

WEBINAR

Humanity, Appreciation, Benefits

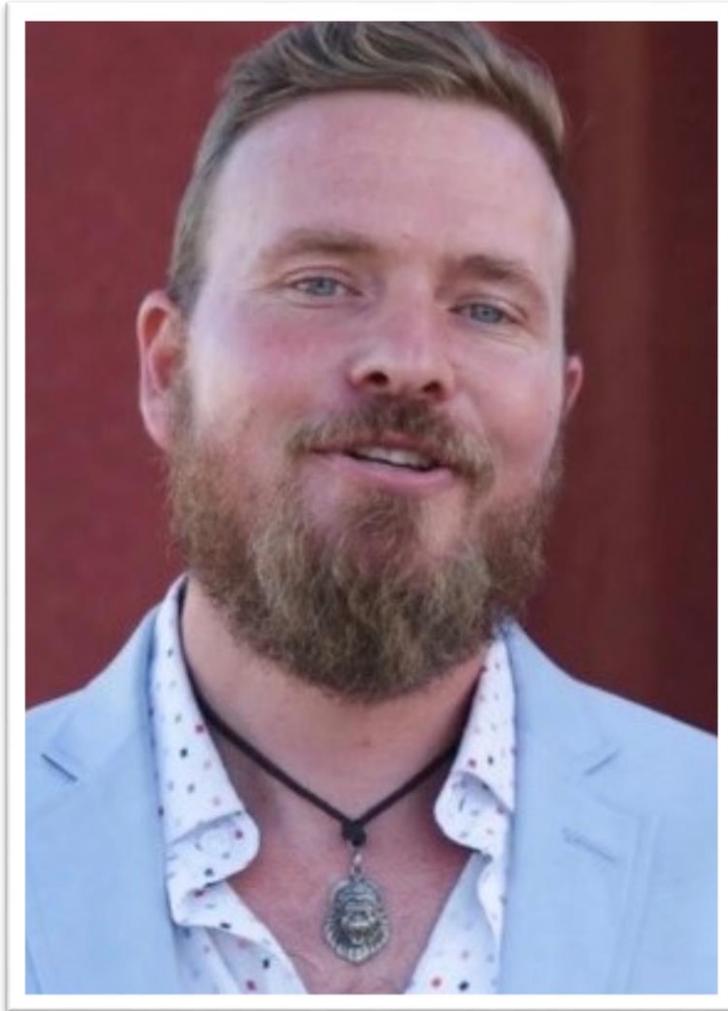
HOW LAW FIRMS CAN **CREATE A CULTURE** THAT ATTRACTS AND RETAINS TALENT

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- Litigator for 12 years, including 5 at Skadden Arps
- Left practice several years ago to live his passion of advancing well-being, resiliency, and cultural transformation in the legal industry
- Masters in Psychology, with emphases in neuroscience, positive psychology and cognitive-behavioral psychology
- USC Law Professor & co-founder of USC's "Mindfulness, Stress Management & Peak Performance Program"
- Consults to and leads workshops at nearly half of the AmLaw 100 and many Fortune 500 corporations



- Litigator for a decade
- A recruiter since 2015
- With MLA since 2017
- Managing Director,
Associate Practice Group

What does **Organizational Culture** MEAN?

- “A collection of features,” including **a shared pattern of basic assumptions** which group members have acquired over time as they learn to **successfully cope with internal and external** organizationally relevant problems.” (E. Schein)
- “A set of **shared assumptions** that **guide behaviors** and shape new organizational members’ way of **perceiving, thinking and feeling.**” (D. Ravasi and M. Schultz)
- “**Corporate personality** consisting of the **values, beliefs, and norms** which influence the **behavior** of people as members of an organization.” (E. Flamholtz and Y. Randle)
- The **collection of values, beliefs, and principles** of organizational members that influence the way people **interact, behave, share knowledge, and individually feel** based on **formal policies or informal norms**, and which are influenced by **history, tradition, industry, market, technology, management style, and type of employees.** (Hybrid concept)
- Organizational **Culture** v. **Subculture**



Are all firms the **same**?

