

Resolving Law Firm Conflicts

By Amy Lieberman

Attorneys are not immune from conflict. Law firms are employers, like any other. The law gives them no distinction. They are not immune from lawsuits from their employees, raising claims of sexual harassment, gender discrimination, wrongful termination, or breach of contract. In addition, the impact of serious conflict from job dissatisfaction or other causes can be devastating when valued attorneys leave the firm, taking other lawyers and important clients with them.

Not all lawyers like conflict. Some prefer to avoid it altogether. Others thrive on it. Those that do, such as litigators, are trained - and paid- to win. Yet, a “win” in the workplace is different than a win in court. In the workplace, that win is peace and productivity.

How do you get to that place of peace and productivity?

Here's a secret: Lawyers are people too. We have the same fundamental needs that other human beings have. From a business perspective, we need to have satisfied clients who pay

their bills and hire us again. From a human perspective, we need to feel respected, and to know our contributions are valued. We want hope for the future of our practices. We seek to be financially secure. And, we desire to have a good rapport with those we work with and for. We also want to be inspired (perhaps a stretch in some areas of the law) by the work that we do.

Some law firms live by the Golden Rule: He has who the gold makes the rules. In other words, those who are the biggest rainmakers have the largest sphere of control and influence over firm decisions, policies and relationships.

But what do you do when the biggest rainmaker is also the biggest offender of the firm's personnel? If a lawyer is hostile or rude to a client, the client simply leaves. You would counsel that lawyer not to do that because if he or she loses too many clients, that lawyer is not long for the firm. But, such “counseling” is not so easy to do with a power-hitter.

What about the partner who sexually harasses a young associate? Or the associate and her secretary who cannot get along? What happens when the managing members of the firm don't see eye-to-eye, and have difficulty reaching consensus on key issues? What happens when lawyers have an agreement as to allocation of expenses and profits, but have neglected to provide for what happens if a lawyer leaves the firm? What do you do if lawyers feel seriously undercompensated and wish to leave?

As a firm, you want the opportunity to address issues and resolve them before they escalate. To do that, you need to have adequate processes in place.

Based on my observations in working with law firms in the conflict scenarios set forth above, here are 8 suggestions to get to that place of peace and productivity.

1. Have a harassment policy with a safe reporting structure. Your sexual harassment and overall anti-harassment and discrimination policy should be distributed and known. It is critical for the policy to not only detail what kind of conduct is prohibited, but also for it to identify at least two alternative “go-to” people for complaints (preferably a human resource professional, and one partner.) It is not unusual for an associate or staff person to feel that it is their supervising partner that is causing the problem, and a safe haven needs to exist to encourage those with concerns to come forward.
2. Engage an outside investigator. If a complaint of harassment or discrimination is raised, do not brush it



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