

# Introduction

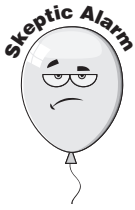
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When I sat down to type a final good-bye note to my law firm colleagues of 15 years, I knew it was time to go. Still, tears streamed down my face as I hit the send button on the email announcing that I was leaving the firm and the practice of law. It was the right decision, but it had been a hard one. I analogize it to tearing an arm off Aron Ralston-style, as reenacted in the film *127 Hours*. I had wanted to be a lawyer since I was 11 years old. I was the first kid in my family to go to college. The day I walked across the stage in a black cap and gown to receive my J.D. diploma was one of the happiest days of my life—and one of my parents' proudest. I had worked my butt off to become an equity partner at one of the nation's largest law firms. And now I was walking away.

The note I typed that day conveyed how honored and grateful I felt to have been a partner with so many exceptional lawyers. I thanked them for the great adventure we had shared and explained that I was going back to school to study how positive organizational psychology could benefit the legal profession. What followed was a barrage of emails from lawyers of all levels and pay scales saying (in so many words) that they were *jealous*. They wished they too had found a new meaningful path or had mustered the courage to pursue their true calling. Maybe I should have predicted this reaction given my chosen field of study, but I was shocked. The outpouring reinforced my view that, for too many lawyers, law was not living up to its potential as a fulfilling, engaging career.

The cliché that, on our deathbeds, we'll never wish that we had worked more implies that work is simply a necessary evil—a soulless, meaningless transaction for pay. For too many lawyers, this is how they experience their professional careers. While I've met many lawyers who love their jobs, I've met many more who feel trapped, cynical, or burned out.

But this isn't inevitable. One way to avoid deathbed regrets about our work lives is to make work more meaningful. That's what Millennials say they want (Rikleen, 2014). Report after report about Millennial lawyers say things akin to "Millennials want to work, they're happy working, but they want to find meaning in work" (Bultman, 2016). And don't we all secretly agree? Given how much



Yes, I just used words like *fulfilling*, *purpose-driven*, and *happy*. For at least some of you, your inner skeptic has popped in for a few seconds of eye-rolling. You may not value these things or you may discount a law firm's ability or responsibility to affect them. For others, these ideas are an important part of why you work. Wherever you fall on the spectrum, try to keep an open mind. If you're interested in engaging and motivating others to be their best (which is why you picked up this book, right?), consider learning more about what science says energizes many people.

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of ourselves we devote to our work and how few days we have on this planet, shouldn't we pay more attention to whether we're fully engaged, healthy, purpose-driven, or (dare I say it?) even *happy*? Historically, many law firm leaders have answered this question with a definitive "no." With their laser focus on profitability, they often act, at best, as if their colleagues' well-being is none of their business. At worst, some appear to neglect well-being based on a belief that it will shrink their wallets.

## **Our Collective Blind Spot: Lawyer Well-Being**

The legal professions' collective blind spot to leaks in its own dam has allowed cracks to widen. For example, a large study published in 2016 found that 20 percent of practicing lawyers abuse alcohol (compared to 12 percent of a comparable population; Krill et al., 2016). The highest incidence was among younger lawyers in their first 10 years of practice. The study also found that 28 percent experienced some level of depressive symptoms. Lawyers also are afflicted by elevated rates of a host of other mental health conditions, suicide, and relationship problems (Brafford, 2014). Although the vast majority of lawyers aren't struggling with mental health conditions or addiction, this doesn't mean that they're mentally healthy, engaged, or thriving. Different sectors of the profession vary in their levels of satisfaction and well-being (Krieger & Sheldon, 2015; Organ, 2011). And many lawyers experience a "profound ambivalence" about their work (Chambers, 2013, p. 1). As Henry David Thoreau put it in *Walden*, "The mass of men lead lives of quiet desperation."

## The False Dichotomy: Financial Success vs. Lawyer Well-Being

Historically, law firm leaders have drawn a false dichotomy between financial success and lawyer well-being. The growing scientific consensus, however, is that thriving workers are more energetic, productive workers. For example, Gallup (2013) and other researchers have found that work engagement is linked to many good things firms care about—including productivity and profitability. (I discuss this more in the following sections.) Lawyer satisfaction also matters. Lawyers with high job satisfaction are more likely to perform their jobs better (Judge & Klinger, 2009) while low satisfaction can lead to turnover (Eberly et al., 2009).

High, unwanted turnover is a problem for many firms. Each year, a new batch of law school graduates arrive at the doors of law firms and are greeted by what has been named the “unhappiest job in America” (J. Smith, 2013). Within three years, 50 percent head for the exits, and within five years, 81 percent are gone (Levin & MacEwen, 2014). A 2016 survey by Law360 found that over 40 percent of lawyers reported that they were likely or very likely to leave their current firms in the next year (Violante, 2016).

This high turnover rate is expensive and wastes firm resources. Most firms don’t know this because, oddly, they don’t track it—despite plenty of attention elsewhere to the bottom line. One law firm consultant has estimated that it costs a 400-attorney firm over \$25 million every year (Levin & MacEwen, 2014). The spiritual cost of soul-sucking firm cultures is impossible to estimate in dollars.



