

OSB Professional Liability Fund presents

Extinguishing Burnout: How to Foster Engagement in the Legal Profession

Wednesday, May 18, 2022

10:00 am – 11:30 am

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1 MHSU Credit, .5 PS Credit

Speakers: **Kyra Hazilla**
Oregon Attorney Assistance Program

Hong Dao
Practice Management Assistance Program, PLF

CLE Materials

- Speaker Bios
- PowerPoint Slides
- Burnout Self-Test Maslach Burnout Inventory (MBI),
[https://monkeypuzzletraining.co.uk/free-downloads/Burnout-Self-Test-Inventory\(MBI\).pdf](https://monkeypuzzletraining.co.uk/free-downloads/Burnout-Self-Test-Inventory(MBI).pdf)
- Professional Quality of Life Scale, https://img1.wsimg.com/blobby/go/dfc1e1a0-a1db-4456-9391-18746725179b/downloads/ProQOL_5_English_Self-Score.pdf?ver=1651509672672
- How to Measure Burnout Accurately and Ethically, <https://hbr.org/2021/03/how-to-measure-burnout-accurately-and-ethically>
- Understanding the Burnout Experience: Recent Research and its implications for psychiatry, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4911781/>
- Burnout Is About Your Workplace, Not Your People, <https://hbr.org/2019/12/burnout-is-about-your-workplace-not-your-people>
- Only Your Boss Can Cure Your Burnout, <https://www.theatlantic.com/politics/archive/2021/03/how-tell-if-you-have-burnout/618250/>
- Your Body Knows You're Burned Out, <https://www.nytimes.com/2022/02/15/well/live/burnout-work-stress.html>
- Pandemic Parenting: Examining the Epidemic of Working Parental Burnout and Strategies to Help, https://wellness.osu.edu/sites/default/files/documents/2022/05/OCWO_ParentalBurnout_3674200_Report_FINAL.pdf
- Building a Good Workplace Culture in 2021, <https://www.osbplf.org/blog/post/building-a-good-workplace-culture-in-2021-/>
- Death by Bad Management: Leadership as an Antidote to Terrible Bosses, <https://www.lawpracticetoday.org/article/death-by-bad-management-leadership-as-an-antidote-to-terrible-bosses/>
- Firm Culture Consultants & Coaching
 - <https://davidfreemanconsulting.com/>
 - <https://www.ferrisconsult.com/>
 - <http://consciouslegalminds.com/>
 - <https://joanclairegilbert.com/>
 - <https://jeenacho.com/>

Speaker Bios



Kyra M. Hazilla, JD, LCSW, is the director and an attorney counselor with the Oregon Attorney Assistance Program (OAAP). In her legal career, Kyra was primarily a public defender practicing juvenile law. Kyra is a 2006 graduate of the University of Michigan Law School (JD) and School of Social Work (MSW), and studied psychology and music at Vassar College (BA, 2002). She was a public defender practicing juvenile law for most of her legal career, advocating for children and families struggling with myriad challenges. She is a trained counselor having completed more than 3,500 postgraduate social service hours, whose experience includes crisis intervention, working with victims of sexual assault, drug and alcohol dependency, and many years helping survivors of interpersonal violence and their children. kyrah@oaap.org | 503-226-1057, ext. 13



Hong Dao is the director and a practice management attorney with the Practice Management Assistance Program (PMAP) at the Oregon State Bar Professional Liability Fund. She and her team provide confidential practice management advice and education to Oregon attorneys to help them manage their malpractice risk. Ms. Dao came to the U.S. from Vietnam with her family as boat refugees after the Vietnam War and started a new chapter in their lives in Colorado. She received a B.A. from the University of Denver and her J.D. from Drake University Law School. Before joining the PLF in 2014, Ms. Dao worked as a staff attorney at the Oregon Law Center, representing, advising, and advocating for clients in employment, housing and consumer law matters, and presenting community education programs. Prior to that, she worked as a contractor with the Criminal Division of the U.S. Attorney's Office in Oregon. She has been an adjunct instructor of business law at Portland Community College since 2012. hongd@osbplf.org | 503-726-1467



OREGON ATTORNEY ASSISTANCE PROGRAM

About the **OAAP**

We help lawyers, judges, and law students develop the skills they need to meet the demands of their professional and personal lives in a healthy way. Our services are **confidential** and free. Call or email us - we offer hope and help.

- Well-being and stress
- Anxiety or depression
- Problem substance use
- Compulsive & challenging behaviors
- Career and lifestyle
- Relationships
- Challenging times

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Confidential Assistance

All communications with the OAAP are completely confidential and will not affect your standing with the Professional Liability Fund (PLF) or the Oregon State Bar. The OAAP is a confidential service of the PLF for all members of the Oregon legal community. Call us at **(503) 226-1057** or visit us at **www.oaap.org**.

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- *Departing or joining a firm*
- *Implementing and streamlining office systems and procedures*
- *Improving client relations*
- *Trust accounting*

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For practice management tips, subscribe to the PLF's *inPractice* blog or follow **@OregonPLF** on Twitter

Confidential Assistance

The PLF practice management attorneys provide free and confidential practice management assistance to Oregon lawyers and law office staff throughout the state.