- **Yes!!!**
- *Just kidding....NO!!!*
- But they often ***appear the same from the outside*** to candidates because organizational culture is ***less tangible/measurable, more amorphous, and harder to objectively assess*** from the outside.
- Firms regularly ***fail to effectively telegraph*** how their culture is ***truly different than their peer firms***, or intelligently establish ***policies/procedures that would be powerful distinguishers*** from their peer firms.

Associates report that their firm is a hard place to work.
What drives this?



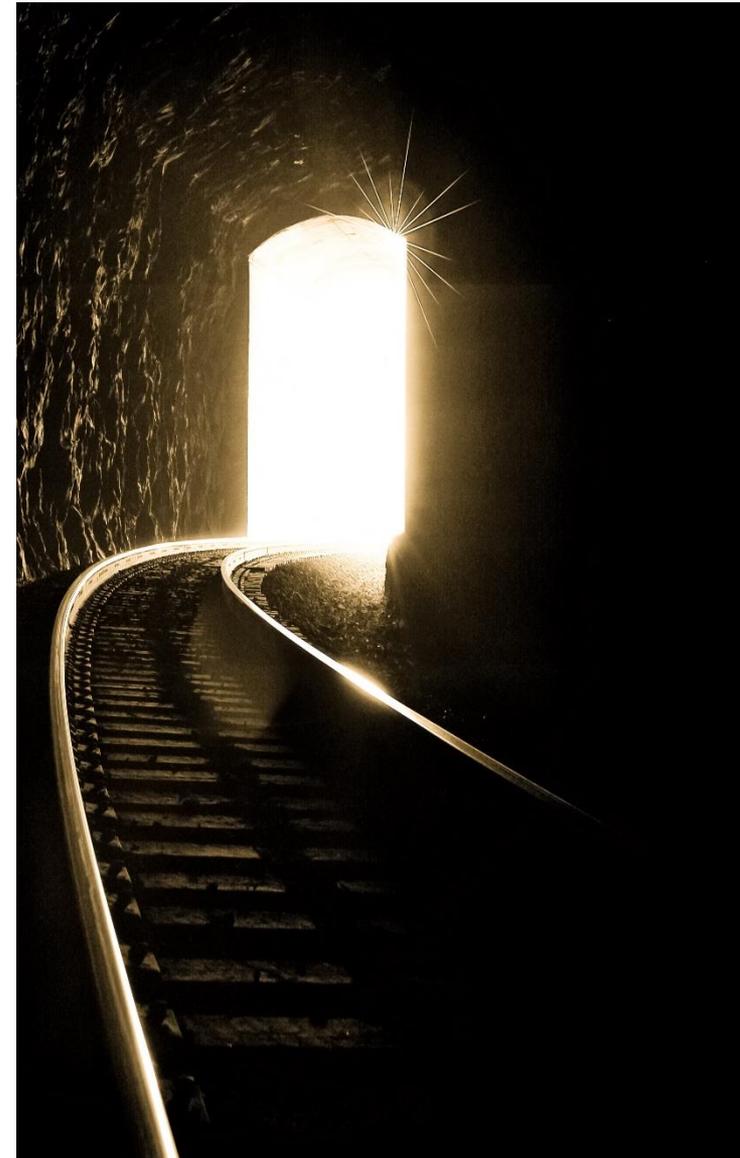
- **Hours**
 - Of course!
 - But this is not dispositive.
 - Many associates feel better at their firm than associates who *bill more hours* at other firms.
- **Money**
 - Base comp + year-end/special bonuses
 - Overrated: research reveals that money plays very little role
- **Culture is Queen**

What role does culture play in the **recruiting process**?

