

Defusing the bomb:

Dealing with difficult partners

By Gerry Riskin

Almost every firm has experienced it: the powerful partner with the toxic personality whose behavior terrorizes the rest of the firm and damages both morale and productivity. Here is a step-by-step guide for law firm leaders to address the seemingly intractable problem of the monster partner.

Perhaps surprisingly, the vast majority of managing partners as well as the leaders of industry groups, practice groups and client groups, report concerns about working with at least one partner who is extremely difficult.

These leaders are not usually complaining about people who cause isolated incidents. They are talking about dysfunctional human beings who can be absolute terrors to work with. These people take ferocious independence to an extreme. They often occupy a corner office. They often bill a lot of money — which, by the way, is one of the reasons why they are allowed to stay. But they tend to be lone rangers.

Leaders say, “How am I supposed to lead a group that contains someone like [X]? They hoard work. They are not collaborative. Sometimes their interpersonal relationships within the firm demoralize others. They don’t mentor or supervise anyone, even though we wish they would. They don’t participate in the



internal skill programs. They are just very, very difficult.”

In some of the worst cases, these people actually sabotage the operation of the group. They quietly wait without expressing their views while decisions are made, and then they act completely inconsistently with those decisions. Their approach is “counter-group” or “counter-team.”

COMMUNICATING DIRECTLY

Some leaders report that the most effective course of action is to communicate directly with the difficult individual. The leader takes the time and finds the patience to speak privately with the difficult individual, asking whether they have concerns about any of the issues or situations that the group or firm may be dealing with.

Sometimes, the difficult person will have a lot of concerns indeed. For example, they may worry that by virtue of some of the decisions the group might take, they could lose some of their autonomy — their control over their own practice. “After all,” they may wonder, “if we are supposed to work collaboratively, then does that mean I can’t do things my own way anymore?”

There is absolutely nothing wrong with a leader who makes the effort to understand the concerns of an individual in the group, even if that individual happens to be difficult, or even obnoxious. Having listened to that person’s concerns, and understood them, the effective leader is now in a position to negotiate and offer some assurances.

The leader can say something like: “Well, you’re extremely well-regarded for the practice you have in [X] area, and the last thing the group wants to do is get in your way or hamper your style. Why don’t I undertake that I will do my best to ensure that the group does not take any unnecessary or gratuitous steps that might unduly interfere with the way you do things? And if something like that occurs, then by all means, let’s talk about it. Let’s see if we can work it out in a way that will be satisfactory to you and not limiting to the group.”

EXACTING A PROMISE

The leader has now listened to the individual, gained a little bit of that person’s trust, and presented the person with some assurances. Now the leader is in a position to ask for something in return. At this point, many good leaders will talk candidly with the difficult individual about what is expected of them when it comes to group activities, including meetings. The leader may ask, for example, that the individual pause and consider the effect

and force of their views when they express them in meetings.

The leader may couch his or her expectations in words like this: “You may not realize the persuasive power you have, simply because of your seniority or by virtue of the practice you’ve built. When you state a view or an opinion, it may have more force than if someone newer or more junior were to express the same opinion.

“Therefore, I want to ask that you be careful not to express negative views or concerns in a way that might take the wind out of the sails of some of our junior people.” If the person is senior, the leader might add, “Think back to

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when you were new. Think back to when a comment from a senior partner in the firm had a huge influence over you. Be guided by that, as you think about what you say in the meeting.”

In my experience, even powerful and difficult people will listen to that statement. Indeed, it will ring true for them. Some senior, powerful members of the firm simply don’t remember or focus on the fact that especially for brand-new people or junior people, what they say has tremendous weight and influence. They might not realize that their concern or negativity about an issue can have a tremendous dampening impact on the group. Reminding them of that might, in itself, be sufficient to moderate their behavior.

In some situations, it is fair to go even further and say, “In exchange for the assurances I’ve given you, I’d like to ask that you refrain, if possible, from expressing negative views about where we’re going as a group, because I think that may demoralize some of our junior people. I need their vigor, I need their best efforts, I need their peak performance, and candidly, I don’t want anything to happen at the meeting that is going to detract from that. Is that fair?”

Again, many leaders report that even the most difficult powerful and senior people can understand that kind of request, and will in many cases comply.

WORST-CASE SCENARIOS

You may feel that I am expressing some rather optimistic views here. You may be thinking, “You just don’t understand how difficult X is.” Indeed, there may be situations where the difficult people in your firm don’t even show up at meetings and there is nothing you can do to even get them there. There may also be sufficiently extreme situations when they do participate that you want to exclude them from future meetings.

I appreciate the seriousness of your dilemma here. In conducting group sessions, the absence of one of the most senior, powerful members of the group may seem rather negative. At the same time, it may be more productive to let the people who want to achieve something together get on with it, without that individual, than to have disruptive partners there for the sake of appearances. (Of course, if you do exclude someone, it is politic to tell them in advance, and to explain why you are doing it.)

Sometimes the behaviors you’re trying to deal with go beyond the normal conduct of mentally balanced people. In such cases — whether there is a mental illness or an addiction to alcohol or drugs, prescription or otherwise — more serious steps must be taken.

In these cases, you require an external resource to advise you. If the problem is moderate enough, and your partner receptive enough, this could begin with an undertaking by the partner to accept treatment from an appropriate professional. In some severe cases, the individual would be asked to take a leave of absence during at least the initial phase of that treatment.

And in some extreme cases, it may be necessary to confront the partner with an ultimatum: either they take a remedial course of action acceptable to the firm or they will be expelled from the firm.

THE COST OF EXPLUSION

I do not suggest you expel a partner without turning over every possible stone to get assistance and to bring the behavior into a functional norm. However, when that is not possible, you are doing an extreme disservice to yourself and the rest of the firm by allowing the behavior to go on. There is no more damaging factor in a firm than allowing the continuation of dysfunctional, harmful, demoralizing behavior.

Even at that, most firm leaders are horrified by what they anticipate will

be the huge cost of losing a big producer from the firm. I can report that anecdotally, the outcome is usually far, far better than was anticipated.

The reason is that members of the firm who were proximate to the expelled partner find a tremendous relief from that partner’s absence, and they lift their game both in production and business development. I know of a case — hard to believe, but true — where an individual who produced approximately \$10 million in fees annually left a firm and the group actually replaced his billings within one year.

Dealing with difficult partners is not appetizing at all, which is why most leaders prefer to avoid confronting it altogether. But if you care about the future of your firm and the people within it, then you have an obligation to confront this issue. If you would like to discuss on a confidential basis the nature of outside assistance you might consider, from mediation to health professionals, please do not hesitate to contact me. •



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