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Extinguishing Burnout: How to Foster Engagement in the Legal Profession



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Speakers

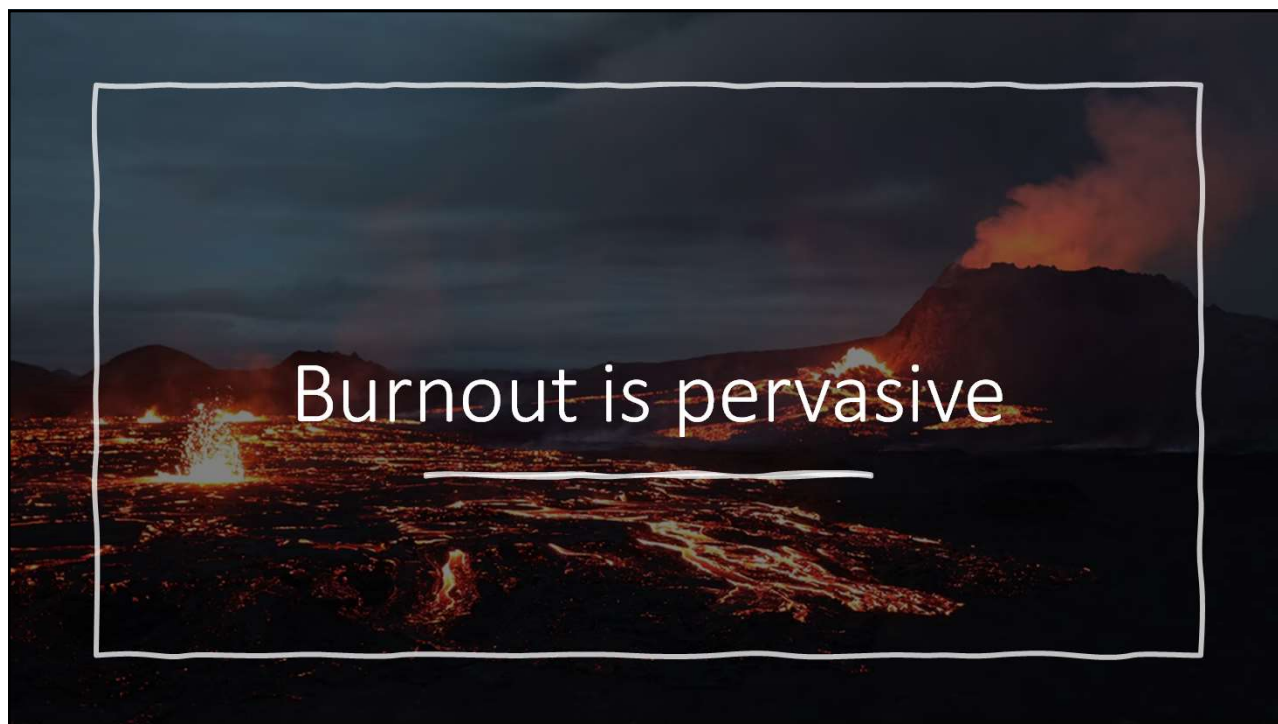
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- Career satisfaction, transitions
- Well-being and stress
- Anxiety, depression, mental health
- Problem substance use
- ADHD, procrastination
- Relationships

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- Office systems and procedures
- Job transitions & retirement
- Office administration
- Staff management
- Organization/time management
- Technology

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Burnout is:

“A manifestation of chronic unmitigated stress”

Overwhelming physical
or emotional exhaustion

3
Dimensions

Reduced sense of
accomplishment

Cynicism and
detachment

5

Burnout isn't:

- Depression (although there is overlap)
- Vicarious trauma
- Moral injury
- An individual problem



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Burnout symptoms

- Excessive stress
- Fatigue
- Insomnia
- Sadness, anger or irritability
- Alcohol or substance misuse
- Heart disease
- High blood pressure
- Type 2 diabetes
- Vulnerability to illnesses




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Myths about burnout

- If you just learned how to meal prep, do yoga, say no, meditate, eat more kale, you wouldn't have this problem.
- Burnout only happens to the weak, or lazy, or entitled.
- All you need is a vacation to cure burnout.


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Organizational factors that contribute to burnout

- Workload
- Lack of control
- Lack of reward/recognition
- Lack of community
- Absence of fairness
- Values mismatch
- Psychological danger
- Lack of awareness/will

