

Symptoms of a Dysfunctional Law Firm That Makes Associates and Partners Flee

This above all:

To thine own self be true

And it must follow, as the night the day,

Thou canst not then be false to any man.

William Shakespeare

Summary: *The health of our legal system depends on the tradition of ethical conduct by all members of the legal system. We must remain true to this tradition.*

The legal profession has always placed great emphasis on using rules of ethics to enforce ethical conduct. While ethical rules are clearly necessary as guides to conduct in a complex legal system, rules do not produce ethical conduct.

Ethical conduct flows from integrity. Integrity flows from being true to our highest values. A law firm that has integrity will act in a manner that is in harmony with the highest personal values of its members.

In recent years a pattern of conduct has emerged that strongly suggests lawyers are acting in their professional lives in a manner inconsistent with their individual values. Specifically, they have been subjugating their personal values to the less clearly defined values of "the firm."

Individual values derive from personal spiritual convictions. To the extent that these values are held sacred, we will live our lives in harmony with them. Conversely, to the extent that our lives are lived in harmony with these values, our lives will be imbued with the quality of sacredness. It is essential to emotional and spiritual health that we live our lives in a manner that manifests those principles held sacred. The same holds true for a law firm.

When the members of a law firm subscribe to these beliefs and conduct their professional lives in harmony with them, the character of the firm will be profoundly affected. A firm will have governing principles that have been clearly articulated and agreed on by the partners, understood and accepted by those joining the firm at later times. All persons in the firm, from the senior partner to the newest staff member, will deal with one another openly, honestly, and with respect for others' dignity. The same principles will apply in dealing with clients, other law firms, the courts, and adversaries. Productive effort will be rewarded appropriately. The firm will respect the need for all partners, associates, and staff to spend time with families, to be present for children and loved ones when needed. The firm will recognize the need for all members and staff to have adequate vacations and respites from work so as to revitalize each of their bodies and spirits. The firm will be structured to allow each individual to do the type of work that brings him or her the most satisfaction consistent with the professional goals of the firm.

Finally, the law firm will have a higher purpose. There will be general philosophical agreement on this higher purpose among the members. It will involve an element of service to humankind. This service will be important to the members of the firm so that success in work will be meaningful and worthy of a life commitment. This service to humankind will constitute the living expression of an important aspect of the spiritual essence of the individual partners. It will be one vehicle for the manifestation of the law firm's collective soul.

One of the important purposes of a law firm is to make money. However, that cannot be its primary purpose. The primary purpose should be to provide a vehicle for assisting people, businesses, and other entities to achieve well being and to prosper consistent with the law. Money, a byproduct of accomplishing this purpose successfully, is also a byproduct of intelligent, creative, and diligent work. Intelligent, creative and diligent work brings satisfaction, but only if it is in harmony with our inner values. To bring ultimate satisfaction to its members, the work must be consistent with the higher purpose of the law firm and the personal values of its members.

One of the most remarkable human capacities is the ability to envision and create future reality. Most of the world's greatest achievements have come from the individual pursuit of a dream. Never do we experience such intense and sustained energy as we do when we are living out our dream. The ideal law firm structure is one that allows everyone in the organization to live out his or her dream through participation in the work of the office. The ideal law firm would be organized to empower each person to fulfill maximum potential as a professional and as a human being. When this is no longer feasible for a given member, the law firm will respect the necessity for that member to create a different structure through which he or she can live out the dream. Needless to say, this may not be achieved perfectly, but it can be a vitally important guiding star. This internal concern for the individual aspirations of all participants is also one manifestation of a heart that beats within the corporate body.

THE DYSFUNCTIONAL LAW OFFICE

Unfortunately, we don't find many law firms that function in this manner. In fact we find many that are essentially dysfunctional. In most, each member, as an individual, has his or her [hierarchy of values](#). Belief in these values helps define who these individuals are. Adherence to these values is essential to their inner well being. Tragically, in the dysfunctional law firm many of the standard practices in the lawyers' day to day work life are completely antithetical to their personal values.

Law offices, especially law firms, are much like families. In both a psychological and a behavioral sense people often function within the law firm in much the same way they functioned as children in their family of origin and function as adults in their present family. They tend to find a niche in the constellation of organizational relationships that is the equivalent of their role in the family. They develop behavior patterns within the firm similar to those learned in childhood or pattern themselves after one or both of their parents as they function within a partnership. Furthermore, to the extent that they grew up in a dysfunctional family, they may be more tolerant of dysfunction in a law firm.

