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FEATURE

Developing Lawyers' "Soft Skills"—A Challenge for the New Era in Legal Services

By [Marni Becker-Avin](#)

The economy is recovering. Law firm business is back (sort of). But the world has changed, and our industry along with it. Lawyers have to be better and do more to succeed in this evolving environment. Better legal skills? That was always a goal of professional development, and continues to be. Great lawyering has come to be expected; it is the price of entry. Our firm, and most successful law firms, have ongoing educational programs to improve and maintain superior legal skills. Drafting skills, oral advocacy skills, trial skills...they are all very important. Beyond those, much more emphasis is required today on the “soft skills.”

These important skills, which include communications, relationship building, and service orientation, are paramount to an attorney continuing to have an engaging and successful career. It is astounding that they are not taught in law school, and that fact only serves to increase the responsibilities of law firms to create and implement training initiatives that focus on developing an attorney’s service-oriented skills. Why is learning how to communicate with clients so important? Because clients are demanding it.

Communication is the top complaint among most state bars. Saying “I became a lawyer to draft contracts, motions, help corporations, and/or go to trial and litigate, but not to hold my client’s hand,” is no longer an acceptable attitude. If 100 percent client retention is the law firm’s goal, and it should be, then the attorneys better learn how to communicate better, and that means in a timely and professional manner. Assuming that firms appreciate when clients pay their bills, and assuming they also appreciate that clients keep the lights on in the building, then they better strive to understand and accept that their clients are entitled to status updates and a return phone call within 24 hours.

A firm that respects client service will stay open. A firm that makes client service a priority will remain successful. How do we accomplish this? It should be innate, and yet, as mentioned, communication is still the number one complaint. Given that so many people have access to and contact with clients in a law firm on a daily basis, we must stop taking “soft skills” for granted, and start placing a higher value on teaching and attaining those skills.

Perhaps lawyers should not have to be taught, but they do have to be taught, that the customer is always right...even when they are not. How often have we had a lawyer tell us:

“This client is crazy.”
 Yes, but the client is always right.
 “The judge made the wrong ruling and the client will have to understand.”
 Actually, they won’t...and the client is always right.
 “I don’t have time to get back to this client; he is too demanding.”
 Too bad... the client is always right.

Of course the client isn’t always right, but they are always entitled to respect, response and patience. In addition, all communication with clients should be in plain English, not in reviled lawyerese.

What happens when the lawyer has not been as responsive as he or she should have been? Or has made a (non fatal) error? Too often the reaction of the lawyer is to deflect, avoid or excuse. The best strategy may be to simply say “I’m sorry,” and then address the problem. Several university studies with physicians have concluded that when doctors make a mistake and apologize, the rate of malpractice filings drop by 46 percent, and where cases are filed they are settled for far less than in cases where there was no apology. Angry people lash out. Clients with whom you have developed and maintained a good personal relationship rarely do. To make this easier, many states have adopted statutes that preclude evidence of an apology in malpractice cases (in some states these laws only protect doctors, and in others they are of more general application).

In a less-extreme example, open communication with a client in a timely fashion often results in less write-offs on invoices. Client complaints are often looked at as baseless, and the attorneys roll their eyes and say they are too busy to deal with it. To those who understand and adopt a client service attitude, however, complaints are actually fabulous opportunities. We can never have too much information about what our clients are thinking, and these complaints, in a positive light, are excellent opportunities for strengthening the client relationship. Client service is the lawyers' parachute.

Professional development directors need to assist the attorneys by emphasizing "soft skills" in our training programs. There is a correct way and an incorrect way to communicate, a way to ask questions (open-ended), a way to deflect rather than defend, a way to build a stronger relationship rather than dilute that relationship. Our firm has implemented a client service initiative that focuses on all of this and is mandatory for the attorneys and staff. In fact, we take it a step further, and proactively reach out to our clients on an annual basis just to ask how their experience has been and what we could be doing better to serve them.

To make this a reality, it must come from the top. Too many people think that leadership is innate. Some aspects surely are and it comes more naturally to some people than others (just as clear writing and persuasive speaking comes more naturally), but the basics can be taught, people can learn and everyone can improve.

Unfortunately, lawyers tend to need improvement on the soft skills as much as (ok, let's be honest: more than) most people. David Maister, the former Harvard Business School professor who has made a specialty of law firms, and the author of several good books such as *True Professionalism*, and *Managing the Professional Service Firm*, wrote an article a few years back titled, "Are Law Firms Manageable?" In it, he states that which should be obvious to almost anyone who is not a lawyer: "[L]awyers are professional skeptics... They place the worst possible construction on the outcome of any idea or proposal, and on the motives, intentions, and likely behaviors of those they are dealing with." Not bad enough? He goes on to state that in law firms, "[i]nitiatives that depend on teamwork and joint efforts will rarely be implemented well, if at all." The article almost becomes a rant—lawyers lack intimacy and sociability, they rarely adhere to principles or values, they are inherently distrustful; law firm management has become cold and detached. The leaders are just as bad as the associates and staff! Wow! Are things really that bad? I think so. Are they hopeless? I think not. Even old dogs can learn new tricks.

Is the younger generation of lawyers better in these areas than those who are fixed in their ways? Actually, they are probably worse, because they have grown up in the age of Facebook and Twitter and social networking. The oldsters have to be taught how to use or at least respect those tools of the internet age, but the Millennials have to learn to look at each other, discuss with rather than speak at each other, communicate and collaborate. Lawyers are no strangers to challenging the ideas of others, but to challenge ideas constructively is not inherent in the lawyer personality or lawyer training.

We try at our firm to develop these leadership skills. One way to do this is to have an annual leadership class, where we select four attorneys below the equity shareholder ranks¹, to participate in a two year program that includes exposure to the business side of the practice, to other practice areas than their own, and to thought leaders on business and social issues. The program requires collaboration and communication among the group, and they also interact with prior years' classes. If we do it well, they come out not only with a far better perspective on the world and the firm's business environment, but also with improved emotional intelligence. Emotional intelligence is what will enable them to deal with increased workloads and the stresses law firms are encountering as they reduce staff while trying to maintain motivation. It requires self-awareness, the ability to take initiative, handle difficult situations, and develop and maintain good relationships with clients and colleagues.

Many MBA programs are coming to accept that leadership skills like communication, teamwork, relationship building are critical and teachable, and if law schools aren't going to do it, then law firms must provide curricula to assist their lawyers with personal development to go along with professional development. It is no longer a set of luxuries, but is now a set of survival skills. Just as it is worth the time and money to teach lawyers to improve trial skills, and to be better marketers, it is worth the time and money to train the leadership teachings of experts like Ken Blanchard (leadership guru and prolific author of books on management and leadership) and Jim Collins (Stanford professor who has authored books such as "Good to Great" and "Great by Choice") and, dare I say, the ethics and values of the Dali Lama (or whatever secular equivalent is imposed by the SEC and others). No, Mr. Maister, it is not impossible to manage a law firm and to develop the soft skills needed for success in doing so. I will grant it is not easy, but it is certainly worth the effort. If we succeed, we have happier and far more productive lawyers; and we have more collegial and more profitable law firms.

¹Leadership BP selection process involves an extensive application that asks about contributions to the firm and to the community, as well as the lawyers' ambitions for the firm and themselves. A selection committee that includes management then chooses four for this program.



About the Author

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