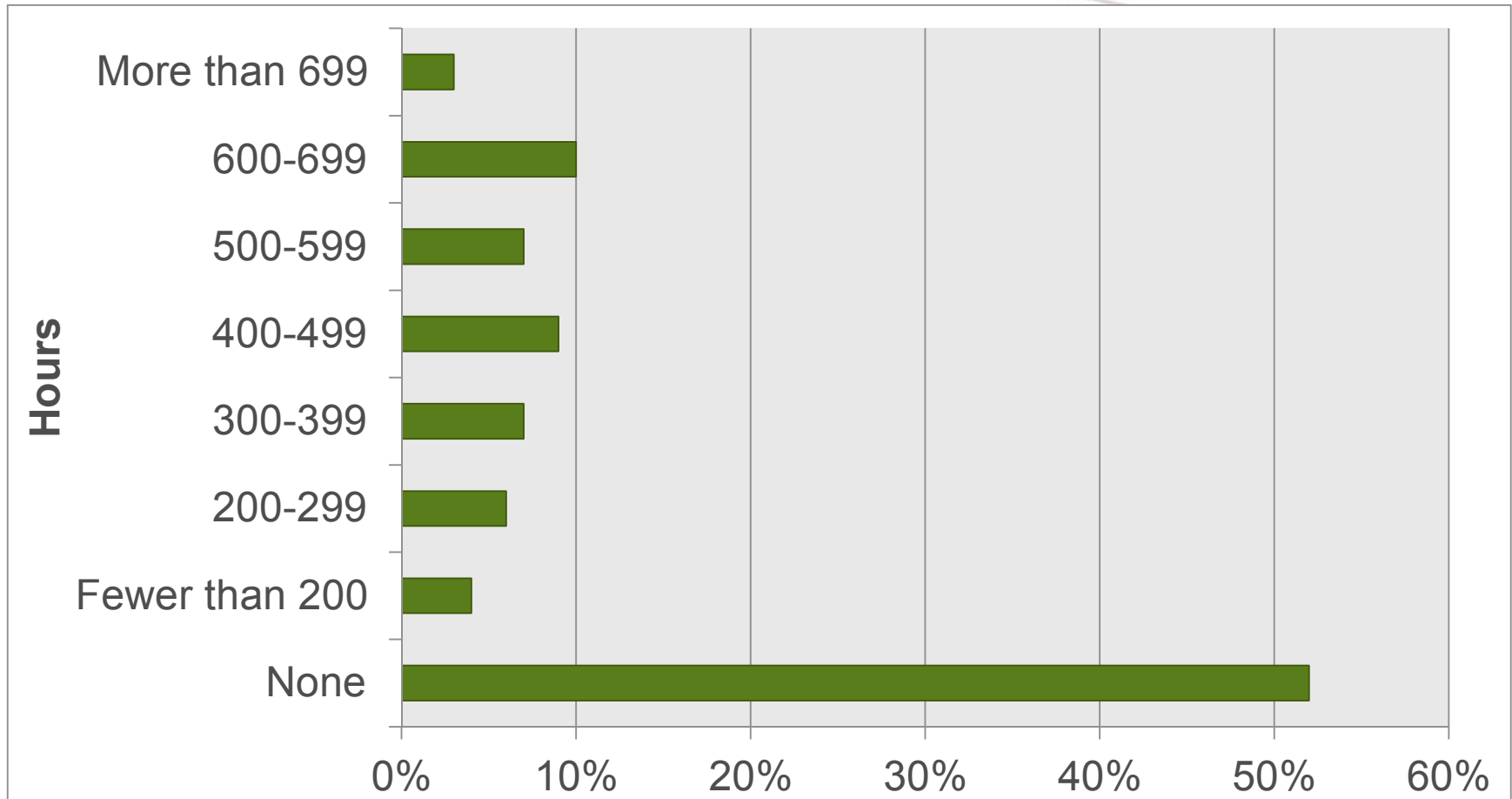


Achieved the Minimum Billable Hour Target





Non-Billable Hour Target for Partners



Successful Firms Manage Their Partnership



- Start with the right people helps
 - It can't just be he/she is a “good lawyer”
 - Professional/personal characteristics of an “owner”
 - Hold partners to an evolving set of standards
 - Partnership is NOT tenure
 - Old model doesn't work
 - Not enough money for fast up and slow down
 - Lateral movement - “Pay Me Now” mindset