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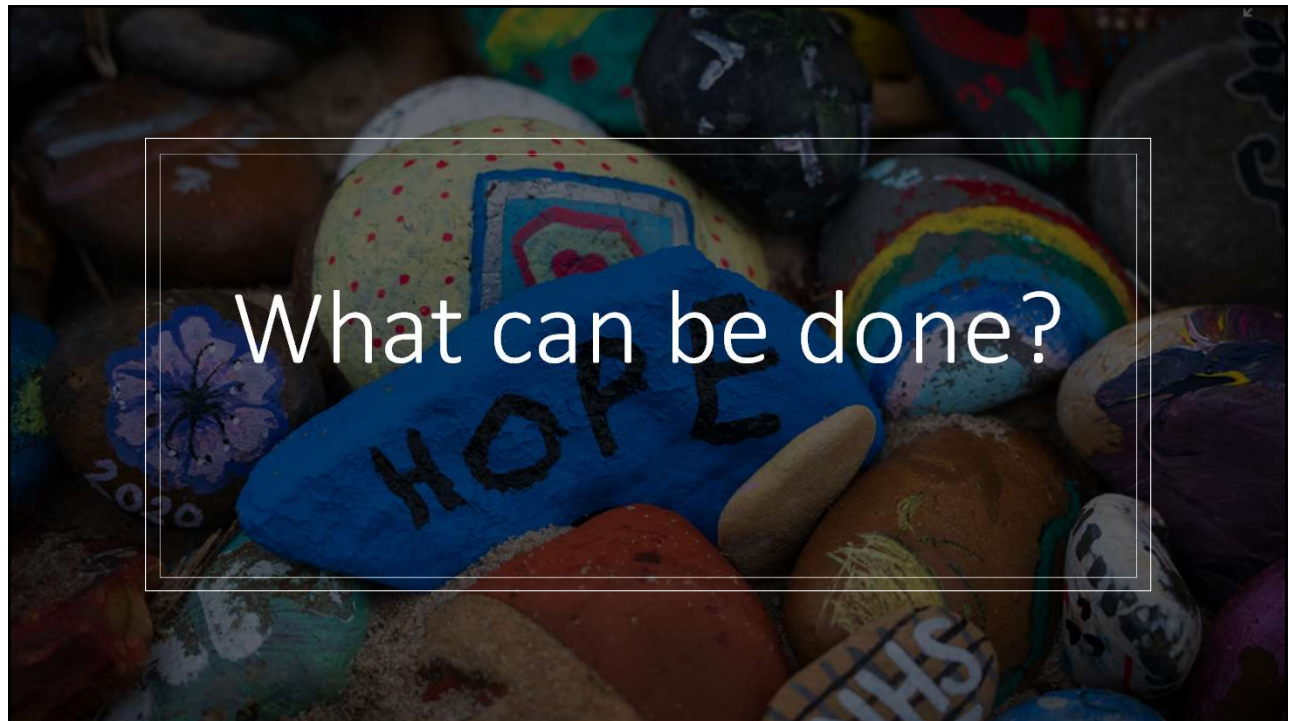
Common individual traits that contribute to burnout

- Overwork
- Perfectionism
- Conscientiousness
- Achievement orientation
- Life circumstances that diminish our capacity and resilience


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For solos/ small firms

- Use legal technology
- Learn to delegate
- Have good relationships with staff
- Create bonds with other solos
- Focus on business development for manageable caseload
- Take mini-vacations
- Be a good boss to yourself
- Find a therapist

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For individuals in firms

- Set boundaries
- Job crafting
- Find support/ community
- Advocate for self
- Manage stress
- Find a therapist

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Good culture = leadership + people + policies

For firms & organizations

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Focus on leadership

- Brain-based leadership
- SCARF model
- Servant leadership

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Focus on people

- Reassess workload
 - Empower employees
 - Make recognition routine habit
 - Encourage connections among colleagues
-



17

Better policies

- Have firm-wide values
- Beef up HR
- Smart budgeting



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RESOURCES



Professional Liability Fund

<https://osbplf.org>
503-639-6911 | 800-452-1639

- Practice aids ■ Books ■ CLEs
- *InPractice* Blog ■ *InBrief* Newsletter
- Claims Attorneys
- Practice Management Attorneys



oaap
Oregon Attorney Assistance Program

<https://oaap.org> | 503-226-1057

- Short-term individual counseling
- Support groups and workshops
- CLEs and other educational programs
- Referrals to community resources
- *ThrivingToday* Blog ■ *InSight* Newsletter

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RESOURCES

PPT slides and program materials
available at <https://www.osbplf.org/>
> Services > CLEs & Resources > CLEs

PROFESSIONAL QUALITY OF LIFE SCALE (PROQOL)

COMPASSION SATISFACTION AND COMPASSION FATIGUE

(PROQOL) VERSION 5 (2009)

When you [help] people you have direct contact with their lives. As you may have found, your compassion for those you [help] can affect you in positive and negative ways. Below are some-questions about your experiences, both positive and negative, as a [helper]. Consider each of the following questions about you and your current work situation. Select the number that honestly reflects how frequently you experienced these things in the last 30 days.

