

THE MOOOOOOOVEMENT OF A SACRED COW

By Judy Hissong, CLM
President, Nesso Strategies

How often have you been at a Chapter meeting or an ALA Conference and heard a colleague lamenting a long term employee whose performance and/or attitude has become a problem? Do you have “one” – you know – the one who arrived back in the early days of the firm, with her now senior partner, and anytime you raise discussion about her performance the partner bristles, steps in, or otherwise interferes?

More and more is the answer. More and more I hear Administrators talking about the complexity of this dynamic, which isn’t a big surprise when you pause to look at the demographics in our workforce. We have the largest number of working adults in our Baby Boomer population, where knowledge is power (not technology is power, something becoming more and more cliché) and our workplaces are multigenerational, complicated with the expanse of technology. Think of the distance between ten years ago and the cell phone “for emergencies” and the current “smart” phone that holds everything on your desktop. That same distance exists in the working styles and approaches between your most experienced and your least experienced employees.

Our most experienced workers carry a great deal of information and expertise, and where that meets a sense of entitlement or self-importance – voila – we have a Sacred Cow! As we continue to increase levels of expertise, so do our Sacred Cows. And the more we have of them, the more frustration we might feel. So, how do you moooooove a Sacred Cow?

Let’s back up and look at how we got here. Let’s start by creating a specific Sacred Cow. For purposes of this article, let’s call her Bessie. In all fairness and objectivity, Bessie was a fantastic employee in the beginning. She was productive, efficient, and proactive – a real go getter for the firm. I love these people on my team and I’m sure you do as well.

It’s not that she isn’t productive now, it’s the attitude that she carries around, chewing her cud, flitting her tail in the faces of others, and sauntering through the office as she chooses, which has you fraying your last nerve.

Think back a bit – do you remember the first time you became aware that an exception was being made for Bessie? An exception for this exceptional employee – the one who went out of their way to provide serve and/or value – and was granted some special dispensation. That was the starting point. Step by step, piece by piece, this sort of treatment, which is above and outside the norm, past anything done for others in that role, gave entitlement a place to take hold, and grow, and perhaps at this point, thrive.

The complexity in the law firm environment is that entitlement (Sacred Cow status) is created in two places. First, the attorney, let’s call her Elsie, who has flexed previously unused or minimally used muscles to create exceptions for Bessie. Now Elsie has a growing strength in speaking on behalf of the firm to Bessie, and to her partners after decisions have been made for Bessie. Elsie becomes comfortable making unilateral decisions relating to staff, which are separate and apart from “all-staff” decisions. Elsie, in her own way, has obtained a Sacred Cow status among her peers.

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Second, in Bessie herself, as she becomes more and more comfortable with the revered opportunities and rewards associated with doing what she would have done all along, and yet somehow seems to be receiving great benefit and exceptions from her attorney.

To be clear, the trouble arises not when we notice high performance, because appreciation is a great motivator and a terrific reward. The trouble is when we (or someone like Elsie) start creating special exceptions for high performance. Consider this – would you reward your 8 year old with the opportunity to jump off the top bunk bed? Exactly! Appreciating great behaviors in an 8 year old isn't giving them specific exceptions to otherwise intact standards of conduct. It's thanking them for good behavior and moving on.

So what now? We created a monster. And, by the way, I use the colloquial "we" because as a member of the management of your firm, you are all one in your voice and your representation as far as the eye can see. What do we do with Bessie? How do we work with Elsie to recreate the once great employee that existed?

Understand this is a process. Are you comfortable adhering to the policies and procedures of the firm for all employees? For your most stellar – and your most troublesome – are you enforcing policies equally? If you know you have wavered over the years yourself, then clean up starts at home. The next conversation at the management level that includes any sort of specific treatment for an employee has to include your admission that as a firm you haven't always been consistent in your treatment and now is the time to begin anew. The policies and procedures are there to build a strong foundation for you to rely on, for the partners (even Elsie) to support you in enforcing, and for the staff to understand their basic requirements.

If you can honestly say yes, you have consistently adhered to the policies and procedures of the firm for all these years, then your first consideration is more about Elsie than Bessie, after all, you have watched Elsie lobby for and defend many different decisions around Bessie over the years, some you have even supported. Have some individual conversations with Elsie about the impact of her special treatment, both as you witness Bessie's performance (if any decrease) and her attitude in the firm. Talk with Elsie about creating ways of recognizing Bessie's contributions which are within the firm norms. Have specific conversation about Elsie's interest in Bessie's firm wide contributions and influence Elsie's thinking about the impact on the firm one person can have - in particular, Bessie. Remind Elsie that the firm policies and procedures are a baseline, and consider throwing in some of the statistics ALA has provided you about how recognition is not best done with money.

Once you have Elsie's buy in, and you have given her some specific language and ideas around responding to Bessie's requests for preferential treatment, now is your time to shine with Bessie. This is where your coaching opportunity shows up – deep listening, open ended questions, and discovery that Bessie will make about herself. Have a conversation specifically focused on the value she brings to the firm, and ask her how she feels she is perceived by the staff and the attorneys.

Remember that employee who had so much value and the attitude you enjoyed is still Bessie, it's time to alter her behaviors with some accountability and awareness. And it's important to understand that me pointing out something in you isn't going to have the same effect as if you become aware of something you have done. In other words, if I tell Bessie she is offensive to others when she sashays her tail down the hall, it might be met with an expressed or unexpressed, "I don't care". If I ask her what she thinks happens when she is sashaying in front of others it causes her to contemplate her impact. And from there, I can ask what impact she would like to have...and begin to close that gap with ideas and action items Bessie can practice over time. It is in the small behavior adjustments that Bessie will make where she can return to the amazing employee you started with. And, it is in the small behavior adjustments in Elsie where she too will return to being the great leader you want and need in senior attorneys in your firm.

When we arrive in the place where we are complaining about certain employees or certain repeated behaviors we have the opportunity to look at how they are fostered or nurtured. Often times the problem is less in the behavior - "oh, that's just how Bessie (or Elsie) is..." – and more in the culture that has allowed,

supported, and sometimes even developed those attributes in us. This makes your role all the larger, and I mean you have the opportunity to look from the top floor, seeing the whole firm, not simply on the 10th floor where Bessie and Elsie sit.

You influence the culture of your firm with each decision and communication you relay. Whether it is you or your Management Committee that rolls out the message, your awareness of the bigger impact of day-to-day interactions is pivotal to shifting the fields where Sacred Cows live. Heck, you might even avoid cleaning up the patties.

For more information and further reading on Communication & Conflict Management, visit our [online library](#).



JUDY HISSONG, CLM

President, Nesso Strategies | Founder, Legal Leadership Institute

Judy understands teams. And she knows how to help you maximize the potential of yours. For over two decades, Judy has applied her vast knowledge of team dynamics, emotional intelligence, work/life balance, leadership, finance, and legal management to help law firms improve their people, process, performance and, ultimately, profits.

Bachelor's Degrees in Accounting and Physical Education | Master's Degree in Sports Management | Former Professional Athlete | Licensed Provider of Emotional Intelligence Tools | Certified Living Your Vision Facilitator | ALA Certified Legal Manager | ACE Certified Personal Trainer | ICF Professional Certified Coach

CONNECT WITH JUDY

619.546.7885 | judy@nessostrategies.com | nessostrategies.com | legalleadershipinstitute.com



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