

Special Issue on

Developing Managers

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Department Managers and Practice Group Chairs: What They Do, What They Need Stephen R. Chitwood and Evelyn Gaye Mara

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Department managers, known in some firms as practice group chairs, fulfill a key role in the day-to-day operations and long-term success of every practicing law office. They link the grassroots of the firm with central management. In addition, they typically generate legal work of great value for most of each day and, at the end of the day, assist their colleagues to do the same.

With the right preparation and support, department/practice group managers can make a significant contribution to the firm and their department while achieving tremendous personal growth and satisfaction. Without such preparation and support, however, they will perform poorly to the detriment of the firm, or perhaps adequately but at excessive personal cost, making it hard for the firm to fill their position in the future.

Let's consider what is expected of department/practice group managers in most firms, the challenges they face in trying to meet those expectations, and how a firm can help its managers to succeed, thereby ensuring its own success.

The Expectations: Typical Responsibilities

Most law offices expect their department/practice group managers to fulfill most if not all of the following

responsibilities:

Resource Allocation and Management

- 1. Ensure an appropriate and fair distribution of work among associates.
2. Monitor the ongoing workload of associates.
3. Negotiate, and help resolve disputes regarding, work allocation.
4. Determine needed staffing and allocate attorneys for specific engagements.
5. Develop strategies to improve department productivity.

Resource Development: Hiring, Training, Evaluation, and Coaching

- 6. Evaluate associates during their first year with the firm.
7. Provide input to the annual evaluations of partners and associates about whom they have first-hand knowledge.
8. Ensure the training of associates, especially first-year associates.
9. Give feedback to partners on their performance (e.g., billable hours, client development, profitability), and assist partners whose performance has declined.
10. Monitor carefully the work of associates who have been placed on probation or identified as experiencing performance problems.
11. Recruit new associates and lateral hires to fill vacancies and/or expand the practice.

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Administrative Management and Communications

12. Monitor group financial performance in conjunction with the firm's Financial Management Committee (including billings, receivables and collections, and some oversight of expenditures for CLE, client development, and travel).
13. Address administrative details and make decisions about the day-to-day operations of the group.
14. Oversee the intake of new clients with particular reference to fee arrangements, retainers and related matters.
15. Promote group communications and information dissemination through regular meetings and other activities.
16. Meet about every two weeks with the Managing Partner on status and new developments, and confer day-to-day with the Managing Partner and other department heads on operating issues as they arise.
17. Provide the Executive Committee with quarterly reports on department operations.

Client Relations and Practice Development

18. Promote client development efforts by partners and senior associates.
19. Provide visibility and leadership to promote the group's practice in and outside the firm.
20. Maintain contact with the group's clients to monitor their satisfaction with the firm.
21. Negotiate and help resolve differences with existing

clients.

Client Legal Work

22. Commit 75 to (preferably) 85 percent of their time to legal work for their own clients.

The Challenges: Issues to Be Resolved

In most firms a number of issues must be resolved with firm-wide management, other partners, and firm clients for the manager to be successful. Those issues include:

1. Balancing managerial tasks and law practice.

The common expectation is that the department/practice group manager will spend no more than 15 to 25 percent of his or her time on managerial responsibilities (15% is preferred). Considering the many administrative tasks to be done, little time is left for the more creative and challenging strategic aspects of the job. Other possible problems are loss of the manager's existing client base or inability to expand it while in the position, and difficulty revitalizing his or her practice upon leaving the position.

2. Role redundancy. Some departments are groupings of various legal practices, with a senior partner from each practice acting as a *de facto* practice head. In this situation, what value is added by the position of department/practice group manager?

3. Unclear and/or unpublished responsibilities.

Partners assuming the position of department/practice group manager rarely have carefully written job descriptions detailing their responsibilities or authority, and often must learn their roles through informal discussions and observation. The result is frequently a lack of clarity throughout the firm about the role, which hinders the new manager's ability to succeed and increases the likelihood of conflict with partners and associates in the group.

4. Limited evaluation authority.

Department/practice group managers often believe they should have significant input into the evaluations of partners and associates within their departments. More specifically, they think the evaluation committees should consult them after all performance information has been gathered and before final evaluations are made. Evaluation committees, on the other hand, are more inclined to treat the managers on a par with other evaluators.

5. Differing expectations about financial authority.

Department/practice group managers believe they should have significant input into the development of their

departmental budgets, and often feel their budgets have little relationship to the financial needs of their departments. At the same time, individual managers may differ significantly regarding their responsibility for managing the CLE, travel, and client development expenses of partners and associates. Some believe they must watch these expenses carefully, while others take a more relaxed attitude in the belief that their job is primarily to prevent abuse.