- Both firms **and** candidates **desire** to weigh culture significantly....
 - But the truth is that **most candidates struggle to effectively/objectively decipher culture** from the outside when weighing competing offers
 - And **most firms struggle to effectively telegraph/communicate their culture** to persuade candidates with competing offers

What did 2020 teach us about culture?

- *We are all struggling!*
- Greater sense of shared **humanity** and **empathy** within firms
- **Remote work** has somewhat diffused the organizational culture, and led to even greater influence by **subcultures within the firm**
- Firms have been more committed to providing **programming** and **resources** to advance well-being and mental health (but have they been the right ones?)
- Firms have largely maintained the **same systems/structures** that dictate culture, and have not made material changes in these areas...



What can firms do to create a **positive**, **supportive** and **empowering** culture?

In order to...

- Advance/protect the **well-being and mental health** of their attorneys & staff
- **Recruit top talent** and win the “**recruiting battle**” over peer firms
- **Retain top talent**

10 Tangible Action Items

law firms can take to
“right the ship” & positively
transform their culture

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Introductory Points / Considerations

- **FACT:** one-off (and collections of) well-being workshops/webinars are wonderful, *yet incapable of transforming culture*
[disease v. symptom management]
- **INTEGRATION:** in order to transform law firm culture, law firms must integrate well-being and emotional intelligence *into each component of the firm’s operations* *[no more “well-being silo”!]*
- **ACTION & SYSTEMIZATION:** tangible action items systematically applied over time [≠ vague & adhoc intentions]
[Action + Systemization = Cultural Transformation]
- **CULTURAL TRANSFORMATION BUFFET:** pick 5 action items (of the 10 provided) and commit to doing your best to incorporate them into your firm within the next year
[if you do, culture will be different by the end of 2021!]

① Top partner well-being proclamations



- **Vulnerability** and **allyship** from the *most influential partners* [silence is complicity]
- **OMP & Top 10** influential partners in each office
- **“Partner Well-Being Series”**
 - Monthly or bi-monthly email blasts
 - One partner featured each month? Or 5 partners for 6-month series?

- ❑ How does a commitment to your mental health or emotional well-being make you a happier human or better lawyer?
- ❑ What do you personally do to support your own emotional well-being?
- ❑ What recommendations do you have for associates to improve their mental health, stress resiliency, or emotional well-being?
- ❑ What was a time in your life that you mentally/emotionally struggled, and what did you do to healthily cope with it?
- ❑ What would you tell your younger self about stress, mental health, or emotional well-being that you wish she/he knew at the time?
- ❑ What is an example of how you have improved your mental health or emotional well-being on a particular career or life issue over the years, and how did you do it?
- ❑ What do you think about the disproportionately high rates of stress, anxiety, depression, substance abuse, and suicide in the legal profession? How can we improve?
- ❑ How can we be more sensitive to or supportive of the stressors or mental/emotional challenges facing our colleagues? Lawyers? Business Services Professionals? Staff?

