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Content

MCLE Self-Study Article
Rethinking the Lone Wolf Mentality: Teamwork in the Practice of Law

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Teamwork is a broad topic. A lot can be—and has been—written about it. Teamwork is not always at the forefront in the practice of law which, as an industry, has a powerful emphasis on individual achievements and independent activity. However, a collaborative approach to legal work can provide very substantial benefits to clients, attorneys, and firms alike. This article will explain why teamwork is ideal in the legal field and offer practical ideas for implementing, encouraging, and rewarding effective teamwork in a typical law practice.

Characterizing Teamwork

We all know what teamwork means. We made it through elementary school to get here, after all. But it is worth taking a moment to offer a useful definition and identify the underlying goal of teamwork. As Andrew Carnegie put it:

> "Teamwork is the ability to work together toward a common vision. The ability to direct individual accomplishments toward organizational objectives. It is the fuel that allows common people to attain uncommon results."

Legendary football coach and player Vince Lombardi offered a view in much the same vein: "Individual commitment to a group effort—that is what makes a team work, a company work, a society work, a civilization work."

With these principles in mind, we turn to academia for a practical definition: "A team is a small number of people with complementary skills, who are committed to a common purpose, set of performance goals, and approach for which they hold themselves mutually accountable."[1] This definition is quite broad and, for good reason, can encompass many different permutations of the idea of a team.
The characteristics most commonly identified among successful teams have been described as:

1. Clear goals;
2. Leadership (with either internal or external selection of a leader);
3. Shared commitment and participation;
4. Mutual respect;
5. Open communication;
6. Collaborative environment;
7. Ongoing team evaluation;
8. Member competence; and

9. External support and recognition. [2]

With that understanding of the characteristics of an effective team, we can consider the pros and cons of teamwork in the practice of law.

What Teamwork Can Do For You

Teamwork and collaboration come with a cost. A certain amount of time and effort must be devoted to sharing information, allocating tasks, bringing everyone involved up to speed, resolving disagreements, and so on. That time may not always be billable. Furthermore, at the risk of sounding cynical, we work in an industry where individual accomplishments, name recognition, and personal client relationships are immensely important. A team effort may be viewed as diluting the personal benefits that flow from a job well done.

Understanding those concerns, we turn to the question of why teamwork is worthwhile in a law practice despite those costs, and why time spent on team management is not time wasted.

1. Results and Efficiency

The very structure of a team-based approach to cases contributes to better results. Referring back to our definition, the team is "a small number of people with complementary skills, who are committed to a common purpose, set of performance goals, and approach for which they hold themselves mutually accountable."

Appropriate allocation of the various tasks in a case between team members with varying skill sets and levels of experience lets a team achieve optimal results. For example, the experienced trial attorney's time may not be best spent reviewing records. However, having a newer associate review records and provide feedback and recommendations for how to achieve the common purpose of the team improves efficiency.

Mutual accountability also consistently contributes to results and efficiency. Periodic review of the case by multiple members of the team assists in strategizing for discovery and investigation, ensuring that nothing slips through the cracks if missed by a single team member, and can provide valuable insights for deposition and trial strategy.

2. Professional and Business Development

The process described above builds strong and effective relationships both within a practice and externally, with clients and other members of the legal community. Sharing credit can result in more business coming in from established clients who recognize that you have not just one competent attorney, but a competent team. The success of a firm, rather than just an individual, also bolsters your firm's reputation in the community.

In August 2015, I wrote about associate development for *The Bottom Line.* One of the topics I discussed was how partners could involve associates more in the cases, and how associates can engage and contribute in an effective way on each assignment. One piece of advice I offered for associates was as follows:

> Your primary concern with each task should be to further the case on which you are working, not to milk it for billables. If you perform high quality work and take proactive steps to further cases and get more involved, you will find you have plenty of work to keep you busy and meet your billable hours requirements. [¶] Associates need to take advantage of the opportunities offered to them, and build on them. Each project is an opportunity to build trust with a partner and convince her of your ability to take on new tasks and new cases. Each assignment is an opportunity to generate new work as you follow up on the case, or prove yourself capable of handling matters in another case.

I encouraged associates to follow each project with a brief analysis and a set of recommendations to advance the case. This process of assignment-analysis-recommendation-follow-up brings the associate into the fold, advances her professional skills, provides professional feedback, and benefits the case. It inherently involves feedback—hopefully constructive in nature—and is an excellent opportunity for informal mentorship. It is also inherently collaborative and promotes teambuilding within the firm.

Supervising attorneys should also involve members of the team (particularly the less experienced members) in client communications. This will help build their relationship with clients, demonstrate effective client interaction, and ultimately develop the skills and relationships which will bring more cases and clients in the door. Once trust is established, it is a win-win for a firm with the goal of building long-term prospects for success on the shoulders of its newer attorneys.

3. Commitment

The internal relationships built through teamwork and collaboration can be enormously beneficial to your practice in the long term. Effective collaboration includes defining and refining relationships. The team that works together stays together, so to speak. In essence, teamwork provides the members of a firm the opportunity to figure out who works well together, whose skills and personalities synergize well, and develop strong relationships which can contribute to both the work product and the strength of the firm.

The other side of the same coin can be just as important: teamwork helps identify who cannot or will not work together well. While personality conflicts may develop on the course of collaborative work, those can be valuable in helping a firm refine and reform their teams to maximize results and build better relationships. Early identification of personality conflicts provides an opportunity to either resolve or otherwise address problems early in the employment period, which can save far greater costs in the future.

