

# Problematic Partners:



## Handling Underperformance and Misbehaviors

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# 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:

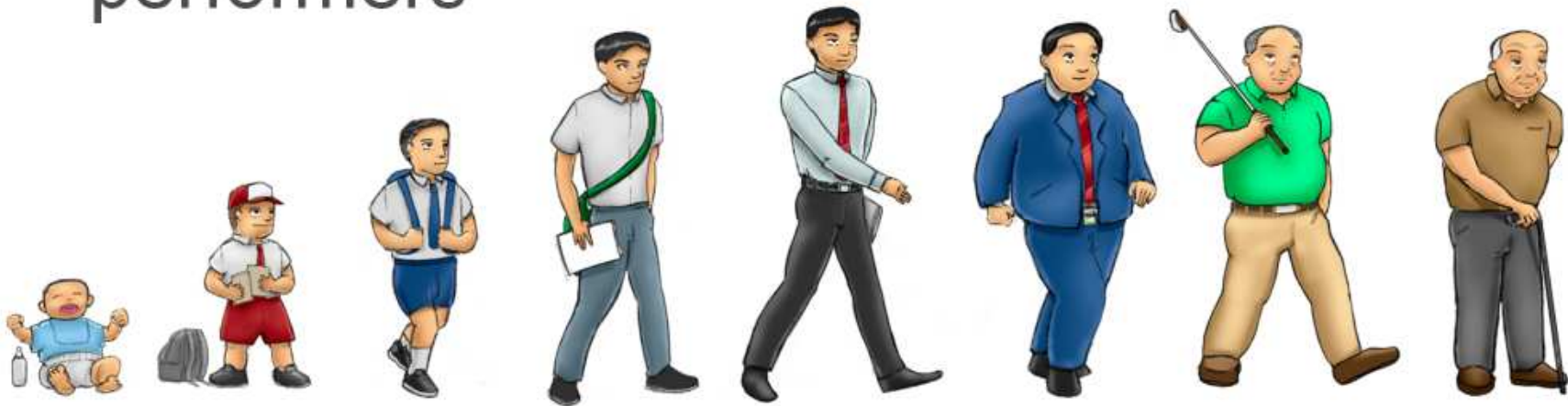
**Underperformance and Bad  
Behavior are NOT the Same  
Thing...**