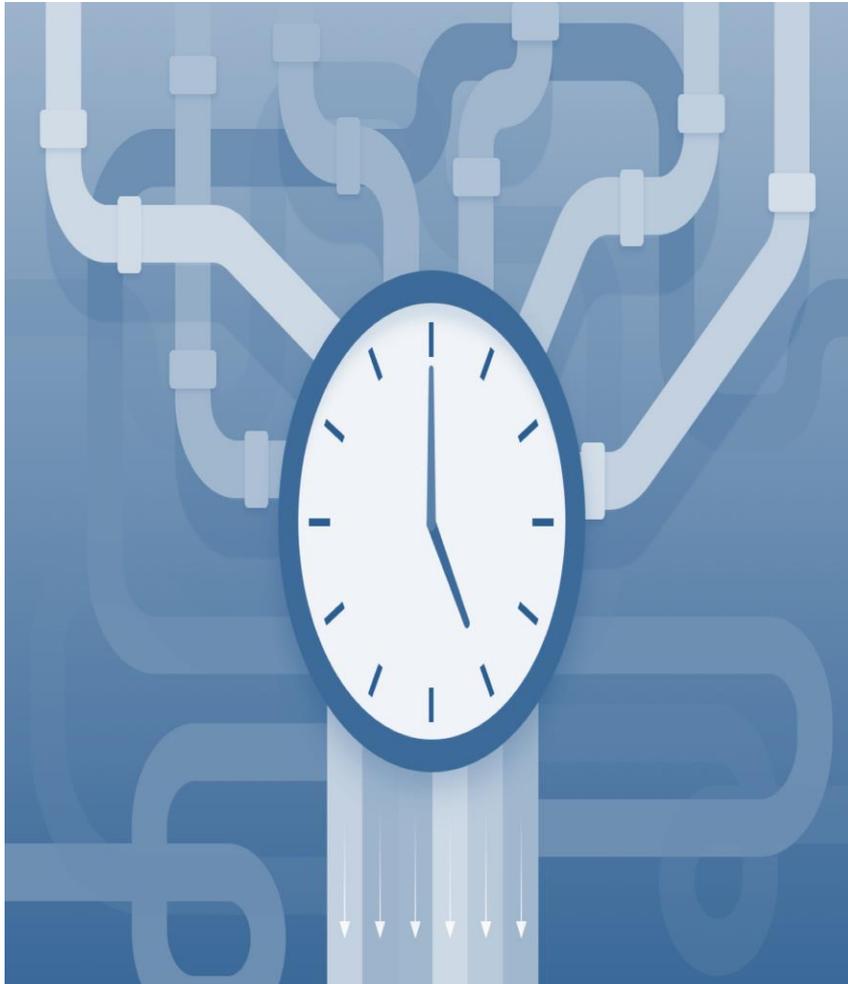
② Formal integration of well-being into the recruiting process

- **Systematized questions about well-being and resiliency**, and their relation to professional performance, **in each interview**
- Overt consideration by **Hiring Committee** of these issues
- **Feedback loop / mutual reinforcement**

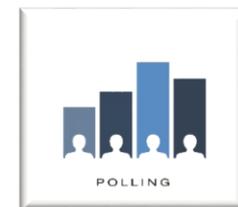


- ◆ Please share a time in your life when you failed at something. Identify how you responded to the failure and anything you learned about yourself or life as a result.
- ◆ When you feel stressed, overwhelmed or upset, how do you deal with it? What do you do to relieve yourself of stress or maintain your emotional well-being during challenging times?
- ◆ What, if any, emotional well-being practices/exercises do you use in your life?
- ◆ How do you intend to balance the intense stressors of this job with your own emotional well-being?
- ◆ In your opinion, what is the relationship between happiness and emotional well-being, on the one hand, and professional success, on the other hand?
- ◆ What does "success" mean to you? What will it mean to be a "successful" at this firm and in life?

③ Well-being integration into billable hours



- The billable hour is the **conclusive reflection** of what a firm **actually values**
- Disastrous **Catch-22**:
 - *Billables or Wellness?*
 - v. Pro Bono hours
- Must be **firm-sponsored and measurable** (cap of 50 per year?)



