



When your law partnership isn't working

Resolving partnership issues through executive coaching and mediation rather than litigation

BY DEANA KARDEL

When I first started working with lawyers, I perceived the partners as people who stood above all others. They had *arrived*. They must all be happy and they must all like each other. So many hours, working side-by-side under one roof, sharing in all of the profits – how couldn't they? Not to mention that “collegiality” was the word they regularly used to describe the firm's partnership.

Not much time passed before reality hit. I began to observe personality conflicts firsthand. While many partners genuinely liked and respected each other, there were many others who did not. And all too often some partners who started out friends, over time, began to dislike each other for spoken or even unspoken reasons. Sometimes, when firms merge or new lateral attorneys are hired and cultures mix, collegiality can morph into dissonance.

Relationship dynamics constantly change. When this happens, new pressures are imposed – that is a fact of life. Some relationships thrive on change, while others devolve into conflict resulting in devastating outcomes. Some partnerships become divisive, others compartmentalize into competitive fiefdoms, while still others witness valued partner or group defections. When these types of situations occur, emotions and drama can start to control the outcome and then logic, common sense, and/or strategic planning can get lost. In extreme cases, firms dissolve. And, in virtually all unhealthy relationship disputes, revenues and profits are threatened.

It is also a fact that most people don't like to initiate or participate in difficult conversations surrounding any type of conflict – personal and professional. This is because those types of conversations cause anxiety and frustration. If the choice is to confront a problem or avoid angst, the latter typically wins. And, when difficult conversations are avoided over time, personality or relationship disputes fester and thus grow stronger, causing even greater degrees of disharmony within the firm or group.

If any of this sounds familiar, you should know that there is a cost-effective solution that is readily available. It is a solution that marries the mediation process with the skill set of Executive Coaching. And more and more, progressive law firms are calling upon their partners to resolve internal conflicts using Executive Coaching before the conflict damages the firm or tarnishes reputations.

Internal conflicts surface for a myriad of reasons. Disharmony manifests in many forms and varies in intensity. A few prime examples of internal matters that spark conflict include:

- Fairness issues relating to compensation or billable hours
- Inter- or intra-practice group competition
- Unclear, unspoken, or changed expectations
- Gender conflicts and/or generational gaps
- Stress generated from outside of the office (divorce, death, children issues, etc.)
- Erroneous assumptions due to not knowing the facts
- Communication misunderstandings or lack of communication

- Mergers and acquisitions – cultural differences
- Redefined partnership agreements
- Personality clashes

The above is only a short list of examples of disharmony. And virtually all partnership disputes have, at their core, an emotional element that triggers the conflict. The conflict is oftentimes simply a mask for the true underlying core emotions; fear, threatened ego, and/or hurt feelings. Only when the true issues at the core of the dispute are identified and addressed for both parties, can harmony and respect be restored. For example:

- A valued partner who demands an untimely sabbatical is perceived as ungrateful but in fact desperately needs a break as he is on the edge of burn-out;
- A senior partner who dislikes another senior partner but in reality feels overshadowed and disrespected;
- A partner who is displaying temperamental outbursts at the office but is in fact hiding problems at home;
- An older founding partner whose name is being taken off the firm's masthead seems contrary but in reality is concerned about his/her transition into a new future;
- A partner who is perceived as suddenly “slacking” but really feels underappreciated;
- A lawyer or an executive manager who is in constant conflict with the firm's Legal Administrator is really caused by a distrust of each other due to transition planning (job insecurity);
- A senior partner that is at the end of his/her career but refuses to transition her relationships for succession planning is



feeling threatened by someone else taking control of the client relationship;

- A partner that manifests uncooperative team player characteristics in fact results from feeling left out of key decision-making;
- A partner who feels micromanaged by the managing partner, practice group chair, or team leader in reality faces trust issues surrounding unclear or miscommunications.

The resolution process

Resolving partnership disputes requires several key steps, most of which are familiar to lawyers. This is because the steps involved are similar to those utilized in the mediation process – a tool frequently employed by attorneys to resolve their clients' legal disputes.

