

How law firms can embrace the new emphasis on workplace culture

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If your firm has done any hiring in the past 12 months, you've likely gotten to a point in an interview when the prospective hire will ask the seemingly inevitable question: "What's the culture like here?"

It's a deceptively tricky inquiry because workplace "culture" as a concept is somewhat nebulous. Some may identify workplace culture as a series of superficial perks — trendy office spaces with cold brew on tap, ping-pong tables in the break room, and a happy hour every Thursday. While these types of add-ons certainly aren't bad in and of themselves, they are not evidence of (nor substitutes for) a truly healthy and supportive workplace culture.

While many in the workforce, especially millennials, were already beginning to question our collective societal attitudes towards work, the COVID-19 pandemic catalyzed a larger cultural shift across generations. For some, the pandemic was a wake-up call that life is too short to be unhappy at your job. For others, months of lockdown provided ample opportunity and time to ponder the things that really matter — in one's career and life alike.

When attorneys feel they have a sense of purpose, are valued, and are afforded a better work-life balance, they will be more productive and engaged.

This shift incited what's come to be known as the "Great Resignation" or "Great Reshuffling," a trend that saw a record number of employees leaving their jobs in 2021. According to the U.S. Bureau of Labor Statistics (<http://bit.ly/3zZ0gHq>), the number of annual quits in 2021 jumped to 47.8 million from 35.9 million in 2020 (an increase of 33%). 2021 quits also superseded pre-pandemic levels, which sat at 42.2 million in 2019.

The Great Resignation has also been accompanied by a growing backlash against "hustle culture," "grind culture," and "toxic" work environments. It's given rise to conversations about the importance of work-life balance, the realities of burnout, and, of course, the significance of office culture in relation to all of these. Workplace culture can encompass a variety of overlapping aspects, both inward- and outward-facing. This can include social norms and behaviors, inter-colleague relationships, core values, business goals

and priorities, employee support, hiring practices, management style, and diversity, equity, and inclusion.

In general, law firms haven't always had the best track record in terms of culture. The "stereotypical" law firm is one that's competitive and cutthroat, where the billable hour is king and attorneys work long hours, running themselves into the ground for the sake of increasingly higher profit margins and fatter books of business. But this iteration of the law firm is quickly becoming antiquated as firm leaders are responding to attorneys' changing standards.

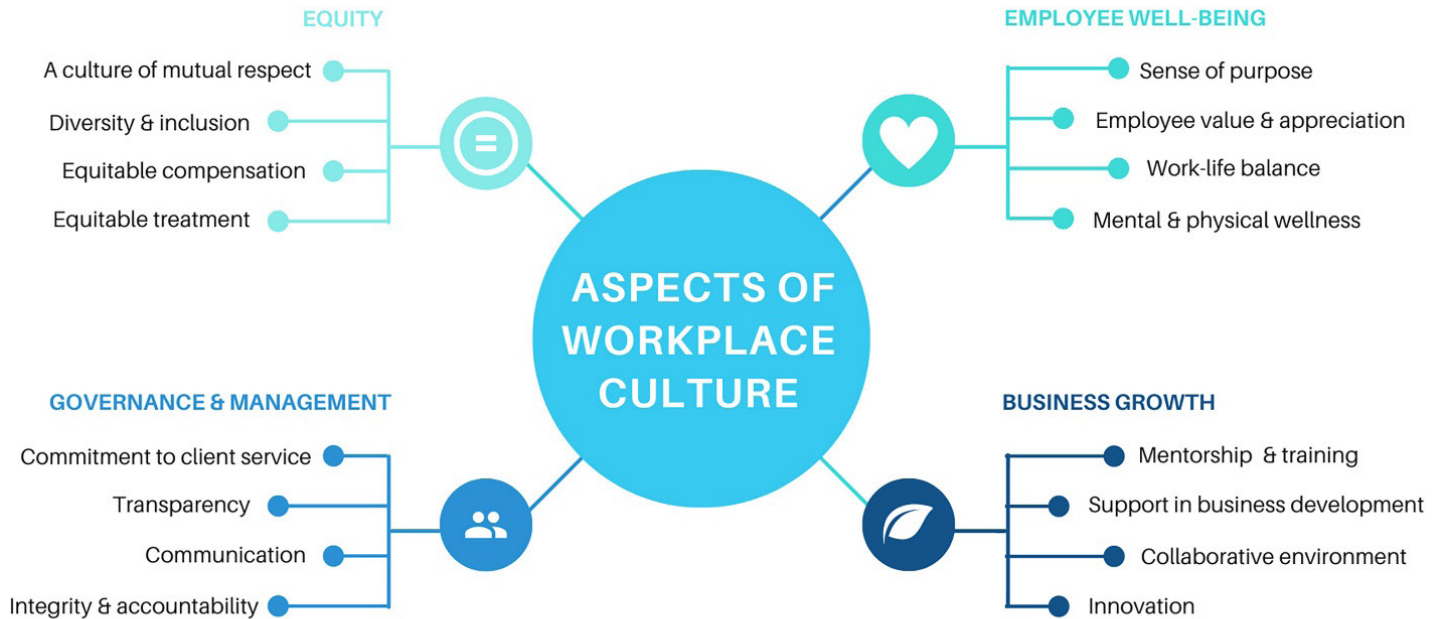
In a 2022 Law Firm Culture Survey conducted earlier this year by Major, Lindsey & Africa and "Law360 Pulse," over 750 respondents indicated what traits they would like to see more prominently reflected or valued in their law firms' cultures. The most cited desired trait was an emphasis on training and mentoring (44%), followed by diversity (38%), support of attorney well-being and work-life balance (36%), succession/transition planning (36%), more women and POC in leadership positions (33%), transparency (29%), and receptiveness to input (29%).

