

MANAGING LAW FIRM POLITICS: *A Reflection for Newer Lawyers Practicing in Law Firms*

By Attorney Eleanor MacLellan

Much has been written about lawyers' ethical obligations to clients and their professional responsibilities to the court and opposing counsel. But little has been written about navigating the sometimes treacherous waters of law firm politics. Whether the "law firm" is the AG's or Public Defender's office, a large or small private practice, or a public interest non-profit, we all have to "get along" with our colleagues down the hall, sometimes for decades.

After twenty-eight years as a litigator at Sulloway & Hollis, a Concord law firm, I recently returned to my alma mater, Franklin Pierce Law Center, to teach full-time. Observing the students scramble to launch their careers in this economy, I am reminded daily of three thoughts. First, especially now, new lawyers need practical, people-oriented survival skills. Second, I had the good fortune to work at the same firm for almost three decades, which presented many opportunities to sharpen those political navigation skills. Third, as I watch students send out job and bar applications daily, I recall the beginning of my own legal career.

The 40-lawyer firm I joined in 1981 is over 150 years old now. Our senior partner then did not want the firm to have a street-level entrance because that would invite "the riff raff" clients to seek our services, whereas the good (paying) clients would know where to find us on the second and third floors. The senior partner also insisted that all male attorneys be clean-shaven, and he used a buzzer on his desk to summon his secretary. She took formal dictation using a steno pad and made multiple copies with carbon paper. You couldn't get much more traditional than that.

In this environment, I experienced the long, bumpy path from summer clerk to third year intern, to associate, and to partner. Along the way I served as Chair of the Summer Outing Committee (me), the Summer Associates Committee, the Associates Committee, the Hiring Committee, and the Management Committee. From this vantage point, I share with you several voices that informed my views about managing law firm politics.

I heard this first voice when I had been at the firm for five years and was about to become a partner. One of the partners was delivering a eulogy at the memorial service for the senior partner, whose days of insisting on clean-shaven faces had ended, not due to acceptance, but rather death. The speaker said, "Being in a law firm is sometimes like being in an extended family." When I heard this, I rolled my eyes and thought, "You've got to be kidding." I look back on that response rather shamefully now.

When I had been working at the firm for only five years, I approached my career from a "we-them" perspective, as in, "How many hours do *we* associates have to bill to make *them* happy?" What I didn't appreciate then was that the partners, whom I observed sitting in their separate offices day after day, had shared, and would share, countless personal life experiences simply because they spent so much time together. By the time I reached the twenty-eight-year mark, we, as a group, had shared weddings, more births than I can count, divorces, parenting difficulties, difficulties with parents, and the deaths of parents, spouses, children, and, yes, each other. It didn't occur to me at that memorial service twenty-three years earlier that these "extended family members" would be the very people pulling *me* through the struggles of *my* life, celebrating my good fortunes and helping me untangle my mistakes. I wish I had decided earlier that I was working in an environment that was not so much about we-them, but about us.

Those more experienced colleagues—yes, the very ones who may cause you PTSD as an associate—could sneak up on you over the years and become some of your best friends. When you take your stands, do so with an appreciation of the long context in which you may be working together. Address conflict in a way that preserves relationship.

Here's another voice. "You've got your Rainmakers, your Ice-ball Makers, your Spear Chuckers, Woolly Mammoths, Joe-Bag-o-Donuts, Donut Eaters, Finders, Binders, Minders and Grinders, your 900-Pound Gorillas and your Invisible Elephant." These are descriptions of some of the different personalities you may find in a law practice. Everyone knows what a Rainmaker is. An Ice-ball Maker is someone you wouldn't necessarily introduce to the client, but who can really pack

together an ice-hard legal argument. The Spear Chucker (plaintiff's lawyer) or Woolly Mammoth (defense counsel) will lob that ice-ball over the castle wall. Joe-Bag-o-Donuts is the lawyer who can pick up a file one night and try the case the next morning. The Donut Eater is local counsel. The 900-Pound Gorillas do whatever they want with absolutely no awareness of the people they crash into in the process. The Invisible Elephant is the long-gone senior partner whose values still shape the firm's culture years later.

These different personalities are wonderful team assets. For instance, there have been times when I have invited a 900 Pound Gorilla to stay very close to my side. I have sent up prayers of thanksgiving for the Ice-ball Maker, who helped me craft a winning counterargument, or for Joe-Bag-o-Donuts, who readily agreed to handle my motion hearing when my kids had an unexpected snow day. But these colleagues have very different communication styles. For instance, the Ice-ball Maker may have difficulty communicating about the law practice compensation system without detailed diagrams and charts, while Joe-Bag-o-Donuts just wants the headline, and the 900 Pound Gorillas openly insult anyone who disagrees with their opinions. Of course, these insults will mortally wound the detail-driven Ice-ball Maker because they "obviously" are not motivated by objective data, but rather by personal interests.

When a law practice confronts a difficult decision, these different communication styles can really bollix up the works by generating high drama, secret parking lot meetings, an enormous loss of billable hours, and, yes, a fair amount of entertainment. My most politically effective colleagues are those who can translate their personal opinions into the language spoken by the other attorney—a little data for the Ice-ball Maker, a headline for Joe, and a coffee break—or even a whole sandwich—with a more thoughtful listener. The best communicators also have been willing to listen to that other person's language thoughtfully.

