

STRATEGY AND THE FAT SMOKER

CHAPTER

After spending 25 years saying that all professions are similar... **CONTINUE**

BY **DAVID MAISTER**

AFTER SPENDING 25 YEARS SAYING THAT ALL PROFESSIONS ARE SIMILAR and can learn from each other, I'm now ready to make a concession: Law firms are different. The ways of thinking and behaving that help lawyers excel in their profession may be the very things that limit what they can achieve as firms. Among the ways that legal training and practice keep lawyers from effectively functioning in groups are

- problems with trust
- difficulties with ideology, values, and principles
- professional detachment and
- and unusual approaches to decision making

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There is low tolerance for ceding power or influence to practice group or firm leadership. The result is that even in the largest firms, executive authority can be so severely limited as to be meaningless. Decisions are made slowly, if not avoided altogether. Committees proliferate to address all topics, large and small.

There is a drive to seemingly objective formula-based compensation systems. Partners constantly ask, “What’s in the compensation formula?” and they do only those things that are. As a result, many behaviors necessary for the firm’s success cannot be enforced, because they are not in the formula.

While a majority of firms will vote to proclaim standards, they will usually not vote to enforce them. Indeed, the signs are that they vigorously prefer the opposite: Law firms have a proliferating plethora of rules, not functioning principles, because they don’t or won’t trust that their partners will adhere to the values, standards, and principles that they agreed upon.

In their legal training, lawyers have been schooled to leave their personal feelings at home. This lack of intimacy affects not only marketing and client relations, but also the way in which partners deal with each other and how firms are managed. Help, teamwork, and mutual support are often absent, since they depend on personal interactions. Instead, there is a system of measures and rewards.

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Lawyers are expert loophole finders, trained to find counterexamples of or exceptions to any proposition. Accordingly, within a short time, most ideas, no matter who initiates them, will be destroyed, dismissed, or postponed for future examination. When lawyers reason with each other, the primary objectives are not necessarily logic, consistency, reasonableness, or fairness.

If firms are to deliver on the visions they have set for themselves, they must address such issues as what behavior partners have a right to expect from each other, what the real minimum standards and values are, and how common values and standards can actually be attained, not just preached.

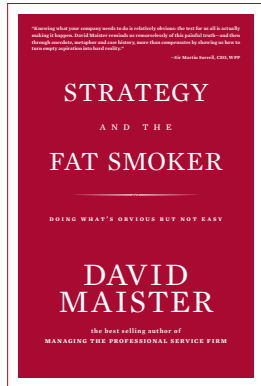
Trust comes from relationships and the expectation of continuing relationships. Over time, as they interact with each other, they as partners, practice groups, and offices may actually come to trust each other.

Many firms have collections of great lawyers. The time may be coming when clients will expect them to go beyond this and become effective organizations.

Firms have historically flourished without constitutions that spell out minimum partner behaviors. For many, profits and revenues keep rising. What then will be the force that might create the need for change? Most likely, it will be client pressure on firms to act as firms—delivering seamless service, practice areas that have depth (and not just a collection of individualistic stars), and true, cross-boundary teamwork.

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INFO



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ABOUT THE AUTHOR

David Maister is widely acknowledged as one of the world's leading authorities on the management of professional service firms. For two decades he has acted as a consultant to prominent professional firms around the world, on a wide variety of strategic and managerial issues. In 2002, he was named as one of the top 40 business thinkers in the world (Business Minds, by Tom Brown, PrenticeHall/Financial Times). He is the author of the bestselling books *Managing the Professional Service Firm* (1993), *True Professionalism* (1997), *The Trusted Advisor* (2000), *Practice What You Preach* (2001) and *First Among Equals* (2002). These books have been translated into 14 languages. For seven years, he served as a professor on the faculty of the Harvard Business School (1979-85), prior to launching his consulting practice. He lives in Boston, Massachusetts.

In March of 2005, he finally took his own advice, gave up smoking and lost 30 pounds.

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