

When Needing To Replace A Practice Group Leader

by Patrick J. McKenna

For any managing partner, there can be no more difficult duty than to confront and possibly remove someone – often a long-time colleague and friend – from the position of department chair, office managing partner, or practice group leader.

The first decision-making challenge is to identify both how and when to take corrective action. Before one does anything drastic, it is essential to identify where the problem lies and whether there is any rational way to fix things. Assuming that your strong preference is to provide the ineffective practice leaders with coaching and remediation to help them succeed, then diagnosis is the starting point.

The diagnosis may point to areas where coaching might indeed be highly productive – helping the individual work with the members of his or her group to develop a meaningful business plan and then, together, thinking through how that plan can best be implemented. Other times, the diagnosis may reveal a more pervasive problem – for example, this particular individual is just not prepared to invest any non-billable time in conducting meetings, working with younger partners, or supporting the marketing initiatives of their teammates.

Sometimes the choice, however painful, is clear. No amount of coaching will improve the individual's fundamental performance as a leader. A replacement must therefore be made.

At the end of the day, you can coach technique and you can coach certain behavioral patterns, with triggering mechanisms to change how people deal with each other, or how they operate within teams. However, you cannot coach character, basic intellectual capacity, or a fundamental change in personality. And you certainly cannot coach some partner out of what might even be tantamount to an inherent pathology.

The two initial critical questions therefore follow on one another: First, does your diagnosis indicate that this practice leader's ineffectiveness lies in a coachable area? Second, what results can be expected from your coaching this individual and over what period of time? Even if there is a likelihood of improvement through coaching, is the result worth the expenditure of your time and effort to get there?

Tough questions, to be sure. Over the years I have counseled a number of managing partners on how they might deal with the challenge of either coaching or removing some practice leader. I certainly don't want to underestimate the complexity or the intense emotional investment involved in making a decision to take action. But I do make sure that managing partners realize how relatively few limitations there are on their capacity to remove ineffective and uncoachable partners.

Indeed, any constraints on taking action are usually self-imposed and will ultimately have adverse firm-wide effects.

Five Cardinal Sins

When you are faced with this challenge – and you definitely will be at some point in your tenure as managing partner – you will need to understand that the consequences of decisive action are rarely as dire as they seem at first glance. Even so, there are typically numerous reasons why intelligent and capable managing partners will go to great lengths to avoid removing an ineffective or troublesome colleague.

You need to recognize all of these as traps and you need to know what must be done about them...

1. *Wanting to give the situation a bit more time*

Some managing partners have a high need to be loved, admired, and respected by everyone within their firms. It is an important part of their personal makeup and it's what attracted them to the leadership position in the first place. Such a need makes it particularly hard for them to confront conflict of any kind, and having to fire a colleague and peer is an especially painful prospect.

Exacerbating the psychic dilemma, it is not always easy to produce sufficient data to demonstrate that particular practice leaders are either incompetent or simply not doing their jobs. Meanwhile, managing partners are most often inclined to hold back, waiting for more information that an incumbent is indeed not performing in the role. By the time enough information finally does surface, the practice group is often totally demoralized and extensive efforts are required to revive partner commitments.

I worked with the managing partner of one firm who had put off dealing with a dysfunctional practice leader for over a year, continually rationalizing (mostly to himself) how this guy was slowly coming around. Finally, I got his attention by offering to place a significant wager that this lawyer would not, in fact, prove to be successful within the following six months. You have to ask yourself: What are you seeing that makes you think that things are really going to get better? What are the specific signs that this individual is making progress?

If you can't be specific, you are shirking a major responsibility. Indeed, not making a decision is the same as simply announcing that you will continue to accept an unacceptable situation. Inevitably, you'll have to appoint a replacement anyway, but how much damage will be done in the meantime?

2. *Concern for how removal will be viewed*

There is always a pronounced fear of embarrassing a prominent practice leader who is asked to step down, absent some reasonable pretext or effectively sensitive announcement. Efforts to cloak the whole process often only exacerbate the overall discomfort – and, if anything, incite protracted firm-wide speculation about a festering discord within management ranks.

You need to realize that a single departure, or even a couple of departures within a relatively short period of time, will not destabilize the entire firm. As you put in place a carefully chosen replacement, with credible internal communications to ease the transition, your partners soon realize that life will go on and business soon get back to normal.

The good news, moreover, is that you have also sent a powerful signal about how the firm is changing and about the style of behavior and level of performance that will now be required of all practice leaders.

3. *Fear of possible ramifications*

If you are like many managing partners, you will naturally be concerned about how the dismissal of a practice group leader will affect that individual. You are well aware that you are dealing with a highly successful lawyer, and that he or she may perceive it as a first major career failure. The shock of that failure combined with the embarrassment may indeed have a crushing effect.

Fear of backlash – the partner deciding to leave the firm being just one example – has prevented more than one managing partner I know from replacing problematic practice leaders. It is not usual for me to hear things like, “I know that I need to get rid of George as the group leader, but he originates a huge book and claims that his perceived status contributes to helping him keep a number of our partners and associates busy.”

There is an internal tension and huge reluctance to replace these people. Some partners are indeed very adept at generating the perception that clients retain them solely based on their practice leadership title.