6. *Insufficient time to develop plans and initiatives.*

As mentioned above, the combined pressures of day-to-day administrative tasks and the manager's own legal practice severely limit the time available for developing plans and initiatives to improve department performance and productivity. If the department/practice group managers do not think about these improvements, who will?

7. *Training of Associates and Younger Partners.*

While some department/practice group managers devote significant attention to associate training, more often such training is uneven because no one in the firm is accountable for it. Similarly, while young partners may have learned much about the firm and law practice as associates, partnership requires a new perspective and skill set and therefore additional training, particularly on client development and other new responsibilities. Should the department/practice group manager be responsible for associate and young partner training? If so, what is the scope of this responsibility?

8. *Pros and Cons of Younger Managers.* What should be the criteria for selecting a department/practice group manager? Some firms seek younger partners for the position, an approach which has both advantages and disadvantages.

Advantages:

- Development of a substantial group of future firm leaders.
- Instilling a sense of the business dimensions of law practice in younger partners and emphasizing the importance of such concerns to the firm's future well-being.
- Utilization of the expertise of younger partners before they have developed their practices to such an extent they cannot take on management responsibilities.

Disadvantages:

- Managerial responsibilities restrict the time younger partners need to build their practices.
- Younger partners may have difficulty leading older and more experienced partners to undertake new activities or practices.
- Younger partners may be unwilling to confront older partners about following firm practices, which may require the Managing Partner or Executive Committee to become involved.
- Younger partners may lack the status needed to work with particular clients of the group.

How A Firm Can Help Its Department/ Practice Group Managers to Succeed

A firm that understands the challenges facing its practice chairs can help them in several ways:

1. *A Position Description with Clearly Stated Responsibilities and Authority.*

Individual department/practice group managers may emphasize different aspects of the job because of differences in their personalities, practice expectations, and personal styles. Still, a common set of expectations regarding specific responsibility and authority for all department/practice group managers is a minimal requirement. This would eliminate much of the ambiguity that often exists about the position. It would also provide a sound basis for selecting new managers and for orienting and training them as they assume the role.

2. *Careful Selection of the Most Suitable Candidates.*

At most firms, department/practice group managers have limited authority and succeed in their role largely by persuasion. The most valuable skill a department/practice group manager can possess, therefore, is the ability to persuade, cajole and otherwise nag colleagues preoccupied with client work to do the right thing. An inclination to plan and organize is also helpful, as well as any other specific skills indicated by the position description, such as budgeting, interviewing candidates, etc. Most candidates will have acquired training in many of these skills from prior service on committees or as deputy managers.

There are two types of inappropriate candidates: those who do not possess the necessary skills, and those who seek the role only for its status, having no intention of performing the work involved.

3. **Training.** The firm should develop a training program specifically tailored to the needs of its new department/practice group managers, building on the requirements outlined in the above position description and covering:

- working relationships with firm committees, the Managing Partner, and other relevant groups
- monitoring financial performance
- providing leadership for partners, associates, and support staff
- thinking and acting strategically as a Department/practice group manager

4. **Succession Planning.** The firm's continuing success and profitability depend on the ability of future partners to provide the management and leadership required in today's changing legal market. The requisite skills for these activities must be developed and nurtured to assure their availability in the future. Thus, the Managing Partner, department/practice group managers, and Executive Committee should develop a process for identifying and preparing future firm managers and leaders.

5. **Continuing Support by the Executive Committee and Managing Partner.** Neither the Managing Partner nor the Executive Committee alone can provide the necessary day-to-day oversight needed to ensure effective firm operations. Neither can provide the wide range of innovative and creative thought needed to maintain the

health and growth of the firm's varied practices. A group of motivated and highly skilled department/practice group managers is necessary to accomplish these goals. Once these managers have been selected, trained, and placed in their positions, the Managing Partner and Executive Committee must continue their support. This support should include setting high performance expectations for both the managers and their departments, delegating the necessary authority to carry out their responsibilities, assistance and collaboration in problem-solving, and allocating appropriate rewards for contributions to the growth of the firm. Without such support, the position of department/practice group manager will degenerate into something hard to fill and hardly worth filling.

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Executive Coaching of Partners in Law Firms

David Coleman

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What do you do with a partner who is performing well technically and economically, but whose style of practice exacts such high human costs that the firm's long-term best interests may not be well served? Given the business structure, hierarchy, and work/time pressures in most firms, it may seem impossible to deal productively with such situations. Sometimes it **is** impossible; however, at other times, it is possible to intervene constructively using the services of an experienced executive coach, a relatively new type of professional service to law firms.

In this article, I will:

- define executive coaching,
- identify some advantages and disadvantages of this approach to the firm and to the individual being coached,

- describe the kinds of situations in which it might be most effectively used in a law firm context,
- name the necessary ingredients for success of a coaching project, and
- provide some key factors in selecting a coach.