# Let's Start with Underperformance...



- Relatively few partners start off as poor performers



**But sustaining performance over time is a different issue!**

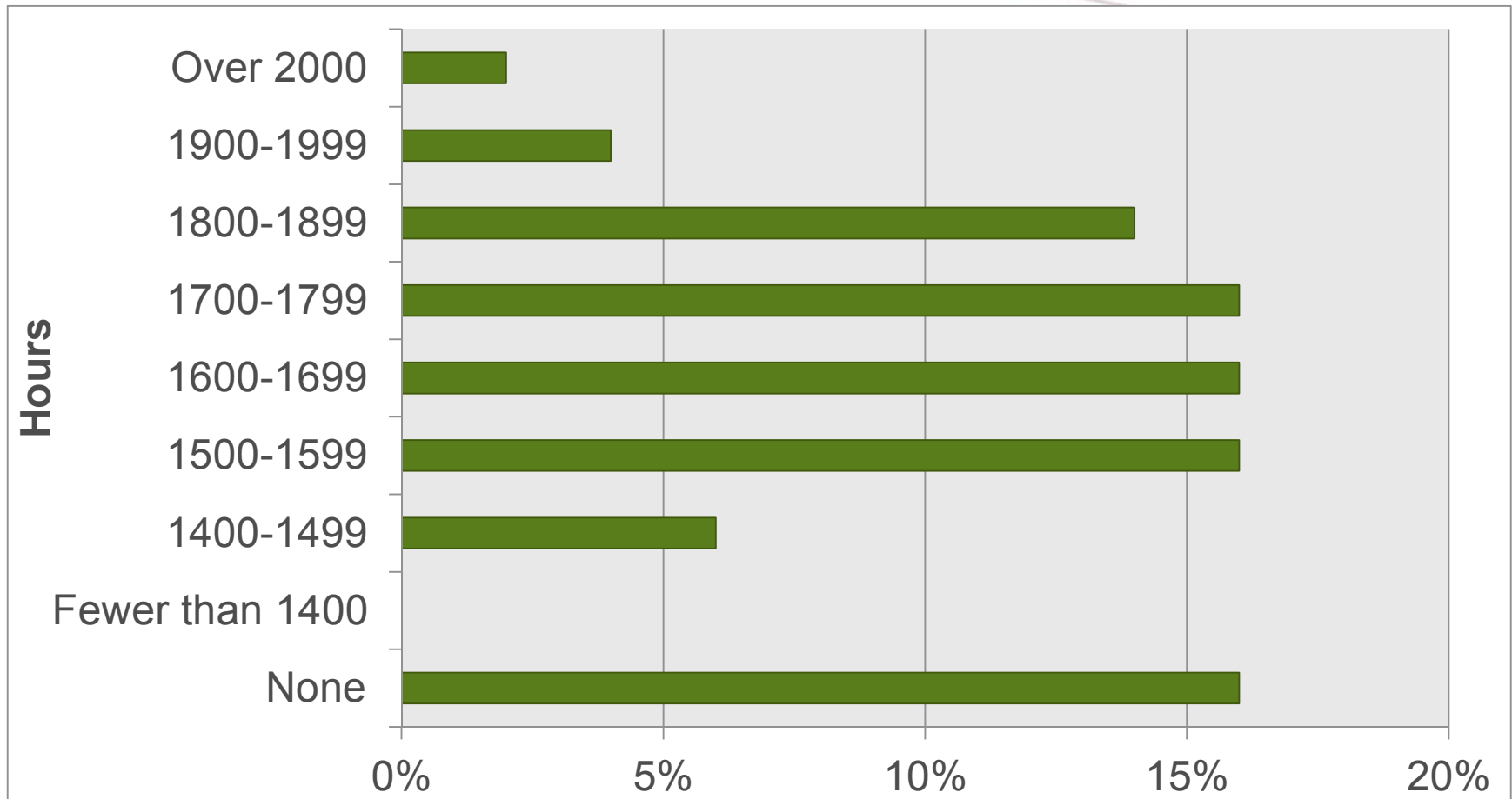
# Common Partnership Expectations



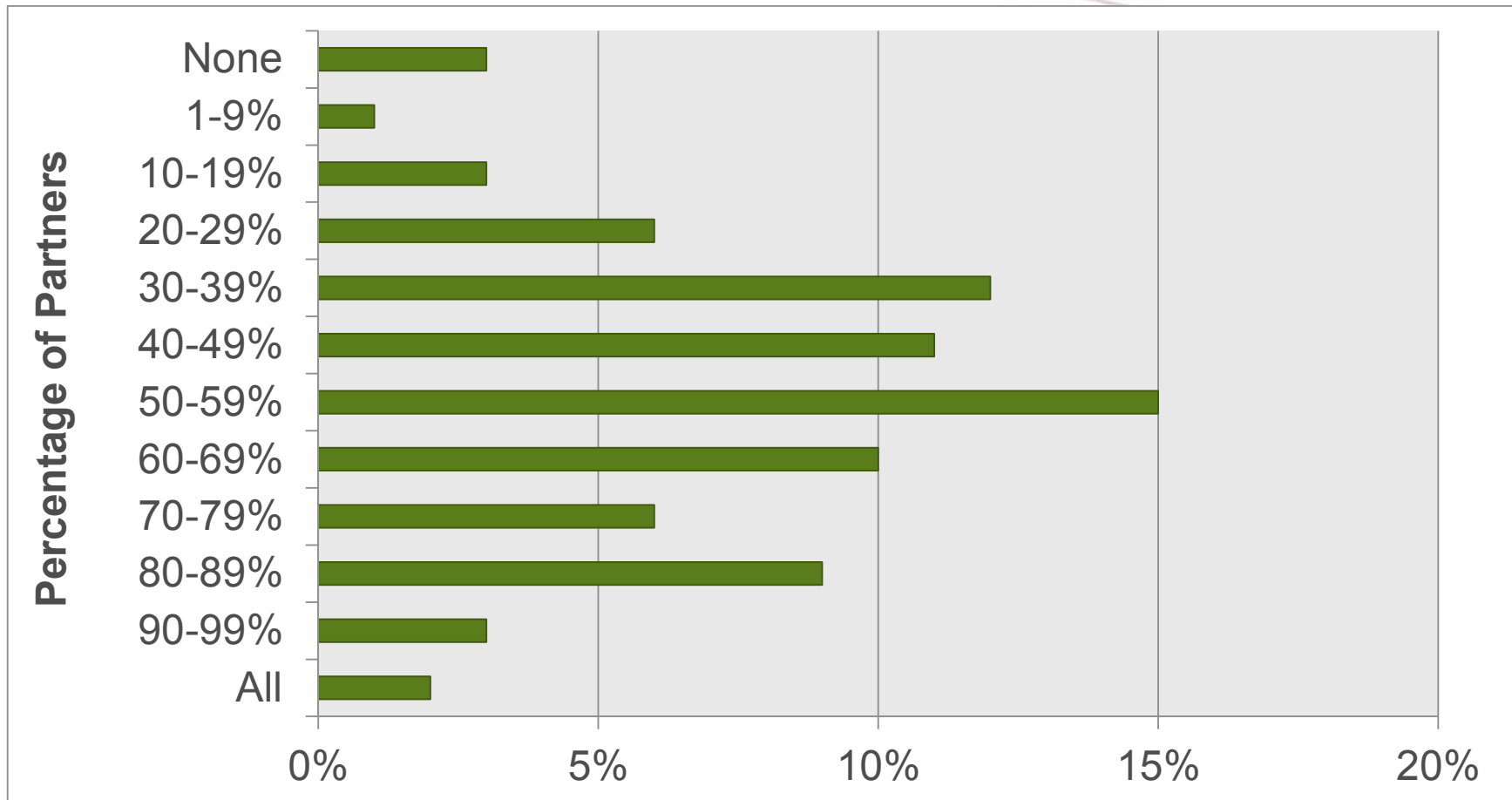
- Partnership standards – the trend is toward setting standards
- Common criteria include:
  - Billable hours/ Total hours
  - Client development
  - “I know it when I see it”
  - Firm Citizenship
- There is no “one size fits all” set of expectations