The truth is that firms don’t need to give up financial success to improve lawyer satisfaction and engagement. But that doesn’t mean it will be easy. People hate change, even when it’s good for them. Change is to organizations what kale is to healthy eating. This is especially true for law firms, which are filled with skeptical lawyers who are task-driven, busy, and have not historically invested in learning about leadership and human motivation (or anything else that can’t be directly tied to a billable hour). Firms often want more engagement from their lawyers than they’re willing to invest in developing.

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## **Are Law Firms Broken?**

This unwillingness stems in part from how many law firms historically have been structured and managed. Many lawyers find themselves in organizations plagued by pessimism, incivility, complaints about work-life imbalance, a diversity crisis in top positions, and a lack of vision or values beyond profit (Brafford, 2014). In his book *The Lawyer Bubble*, Steven Harper (2013), a retired BigLaw partner-turned-critic, has accused law firm leaders of making a mess of the legal profession. He argues that, while developing other lawyers would be an investment that could result in a future pay-off, “most partners regard the long run as someone else’s problem” (Harper, 2013, p. 104). In his view, “[t]ime and time again, the focus on shortsighted metrics has sacrificed long-term vision” (p. 208). The result has been a deterioration of lawyers’ motivation and firm loyalty.

Additionally, as law firms have grown both in size and geographically, it has become harder to sustain a cohesive, collegial culture. Often, there’s little attention paid to mentoring, training, or other people development tactics because most lawyers are anxious about meeting their billable-hour target and often feel overwhelmed with client work. Adding to the problem is a lack of firm-backed incentives to engage in these activities (Harper, 2013). Often, they are not billable or even acknowledged.

Harper and others have made compelling arguments that the traditional law firm model is outdated, deeply flawed, and needs an overhaul. Designing a blueprint for that overhaul would be an enormous contribution to the profession. But it’s not the main focus of this book. My goal is more modest and practical: It’s to suggest ways to tweak practices within the existing framework to boost lawyer motivation and engagement.

## **The Science of Work Engagement Can Help**

The good news is that the science of positive psychology and engagement has much to offer the full range of lawyers working under existing law firm models—from those obsessed with the bottom line to team spirit leaders who want to help lawyers and law firms live up to their full potential. Also, many strategies that can significantly influence engagement are not hard to learn or time-consuming to do. In the following pages, I explain how science

currently defines work engagement and offer science-backed, doable practices for enhancing engagement among lawyers and creating positive law firms.

## Organization of the Book

Building positive law firms requires a mix of ingredients that can be shaped to fit a variety of contexts. To get started on this process, the book is divided into three parts:

Part I defines engagement and explains why you should care about it. In Part II, we'll discuss four components that will make up the foundation of our positive law firms:

- Meaningful work,
- A motivational theory called self-determination theory,
- Positive emotions, and
- Transformational leadership.

I characterize them as providing the foundation for our positive law firms because they constitute the ingredients for nearly every engagement strategy in the book. They are basic elements necessary for igniting motivation that supports top performance.

Part III defines and explains the six “narratives” of work engagement:

1. **“My work matters.”**
2. **“I matter.”**
3. **“I’m growing and capable.”**
4. **“I feel energized.”**
5. **“I know how I’m doing and how to get even better.”**
6. **“I’m able to bounce back from setbacks.”**

Why are we using these narratives? Work engagement is a psychological experience that drives people’s attitudes and behaviors (Kahn, 1990). The six narratives represent the psychological experiences that we want to solidify in lawyers’ minds to fuel engagement. After describing each narrative in Part III, I provide corresponding engagement strategies to begin to build our positive law firms filled with productive, thriving lawyers.

I’ve tried to pack the book with helpful, practical strategies along with enough science to convince our skeptical, lawyer minds. I think the best

approach to it will be as a guidebook that you gradually digest rather than as a John Grisham-like novel that you'll be able speed through in one sitting! My hope is that you'll return to it repeatedly to try new strategies and that, wherever the book falls open, you'll learn something useful. My ultimate hope is that contributing to the design of positive law firms will catalyze changes that ultimately help the legal profession and every lawyer in it live up to their full potential. Not a member of the legal profession? Please don't feel left out. While the book was written by a lawyer with the legal profession in mind, the science and strategies apply to all types of professional services firms. This book can be used by many types of organizations interested in boosting engagement.



### *Questions for Self-Reflection about the Introduction*

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Six “narratives” or psychological experiences make up work engagement: (1) My work matters, (2) I matter, (3) I'm growing and capable, (4) I feel energized, (5) I know how I'm doing and how to get even better, and (6) I'm able to bounce back from setbacks.

- What can you and your firm start doing now to begin developing these psychological experiences for more lawyers?
- Could you adopt a new strategy every two months to focus on? How can you get others in your firm interested in building engagement?
- Is it important for law firms to share responsibility for individual lawyer engagement and well-being? Why or why not?
- Is your firm's primary focus on profitability? Are there ways to expand this focus to correspond to a broader set of values held by many lawyers?
- How can your firm pursue both financial success and lawyer well-being?