What Is Executive Coaching?

Executive Coaching is the provision of tailored guidance to firm partners and directors on managing people and processes by an advisor professionally trained in both the behavioral sciences and human resource development. Simply put, executive coaching helps technically brilliant people who lack information or skills in managing themselves or others. The goals of executive coaching can include:

- improving management of one's practice or practice group
- making better use of associates and other firm resources
- preparing for expanded responsibilities in firm management
- improving time management or job satisfaction
- increasing effectiveness through building relationships across the firm.

There are four types of Executive Coaching¹:

1. Coaching for Skills – focused on a specific task,
2. Coaching for Performance – focused more broadly on a person's present job,
3. Coaching for Development – focused on future jobs, and
4. Coaching for the Executive's Agenda – focused on immediate tasks needing accomplishment.

Executive coaching should be distinguished from personal coaching, which has a broader, less business-like focus and is often done by those without professional training.

Why Use Executive Coaching? Pros and Cons

For the firm, the primary advantages of executive coaching are:

(1) it provides a mechanism to support partners' growth and development in a way that is feasible given the realities of the practice of law today, (2) it makes available someone outside the firm structure who can provide support and challenge more freely than someone who works for the firm, (3) if offered to a whole category of partners at a transition point (e.g., all new practice group leaders, all new partners), it can provide an increase in the firm's intellectual capital without the stigma of remediation being attached, and (4) it allows for customizing skills development to the individual partner. *The primary disadvantage* is the cost of offering individually tailored training or advice.

For the individual partner being coached, the advantages are: (1) provision of just-in-time information and skills needed to do his/her job, (2) a confidential setting that allows for safety and face-saving in exploring new behaviors, (3) an external and objective perspective for looking at the management of his/her practice, and (4) an opportunity for exploration of longer-term life and practice goals that might lead to greater personal satisfaction and happiness. *The primary disadvantage* is the time required to meet with

the coach.

When and When Not to Use Coaching

Executive coaching is particularly effective at times of transition in the nature or scope of responsibilities. It can be invaluable when assuming new duties, e.g., becoming a practice group leader for the first time, moving from associate to partner, or becoming managing partner. It can also work well when motivation is high due to a teachable moment created by an action taken by the firm (e.g., decrease in compensation or the delivery of a performance improvement message by firm leaders) or something life changing in one's personal life (e.g., children leaving home, divorce, the death of parents or significant others).

Coaching is inappropriate when: 1) a decision has already been taken to eliminate the person, 2) there is no clear benefit to the individual and/or the firm for doing it, 3) no one is willing to deliver a message that change is required, or 4) serious personal problems, including addictions, need to be addressed first.

Necessary Ingredients for Success of a Coaching Project

In my 15 years of executive coaching in law firms, I have found the following six ingredients key to coaching projects working well.

1. **Firm Sponsor.** The coaching project must be overseen by someone who is viewed by the partner at least as a peer, if not as a superior. Typically, this might be the Managing Partner of the firm or the Practice Group Leader. With more senior partners, it may need to be someone other than the Managing Partner whom they respect and trust. This trusted colleague would be asked to oversee the project after the Managing Partner or Practice Group Leader had delivered the message about the change required.

2. **Clear Rationale.** Someone inside the firm must make the case for why coaching should be tried. The individual must see it is in her/his best interest to work with the coach. At the very least, the person must be willing to reserve judgment about the benefits of coaching until s/he has tried it.

3. **Clear Expectations for Both Project Outcomes and Process.** Before beginning the coaching relationship, success must be defined. What results or outcome are desired from the coaching? The broad steps in the

¹See Witherspoon, R, & White, R.P. (1996). "Executive Coaching: A Continuum of Roles," *Consulting Psychology Journal*, 48(2) pp. 124-133.

process – gathering information from the individual and others, creating a development plan, what will be reported how often to the firm sponsor, how often meetings will occur – need to be specified.

4. **Focus on Development, not Evaluation.** Coaching works better when it is seen as an investment of the firm in the long-term development of a partner. While it is important to make clear that the person is accountable for making changes, coaching works best when the person believes the primary goal is his/her development, not whether he/she can stay or go.

5. **Sufficient Time for Change.** Typically it takes time to make changes in long-standing habits. Often firms are slow to deal with problems, yet want miraculous changes in a short time. In the case of someone assuming new responsibilities, it is important to allow sufficient time for learning new roles and skills. Frequently, it may take 12-18 months to make noticeable changes, particularly with long-standing and well-reinforced behavior patterns.

6. **Confidentiality.** Expectations about confidentiality must be sorted out in the first meeting. I usually recommend that the specifics of the coaching be completely confidential. We then clarify what kind of information will be reported to the firm sponsor. Most often, information is communicated by the person being coached him/herself to the sponsor in a three-way meeting with the coach.