First, like any successful mediation, the parties must come to the table in good faith and with the proper authority to settle the case. For partnership disputes to resolve, the parties must also come to the table in good faith and with the desire to change the current situation for the positive. This does not mean that the parties must agree to be friends; rather they must be willing to have the desire to understand how the other person interprets the problematic interaction, an openness to explore how their behavior may be contributing to the conflict, and a desire to change the present situation. Each person must understand that they own 100 percent of 50 percent of the problem. They must be willing to be part of the solution rather than be a part of the problem. (Oftentimes before the conflict can be resolved, the threshold task of the coach is to generate the participants' buy-in for the resolution process.)

Once the parties agree to engage in the process, the catalyst – the Executive Coach – privately and confidentially interviews each party in order to understand their unique perspectives. Lawyers liken this step to that of submitting a confidential brief to the mediator in advance of the mediation; and like a mediation, the information communicated to the

coach from the interview is not shared without the specific consent of the interviewee. At this point some discovery may be conducted. This is to say that in some instances, others within the firm are confidentially interviewed. And, depending upon the situation, clients can also be interviewed.

The coach's job is to make an assessment of the situation in order to determine the next steps for moving forward. The objective is to learn enough about each person and the situation so the coach can enable each party to look at the current situation in a new way – from a new perspective. The Executive Coach determines how each person is attached to or defending their point of view so that new behaviors and a new way of looking at the current situation can be explored. The process and the approximate timeline are also communicated. In this way, each party is able to come to the table with a mutual understanding of how the relationship can progress in a healthy manner.

Once the ground rules are understood and the private assessments are completed, a joint session evolves and the coach facilitates a healthy conversation. Facts are reviewed, assumptions are discussed and revealed for their truth and/or falsity, goals and intentions are agreed upon, and the foundation for future communications between the parties is established. The goal is for each party to learn how to select his/her appropriate communications and actions for moving the relationship forward. Typically, the first joint session lasts for approximately two to three hours, and the parties leave with optimism for moving beyond the current dispute. At the end of the joint session, each party is given a recap, on paper, of agreed-upon next steps.

After the joint session, the Executive Coach begins to work one-on-one with each party as they interact with each other during their daily business communications. The follow-up and one-on-one coaching is where the real work for each party begins. As part of the individual

coaching process, the parties are given a personalized and confidential coaching plan unique to the person and the situation. Assignments such as self-observation exercises, communication assessment tools, fieldwork tasks, suggested readings, and/or exercises are outlined. The coach meets regularly with each party working with them to make meaningful insights relating to his or her professional and personal behaviors, goals, and intentions. The parties who have a desire to become more effective at managing conflict or difficult conversations engage in varying degrees of self-reflection throughout the resolution process.

The resolution process can vary in time but typically the first round of one-on-one coaching lasts four to six months. During that time, the parties engage in routine business interactions. Oftentimes people within the firm do not even know that coaching is taking place. As a key part of the process, the Executive Coach helps each party prepare for upcoming shared interactions and/or meeting(s). The objective is to ensure the interaction is positive, with the intention of showing respect to the other.

Thus, as the parties interact, they are able to put into action their new communication skills. They have gained new insights into the matter and are equipped with new tools to help them effectively transform counterproductive conduct into effective communications and behavior.

Directing each party to anticipate possible reactions from the other side and to respond effectively are important aspects of this type of coaching preparation. Guidelines that enable the partners to explore alternatives, assess options and to evaluate possible solutions that are mutually acceptable are also functions of the coaching process. The parties then learn how to take the lead in their future communications and interactions with each other in order to have a healthy working relationship. And while the process is intended to help with the partnership dispute at hand, it is very common for the



coaching to have a spill-over affect to other relationships, both personal and professional.

After a period of time, another joint session is called. At this point, the Executive Coach and the parties agree to what is and is not working so that adjustments and new agreements can be made. Depending upon the progress of the relationship, the process continues until both sides are satisfied.

Partnership conflicts waste time, consume energy and are emotionally draining. Without a doubt, partnership disputes have a negative impact on the participants, the firm and surrounding innocent bystanders. Most partners don't want to fight; they just don't know how to

stop. Partners who engage in the process to resolve the dispute learn how to turn their hardened and repetitive negative behaviors into new behaviors that enhance communications and bring about positive change. Oftentimes, in addition to restoring peace and harmony to the firm, new revenue opportunities are uncovered. And for some, the new behaviors significantly benefit other aspects of their life.

So today, as I reflect upon my initial impression many years ago of "happy" partners, I am pleased to report that participating firms actually do achieve individual satisfaction and firm collegiality as a result of their commitment to resolving partnership disputes.



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