

# Teams in Government Law Offices: How to Build a Better Team

By Katherine Mikkelsen

**K**atie Warner does not need convincing that a team approach works well when litigating large multi-state cases. As an assistant attorney general in Texas, she is a member of the global litigation team that handles large multi-state cases involving false claims issues, mostly Medicaid fraud. Each team is comprised five to 10 members from fellow state attorney general offices, the U.S. Attorney's Office, or the Department of Justice, as well as an investigator and/or an analyst. The amount of documents reviewed in these types of cases is staggering; 10,000 documents or more is not unusual. "These cases are so complex, and so document-intensive it would be impossible for a single person to try them alone," says Warner. "Having a team is a lot more efficient time-wise and resource-wise," she adds. "We have 200 open cases right now. [Our office] could never staff that many, so several states come together and share investigatory and attorney resources." Warner also notes that the cooperation by states provides a stronger platform to negotiate settlements.

## Teams: The What and the Who

Corporate America embraced the team concept years ago while legal offices—both private and public sector—have been slower to adopt this method. However, a variety of public law offices have now embraced the approach. Before deciding if teams are right for your office, you should first learn what works, what doesn't and why.

Let's start with the definition of a team. Authors Jon R. Katzenbach and Douglas K. Smith, in their primer *The Wisdom of Teams* (2006, HarperCollins, \$17.95) define it as a small group of people with complementary skills, committed to a common goal, who hold each other accountable.

Teams can be organized in different ways. Some teams are organized by degree of autonomy. In a **manager-led** team, management directs almost everything, from goals to the approach. In a **self-managed** team, management puts forth the goal but the team manages its own time and resources. A **self-directed** team is one that is least controlled and members determine their own goals and how to reach them. Teams can also be structured by organizational unit. A **single unit** team is one comprised of only one department or unit, such as an asset forfeiture group or a land use unit. In a **cross functional** team, members come from different departments or work units, and in a **virtual** team, such as the one Wagner is on, members interact electronically from a number of offices in different geographic locations.

The best teams are composed of seven to 12 people, have a team leader, subject matter experts, and a diversity of experience, mixing junior and more senior employees, according to Deborah Mackin, author of *The Team-Building Toolkit*, (2nd ed., 2007, American Management Association, \$17.95). Cultural and ethnic diversity is always a plus, as is the presence of field office employees in addition to headquarters staff. Mackin, an international consultant and trainer and president of New Directions Consulting, Inc., stresses that a team with a diverse composition will be most effective.

## Teams: The Why . . . and the Why Not

Teams benefit an organization because they introduce new ideas and propose creative solutions. "In teams," says Mackin, "one plus one is more than two. The whole is really greater than the sum of its parts." She notes that because teams are not dependent on one leader to



come up with new ideas, there is less of a tendency for leaders to experience fatigue. Additionally, organizations that use teams generally experience lower employee turnover, possibly from the sense of community and ownership that team members feel for their accomplishments.

Teams can also greatly benefit the individual. Besides building a host of skills (consensus/decision-making skills, meeting skills, persuasion skills, negotiation skills, and interpersonal skills like listening), the team setting creates an environment where natural mentoring occurs. Additionally, team members can gain self-worth and build self esteem. "A person might be junior but they can experience tremendous growth in a team because they are being valued for their ideas," says Mackin.

Traci Villarosa, first deputy corporation counsel for the County of Maui (HI), uses a team structure within her office. It is divided into the Litigation section (with two teams: torts and complex litigation) and the Counseling and Drafting section (with three teams: land use and planning; public infrastructure; and human resources, public safety and finance). Villarosa credits the team structure with spreading out management duties. Before her office used teams, Villarosa found it difficult to manage the many projects and cases as first deputy. "The team leaders step in to fill this gap; [the experience] helps them develop management skills," she says. Villarosa also notes that teaming allows lawyers in her department to gain experience in a variety of subject areas, an asset valued by their clients.