The trick here is to identify your own communication style and that of your colleagues, and then to consider how you might change *your approach* to communicate more effectively with someone who has a different style. When I have finally been willing to listen to people who use an entirely different communication style than mine, I have been rewarded with insights about a new or creative approach I never would have considered otherwise.

Here are several other voices that many of us have heard. Unfortunately these voices seem so loud and authoritative that they echo through the years. Not all of them have emanated from my firm; some have been reported by friends at other practices.

"You can't be a good trial lawyer unless you've been at the bottom of a football pile-up."

"You can't be a good trial lawyer and raise a family at the same time."

"Lawyers' office colors and clothes must be subdued, preferably navy blue and beige."

"If you're going to be good in court, you have to approach it as

though you're going into combat."

And a personal favorite, "There are no good female trial lawyers in New Hampshire."

If you believe these statements, you have two choices—either find yourself a football team or run for your life. In my situation, neither alternative was practical, so I chose another: I just didn't believe the messages. And I did something else. When I was told that courtroom work was like combat, I knew I had not yet been to war. But I had been a high school English teacher, and if I could teach 150 hormonally-challenged teenagers about Emily Dickinson in 45 minutes, five times a day, maybe I could teach 12 adults about an auto accident. Although I had not experienced a football pile-up, I did play a complicated classical piano piece in front of a large audience fairly well, which took considerable passion, practice, and attention to detail.

If you can apply your own skills and gifts well, perhaps you can execute an end run around the football pile-up altogether. I am happy to report that over time, these loud, authoritative voices have quieted, not just in me or my firm, but in the practice of law generally in New Hampshire. They fade most rapidly when you reject worn-out stereotypes and use what *you* have as best you can.

Here is another voice. "No. That's just not possible." This is hardest to hear when you feel forced to make a choice between a personal and a career path. In 1984, I wanted to start a family but the firm had no maternity policy, and I did not want to fall behind the rest of my class on that yellow-brick road to partnership Oz. Taking stock, I assessed that since I had been at the firm for three years, the partners probably valued me somewhat, but I also knew that they really valued the three other women who had been there longer. I asked those women for help. The four of us could not find any firm in New Hampshire that had a written maternity policy then. Undaunted, we surveyed Boston firms and received several *ad hoc* agreements but no formal policy. Consequently, we cobbled our own from those and submitted it to the partnership, which readily approved it because the partners understood how serious this issue was to their four valued female lawyers. To our knowledge, the firm was one of the first in the state to adopt a written maternity leave policy.

When you confront personal issues that impact your professional life, seek early help and creative, bold solutions. That entrepreneurial spirit unexpectedly may become a gift that helps carry not just your career or your personal life, but also your law practice, into a brighter future.

Another voice, one that still puzzles me, is, "If you don't hear any feedback at all, you must be doing a good job." Personally, I believe this is an echo from the ancient culture of the Invisible Elephant. However, this voice probably survives because giving feedback, both positive and negative, is a minefield. Many experienced practitioners simply don't give positive feedback because they don't have time or believe that it constitutes unnecessary coddling. Then there's the messy business of negative feedback. It certainly can be delivered in many in-artful ways, but even if the speaker communicates it as thoughtfully and clearly as humanly possible, the recipient still can

hear it too defensively, angrily or emotionally. Practically speaking, from the experienced attorney's viewpoint, giving negative feedback can appear to be more trouble than it's worth.

Here's a perspective that may help. The legal work we do is complex, stressful, and consequential for our clients, our law practices, and ourselves. Viewed in the harshest light, a client lays a problem at our feet, expects us to fix it, and may pay us to do so, but if we fail, may also sue us. The stakes are high. But within a law firm, *everyone is on the same team*. Positive feedback is a powerful motivator when justified. Giving positive feedback to the people we work with, whether they are equals, superiors, or subordinates, builds short-term teamwork, which leads to long-term loyalty. And it is an absolutely *free* work benefit.

Give positive feedback. (Even the most senior practitioners appreciate a kind word well-placed.) Likewise, if you receive negative feedback that is inartfully delivered, try to separate the message from your emotional reaction, which, incidentally is a valuable social skill to practice anyway. Then use the substantive feedback to improve your

legal skills. Additionally, identify what you didn't like about the delivery and vow not to do that when you are in a position to deliver negative feedback. That time will arrive sooner than you think. When I have felt parsimonious in dispensing feedback, I repeat the admonition I frequently gave my two-year-old, "Use your words."

Here is one more voice: the voice we are privileged to use in the courtroom. Hands down, no questions asked, the American judicial system is one of the greatest in the world. When I walk from the back of the courtroom and literally "pass the bar" into the well of the courtroom to use my voice on behalf of a client, I consider that to be an honor that does not grow old. Perhaps the voices recalled here will remind you that whatever your law practice circumstances are, making the career and personal choices that feel right because they are thoughtfully *yours* will help you find a powerful voice not only for your clients and your law practice colleagues, but also for your career and yourself for years to come.



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