1=Never

2=Rarely

3=Sometimes

4=Often

5=Very Often

- _____ 1. I am happy.
- _____ 2. I am preoccupied with more than one person I [help].
- _____ 3. I get satisfaction from being able to [help] people.
- _____ 4. I feel connected to others.
- _____ 5. I jump or am startled by unexpected sounds.
- _____ 6. I feel invigorated after working with those I [help].
- _____ 7. I find it difficult to separate my personal life from my life as a [helper].
- _____ 8. I am not as productive at work because I am losing sleep over traumatic experiences of a person I [help].
- _____ 9. I think that I might have been affected by the traumatic stress of those I [help].
- _____ 10. I feel trapped by my job as a [helper].
- _____ 11. Because of my [helping], I have felt "on edge" about various things.
- _____ 12. I like my work as a [helper].
- _____ 13. I feel depressed because of the traumatic experiences of the people I [help].
- _____ 14. I feel as though I am experiencing the trauma of someone I have [helped].
- _____ 15. I have beliefs that sustain me.
- _____ 16. I am pleased with how I am able to keep up with [helping] techniques and protocols.
- _____ 17. I am the person I always wanted to be.
- _____ 18. My work makes me feel satisfied.
- _____ 19. I feel worn out because of my work as a [helper].
- _____ 20. I have happy thoughts and feelings about those I [help] and how I could help them.
- _____ 21. I feel overwhelmed because my case [work] load seems endless.
- _____ 22. I believe I can make a difference through my work.
- _____ 23. I avoid certain activities or situations because they remind me of frightening experiences of the people I [help].
- _____ 24. I am proud of what I can do to [help].
- _____ 25. As a result of my [helping], I have intrusive, frightening thoughts.
- _____ 26. I feel "bogged down" by the system.
- _____ 27. I have thoughts that I am a "success" as a [helper].
- _____ 28. I can't recall important parts of my work with trauma victims.
- _____ 29. I am a very caring person.
- _____ 30. I am happy that I chose to do this work.

YOUR SCORES ON THE PROQOL: PROFESSIONAL QUALITY OF LIFE SCREENING

Based on your responses, place your personal scores below. If you have any concerns, you should discuss them with a physical or mental health care professional.

Compassion Satisfaction _____

Compassion satisfaction is about the pleasure you derive from being able to do your work well. For example, you may feel like it is a pleasure to help others through your work. You may feel positively about your colleagues or your ability to contribute to the work setting or even the greater good of society. Higher scores on this scale represent a greater satisfaction related to your ability to be an effective caregiver in your job.

If you are in the higher range, you probably derive a good deal of professional satisfaction from your position. If your scores are below 23, you may either find problems with your job, or there may be some other reason—for example, you might derive your satisfaction from activities other than your job. (Alpha scale reliability 0.88)

Burnout _____

Most people have an intuitive idea of what burnout is. From the research perspective, burnout is one of the elements of Compassion Fatigue (CF). It is associated with feelings of hopelessness and difficulties in dealing with work or in doing your job effectively. These negative feelings usually have a gradual onset. They can reflect the feeling that your efforts make no difference, or they can be associated with a very high workload or a non-supportive work environment. Higher scores on this scale mean that you are at higher risk for burnout.

If your score is below 23, this probably reflects positive feelings about your ability to be effective in your work. If you score above 41, you may wish to think about what at work makes you feel like you are not effective in your position. Your score may reflect your mood; perhaps you were having a “bad day” or are in need of some time off. If the high score persists or if it is reflective of other worries, it may be a cause for concern. (Alpha scale reliability 0.75)

Secondary Traumatic Stress _____

The second component of Compassion Fatigue (CF) is secondary traumatic stress (STS). It is about your work related, secondary exposure to extremely or traumatically stressful events. Developing problems due to exposure to other's trauma is somewhat rare but does happen to many people who care for those who have experienced extremely or traumatically stressful events. For example, you may repeatedly hear stories about the traumatic things that happen to other people, commonly called Vicarious Traumatization. If your work puts you directly in the path of danger, for example, field work in a war or area of civil violence, this is not secondary exposure; your exposure is primary. However, if you are exposed to others' traumatic events as a result of your work, for example, as a therapist or an emergency worker, this is secondary exposure. The symptoms of STS are usually rapid in onset and associated with a particular event. They may include being afraid, having difficulty sleeping, having images of the upsetting event pop into your mind, or avoiding things that remind you of the event.

If your score is above 41, you may want to take some time to think about what at work may be frightening to you or if there is some other reason for the elevated score. While higher scores do not mean that you do have a problem, they are an indication that you may want to examine how you feel about your work and your work environment. You may wish to discuss this with your supervisor, a colleague, or a health care professional. (Alpha scale reliability 0.81)

WHAT IS MY SCORE AND WHAT DOES IT MEAN?

In this section, you will score your test so you understand the interpretation for you. To find your score on **each section**, total the questions listed on the left and then find your score in the table on the right of the section.

Compassion Satisfaction Scale

Copy your rating on each of these questions on to this table and add them up. When you have added them up you can find your score on the table to the right.

3. _____
 6. _____
 12. _____
 16. _____
 18. _____
 20. _____
 22. _____
 24. _____
 27. _____
 30. _____
Total: _____

The sum of my Compassion Satisfaction questions is	And my Compassion Satisfaction level is
22 or less	Low
Between 23 and 41	Moderate
42 or more	High

Burnout Scale

On the burnout scale you will need to take an extra step. Starred items are "reverse scored." If you scored the item 1, write a 5 beside it. The reason we ask you to reverse the scores is because scientifically the measure works better when these questions are asked in a positive way though they can tell us more about their negative form. For example, question 1. "I am happy" tells us more about

- *1. _____ = _____
 *4. _____ = _____
 8. _____
 10. _____
 *15. _____ = _____
 *17. _____ = _____
 19. _____
 21. _____
 26. _____
 *29. _____ = _____

The sum of my Burnout Questions is	And my Burnout level is
22 or less	Low
Between 23 and 41	Moderate
42 or more	High

You Wrote	Change to	
	5	the effects of helping when you are <i>not</i> happy so you reverse the score
2	4	
3	3	
4	2	
5	1	

Total: _____

Secondary Traumatic Stress Scale

Just like you did on Compassion Satisfaction, copy your rating on each of these questions on to this table and add them up. When you have added them up you can find your score on the table to the right.