The biggest drawback to teams is that they are time consuming. Assembling a team, conducting meetings, brainstorming ideas, working through conflict, making decisions and presenting the outcome cannot be done overnight. Anne Dewey-Balzhisser, president of Women Lead, LLC, and former General Counsel of the Federal Housing Finance Agency (formerly called the Office of Federal Housing Enterprise Oversight), led a cross functional team charged with adjusting the salary scales of the organization. The project took over two years to complete. Dewey-Balzhisser recommends that if there is a sense of urgency about

making a decision, it's better for management to simply make the decision, rather than assemble a team.

Additionally, some people are resistant to teams, thinking they are unproductive, too time consuming and inefficient. They are also wary of teams because if a team leader is not effective, the whole project can be compromised. Mackin believes that if a pre-determined outcome or decision is made by management before a team is assembled, or if management thinks there is only one correct answer, a team model will not work.

### Laying it All Out: The Team Charter

Once a team is assembled, it's time to write a charter. The team charter outlines the goals and principles of the team. All team members must contribute and agree to all of the items in the charter. Charters should include:

- Statement of purpose
- Goals
- Time requirements
- Expected activities
- Available and needed resources
- Expected communications—defining how the team communicates within and outside the team
- Expected measuring points—how the team will measure its progress
- Skills and abilities needed
- Membership
- Roles and responsibilities
- Non-negotiables—items the team does not have decision-making authority over such as statutes and regulations, hiring and job-related decisions, or attendance at team meetings
- Negotiables—items the team has authority to make decisions for such as meeting agendas, strategies and planning, or procedure changes

A good team charter will also include attachments such as:

- Work breakdown plans for each goal
- Meeting protocol—outlining roles at meetings, minute taking, agenda creation, absenteeism, visitors, late arrivals, etc.
- Conflict resolution protocol
- Decision making protocol
- Membership rotation protocol—

#### Editor

Laura Beliveau

#### Staff Editors

Katherine Mikkelsen  
Susan Kidd

#### Comments, letters to the editor and other suggestions

Editor, Government and  
Public Sector Lawyers Division  
American Bar Association  
740 15th Street, NW  
Washington, DC 20005  
202-662-1020

#### E-mail

[GPSLD@abanet.org](mailto:GPSLD@abanet.org)

#### Visit our homepage

[www.governmentlawyer.org](http://www.governmentlawyer.org)

Reprint requests must be made in writing to  
[copyright@staff.abanet.org](mailto:copyright@staff.abanet.org).

Copyright 2009  
American Bar Association

#### Editorial Statement

*Pass It On* provides a forum for the discussion of issues of special concern to government and public sector lawyers. *Pass It On* is edited by members of the Government and Public Sector Lawyers Division. Publishing and editorial decisions are based on the editors' judgment of the quality of the writing, the timeliness of the article, and the potential interest to the readers of *Pass It On*. The views in *Pass It On* are those of the authors and may not reflect the official policy of the American Bar Association or the Government and Public Sector Lawyers Division. No endorsement of the views should be inferred unless specifically identified as the official policy of the American Bar Association or the Government and Public Sector Lawyers Division.



outlining how long members stay on the team and how new members are selected

- Communication protocol—how the team communicates with each other and to management

The key to creating a charter is to do it early in the process, after the team is first formed, according to Mackin. At this stage, it is easier to achieve consensus. Mackin says that often teams want to dive right into their work without creating a charter, thinking it is not necessary. She cautions that this is a mistake. “You’re building a charter to resolve conflict later on.”

Dewey-Balzhiser, who herself conducts career development programs such as team building, agrees that it’s important to create a team charter. The team she led that was charged with revamping the salary scales created a charter and in the meeting protocol, they outlined such rules as allowing only one person to speak at a time, and enabling any member to speak up to enforce a rule. Dewey-Balzhiser was surprised at how effective these ground rules were in curbing team members who habitually interrupted or talked out of turn. While these rules may seem minor, they help keep the process positive and productive for the entire team.

