

LAW TIMES

Managing conflicts key to retaining staff

Many law firms still struggle with the clash of cultures between the old command-and-control-style of leadership and the collaborative approach embraced by younger generations. Some older lawyers not only have different attitudes than their younger counterparts about lines of authority, but also have a more aggressive conflict style and tend to recoil in horror at what younger employees call “work-life balance.”

Large law firms tend to have human resource departments, and policies and processes to deal with the problems that flow from these issues, but this isn’t always the case in small and mid-sized firms. Law Times spoke with human resources experts and consultants to discover what upper management should keep in mind in these changing times.

Experts say younger employees are not motivated solely by money, but many are also concerned about their career development, and hope to maintain a fulfilling life outside of work.

The more flexibility you can offer, the more attractive your firm will be, says Else Pedersen, human resources consultant at Perceptive Edge. For instance, some employees hope to avoid traffic rush hours, or need to work around their children’s daycare. Finding out what employees are looking for is key, she says.

“Find out who aspires to work like crazy and become a partner,” says Else Pedersen, president of the human resources consulting company Perceptive Edge. “And find out who really enjoys being a lawyer but wants that balance in their lives.”

If you don’t pinpoint what each employee values, your employees will not be 100-per-cent engaged and committed, and you risk spending tremendous amounts of money on recruitment and retraining, says Randall M. Craig, a consultant at Pinetree Advisors and author of *Leaving the Mother Ship*. He suggests bringing up these issues during annual evaluations, or during separate meetings about career development. In larger firms, anonymous employee surveys can shine light on what’s important to your employees.

“It’s amazing what comes out in a survey,” says Craig. “It can be a bit of an eye-opener.”

Marlene Durrell, president and founder of the coaching and consulting firm The Walmsley Group, suggests scheduling regular performance check-ins to find out how employees are doing, what challenges they’re facing and whether they have sufficient resources and support to do their jobs well. Employees today want to feel valued and listened to, she says, and need regular praise and recognition.

Those organizations that embrace a collaborative management style end up with employees who feel like they belong and are part of a team, she says.

But when employees are poorly treated, they become demoralized, and may remain in a “safety zone” because they fear negative feedback, which “does not allow them to bring their brilliance to the workplace.”

As small and medium-sized firms grow, a senior lawyer needs to learn how to become less of an authority figure, says Craig, and more of a coach. Many lawyers are extremely knowledgeable about the latest legislation and regulations that impact business, but keeping other lawyers and support staff happy is a completely different role.

First, it’s important to realize this is an area that demands investment, says Craig, and the next step is to work with those who have skill in the area.

"It's the people side of the business, frankly, that if not managed well, will cause you the most grief and sleepless nights," he says.

And nothing gives both managers and employees insomnia quite like conflict. Every workplace has conflict, says Blaine Donais, president and founder of the Workplace Fairness Institute and author of *Workplaces That Work: A Guide to Conflict Management Systems in Union and Non-union Workplaces*. However, when conflict is handled smoothly and fairly, employees are more productive and focused on the firm's future, their future within the firm, and on how to grow the practice. Conflict then becomes background noise, he says, which is beneficial in law firms because every hour a lawyer spend stewing about a conflict amounts to a lost billable hour.

Smaller law firms often benefit from a family-type atmosphere, which leads to fewer conflicts overall, says Donais. However, most small and medium-sized firms don't have an in-house ombudsperson to resolve conflicts.

When employees — especially associates and support staff who don't have a major stake in the firm — feel their grievances are ignored or handled unfairly, they will often simply move on, he says, especially because getting caught up in disputes can hurt their reputations.

Some employees are walking around in a heightened state of conflict, but never articulate their feelings because they are afraid of the consequences, says Donais. One way to deal with this is to have open door policy where any member of the firm, no matter how junior, can have a confidential, rational discussion with the managing partner.

Donais also suggests giving managers interest-based negotiation training. For instance if two principals are arguing about who gets to use the services of one articling student, interest-based negotiation techniques will help them rationally negotiate a process to solve the problem so it doesn't degenerate into a personal fight.

And it's beneficial for managing partners to look back on past conflicts to analyze why each one happened, how it was resolved and what the consequences were for the people involved, and for the company.

"It may give them an idea of how to deal with conflicts in the future," he says.

Donais believes that having a fair work environment is the key to keeping people motivated and happy. The concept of fairness extends beyond resolving conflicts, he says. Employers must be careful not to give employees the impression that benefits, including professional development opportunities, bonuses, promotions, and other benefits are doled out in a subjective way.

Some companies now promote their conflict management style as a way of telling potential employees that they'll be treated fairly because if employees feel their bosses are picking favorites, bitterness and resentment will flourish.

"The unfairness becomes palpable," says Donais. "Someone is going to stick up their hand and say, 'What about me? What am I, chopped liver?'"

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