Taking steps to build a stronger firm culture based around ideals such as those mentioned above can bring about better business results. When attorneys feel they have a sense of purpose, are valued, and are afforded a better work-life balance, they will be more productive and engaged.

In a 2018 article, "The Leader's Guide to Corporate Culture" (<http://bit.ly/3EdCNVw>) published by the Harvard Business Review, researchers studied the cultures of over 230 companies and the leadership styles and values of more than 1,300 executives. Among other insights, they found that, "When aligned with strategy and leadership, a strong culture drives positive organizational outcomes." The study determined that "culture appears to most directly affect employee engagement and motivation, followed by customer orientation." The study also found that "engagement and customer orientation are stronger when employees are in close agreement about the culture's characteristics."

So how does a law firm create the optimal culture and get its attorneys to buy in?

- **Clearly define what values your firm strives to embody.**
Don't try to be everything to all people — pick a few core items that you really want to focus on. It can be helpful to ask all, or at least a wide range of, individuals within a firm what's



Credit: Graphic provided by the author

important to them and to involve a representative group in creating and refining what you want your culture to look like. As was evidenced in the Law Firm Culture Survey, while demographic groups within firms may value the same culture traits, they can value them to differing degrees. While certainly not a comprehensive list, below are some aspects I have found helpful to think about when assessing a firm's culture:

- **Consider cultural fit during the hiring process.** While certain policies and mechanisms can aid in establishing the type of culture you want at your firm (e.g., DEI training, flexible remote work options, transparent compensation systems, etc.), the people are what really make it happen. From the firm's leaders to the newly hired support staff, if the people aren't embodying the values you're seeking to perpetuate, the culture will suffer. This is a great reason to factor in "culture fit" during the hiring process, beyond just the person's skills and professional qualifications. Additionally, creating and maintaining a diverse workforce helps to ensure that the firm benefits from a variety of perspectives and a wide pool of talent.
- **Assess the effect of your business model.** If your firm's business structure forces attorneys to over-leverage the partner-associate relationship, pressures them to be available at all times, and considers billable hours to be the main yardstick of success, then the firm's culture will reflect that. If compensation and advancement are solely tied to the amount of stress and work your lawyers and staff are willing to shoulder, you are going to create a culture where burnout and turnover rates are high. Sustaining a forward-thinking culture often requires an adaptable business model.
- **Practice what you preach.** Whatever you decide you want your firm culture to be, hold people accountable to those ideals. Seeking periodic feedback across the firm population

is a good way to let everyone's voice be heard and to make sure leadership's view of the culture is in alignment with and is reflected in actual experiences. What is the firm doing well? What could it be doing better? You don't want to be giving out bean bag chairs when employees prefer things like mentorship and inclusion in firm business development opportunities.

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As the Harvard Business Review article also noted, "Culture can also evolve flexibly and autonomously in response to changing opportunities and demands." Essentially, culture is not a static, completely controllable element. It will necessarily change as a firm grows, as new personalities join, and as cultural sentiments fluctuate on a larger national scale.

Maintaining a thoughtful approach to the workplace environment and concerted efforts to create a better space for everyone can generate a positive feedback loop with subsequent business benefits. So that the next time someone asks, "What's the culture like here?" you'll have a ready answer for them.

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Roger E. Barton is the managing partner of New York City-based **Barton LLP** and a litigator. He represents clients in the capital markets and financial services industries and is a fellow of the Litigation Counsel of America. He speaks nationally and internationally on law firm innovation and the practice of law as a business and can be reached at rbarton@bartonesq.com.

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