④ Partner well-being upward assessments

- **Awareness / Information**

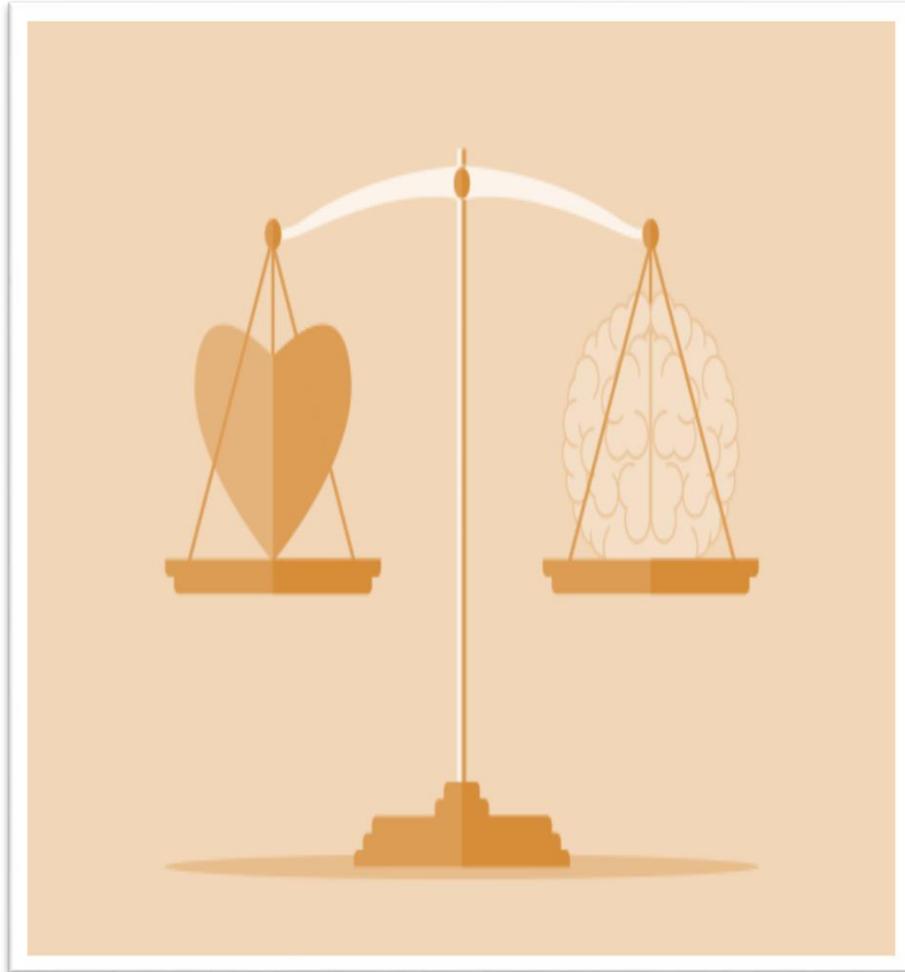


- **Accountability**

- (1) Direct Discussions re \$\$
- (2) Coaching
- (3) PIP
- (4) Incentives / Comp



⑤ Systematized well-being check-ins by partners



- *“How is your well-being these days?”*
- *“How are your stress levels this week?”*
- *“How are you doing mentally / emotionally?”*

If every partner is not asking this sort of question to each report once per month, she/he is failing

⑥ Well-being mining from exit interviews

- Data-driven, objective, & systematic
- **Annual Report** with aggregated findings + leadership meeting + 3-part action plan



⑦ Well-being core values



4-5 Core Values:

- “We are open-minded and compassionate towards each other”
- “Making mistakes is critical to growth and success, while refusing to learn from mistakes is not.”
- Versus Empty Void: “we dominate, we win, and we please the client”

Jim Collins:

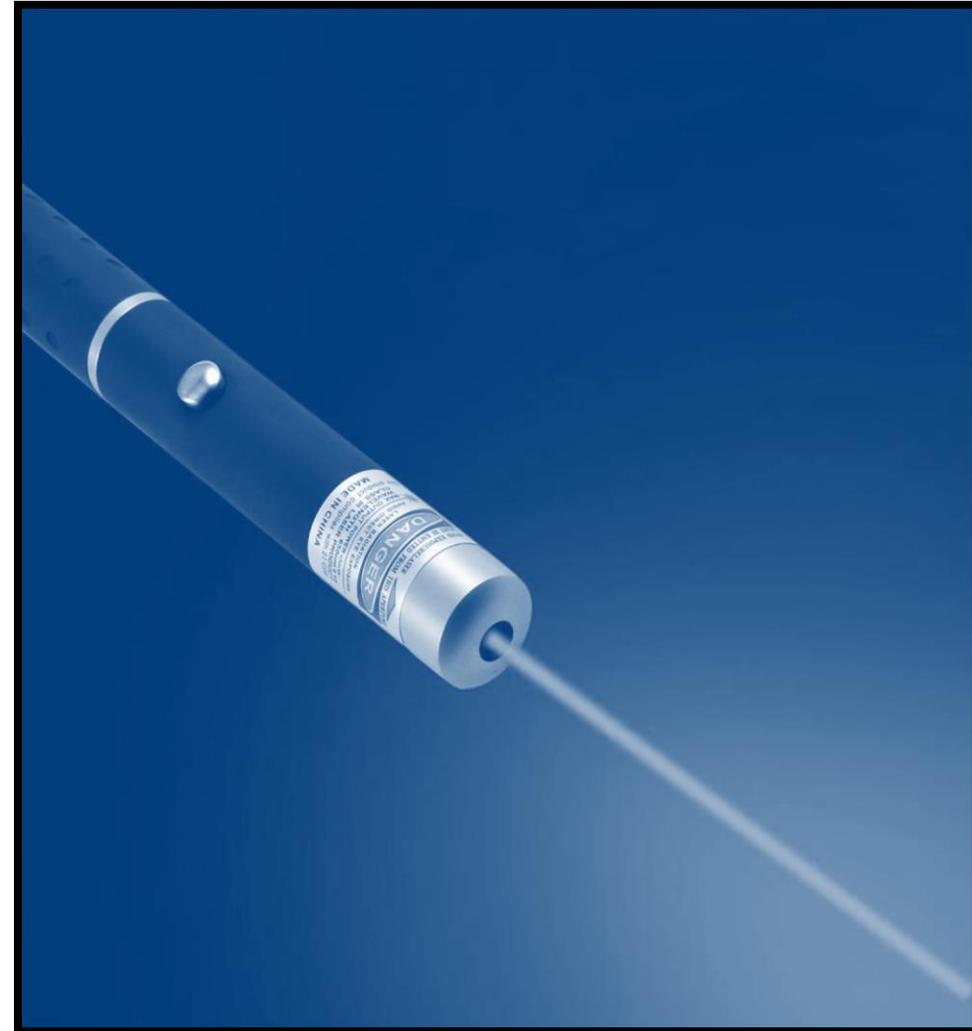
- CVs are critical to cultural transformation & fiscal expansion

⑧ Annual keystone well-being goal

- **Tangible & measurable**
- **Aluminum Company of America (Alcoa) in 1987**
 - Paul O’Neil to Wallstreet: “zero injuries”
 - Huge drop in injuries
 - Net income increased 5x, market cap increased by \$27 billion

Examples:

- **Associate Turnover Rate**
- **Internal Survey: Satisfaction %**
- **Reduction in LOA/Disability rates**



⑨ Anonymous well-being feedback E-Box



- **Open space** for attorneys & staff to be **heard**, and for firm to **learn** information
- **OMPs or FMP** monthly (or quarterly):
 - **30-minute response**

10 Well-being integration into annual performance review

- Implement **stress resiliency** and **emotional regulation** as an **evaluative factor**
- If attorneys are in **no way assessed** by this factor, they are simply not going to **value / prioritize** it



When your firm takes 5 of these **tangible actions**...

- Your organizational culture will **positively transform** (as will all of the *subcultures*)
- You will begin **dominating** the “**recruiting battle**”
- Your **retention** will *skyrocket*

SUMMARY

10 Tangible Action Items firms can take to
“right the ship” & **positively transform their culture**

- ① Top partner well-being proclamations
- ② Formal integration of well-being into the recruiting process
- ③ Well-being integration into billable hours
- ④ Partner well-being upward assessments
- ⑤ Systematized well-being check-ins by partners
- ⑥ Well-being mining from exit interviews
- ⑦ Well-being core values
- ⑧ Annual keystone well-being goal
- ⑨ Anonymous well-being feedback E-Box
- ⑩ Well-being integration into annual performance review



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