# Average Minimum Billable Hour Targets for Partners

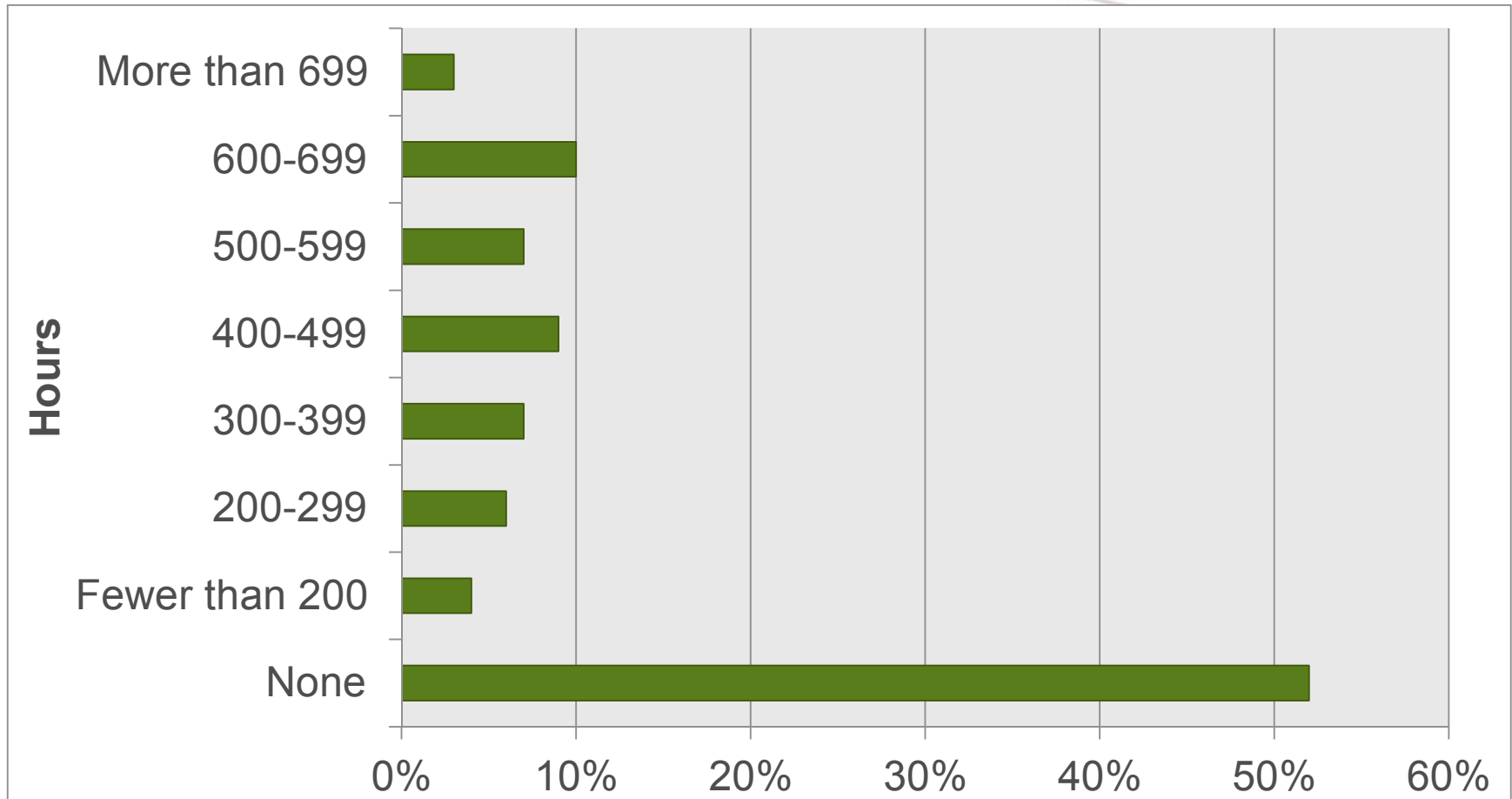


# Achieved the Minimum Billable Hour Target





# 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'

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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





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***Your opinion matters!***

Please take a moment  
now to evaluate this  
session.

*Thank You!*