Typical Steps in Coaching a Partner

The box to the right lists the typical steps in the coaching process for a partner like the one described in the opening paragraph: producing good legal work but exacting high social costs by his/her style of practice.

Key Factors in Selecting a Coach

Since executive coaching is a relatively new field without an accepted credentialing process, it can sometimes be hard to determine whom to hire. Here are my suggestions for what to look for in a coach:

1. Professional training and an advanced degree in psychology, social work and/or human resources.
2. Experience in organizations rather than the clinic or counseling.
3. Focus on the practical rather than the theoretical.
4. Experience in working with professional service firms, particularly law firms, can be helpful but is not absolutely essential.

Typical Steps in Coaching a Partner

1. Phone call from Human Resource/Professional Development Director to Coach to describe the basics of the situation and explore the fit of the Coach's skills with the Partner's needs
2. Meeting of Firm Sponsor, typically the Managing Partner or Practice Group Leader, and Coach (perhaps with the Human Resource/Professional Development Director), to:
 - Clarify the issues
 - Plan the project
 - Plan the message
3. 3-Way Meeting (Partner, Firm Sponsor, Coach) to discuss:
 - Project plan, including next steps
 - Strengths and weaknesses
 - Time frame for changes
 - (If relevant, consequences if no change)
 - Success defined
4. Coach collects information:
 - 360° feedback instrument
 - 5 to 15 interviews of peers, associates, and staff, determined jointly by the Partner, Firm Sponsor, and Coach
 - Psychological tests (personality, motivations, interpersonal style)
5. 4 to 8 Meetings with the Partner over 3-6 months
 - Assess the situation from his/her perspective
 - Identify key issues
 - Create a development plan
6. 3-Way Meeting (Partner, Firm Sponsor, Coach) to review the development plan
7. Regular Meetings with Partner
 - Implement the development plan
 - "Develop management skills through what's already on his/her plate."
8. (Optional) Collect information again
9. Follow-up with the Partner (12-18 months later)
 - Assess progress
 - Clarify next steps

5. Not selling products -- i.e., particular 360 instruments or particular tests -- as **the** approach.
6. Listens well.
7. Catches on quickly and uses the firm's language for describing his/her approach (e.g., section heads versus practice group leaders; directors versus partners).
8. Calm, demonstrates a sense of humor.
9. Not argumentative, but not someone who agrees to anything you say. Solid.
10. Can broadly describe the steps s/he will follow, recognizing that the shape of most projects will change and evolve.

Summary and Conclusion

In this article, I have attempted to define coaching, identify when to use it, detail the advantages and disadvantages of coaching for both the firm and the

individual, clarify some key ingredients for success, and describe the typical steps in the coaching process. Finally, I concluded with some tips for selecting a coach.

Executive coaching is a new approach to fostering partner development in law firms. It is not an answer to every problem. However, in some circumstances, with the right approach, it can be most beneficial in providing support to partners' long-term growth and development, and in enhancing their contribution to the firm.

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ACLEA In-House Special Interest Group Dottie Palazzo

The Association for Continuing Legal Education (ACLEA) has long been known as the organization of traditional CLE providers. But in August at its Annual Meeting in Boston, ACLEA took a big step toward expanding its role in the lawyer training world when it offered its first full day of sessions targeted at the interests of the in-house lawyer training professional. Topics included: Lawyers as Learners; Using Consultants in Your In-house Lawyer Training Program; Developing a Curriculum; and Joint Venturing Between Law Firms and Providers.

That event marked a real achievement for ACLEA's In-house Special Interest Group, which began as a very small committee of law firm training professionals and other ACLEA members meeting for lunch in Chicago in July 1995. This year in Boston, approximately 40 people enjoyed the In-house Special Interest Group Luncheon.

The In-house Special Interest Group includes individuals responsible for lawyer training in law firms, both large and small; representatives of large providers, such as Practising Law Institute (PLI); and individual consultants, such as

Meg Spencer, a name many of you in the DC area will recognize. This dialogue and collaboration between experienced in-house training and professional development professionals and leading CLE providers affords ACLEA the opportunity to become the resource of choice for individuals charged with responsibility to develop a program for lawyer training in the in-house setting.

The program in Boston is being followed by another day of in-house sessions at ACLEA's 36th Winter Meeting on February 6-8, 2000, in New Orleans, and by a full track of sessions for in-house lawyer training professionals at its 2000 Annual Meeting on July 29-August 1 in Vancouver.

To learn more about ACLEA and its In-house Special Interest Group, go to its web site: www.aclea.org or contact ACLEA's Executive Director, Donna Passons, by phone at (512) 451-6960 or E-mail at aclea@aclea.org.

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