4. Necessity

The ability to work collaboratively, potentially even in the face of personality conflicts, can also prove invaluable in the service of clients. Many of us have had clients who wanted to run all aspects of litigation by a friend or family member who happens to be an attorney, or by a personal attorney who is not actually involved in the case. Similarly, there may be parallel proceedings between civil litigation, bankruptcy, criminal prosecution, worker's compensation, out-of-state cases, and other such forums that require cooperation with outside attorneys. This may result in unwanted input from attorneys unfamiliar with your area of the law or your forum of practice.

The ability to work with often conflicting advice, instructions, and demands while still maintaining an effective relationship with your client and your client's other advisers is immensely valuable when the need arises. Collaborating in your day-to-day practice has benefits in this regard. It cultivates some of the skills used to navigate a potential minefield of differing personalities and goals. Moreover, for more tentative clients who may be swayed by conflicting recommendations, it gives you strength in numbers.

Ideas for Implementing and Rewarding Teamwork in Your Practice

A detailed discussion of the mechanics of team formation and maintenance is beyond the scope of this article, but I hope to offer a few practical suggestions for encouraging effective collaboration in a traditionally independent field. For those interested in further reading, there is ample literature discussing Bruce Tuckman's stages of group development—forming, storming [the development of conflicts, disagreements, etc.], norming [successful emergence from the storming stage into a collaborative environment], and performing—and subsequent contributions to team theory.

For present purposes, however, I will merely offer a few suggestions for how to implement and encourage teamwork in your practice.

1. Establish a level of formality appropriate for your practice.

Depending on the culture of your workplace, your intra- and extra-office relationships, and the personalities involved, consider whether you should establish a formal team structure, or whether a more informal system will be adequate. A traditional partner-associate pairing has a clearly established leader and generally unidirectional feedback and direction. If you have a larger group working on a single matter, distributing responsibilities for overseeing different projects or facets helps ensure accountability while tying all of the team members of the eventual outcome.

Alternately, a more free-flowing system might better suit the people involved. Periodic (e.g. weekly, monthly, or quarterly) meetings to discuss the case status, review progress, and strategize for the specific items of handling needed to meet specified goals allows for a more organic distribution of labor and responsibility. Such an informal approach is likely more appropriate for a team that already has a strong working relationship established.

Incorporating administrative personnel into the team and the case discussions also increases their buy-in and makes them better able to contribute to the handling of a case. An assistant who understands the posture and current issues in a case will generally be able to handle assignments on that case more efficiently and with fewer errors (including catching and preventing attorney errors) than one with no case knowledge who is simply executing tasks.

2. Identify team members' strengths and use them.

Recall that a part of our definition of a team involves "a small number of people with complementary skills." In the context of a litigation practice, different levels of experience and talent in areas such as legal research, writing, oral depositions, investigation and nuanced discovery, and client/witness interaction may naturally lead certain team members into certain tasks. At the same time, the various facets of a case provide an opportunity to develop the skills of less experienced team members.

3. Leverage your team's experience and work product.

Beyond tailoring work to team members' experience, you can take advantage of past work product and experience. I maintain a reference document at my firm for various types of written work, research, negotiations, and so forth that any attorney in the office can use to find exemplar materials. If an associate needs to meet and confer regarding empty, conclusory discovery responses, he can pull up the reference document and see which cases have involved meet and confer efforts on the same topic, with the case name, date of the letter, key citations, and the name of the attorney who worked on the issue previously. If someone needs to demur to a claim, they can use the index the exact same way to find an exemplar. Research memoranda on unusual topics are likewise indexed there. Personally, I organize my reference document in roughly the order issues come up in a litigation case, beginning with efforts to attack the pleadings, continuing through investigation and discovery, into expert discovery and on to pretrial and trial materials.

Obviously, you have a responsibility to ensure your work is thorough, accurate, and up-to-date. Sharing work product in this manner is a valuable tool, but everyone using it needs to understand that it is a starting point for new work product, not fodder for a copy/paste job. Effective collaboration often involves checking with the original author of the work to discuss the results and any advice for revisiting the issue.

If done right, this aspect of teamwork can be enormously beneficial to your firm and your clients. It is exceptionally efficient and allows various members of the team to build on one another's successes and learn from one another's failures.

4, Make teamwork count.

Positive reinforcement in the legal field traditionally emphasizes individual accomplishment. Compensation is often tied primarily or even exclusively to metrics of production (hours billed, cases handled, income generated). Various awards, memberships, and other status metrics in the field focus on cases tried or arbitrated, results obtained, and so forth. Attorneys may feel they are sacrificing personal rewards if they engage too much in a collaborative effort.

To that end, it helps to use visible, material metrics to encourage effective teamwork in an otherwise competitive and individualistic environment. Positive reinforcement and constructive feedback are invaluable tools, both to improve the quality of team members' product and to get them to buy into the process. Making teamwork a part of formal evaluations, either as a distinct category or, perhaps more appropriately, as a part of numerous categories of evaluation[3] ties teamwork and collaborative contributions to other performance metrics tracked in your practice. Whether or not the evaluations are directly tied to compensation, regular, formal feedback on teamwork and collaboration skills will reinforce positive behavior while working to correct those areas which need improvement.

Conclusion

Ultimately, implementing a collaborative approach to the law is not without its costs. However, the benefits generally outweigh the costs once an effective system is in place. The rewards contribute to the long-term prospects of your firm, while also promoting efficiency and optimal results for your clients in the short term.

[1] Katzenbach & Smith, *The Discipline of Teams* (1993) 71 Harvard Bus. Rev. 111, 112.

[2] Weinstein et al., *Teaching Teamwork to Law Students*, 63 Journal of Legal Education 36, 48-51 (August 2013).

[3] For ideas on implementing an effective system of formal evaluation, see Donna W. Low, *Regular Associate Evaluations Promote Professional Development*, The Bottom Line, February 2016.

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