## Resolving Conflicts

Conflict gets a bad rap. Some conflict is good and might even be helpful in a team setting. Conflict may be inevitable when a group of people propose different strategies, the pros and cons, how effective each will be, and who will work on what. The give and take and constructive criticism that is offered encourage new and innovative solutions. As a result, participation increases and the team becomes more cohesive. Dr. Tammy Lenski, a mediator and conflict resolution consultant, states, “The difference between a healthy organization and an unhealthy one is not whether the organization has conflict, but how it handles it. [Conflict] can lead to thinking better and better thought-out decisions.”

Conflict can come from many sources: disparities of expectations, lack of good communication skills, and differences in status and power of team members.

# MESSAGE TO THE MEMBERS



**Kenneth D. Gray**  
**Chair, 2008-2009**

**I**t’s been a busy year for the Division. We’ve hosted public lawyer career panels at law schools across the country, live CLE programs, a program on transitioning to civilian life from the military, and another on career success for women and minorities in the public sector. We’ve published our usual periodicals, added ever-changing content to our home page, and received the go-ahead to assist in the compilation of a public sector salary report. We cosponsored a number of policy reports on issues of interest to public lawyers. We hosted governance meetings of our council (with one to go at Annual), including a very successful planning session at our Spring Meeting in Annapolis.

Most exciting was the development of three new CLE teleconferences. In November we presented “High Speed Chases, Dog Bites and Electronic Control Devices: An Overview of Police Liability and Use of Force,” and in May we presented “Gun Regulation and Litigation after *Heller*.” Both were excellent programs and offered our members a chance to obtain affordable CLE credit without having to leave their offices. (If you missed these programs, audio products are still available at the ABA Web Store, [www.abanet.org/abastore](http://www.abanet.org/abastore)). In July, we will present our ethics program as a webinar. We are truly excited about the opportunity to offer this program to the many public lawyers who have always wanted to see it but have never had the chance. (See p. 8 for more information).

If you think that that I’m drained from all this activity, I can assure you that I’m not. It’s invigorating for me to see people from around the country, from all different practice areas, representing every level of government, engaging with each other. It’s what the Division is all about and what makes us unique from other ABA groups.

As my year as chair winds to a close, I would like to thank all of our council members who, with their ideas, enthusiasm and commitment, made my job easy. I feel humbled for the opportunity to serve my fellow public lawyers from across the country and wish my friend Gwen Hodge the very best as she assumes the leadership. 🏛️

When conflict crosses the line from productive to unproductive, it usually happens because of personality issues, typically when a team member is too aggressive. Mackin recalls one situation where a team member became bossy and domineering when it was her time to rotate to the team leader position. She ordered people around and scolded team members for the team’s performance. The team had several conflict interventions but this person refused to see that she was the cause of the problems. “My experience is that people will tolerate the quiet, timid, non-verbal team member for much longer than the aggressive, confrontational team member,” says Mackin.

Dealing with conflict is never easy and takes time and skill. Lenski, author of the blog *conflictzen* ([www.conflictzen.com](http://www.conflictzen.com)) cautions, “We ignore conflict because we like to multi-task and are busy, but be careful about hurrying through conflict in the name of efficiency.” The best way to deal with conflict is to acknowledge it and suggest the team work cooperatively to resolve it. Ask members to identify the exact nature of the conflict and how the conflict arose in an objective, non-accusing, manner. Neutral members can identify areas of agreement and disagreement. The team can then work together to develop options to settle the issue.





