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Partners behaving badly – why tolerating bad behaviour can spell disaster

One of the perennial problems in law firms is not the difficulty of identifying bad behaviour (it is usually there for all to see), but how to best approach the problem with a view to finding a solution.

'Bad behaviour' can come in many shapes and sizes. These are just a few examples of bad behaviour I have recently come across -

- There is the partner who says *"you can't manage me because I am a big biller!"*
- Then there is the partner who says *"That's a great idea – for the rest of you!"*
- Or the partner who says *"If it doesn't suit me, then I am not going to agree to it"*
- And then there are partners who, pursuing their own agendas, deliberately destroy relationships with other partners or staff and cause tension and strife within a firm.
- The partner who is bullying staff (also a serious risk issue).

Behaviours such as those above often reflect a lack of *'partner accountability'* whereby some partners put their own selfish interests ahead of the interests of the firm. This is seen most often in firms where there are partners who have still not agreed to be managed. Whenever problems of this nature exist, the cascading and destructive effects on a firm and those in the firm, can spell disaster.

Not only is a firm likely to suffer financially, but there is also likely to be a cost to a firm in terms of loss of morale, resulting in good partners and staff leaving and involving a great deal of wasted management time and effort.

Bad behaviour and attitudes are usually more insidious and difficult to deal with than underperformance by partners, and where partners have worked together for many years it can be difficult for those managing a firm to resolve such issues. This can, and often does, cause instability, as well as stress to those who are trying to manage the firm. Knowing how

to deal with such issues effectively can be difficult. However, to do nothing should not be an option.

Managing partners can often feel frustrated when faced with these problems because they may be unable to resolve matters for a number of reasons:

- Personal relationships may get in the way;
- Many partners when faced with losing the turnover of a 'big biller' will not agree to take action. (However the trick is often to focus on the partner's '*profitability*' which will often tell a very different story from that indicated by personal billings,);
- The inability to provide evidence to others that the problem exists may mean that some partners are not persuaded of the need for action;
- Management's agenda may be suspect in the eyes of some.
- Other partners may not be prepared to see colleagues challenged by management on the basis that '*we may be next*';
- The inability to see beyond the immediate problem so as to arrive at a solution in the interests of all concerned;
- Insecurity on the part of a managing partner may prevent taking action against those who are deliberately 'bucking the system'.

There is no *silver bullet* which can solve every problem involving partner behaviour. Each situation is likely to require its own techniques to be applied to arrive at a solution, and it is never going to be easy. It can however be particularly dangerous for a managing partner if other partners, who want action taken, perceive that he or she does not have an answer to a problem. If a behavioural problem appears insoluble to those managing a firm then specialist help from outside, such as from a psychologist, may be needed and, for the sake of the firm, there should be no reluctance on the part of management to enlist such help.

Sometimes it is best not to attempt to deal head on with the individual or the problem. Instead, you set out to demonstrate to all concerned that a serious problem exists and where that problem lies. A technique adopting this approach which I have found to be particularly effective for resolving problems of partner behaviour involves obtaining on a confidential basis, *360 – degree feedback* from all partners (and also from those who report to them) to give an all – round or 360 – degree perspective of behaviour and performance.

The exercise will involve all partners (including the problem partner) providing feedback on all other partners and if approached in this way, those managing a firm are less likely to be accused of unfairly picking on and discriminating against an individual. Feedback provided by partners and others is likely to clearly identify behavioural problems and the steps which should be taken to rectify such issues, and is likely to be better received by a partner whose behaviour has fallen below an acceptable standard.

Sometimes it is better that the 360 – degree exercise, and in particular the feedback given to an individual, is facilitated by an outside third party who can be seen to be more objective and fair. By having an independent external facilitator to administer the 360 – degree feedback process, respondents can also be assured of anonymity.

A useful by – product of the exercise is likely to be that not only are other partners assured *‘something is being done to sort out the problem’*, but also an improvement in behaviour and performance by those other partners can be achieved, particularly if it can involve a positive and motivational debrief meeting with each of them. Even where 360 – degree feedback may have highlighted significant points for improvement, or to change behaviour, partners should leave the meeting having found the process constructive and feeling motivated.

Providing feedback in the manner I suggest above to a ‘badly behaving partner’ will enable the problem to be discussed openly, and from that discussion a solution may be achieved. Partners are sometimes quite unaware of how their behaviour impacts on others and can be shocked when told of this.

Some partners on the other hand may have no intention of changing how they behave and a firm will then need to decide how to deal with them. The sense of frustration that can be felt in this type of situation is illustrated by what a partner in one firm said to me;

“We have tolerated this disruptive behaviour for too long just because he has a large practice. But there is going to come a day when we say to him ‘Enough is enough – we are not prepared to accept this any longer and so take your practice elsewhere’”

And they eventually did and the firm became more cohesive and successful as a result.

However, any firm which is facing issues of this kind should also ensure that it first has its governance arrangements (partnership agreement / LLP members’ agreement) in shape to enable it to take whatever effective action is necessary, and should always take the best external advice possible.

Bad behaviour can destroy a firm and partners should not flinch from facing up to the issues and dealing with them because they will not go away and may only get worse.