Underperformance Comes In 2 Flavors



- Early-Onset Issues
- Age-Related Slowdowns

Early-Onset Issues



- Loss of major client(s)
- Stalled out mid-career
 - Lack of BD or client service mindset/skills
 - Change in life circumstances
 - Burnout
 - Comfort
- Market driven change
- Standards increasing over time
- Failure to reinvent skills
- Failure to progress
- Human capital obsolescence

Age-Related Slowdowns



- Transitioning
- Age
- Financial setbacks and recession stretching out retirements
- Ego preservation
- Transition of client relationships
- Timelines/phase down
- Life driven changes
- Illness
- Family
- Other

What Kind of Lawyers do You Have?



- A bunch of these?
- Or are they looking for this?



Let's Discuss
Succession Planning!



But You Need To Recognize When Its....



**How can YOU help
underperformers?**

Performance Management



- Deliberate and organized
- Should involve the individual, with a keen understanding of the situation
- Subject to individualized planning
- Personal accountability, timelines and feedback
- Individualized investment is warranted with coaching and other assistance as needed

What Makes a Person a Good Coach?



- Is a good listener
- Asks partner to share the issues/concerns
- Asks partner to look for ways to solve their own problems
- Identifies resources
- Helps partner set targets/goals
- Sets deadlines
- Holds them accountable

Developing a Performance Plan



- Written document
- Timelines/deadlines
- What does success look like
- If they haven't brought in business, what have they done for the firm?
- Consequences

Let's talk about BAD behavior



A Real Email



To: 'PDC-LINK@mail.pdlegal.org'

Hello all,

I am looking for a recommendation for a coach or workshop/training for an attorney with low EQ and no self awareness of offensive behavior. Your suggestions would be greatly appreciated.



Defining Bad Behavior



- Is an evolving concept
- Changes in the legal market have lead some firms to loosen their “no jerks” policy
- Includes not only intentional actions, but unintentional or inappropriate choices



Identifying Bad Behavior



- Yelling, screaming
 - Volatile business - highs & lows
 - Clients can fire you
- Inappropriate behavior
 - Making passes at associates, secretaries
 - Work attire/appearance
- Diversity - Politically correct behavior or lack thereof
 - Blatant behavior
 - Implicit bias

Why Don't Firms Address Bad Behavior?



- Rainmakers are increasingly valuable
- Lawyers are notoriously conflict adverse
- Lack of confidence in addressing interpersonal conflict

Best Practices in Addressing Bad Behavior



- Bad behavior is often the symptom of another problem
- Don't turn a blind eye
- Involve others
- Understand and utilize internal tools
 - 360 reviews
 - Reports
- Seek outside assistance when necessary
- Recognize when nothing is working

Removing the Emotional Element



What if Nothing Works?



- Be prepared with separation agreements/etc.
- Difficulties in terminating a partner - partnership votes/etc.
- Documentation is important
- Not all partnership agreements even outline criteria for performance, if you're going to kick someone out - have stuff to prove it





Dr. Sharon Meit Abrahams
Director, Professional Development/Diversity & Inclusion
sabrahams@foley.com (305) 482-8521

Joseph B. Altonji, Principal, LawVision Group LLC
jaltonji@lawvisiongroup.com (312) 466-5648

Dan Anderson, Chief Operating Officer, Dentons (Retired)
dan.anderson@dentons.com (404) 527-4165

Your opinion matters!

Please take a moment
now to evaluate this
session.

Thank You!