By Anne Dewey-Balzhiser  
President, Women Lead LLC  
Former Council Member, GPSLD  
Contact Anne at [womenlead@cox.net](mailto:womenlead@cox.net)


**Q** I've practiced employment law for seven years and I'm feeling burned out. I think I need a change of direction. During law school, I participated in a clinical child advocacy program and loved it. I had always envisioned myself doing child advocacy work, but I ended up accepting this job after graduating and since then I've been so busy, I haven't had a chance until now to think about changing fields. At this point, how hard would it be to change to a new area of the law? Am I stuck forever in wrongful termination hell? And what are your thoughts about transitioning now, given this economy?

**A** Let me start by addressing your last question first. In this terrible economic climate, give thanks for having a job! Both law firms and governmental units have been downsizing—and it's likely to continue. The result is a large supply of seasoned attorneys on the job market just as you are considering a career change.

This leads me to suggest a gradual approach to your transition. Begin by identifying possible careers in the child advocacy field. What agencies/associations/companies do you envision yourself working for and in what positions? Next, seek out contacts who already practice in this area who can provide low-cost career advice. Check your law school directory for alumni who currently work in this field. Contact them to see if they'd be willing to speak with you. If so, pick their brains and ask for recommendations for transitioning into this practice area. (Don't forget to follow up with a thank you note.)

If this method doesn't result in any contacts, expand your search. The American Bar Association Center on Children and the Law (<http://www.abanet.org/child/home.html>) or its Child Law Practice series at <http://www.abanet.org/child/clp/archives/vol28/mar09.pdf> may yield some useful information or contacts. Or seek out local bar association colleagues in the child advocacy field.

Finally, consider volunteering in your community. This will help you learn whether this sector suits your personality and whether your interest in child advocacy will sustain a career. A side benefit to working on a volunteer basis is that it will provide you with a network of contacts if you decide to make the full switch.

Of course, this may take some time, but it's wise to make such a dramatic shift carefully, to ensure that practicing in this new field is what you expected. 

### Assessing Progress

Assessments need to be done at regular intervals, not just at the end of a team's life cycle. A good rule of thumb is to assess progress every three months. Try to quantify goals and milestones. For example, the team closed 10 percent more cases this quarter than last, or the team conducted two more education sessions with clients than during the last time period.

Besides looking at goals and milestones, team members and the team leader should also be assessed. Some

teams use an anonymous questionnaire that rates each team member and the team leader on a scale of one to five, on the following criteria:


- Takes responsibility for tasks
- Accomplishes tasks on time
- Accepts the consequences of decisions
- Takes responsibility for mistakes
- Solves problems in a fair and efficient manner

Be alert to signs that the team might be stagnating. Are members not showing

up to meetings? Are members not following through with their tasks? Are goals and benchmarks not being met? Are members complaining about the project or their teammates? Any of these are red flags that the team needs to change its mission or its personnel. Mackin suggests a regular rotation of both team leaders and members. "You shouldn't have the same team members for prolonged periods," she says. For a one year project with seven to 12 members, she suggests rotating two members off and two new members on every two months. "It breathes new life into the team."

### Conclusion

Michael Murawski is the Advocate (or prosecutor) in the Office of the Independent Advocate within the Miami-Dade County Commission on Ethics. His office enforces the county ethics code which applies to elected officials, government employees, lobbyists, vendors, advisory board members and quasi-judicial personnel. Murawski uses the team model in investigating each matter that comes before them, with one of his office's six investigators as a team lead, along with him or his assistant advocate as the attorney. Murawski believes the team model works in his office because they are often seen as what he terms the "buzz kill at the party," informing government employees what type of conduct is impermissible. In such an environment, teams help foster unity. "[W]orking in a team model and instilling the camaraderie and cohesiveness that comes along with being part of a team creates and sustains a closeness among us," writes Murawski via email. And the best teams are those who are open with each other, willing to listen, and supporting each other and the team.

Depending on the type of cases handled by an office, teams can be a creative, efficient and effective way to handle assignments. Despite some drawbacks, public law office managers may decide that the advantages far outweigh the disadvantages and conclude that teams are a useful way to organize an office. 

*Katherine Mikkelsen is the Division's associate director.*