

Law Office Management & Technology

Office Conflict: Are You Coach or Referee?

By Paul Sullivan

Too many lawyer-supervisors run from personnel problems. Here's a better approach.

Law-firm conflict can result from any number of causes and can occur at and among all levels of the organization, but this article will focus on conflict at the staff level. One of the true ironies in the law office is that lawyers — trained to be adversarial — often run the other way in the face of an office personnel problem, hoping it will correct itself. Unfortunately, the reverse is usually true, and small problems become big ones. What follows is a description of the more common conflict-causing situations and/or personality types and some suggestions about how to deal with them before they get out of hand.

Surviving mediocrity

The poor or mediocre performer will drive you crazy, but dismissal is usually not your best first option. A better approach is to thoroughly analyze the performance problem. Does this person have what you view as poor skills because of inexperience or newness to your firm? Can the deficiencies be corrected with training?

If the person is a new hire, get a good feel for how much direction he or she needs in the beginning. Time spent early in the process can pay huge dividends down the road. Are problem staffers truly underperformers, or are you the problem? The best staffer in the world can't read minds. You must provide feedback — both positive and negative — so the person can really know there is a problem and have the opportunity to correct it. Unless this person is really inept, you will likely face the same difficulties with a replacement unless you're providing necessary feedback.

The fear of change

Some employees welcome change, but those who are comfortable in their roles and daily routines can become resistant and even hostile when you change equipment, operations, or procedures. Often they are insecure about their ability to do a good job under the new system, and they may view the "new way" as more work for them. They may not see, or care; that the change will benefit the organization as a whole.

People often accept changes more readily if they have a voice in the process of change. If you were changing billing packages, you would certainly want input from the person who does your billing. You win their commitment by including them, and you may learn

something that you overlooked. Once again, the *c* word — communication — plays a big role in working with employees who oppose better ways to do things.

The busybody

Busybodies take it upon themselves to keep track of who comes late and leaves early, who spends too much time on the phone, and who (in their opinion) just isn't doing as much work as they are. This person can destroy an office by intimidating other employees, who leave the first chance they get. Unless someone in authority steps up and deals with the problem, it will never go away and will only get worse.

Ironically, busybodies often think they are earning your approval by looking out for your interests. They may have interpreted something you said as an indication that they should behave this way. In any case, two things must happen. You must communicate very clearly that their behavior is not acceptable and that you will not tolerate it. In addition, you must take a hard look at what this person is complaining about and, if true, take steps to correct it.

It will probably take more than one corrective session to change busybody behavior, and some employees will never change. In that case, you must decide whether your office is better off with or without them. Again, there is no magic pill for a problem like this. Just be assured that if you ignore it, it will not go away.

The sniper

As the term suggests, snipers sneak potshots at other employees. Their motivation is to make themselves look better by putting others down. There is only one way to deal with such people, and that is to confront them head-on and as soon as possible. Acknowledge their behavior and make it very plain that you won't tolerate it.

Sniping is anti-social and can really hurt your operation. By taking charge of the situation, you will earn the respect of other employees and send a clear message to offenders that they will either have to change or move on.

Employees at war

When the relationship between two employees disintegrates to the point that they are in open conflict, you have both ignored a problem for too long and made it much more difficult to resolve. Many times the only resolution is for one or both to leave.

Faced with this situation, you must realize that you can't impose a solution; only the participants can by understanding what is pushing the other's buttons. This is why the approach of listening to one and then the other rarely works. No matter how objective you are, the real goal of the warriors is to earn your favor, not to reach a solution. Have them work out their difficulties by sitting down with each other, understanding the problems, and then coming up with solutions.

Some managers will put the two people in a conference room and tell them not to come out until they have reached a resolution. Although easy for the manager, it seldom produces positive results. Such an unsupervised meeting could turn into a blood bath,

making the problems even worse.

The best way to treat warring employees is to become a referee in a joint meeting, laying out in advance what the procedure will be. Each participant will be allowed to speak uninterrupted to the other. They will then repeat back what they understand to be the problem. Once they agree and understand what is on the others mind, they then state what result they want to occur. Knowing the result, they then formulate plans in writing to achieve that result.

If they can't come up with a plan, you should be prepared to provide one of your own. Once the plan is on paper and agreed to by each party, a date for follow up to measure progress is set. Reaching a final resolution requires continuous follow up and fine-tuning. Specific progress review dates should be set, and you should stay on top of the situation until you are sure that it is over.

Managing people is the hardest part of running any business, and a law firm is no different. The underlying message of this column is this: take the time to hire the right people, train them properly, communicate your expectations to them clearly, empower them by not micro-managing, and give them regular feedback, both positive and negative. Your organization is the team and you're the coach. The better you do that job, the less often you'll have to referee.

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