2. _____
 5. _____
 7. _____
 9. _____
 11. _____
 13. _____
 14. _____
 23. _____
 25. _____
 28. _____
Total: _____

The sum of my Secondary Trauma questions is	And my Secondary Traumatic Stress level is
22 or less	Low
Between 23 and 41	Moderate
42 or more	High

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JAN
2021



BUILDING A GOOD WORKPLACE CULTURE IN 2021

2020 was a very tough year. Instead of reciting a lengthy laundry list of all the bad things that happened last year, I'd like to focus on one goal that I hope all law firms and legal organizations will commit to in 2021: building a good work culture in which everyone can succeed.

It may seem odd to think about firm or organizational culture at this time when most of us are still working from home. But culture is not determined by whether employees are working in the same physical space. Even organizations with entirely remote workforces still have a culture.

What Culture Is and Why It Matters

Many people mistake culture as all the perks and benefits that a firm or an organization offers. Those gift cards, free lunches, summer company picnics, and fancy holiday luncheons or dinner parties are all very nice, but they do not make up the culture of an organization. Perks and benefits are only a feature, not a function, of culture. Merriam-Webster dictionary defines culture as "the set of shared attitudes, values, goals, and practices that characterizes an institution or organization." Culture emerges when we pair values with behaviors.

Culture can be understood through how employees feel about their experience at work. Do they like or even love their job? Do they feel safe psychologically? Do they feel valued? Do they look forward to going to work? Those feelings are influenced, in large part, by the culture of the firm.

Culture sets the tone, the attitudes, and the expectations for everyone in the organization, and it establishes the standard for how employees interact with and treat each other. Every workplace has a culture. The only question is what kind of a culture it has. Let's compare two different kinds of culture to get some perspective.

Culture A	Culture B
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<ul style="list-style-type: none"> • Policies and rules are more important than the people impacted by them • Those with authority make all the decisions • Only management's opinions matter • Management uses fears to justify decision-making • Employees don't speak up, openly disagree, or dissent • Employees' concerns are ignored, dismissed, or deflected • Employees only look after their own interests and personal advancement • Everyone plays politics to get anything done • Employees use grapevine communication to get information • Employees only work for a paycheck and benefits • People take credit for others' work • No one takes responsibility when things go wrong 	<ul style="list-style-type: none"> • Policies and rules are made by considering the impact on those affected by them • Decision-making is delegated to those with information, not only to those with authority • Employees feel safe to voice opinions and disagreements, and their concerns are addressed and followed up on • People look out for one another and have each other's back • People work together to get things done • Everyone is kept informed and in the loop through open lines of communication • People have a purpose bigger than themselves for going to work • People are recognized for their hard work and contribution • Individuals admit to mistakes, and management owns up to bad decisions
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Many of us would consider Culture A to be toxic and would rather work for a law firm or an organization with a culture similar to Culture B. Employees in Culture A walk on eggshells, keep to themselves or their own clique, and do whatever it takes to save their own skin. It's a culture where employees don't trust management or vice versa. On the other hand, employees in Culture B are comfortable in their space, feel valued, and put the interests of their team and the organization before their own. Mutual trust and respect between employees and leadership exists in Culture B.

Culture matters because we know that work is more than a transactional exchange of labor for wages. Because we spend so many of our waking hours at work, it's reasonable to expect that the workplace offers more than a paycheck and health insurance. Those things can only incentivize us to perform what is minimally expected until we find another job that pays more. By contrast, a good culture can motivate employees to be engaged, loyal, and driven to go the extra mile and perform at their best. A culture in which the firm or organization truly cares about people is deeply felt by those who work there, and that feeling is usually reciprocated. Culture helps firms attract and retain the right people. Employees who share the same values, principles, or beliefs as the firm are much more likely to remain and thrive.

How to Build a Good Workplace Culture

Creating a good culture is an intentional act. It doesn't happen automatically or by default. Building a strong culture takes hard work and commitment, and it must be fostered and safeguarded. While many articles (like [here](https://builtin.com/company-culture/positive-work-culture) (<https://builtin.com/company-culture/positive-work-culture>), [here](https://www.forbes.com/sites/alankohll/2018/08/14/how-to-build-a-positive-company-culture/?sh=1894b7d749b5) (<https://www.forbes.com/sites/alankohll/2018/08/14/how-to-build-a-positive-company-culture/?sh=1894b7d749b5>), and [here](https://hbr.org/2020/04/build-a-culture-that-aligns-with-peoples-values) (<https://hbr.org/2020/04/build-a-culture-that-aligns-with-peoples-values>)) have been written on how to build a positive culture, I want to focus only on three things: (1) values; (2) leadership; and (3) human resources.