The dynamics of a dysfunctional law firm can be better understood through an analogy to the dysfunctional family. While many types of dysfunctional families exist, one of the most common situations involves families in which one of the members is alcoholic. If the father, for example, is dependent on alcohol, the other family members who are not alcoholic may be codependent and thus order their lives to accommodate the father's alcoholism. Denial is a major characteristic of the entire family. The father drinks constantly, but vehemently denies that he has a drinking problem. The other family members collude with him in this denial, pretending not to know that he is alcoholic. They often pretend that he is "sick." Family dynamics revolve entirely around the drinking problem. The alcoholic uses the addiction as a means of controlling his relationship with the entire family. Other family members walk on eggshells, afraid they will do something to upset him and cause him to drink. They adjust life patterns and schedules to accommodate to him. They regulate social activities to avoid exposing his alcoholism. They constantly cover for him. No one addresses the problem honestly.

Often a sense of confusion pervades the home because no one can depend on the alcoholic father to do what he says he will do. An essential dishonesty defines the relationship between the non-drinking spouse and the alcoholic spouse. The children generally follow the model of the non-drinking spouse, learning to be

dishonest about his drinking problem. They lie for him. They lie to him. They lie to themselves and others about him. The alcoholic father numbs his feelings with alcohol. Although they are not directly dependent on alcohol, the other family members are codependents with the father and tolerate his addiction in silent acceptance. Such a family is dysfunctional because of the addictive alcoholism of the father and the equally addictive codependency of the other family members. The members stay in this dysfunctional situation because it is their family.

An addictive law firm can be seen as analogous to the addictive family. Addiction can be defined as any compulsive attachment to a drug, condition, or process that is destructive of what is valued most. In other words, it means living one's day to day life in a way that constitutes the de facto worship of that which is not sacred.

What, then, is an addictive law firm? In every office there are major players and supporting roles. The major players--one or more partners in the case of a law firm--dominate the scene. As time goes by they forget the lofty ideals with which they entered or founded the firm. They become accustomed to the money, power, and prestige that their position affords them. It is seen as their right, and status is perceived as necessary to the continued well being of the players. They live in quiet desperation for fear that it will be taken from them. Most of their life's energies are devoted to getting clients, collecting fees, and seeing that the firm turns out more billable hours. Any person or thing that interferes with this ongoing process is seen as a threat to be eliminated. They are driven not by a passion for justice but by the urgent need to submerge themselves relentlessly in work to avoid being confronted with the emptiness of their spirit. They become numb to the call of their true inner selves. They gradually come to devalue family, recreational leisure, and anything else that takes them away from the pursuit of what they now hold sacred: money, power, and prestige. Integrity gives way to addiction.

Addiction to money inevitably leads to excessive billing. In an addictive law firm, this is one of the most pervasive practices that compromises the integrity of its members. The office that bills excessively pads time records or double and triple bills, charging several clients for the same time worked. A firm might also throw associates at research problems without adequate guidance or supervision. This results in an inordinate amount of unproductive time spent on a given assignment--time for which unknowing clients are billed at the regular hourly rate.

Equally destructive of the lawyer's integrity in the addictive law firm are the evasive or outright deceptive responses to discovery. Lawyers who honor truth in their personal lives develop an insensitivity to deception as practiced in responses to discovery. The gradual erosion of the integrity of the participating lawyers leads to their becoming less and less forthright with each other and themselves about their ambitions, needs, and feelings within the law firm.

In the law firm just described we can see the signs of [addictive behavior](#). One can describe these characteristics further:

1. Denial - The addictive person, like the alcoholic, vehemently denies having a problem with addiction, whether it is to alcohol or to money, power, and prestige.
2. Confusion - Because the addicted person is unwilling to live by rules applied equally to all, there is always confusion about rights and duties as well as delegated authority. This is especially counterproductive in a law firm.
3. Self-centeredness - Addicted persons see themselves as the center of the universe. Addicted lawyers see themselves as the center of the law firm universe and get very agitated if anyone attempts to share the spotlight, even when sharing the spotlight would enhance the reputation of the firm and work to the benefit of

the addicted lawyers. Another example of self-centeredness is the common practice of encouraging young associates to work long, grueling hours, at the expense of personal and family lives, to increase the firm's billings and feed the partners' ego needs.

