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The Current Environment Needs Leadership: Coaching Can Help Lawyers Lead



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IN BRIEF

- Lawyers will play a significant role in facilitating change in the post-pandemic world, but leadership skills have only recently gained acceptance as integral to the legal profession.
 - How will broader dissemination of leadership coaching throughout the legal profession help equip lawyers at all levels to lead effectively and develop a society of greater access and belonging?
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The world is rapidly changing and so is the legal profession. The term “VUCA,” meaning Volatile, Uncertain, Complex, and Ambiguous, was coined in the military and has been adopted to describe business conditions in rapidly changing markets. Today, we are witnessing VUCA on steroids.

Change requires leadership. Although lawyers often hold leadership positions in our society, they have not been taught to lead.^[1] Some leaders may be born with innate leadership capabilities, but there is evidence that leadership skills rooted in change and transformation can be taught.^[2]

Law schools increasingly have begun teaching about leadership and consider it to be a fundamental lawyering skill. In 2018, the Association of American Law Schools (AALS), the field’s professional academy, created the Section on Leadership. How can practicing lawyers who graduated *prior* to these recent changes embrace leadership? One way is through leadership coaching.

WHAT IS LEADERSHIP COACHING IN LAW?

Leadership coaching is a tool that supports the development of leadership as a core legal competency, building on critical thinking skills and supporting lawyers’ analytical creativity, well-being, and capacity. It is a distinct form of coaching based on a confidential relationship with a trained professional coach who helps a lawyer enhance his or her performance. To be clear, we use the term “leadership coaching” here instead of “executive coaching” because executive coaching originates in the business world, and lawyers might not be executives.

Working with a leadership coach can help attorneys not only learn *what* is required to lead effectively, but also *how* to implement those skills in practice and incorporate them into their work. Leadership coaching offers an opportunity for lawyers to manage change (both internally and externally), consider best practices, explore and adopt new approaches, and address mindsets and/or behaviors that may no longer serve their interests. Through coaching, attorneys can gain a

new perspective and reframe issues, which often generates creative solutions and helps identify what gets in the way of accomplishing their goals.

When businesses first began to adopt coaching as a human resource tool decades ago, it was often perceived as remedial—a way to “fix” a poor-performing employee or as an exit strategy. Soon, however, executive coaching became identified as a way to help business leaders “up their game,” analogous to professional athletes. Today, it is estimated that 60 percent of Fortune 500 CEOs have coaches.^[3]

The legal field has been slower to adopt coaching than other analytic professions that attract smart, linear thinkers, such as engineers and business and finance professionals. Although becoming more common over the last several years, the use of leadership coaching remains less prominent within the legal profession than in the business world.

As lawyers who are also professionally trained leadership executive coaches, we have coached a wide array of lawyers, from law firm partners currently in leadership roles and those identified as rising leaders, to lawyers serving as in-house counsel, in government agencies, and leading nonprofit organizations, to attorneys in business, management, and policy roles. We have seen similar themes reflected among many lawyers’ leadership goals. Those themes include:

- motivating and incentivizing;
- delegating the way a task is accomplished;
- providing and receiving constructive feedback;
- evaluating and supporting performance;
- supervising, training, and accountability;
- managing workplace conflicts;
- mentoring and sponsoring effectively;
- diversity, equity, and inclusion; and
- retention and replacement.

All of these skills are required for successful leadership.

THE CHALLENGES OF LAW PRACTICE

In almost any field, leadership is at the core of getting things done. A great idea is just that unless it's acted upon. Moving from thought to scalable action requires generally more than one person and often a team. To get from strategy to operations, from planning to implementation, and from policy to practice requires not just intellectual capacity but leadership acumen.

Billed as a "learned" profession, lawyers pride themselves on their intellect and sometimes scoff at "management"—a core component of leadership—as busy work or an administrative chore to be avoided that does not require real skill and that is separate from their "real" work. The fact that success in private practice is measured by billable hours and the size of a portable book of business exacerbates those tendencies, but lawyers who work in-house, in government, or in public policy often display similar attitudes.

Businesses, law firms, government agencies, and nonprofits all depend upon leaders who can successfully manage complex systems, adapt to internal and external changes they cannot control, and inspire other people to take responsibility. Such challenges often push smart, talented attorneys—who are used to being successful in their work—outside of their comfort zones.

This lack of comfort with leadership and strategy is evident in lawyers' interactions with their clients. General counsel and their teams are expected to go beyond managing risk to actively support their company's strategy, but in a recent survey only 55 percent of CEOs responded that their chief lawyer acted as a strategic business partner and was considered a valued member of the company's leadership team.^[4]

HOW DO LEADERSHIP COACHES HELP THEIR LAWYER CLIENTS?

Even highly intelligent and accomplished attorneys do not typically sprout new skills overnight. Without judgment and in a confidential environment, a leadership coach works with lawyers individually to help them more accurately understand how they are perceived, experiment with different approaches, provide feedback, offer resources, and help tailor a model they can own.

Typically engaged to work over a period of months, a leadership coach helps lawyers identify what they want to change or what success might look like in a particular area—questions lawyers are not often asked to consider. A leadership coach can then help them articulate specific goals for professional growth and development, identify an action plan, and hold them accountable for making progress over time.