Values lay the foundation

The values and principles that guide an organization also shape its culture. A law firm or an organization that truly cares about creating a positive work culture must have values that everyone — from leadership to staff — can believe in and work by. While different firms may have different values depending on their vision and purpose, a few characteristics are fundamental to a good culture.

Relationship: an emphasis on people

How a firm or an organization views its employees helps define its culture. Firms that see workers as mere cogs in the machine or bodies that fulfill a job function likely have a culture in which employees are not valued and no effort is made to retain them. Individuals are left to fend for themselves, and there is no reward for helping another person succeed — effectively harming relations among employees. When firms see workers as people, are interested in helping them excel in their job, and expect them to contribute to one another's success, they help build a strong relationship among employees. Employees who work in a culture in which leadership and their coworkers have their backs will feel a strong sense of trust and loyalty to the organization and each other.

Communication: through discussions not policies

Effective communication fosters transparency, trust, understanding, and engagement. It helps eliminate speculation, gossip, and rumors that can result in conflicts, tension, and negativity in the workplace. When leadership models effective communication by providing clear expectations and feedback, explaining proposed courses of action, and being willing to listen and respond, they create a culture of openness and honesty in which people feel safe to speak their minds. This is a culture in which decisions are not communicated through policies and rules, but made through discussions and debate.

Appreciation and recognition: proactive and genuine

Organizations that have a culture of engagement, high performance, and loyalty understand the importance of recognizing and appreciating their employees. Recognition occurs when workers receive positive feedback based on the results of their performance (whether a verbal thank-you, a shout-out sent to the team or whole firm, or financial remuneration in the form of a bonus or raise). Many organizations tend to stop there. But to truly create a culture in which people — not just their performance — are valued, firms also need to show appreciation. This means not just praising workers' achievements, but also acknowledging their worth and inherent value as human beings. It's an opportunity to build trust and connect with them. Appreciation does not need to wait for an accomplishment, and it shouldn't be meted out as quid pro quo when management wants something from employees. True appreciation should be given proactively and genuinely.

Employee development: opportunities to grow and advance

A work culture that focuses on employees' professional growth and development is one that truly knows how to appreciate and value them. Employee development is professional training that helps workers strengthen their skills and expand their knowledge. It's a long-term investment that not only makes them more engaged and adds more value to their work, but also helps retain talent. Hand-in-hand with professional development is the opportunity for growth and advancement. Even if advancement within the organization is limited because of its size, firms can still provide an opportunity for growth by giving employees a chance to lead. Leadership is not dependent on role or status; it is a learned skill. Allow a member of the team to take charge of an important project, and empower them to make decisions. Give them the freedom and autonomy to experiment and try new approaches, and support them in turning disappointing outcomes into a learning experience.

Diverse and inclusive workplace: a level playing field

A good workplace culture must also be diverse and inclusive. It welcomes and embraces the diversity of perspectives and beliefs from people of different backgrounds, ethnicities, abilities, religions, ages, etc. Offering the right resources to employees by taking into account their backgrounds and capabilities makes a workplace inclusive. Inclusion helps put everyone on the same level playing field. This type of culture is more dynamic, enriching, and empathetic.

Leadership paves the way

A firm's culture is only as good as its leadership. Those in leadership have control over the culture through the policies, standards, and expectations they set for the entire organization. One might even argue that the purpose of leadership is to create culture. When an organization's culture is suffering, the rightful blame lies with the lack of or poor leadership from management. All the qualities that a firm wants to see exhibited in its culture must be embodied by the people leading the organization. Leadership must actively ensure that the firm's values are put into practice.

Human Resources must reinforce culture

Finally, HR must reinforce the culture by taking personnel issues and concerns seriously and doing necessary follow-ups. When HR gives (or appears to give) full attention to some concerns but ignores, dismisses, or minimizes others (or appears to do so), it demoralizes workers and weakens culture. HR also needs to take swift action to deal with employees who are toxic to the culture. Another way that HR needs to reinforce culture is to make sure that those who are hired believe in and commit to the organization's values and the qualities of its culture. This will help ensure a cohesive, satisfied, and effective workforce, joining together to work for a common purpose, vision, and goals.

...

Building a good work culture takes time, commitment, and resources. But it is a worthwhile investment that will make firms more successful and employees happier. And that is something we all can hope for in 2021 and beyond.

◆ Categories: [Firm management/leadership \(https://www.osbplf.org/blog/topics-of-interest/firm-management-leadership/\)](https://www.osbplf.org/blog/topics-of-interest/firm-management-leadership/) / InPractice / by

[Hong Dao \(https://www.osbplf.org/blog/staff-authors/hong-dao/\)](https://www.osbplf.org/blog/staff-authors/hong-dao/)

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Death by Bad Management: Leadership as an Antidote to Terrible Bosses

[LPT lawpracticetoday.org/article/death-by-bad-management-leadership-as-an-antidote-to-terrible-bosses](http://lawpracticetoday.org/article/death-by-bad-management-leadership-as-an-antidote-to-terrible-bosses)

Hong Dao



Law firms are known for their high turnover of associates, who leave to join a different firm, take a job as in-house counsel or government lawyer, or depart the legal profession altogether. Some of the reasons include demanding hours, unbearable pressure, a toxic culture, and a lack of work-life balance. But the reason we shall delve into here is the terrible boss.