To be sure, the concern is not without justification in some instances. I have long speculated that perhaps we should just rid ourselves of titles that sound too much like ‘leader.’ Everyone wants to be a leader, everyone wants the status, but they don’t necessarily want to do the work required.

One of the options that you have, as managing partner, is to restructure the titles used within your firm. Taking a page from British law firms, we might award acknowledged rainmakers or luminaries of other stripe with the title “Senior Partner.” At the same time, we might look for people who are actually capable of leading the group and give them the title of “Group Coordinator.”

Sounds trivial, but I’ve seen it work nicely at a couple of firms that needed to get rid of ineffective practice leaders.

4. *Not having a replacement candidate available.*

The all-too-common reaction of many managing partners is that, as much as they would like to replace an ineffective leader, there is no obvious replacement in sight. Given the potential embarrassment involved in putting the wrong partner in the position, there is a tendency to rationalize continuing with the “devil you know.”

Yet at some point you do have to ask yourself how long the firm, and especially the team afflicted, can be reasonably expected to continue tolerating ineffective leadership or disruptive behavior. Remember that, in many cases, and even with a smaller practice group, we are talking about the management of a \$3 million dollar business!

Decisions taken or avoided can have measurable economic consequences. Does it make sense to keep playing high-stakes poker with a weak hand that will eventually be called?

5. *Your sense of personal failure*

It is not unusual for an experienced managing partner to entertain some feeling of having personally failed at saving a colleague. It may be very natural for you to harbor remorse at not being able to turn this individual around or fix the situation. You believe that, if you had only given this lawyer more guidance, clearer direction, or spent more time in providing personal coaching, none of this would have happened.

Not just failures on the coaching front, it may well be a situation where you selected this individual to be a practice leader and now blame yourself for poor judgment. You think that somehow you should have known that this partner would not work out.

But your self-lacerations obscure a couple of critical factors. First, this partner knew in advance that the leadership position was a job, not an award, and required some serious effort. Second, your remorse presupposes that every leadership appointment ought to be a sure bet – which has just never been the case anywhere.

The truth is that you can only do so much. Your colleague is the product of years of training and conditioning, the result of which may be that he or she is not really all that interested in wanting to spend the time required to be an effective leader, while others simply don't possess the aptitude and never will. It's simply not realistic to think that you can personally reverse a lifetime of conditioning or help make every practice leader effective in a short time.

Pulling the Trigger

One of the benefits of being the managing partner is that you can delegate some of the more distasteful tasks to others. Unfortunately, firing practice group heads is not one of them. The unavoidable reality is that some responsibilities cannot be delegated, and dealing with dysfunction within your management team (department heads, practice group leaders, office managing partners) is a case in point. It is, in fact, one of the key tasks of an effective law firm leader.

As you perform this particularly distasteful task...

- Don't underestimate the fact that these individuals already recognize that they are failing.

I asked one managing partner, "What evidence exists that this practice leader is not doing the job?" In this case, the managing partner was able to immediately articulate a number of observable failings – no regular monthly practice group meetings, minimal implementation of the group's business plan, etc.

I then asked, "Do you think for one moment that, with such specific evidence at hand, this practice leader does not know that he is failing to perform what is expected of practice leaders in this firm?"

You need to keep in mind that many of those who fail at being an effective practice leader are probably feeling frustrated and perhaps even perplexed that they accepted an

appointment they really didn't have the time or disposition to fulfill. Although it might not be the first reaction, they are actually relieved when you make the decision for them.

- Practice how you are going to handle the discussion.

At some point you need to do a dry run on how you will actually explain to your colleague why it is necessary for him or her to step down from the position of responsibility. It often helps to write out the specific reasons you plan to offer. The resulting insight can be powerful. "When I looked at the list, "one managing partner confided to me, "I could not believe I had kept my eyes closed to the situation for this period of time."

Take some time and have a trusted colleague work with you on a role-play to assess how the discussion might finally unfold. Very often, by rehearsing the interaction, you can think through all of the alternative reactions and the best response in each instance. In every such practice session I have conducted with a managing partner, invariably there is a sense of surprise at how "right" the discussion feels.

In other words, it is a discussion that needs to happen.

- Carefully manage follow-up communications.

Give the dismissed practice leaders ample time to clear their heads, and then ask them to think about how they want to work with you to carefully manage the communications surrounding their stepping down. This situation should not necessarily cause embarrassment or harm to reputation or be perceived to limit future opportunities.

Keep in mind that, in the absence of reasonable information, we all tend to create our own stories – sometimes involving dark conspiracies and shadow motives – and eventually reach our own misguided conclusions as to what really happened. You certainly don't need that kind of collective scenario to unfold on your watch.

There are always reasons to put off the decision to take decisive action. You need just a little more information...you want to provide the individual with a little more time to turn things around...you're working on recruiting a lateral replacement. A number of managing partners have in hindsight admitted to me that they came up with just such rationalizations to postpone a painful decision that they knew was inevitable.

In the end all they succeeded in doing was hurting both the team and limiting its potential in a marketplace that is now way too competitive for weak-willed excuses.