4. Dishonesty - One significant characteristic of addiction is that once it takes control of a person's life, that person inevitably feels the need to be dishonest about it. The addictive lawyer feels compelled to present his or her motives as other than they really are, which leads to further dishonesty in billing, discovery, and personal goals.

5. Perfectionism - In an addictive law firm, mistakes are not allowed. When they occur, as inevitably they will, they are denied and covered up. Imperfection is inherent in the human condition. However, addictive perfectionists constantly fight the fear that they are failures by reason of their human condition. Failure is assured.

6. The scarcity model - Addictive persons assume that there is never enough to go around. Actually, they are basically dissatisfied with themselves. They try to make up for a perceived inadequacy by achieving material goals. They can never get enough to give them the fix they seek, though; that comes only from inner contentment, not from the acquisition of things and status. The addictive lawyer is terrified that there is not enough money, power, and status to go around and therefore seeks to garnish it all.

7. The illusion of control - The law firm poisoned by an addictive principal will be obsessed with the concept of control. The addictive lawyer is compelled to attempt to control the others, and they in turn will spend much of their energy fighting to keep from being controlled.

8. Frozen feelings - Addictive persons see feelings as weaknesses. They are deathly afraid of their true feelings, and one of the functions of addiction is to block these feelings. They often harbor much hurt, anger, pain, fear, shame, disgust, sadness, anxiety, and aversion. Much of their energy is expended in a desperate effort to deny these painful feelings. Permitting them to surface, they fear, will open the floodgates, and they will lose control. They fill their lives with activities that keep them busy so they will not have time for feelings. We see this often when lawyers use work as an excuse to keep them away from home. They know that they will be expected to be in touch with their feelings more when at home, relating to a spouse and children, than when at the office in a professional setting. Therefore they avoid spending time with their spouse and children. They don't take vacations. They are too busy to attend their children's special activities during and after school. Above all, they don't take the time to spend quiet, unstructured time with their spouses. They retreat to the office. They spend all of their time working. Work becomes their fix, their means of numbing their feelings. Soon they lose their ability to feel.

In the dysfunctional law firm one or more addictive lawyers are the central players in this scenario. However, the other lawyers usually play the role of codependents. They join in the denial. They continue to act as if the addictive behavior--workaholism, control, and greed--is healthy, a sign of a good lawyer and a strong, effective leader. They tolerate the confusion and lack of clarity within the firm. They accept the addictive premise that there is not enough to go around.

Excessive work schedules are therefore in the best interest of all. They participate in the dishonest padding of billable hours. They tiptoe around the addictive lawyer as if he or she were, in fact, the center of the universe. They buy into the fiction that to be good lawyers they have to be perfect, thereby creating the necessity for denying or concealing mistakes. They are willing to spend energy and fray emotions in the internal power struggle with the addictive lawyer. They continue to stay in a firm that is essentially dysfunctional. They deny their own feelings of frustration, anger, and disappointment. They work harder to try to numb their own feelings as well as survive within the office. They are afraid to confront the addictive lawyer. For reasons of economics and personal security, they are afraid to leave. They also engage in gross

denial by refusing to acknowledge that the presumed security for which they are gradually compromising their personal values is destructive to their integrity. As codependents with the addictive lawyer, they too become alienated from their feelings, their families, and themselves. They too lose the ability to access their intuition, morality, and spirituality. They lose their integrity. They become spiritually bankrupt. Ethical deterioration inevitably follows.

CONCLUSION

To what extent have these characteristics pervaded the legal profession generally? To what extent are they generally accepted within the profession? To what extent do we extol some of these traits as admirable? To what extent do we mistake workaholicism for professional commitment? To what extent do we pay homage to lawyers more for their money and power than for their wisdom and compassion? To what extent do we applaud manipulation more than honest negotiation?

The answer to all of these questions is, unfortunately, that we accept these addictive practices without protest far more than we realize. The question is "To what extent has it become a tradition in the legal profession to honor these addictive behaviors?" If it has become a tradition with a large segment, then law firms must break with the tradition. We need to nurture a new tradition of recognizing that law firms are the public manifestation of their individual members. Due to this fact, they should be strictly governed in their corporate activities by the dictates of the consciences of their individual members. In this way our law firm ethics and our professional lives will be in harmony with our personal values.

See These Additional Resources for More Information:

[Solving Lawyer Career Dissatisfaction: How to Create a Culture that Makes Attorneys Happy](#)

[Top 5 Ways to Help Your Attorneys Avoid Overworking and Becoming Addicted to Working All the Time](#)