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The sentiment that lawyers make bad managers appears repeatedly in blog posts and articles. Although lawyers receive educational and practical training to develop and improve their lawyering skills, many managing partners or supervising lawyers receive little to no training on how to manage or lead others effectively. A firm's decision to promote someone into management rarely takes leadership skill and ability into consideration. This has serious consequences for those under a manager's charge, as well as the firm as a whole.

I Am the Boss of You!

For many lawyers, being a managing partner or lawyer (hereinafter “manager”) is about being a boss. That means telling others what to do, what not to do, how to do it, how not to do it, and making sure that things get done. Management focuses on creating a system to delegate tasks, control behaviors, and measure productivity. It is hardly about vision, empowerment, engagement, innovation, or creativity. These are the qualities of leadership. Being a leader is about building trust; engaging, inspiring, and empowering those under your charge; and giving them the tools and guidance to be successful. It’s about providing employees with a vision that ties their day-to-day work to the firm’s broader purpose. It’s about leading, not managing, people toward the direction of that purpose. There is nothing wrong with management per se. But when management lacks leadership, it can result in a stifling environment that hinders trust, cooperation, innovation, and growth.

Many lawyers mistakenly assume that their stellar performance in one role (lawyer) will automatically translate to excellence in another role (management). For those lawyers who want the perks of being in management, but who have no interest or skill in leading—or a willingness to learn—one of two things frequently happens. One: They proceed in their new role as though nothing has changed, so they continue being a lawyer and neglect their managerial duties. Or two: They take delegation, control, and productivity seriously, but don’t focus on any other leadership qualities. These lawyers often end up engaging in the following behaviors that demoralize their subordinates and hurt their team.

- **Micromanaging** – Micromanaging is when a manager monitors and controls all of their subordinates’ activities. They delegate tasks but don’t let go of control over them. They require their direct reports to run their work through them and then tweak or redo that work to meet their own expectations or style. They also want something done exactly their way, but offer little or no context, guidance, or support.
- **Creating an environment in which employees are afraid to speak up or speak out** – Managers create a culture of fear when they do not have clear goals, defined values, or expected behavior; or when they ignore bad conduct, dismiss legitimate concerns, or show no tolerance for being challenged or questioned. To avoid the wrath or cold shoulder from the boss, employees will not likely voice their disagreement, speak their opinions, share their ideas, provide feedback, or otherwise engage in discussions. A telltale sign of this environment is when the boss does all or most of the talking in meetings.
- **Cutting off any feedback loop** – Many managers wait until it’s time for the annual review to give feedback to associate lawyers under their charge. Any feedback given at that time is just perfunctory. They actively avoid providing regular and consistent feedback to subordinates or asking for feedback on their own performance. Creating a culture of fear is a sure way to cut off any feedback loop, reducing or removing meaningful learning and training opportunities for associates.

- **Encouraging a culture of self-preservation** – Managers who do not have their subordinates' backs and provide a psychologically safe work environment create a culture in which employees seek only to advance or preserve their own interests. This is how silos and fiefdoms are formed at many organizations, as individuals and groups hoard information and fight for limited resources.
- **Viewing employees as disposable tools of labor** – Managers who do not see the humanity in their employees often view them as mere tools to perform the labor required in a job. Concerns from associate lawyers are often met with “if you don’t like it here, then leave,” or “just do your job.” The belief that employees are disposable often results in a lack of effort to retain talent or help employees become successful. It also leads to managers taking credit for a subordinate’s hard work, because the latter is seen only as a means to an end.

At the core of many of these behaviors is the manager’s indifference or insecurity, and lack of trust in the firm’s employees. This is keenly felt by associate lawyers, and it saps them of any feeling of autonomy and agency, which are foundational to well-being and optimal functioning. Bad managers leave subordinates no bandwidth or desire to be creative or to innovate, exercise independent judgment, or go the extra mile for that manager or the team.

The consequences of having a terrible manager in a law firm or any organization include:

- **Poor/mediocre performance** – It is hard to expect employees to excel in their work and give it their all when managers engage in the behaviors above. Managers who strive to maintain the status quo and focus on short-term goals do nothing to inspire their teams to do things differently, challenge the process, and take risks. Employees are much more likely to exert minimal effort to get the job done. It takes a truly self-motivated employee to thrive in this environment.
- **Job dissatisfaction** – Employees become unhappy or have negative feelings about their job when they are poorly managed. They feel unmotivated and withdrawn and spend less time doing their work and more time being distracted. They no longer find meaning in their work, stop being committed to the firm, and continue to work only for the paycheck and benefits. This dissatisfaction ends up hurting their and the team’s overall productivity and quality of work.
- **High turnover** – The combination of poor/mediocre performance and job dissatisfaction will eventually lead to termination or resignation. High turnover is costly to firms, because of the time and resources expended to replace the departing lawyer. Firms also lose the value of that lawyer’s experience and the investment in training that person, not to mention the impact on staff morale and disruption in the work environment.

