

The 64% Question

By Matthew Tasker
Taskers Law Management Consulting

What a fascinating thread is the subject of David Sparkes' blog from 27 March. In it he states "For me, all this episode (*of the Apprentice*) did was remind me why law firms employ non-lawyers to run their businesses as opposed to do it themselves. It takes me back to an interesting article on The Lawyer website about [employee survey reveals support staff dissatisfied](#), where the survey generated some interesting comments from both sides of the equation."

What focused my own attention on the situation was the very prominent banner at the London Networking event highlighting the statistic drawn from The Lawyer article that 64% of Support Staff felt that their roles were not valued by their firms.

There being no cause to doubt the figures, is this not an appalling indictment of how we run our businesses and how much the "us and them" culture is being either unwittingly perpetuated or deliberately fostered in firms at all sorts of different levels?

The sample polled is an interesting one. It is across eleven firms of apparently varying sizes, but with staff numbers totalling 4000 they must all be fairly substantial. So would the same attitudes be found to be prevailing in other sizes of firms on a regional level? My own experience is that generally problems and issues found in law firms are largely similar regardless of size and that the main difference is one of scale. I am not so sure that this rule applies here.

That is not to say that any of us are completely unaffected. A simple test - how would your firm shape up if you asked the same questions internally? Perhaps you have, in which case great credit is due. It is a huge first step in moving the game forward.

A whiff of sadism

There is a huge amount of historic baggage that goes with this sort of treatment. It is unclear where it originates and what it is actually achieving or seeking to achieve. There is of course the strong possibility that this treatment is self-perpetuating as some dreadful sort of revenge for similar treatment historically meted out to the generation coming through. It is a weird type of revenge at that, in that it is dealt to innocent successors rather than those guilty perpetrators. There is a whiff of sadism behind the underlying snobberies here.

An alternative explanation is that people in senior management roles have simply lost sight of the fact that however much we systematise and package the product that we are at pains to deliver to the clients, the legal industry is not one with operators in charge of machines churning out widgets. The fact that we are essentially a people-based industry should be highlighted. Although we can still quite legitimately (but who knows when Nanny State will legislate for computers having feelings?) take the machines assisting us in delivering acceptable service levels for granted, our gathering momentum in turning firms into commercially-orientated businesses must avoid trampling on those people by treating them as machines.

How is this ghastly cycle to be broken? Is it ever likely to happen?

We are, more and more, driving practices by reference to targets. There is nothing wrong with this at all. It is only a way of defining benchmarks for levels of commercial acceptability in overall performance. Shareholders need an acceptable level of return on their considerable investment and, unless we set ourselves some interesting and challenging targets, that acceptability is unlikely to be realised. The driving towards a target becomes less acceptable if the levels are set by reference only to what is acceptable to shareholders as a dividend.

But is there a level beyond which reasonable return ceases to be relevant? Where enough is enough? I suspect that it is a case not of how much, but how we get there. It is no secret that people who are happy and positively motivated are more productive than those who are not. So would we not be making a more profitable fist of things if we spent a bit more time on looking after our people?

There do not appear to be any related statistics in the article in question as to the levels of overall performance in the quoted firms. They would make interesting reading. Unfortunately, although there is a stimulating dialogue that develops on the back of The Lawyer article, typically for lawyers it gets bogged down in the definition of professional rather than discussing the core issues and giving some pointers.

Does size have a say in the matter?

Does one conclude that in all strata of practice there is this 2/3 taken for granted factor? Does the "tfg" factor also apply to other staff involved with fee earning and fee earner support? Is it therefore seen as the acceptable "normal" face of legal practice that leads to its perpetuation in the first place?

In smaller firms I do not believe this to be the case to the percentage degree revealed by The Lawyer article. And no, this belief is not based on the results of a broad ranging survey of firms, but on experience from working with firms in this sector of the legal market place.

Whilst the tfg factor is certainly there (and sometimes at large firm levels too), overall performance is almost always significantly higher in those firms where staff overall are positively rather than negatively motivated.

Learning from differences

Are smaller firms either more effectively managed in that they actually train in the finer arts of human communication and appreciation? In my experience this is something of a rarity, although the more enlightened firms are improving at the art of personal development reviews and follow up. Alternatively, is it because smaller firms operate on a more personal level where everyone is more immediately visible to one another? Where fellow employees can actually see what each other is doing? This is a much more likely pointer to the difference in manifestation of the syndrome.

There are, amongst some of the depressing reading in the discussion thread following the main Lawyer article, encouraging signs where, more happily, internal communication was identified as a critical area for improvement with many business support staff seemingly unsure of their role within the firm.

This is an area where we really can take start to take control of the problem and take some practical measures to improving it: -

- In larger firms it could be a case of creating some more manageably sized internal units so that the visibility benefits of smaller firms can be harnessed.
- In smaller firms, we need readiness to acknowledge that an investment in management skills can, if used skilfully, complement those of the fee earning structure to produce more attractive results.
- Support staff themselves need to ensure that they are an integral part of the overall culture of their firms and may need to be more proactive in achieving this.
- Internal training on the roles the different functions have to play in the overall effectiveness of the firm will be fairly straightforward and low cost to introduce in all types of practice.
- Be brave – take that first step in carrying out a staff survey. It could be one of the most significant you have ever taken.

Culture Shifts

At some point senior fee-earning staff are going to have to take a thoroughly mature decision on a personal and collective basis that the type of headline statistic at the top of this article is an unacceptable face of the legal profession's culture. It has got to change.

If it does not, then driving towards targets heedless of the fallout on the people involved in achieving them starts to involve the "gr**d" word. Ultimately this has the effect of skewing the quality of service offered to clients as well as the internal dynamics of a firm.

There is general admission that we need more specialist management skills to help us run our practices successfully. If this sort of statistic persists, how can we hope to attract the highest quality staff to undertake the jobs?

We have had a poor reputation in the eyes of the populus for too long. That populus has rightly been vociferous in its condemnation of the banking sector for focusing so single-mindedly on profits and the bonuses that go with them. Adopting a laissez-faire attitude to the 64% question puts us but a very small step from this territory. It is one we take at our peril – and it is avoidable.