The definition of “good leadership” varies but consistently includes nuanced judgment and emotional intelligence (EQ). [5] Indeed, numerous studies site EQ as the factor that sets CEOs apart from their peers who demonstrate similar technical skills, accomplishments, and knowledge.[6] Dismissed by some as “soft skills,” the term proves to be a misnomer in that it frequently proves much harder to learn, particularly for linear thinkers who pride themselves on their expertise and intellect.

Leadership coaching is ideally suited to help an individual develop EQ. Leadership coaches regularly help clients become more self-aware, recognize “blind spots” in how their behaviors and comments impact others, and develop a broader range of tools to more effectively accomplish their objectives.

COACHING PRODUCES HIGHER ROI IN PROFESSIONAL AND LEADERSHIP DEVELOPMENT

Pressed with client demands, lawyers are often quick to ask what the return on investment (ROI) is for any time devoted to professional or leadership development. Knowledge alone

is insufficient to produce high ROI. Following even a well-received development program, most participants are likely to proceed with “business as usual” once they return to their desks.

Rather than presenting a one-size-fits-all set of best practices to a group, a leadership coach can help curate models, frameworks, and practices that are likely to be a good fit not only for a specific *situation*, but also a specific *lawyer*. Whether part of or separate from a professional development program, leadership coaching involves lawyers trying out new approaches and practices, gathering data on what works for them, and developing new tools to more effectively produce desired outcomes.

Leadership coaching within the legal profession provides an opportunity—in ways that training programs cannot—for attorneys to develop the skills they need to step up and lead effectively. Lawyers without such skills typically remain sidelined from decision making, called in at the last minute to ensure compliance rather than develop strategy, or left to “wing it” in leadership roles with lower odds of success.

WHY IS LEADERSHIP COACHING PARTICULARLY IMPORTANT FOR LAWYERS NOW?

A new world is emerging, and lawyers will no doubt help to craft it. A worldwide health pandemic and the ripped scab of systemic racism in the murder of yet another victim in a long line of police killings of unarmed Black people have rocked the globe. Widespread unrest continues in the midst of uncertainty around elections, a growing economic crisis, and unemployment rates not seen since the Great Depression.

All of these events illuminate the importance of diversity, equity, and inclusion (DEI). Simply put, diversity requires representation of people from different backgrounds—age, class, ethnicity, gender and gender identity, race, physical ability, sexual orientation, political beliefs, and beyond.

Indeed, an expansive form of leadership, termed intersectional leadership, embraces diversity in all of its forms.[7]

Beyond reflecting diversity, inclusive environments value participants, enabling a sense of institutional belonging and access.[8] A metaphor is apt: diversity is being invited to the party; inclusion is being asked to dance.[9] Equity is a hallmark of the environment within the dance hall that allows inclusion to thrive.

Unfortunately, law firms, businesses, and many other institutions have long struggled with issues of DEI without measurable success. Leadership coaching can help lawyers move into positions of power to address DEI and develop new strategies to improve that record.

Creating and managing an inclusive workplace is a leadership skill. Developing cultural competence and consciousness, envisioning what success looks like, examining how behaviors support or undermine those goals, trying new approaches, and soliciting feedback to assess impact are all coaching strategies that produce improved outcomes.

In the shift to a post-pandemic world, change will accelerate across generations as millennials and Gen Z integrate systems and structures designed by Baby Boomers and Gen X. Broader dissemination of leadership coaching throughout the legal profession can help equip lawyers at all levels to lead effectively and develop a society of greater access and belonging.

[1] See Deborah Rhode, *Lawyers as Leaders* (1st ed. 2013)

[2] See *generally* Herb Rubenstein, *Leadership for Lawyers* 153–83 (2d ed. 2008).

[3] *What Is Leadership Coaching?*, NEXT LEVEL LEADERSHIP COACHING, <http://www.nextlevelleadershipcoaching.com/what-is-leadership-coaching/>

(<http://www.nextlevelleadershipcoaching.com/what-is-leadership-coaching/>). (last visited Sept. 14, 2020); see generally Roland B. Smith & Paul Bennett Marrow, *The Changing Nature of Leadership in Law Firms*, N.Y. ST. B. ASS'N J. 33, 37 (Sept. 2008).

[4] Phillip Bantz, *CEOs Wish Their General Counsels Were Better Business Partners*, Corporate Counsel, Aug. 10, 2020.

[5] See Stephen P. Gallagher, *Coaching in the Law Firm Setting*, 55 Prac. Law 35, 39 (2009).

[6] See generally Lawrence R. Richard, *Personality Matters*, 60 Or. St. B. Bull. 37, 40 (1999) (citing Daniel Goleman's work on EQ and his book *Working with Emotional Intelligence*, which focuses on the role emotional intelligence plays in the workplace and argues that EQ factors account for over "90 percent" of leaders success).

[7] See Anthony C. Thompson, *Stepping Up to the Challenge of Leadership on Race*, 48 Hofstra L. Rev. 735, 740 (2020); see also Anthony C. Thompson, *Dangerous Leaders: How and Why Lawyers Must Be Taught to Lead* (1st ed. 2018).

[8] Leah Teague, Elizabeth Fraley & Stephen Rispoli, *Fundamentals of Lawyer Leadership* (Wolters Kluwer, forthcoming, 2021).

[9] Janet H Cho, *Diversity is being invited to the party; inclusion is being asked to dance, Verna Myers tells Cleveland Bar* (<https://www.cleveland.com/business/2016/05/diversity-is-being-invited-to.html>), Cleveland.com (Updated Jan 11, 2019; Posted May 25, 2016).

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