- **Poor health** – Having a bad boss is not good for our health. *Forbes* magazine reported on a few studies that show the effects of having a bad boss on employees' physical and mental health. These studies found that employees who work for toxic bosses are more likely to suffer a stroke, heart attack, or other life-threatening cardiac condition. Employees are more susceptible to chronic depression, stress, and anxiety when they have a bad boss.

The solution to bad management is not more management training, but a focus on leadership. Managers must be leaders if they are to excel in their role.

Strive to Lead, Not Boss People Around

People don't want to be managed; they want to be inspired. They prefer to follow leaders who they can trust, and who will protect them. The followers, in turn, will repay their manager with loyalty and hard work. This organizational behavior is a matter of anthropology, according to Simon Sinek, author of *Leaders Eat Last: Why Some Teams Pull Together and Others Don't*. Humans thrive in an environment where we take care of and look out for one another, and work together for a common purpose. This was true on the African plains thousands of years ago, and it is true in the American workplace today.

Managers who are also leaders focus on putting people first. They do this by inspiring a shared vision, cultivating the "Circle of Safety," practicing empathy, and leading by example.

Inspire a Shared Vision

What sets leaders apart from managers is that leaders have a vision, and articulate that vision to inspire others to move toward it. It's like providing a picture on the box of a jigsaw puzzle and not just the pieces. Without understanding how their individual work fits into the big picture, employees are not likely to engage and contribute more than they have to. Visions are not goals and metrics; they are ideals that leaders want to see come to life. The goals and metrics only serve as a guidepost to the vision. Unlike goals, a vision evokes an emotional response and inspires people to action. Managers who want to be leaders must find their vision. It doesn't have to be unique, but it should be something that people believe in and makes their work meaningful.

Cultivate the Circle of Safety

Managers who strive to be leaders need to cultivate the Circle of Safety. Sinek's *Leaders Eat Last* describes this circle as a strong culture built on trust, empathy, and other human values and beliefs, and where people are protected against threats from outside as well as inside the organization. First, leaders need to provide a psychologically safe space for employees to candidly share their concerns, opinions, and ideas. Second, leaders need to protect their people by having their backs, supporting them when they falter, and offering both positive and critical feedback. In this safe environment, employees are more willing to disagree and

dissent, to admit and own up to mistakes, and to be challenged by their peers. This circle needs to include everyone in the firm, not just those in the “inner circle” or only other managers and executives. When fully extended, the circle will foster trust, breed innovation and creativity, and minimize office politics, silos, and fiefdoms.

Practice Empathy

Empathy is an important quality for all leaders. It’s the ability to recognize, understand, and share the feelings of another person. So when someone shows up late to a meeting, it’s asking, “Is everything ok?” as opposed to, “Where the hell were you?” Without empathy, the leader cannot create and implement the Circle of Safety. Empathy allows our humanity to come out, so we can care about employees as human beings and not just about their performance. It allows leaders to better understand how their decisions or the firm’s policies impact the people below.

Leaders can practice empathy in the following ways:

1. Allow others to be vulnerable – let others express or expose their emotions and shed their protective coating without your judgment or overreaction.
2. Practice deep listening – to truly understand and relate to another’s feelings and thoughts, leaders need to listen deeply and well. This requires a calm and receptive state of mind. When the mind is defensive, agitated, frantic, or preoccupied, it is more likely to assume and misunderstand.
3. Show your own vulnerability – this makes leaders more relatable, and helps them build trust and emotionally connect with others. Leaders who admit to mistakes, accept criticism, or share their struggles also demonstrate strength of character.

Lead by Example

Nothing breeds resentment more than managers who do the exact opposite of what they say, and avoid the hard work that they require of others. Employees see the behaviors, values, and choices of their managers and will model them. Leaders earn the respect and trust of their followers when they lead by example. One way to do this is by getting your hands dirty. Spend time with your team to understand firsthand what they do and the challenges they face. You are never too good or too important to roll up your sleeves and get things done alongside your team.

Another way to lead by example is to create an environment for risk-taking. Challenge the team to try new ideas, and allow them to take acceptable risks. Be willing to go first and take risks before anyone else. Support, rather than punish, employees when they make mistakes, and continue to encourage them to try again. Also, follow the same standard of conduct that you set for others, and uphold and apply it consistently to all employees. A double standard is transparent, and will result in a loss of credibility and moral authority.

Leadership is Not a Rank

Managers in a firm or any organization do not need to wait to lead until they have a more impressive title like senior managing partner, executive director, or CEO. Those positions come with a lot of authority, but authority itself does not make a leader. Leadership is a choice. It's a learned skill. Sinek's analogy that leaders are like good parents is apt. They build self-confidence and give others opportunities to try and fail, so that they can achieve more than they could imagine for themselves. A truly excellent firm or organization will encourage everyone to act like leaders, provide training to develop leadership skills, and create opportunities for others to lead.

To learn more about transforming management into leadership, see:

Leaders Eat Last: Why Some Teams Pull Together and others Don't, by Simon Sinek. Portfolio/Penguin, 2014.

[The Essence of Leadership for Lawyers](#), by Richard JD, PhD, Larry, *What Make Lawyers Tick*, December 24, 2016.

Turn the Ship Around!: A True Story of Turning Followers into Leaders, by L. David Marquet, Portfolio, 2013.

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