

# THE LEADERSHIP CHALLENGE

- option or imperative?



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**BEN W. HEINEMAN, JR.**

**THE  
INSIDE  
COUNSEL  
REVOLUTION**

**RESOLVING THE  
PARTNER-GUARDIAN  
TENSION**

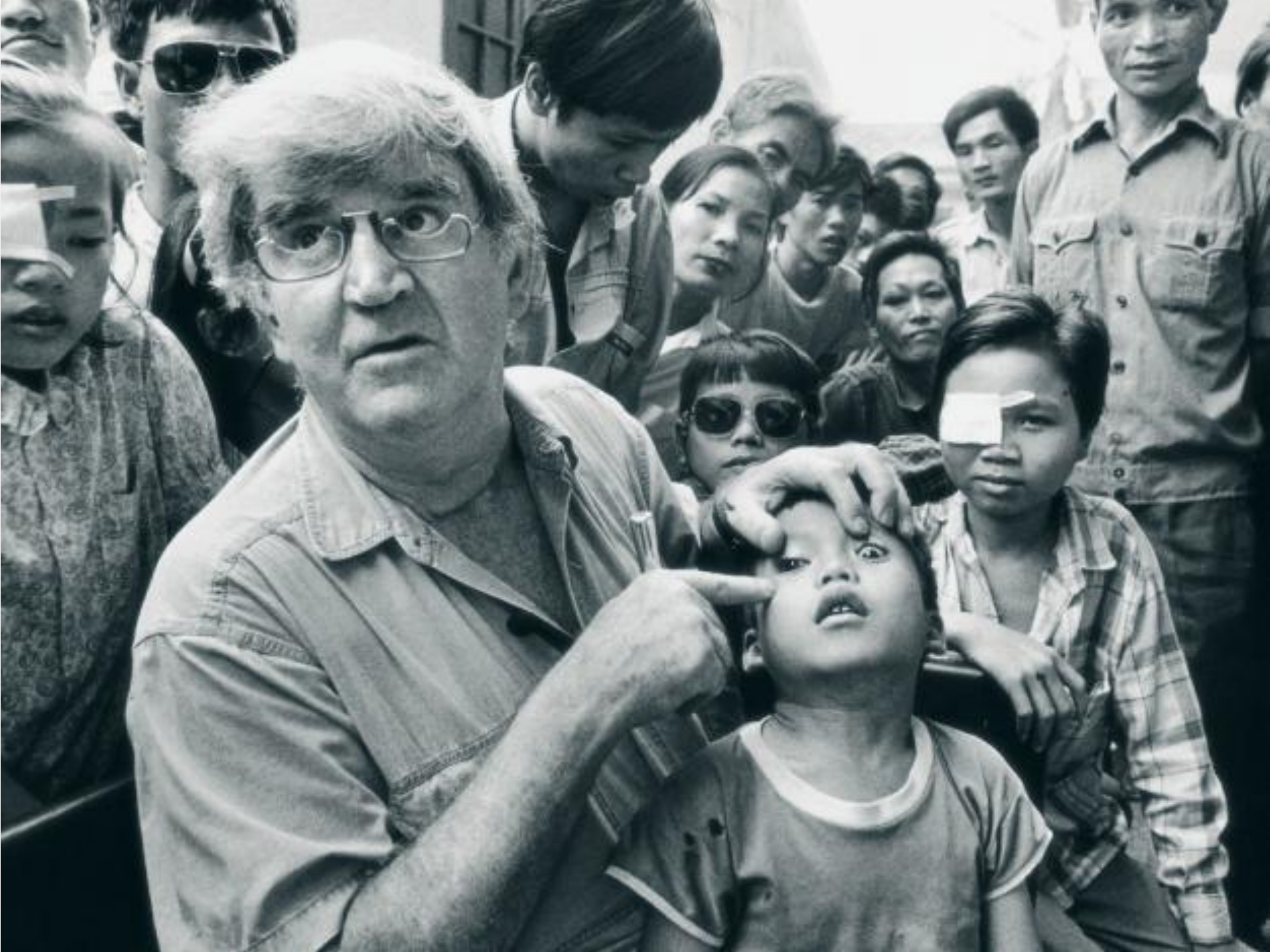
“Much of leadership today is not command and control of the troops but persuasion, motivation and empowerment of teams around a shared vision.”

*-Ben Heineman, Jr, Distinguished Senior fellow, Harvard Law School*









# What is 'the leadership challenge'?



Richard Susskind

“The much bigger challenge (for firms) is ensure their long-term health. This calls for leadership, vision and strength of purpose, quite different from those management skills that improve efficiency.”





“In-house lawyers have got to be better at managing their environments, but General Counsel have got to take a lead. It is unacceptable to inflict such harm and inexcusable to let it continue...this is the greatest challenge facing in-house legal teams today.”- *LBC Wise Counsel*  
*‘Report on the well-being of in-house lawyers’, 2015*





## I am not a resource.

Referring to lawyers as “resources” rather than acknowledging and investing in them as talented human beings is the scourge of commercial law firms, writes an anonymous senior associate from a top-tier firm.

## I am a human



It continues to astound me that leaders in private practice proclaim to be innovative in their approach to business when they remain so archaically entrenched in the way they view, manage and refer to the people who comprise the value of the business they are operating. It is a disgrace.

Legal business leaders are as quick as greyhounds to adopt the latest buzz words and demand that their organisations become “agile”, “disruptive” and “creative”. But in their zeal to chase after fashionable notions, they remain blind to the commercial folly of viewing skilled lawyers as “resources” rather than people.

Referring to people as though they are oxen, ready to be interchangeably yoked and put to work in a field, rather than treating colleagues as skilled human beings is sadly commonplace in commercial practice.

From a purely business perspective, using this language disassociates managers from thinking about the real business, which is to expand on the strengths, skills and capabilities of an organisation by investing in the development of team members.

Partners and executives clearly understand the power of language. They are willing to spend significant amounts of money to promulgate words and phrases that align with the business strategy of the day. Pamphlets are published, seminars are held, and endless marketing material is generated around buzz words, because business leaders realise that language is fundamental to culture, and that by shaping the language of an organisation, corporate thinking is reworked.

Partners and executives firmly believe that by ingraining a particular vernacular in a workplace – by using, repeating and promoting certain words

in an organisation – they can engender a particular ideology. It is entirely inexcusable, then, for business leaders in the legal profession to promote a vocabulary that dehumanises, disempowers and reduces intelligent human beings to mere “resources” – commoditised assets to be utilised, exhausted and discarded when their value has been fully consumed.

Referring to people as “resources” is not benign – it is bad business. As Tom Kelley and David Kelley wrote in the *Harvard Business Review* in January 2014, “The words we choose do more than just reflect our thought patterns – they shape them.” So when partners and executives refer to highly skilled human beings as “resources”, it reveals an alarming lack of vision in their thought patterns, a key deficiency in their business intelligence, and a worrying failure

to plan for the sustainability of the organisations they lead.

The idea that business owners who derive their profit from the intellect of the people they employ can view those employees as being “resources” – to be mined, extracted and sold – is thoroughly distasteful. Moreover, it belies a totally stunted business mindset that fails to maximise the potential of those people and, therefore, the full productivity and business opportunity of the companies they run.

By talking and thinking about “resourcing issues” rather than “the best people and talent” for a project, partners and executives are framing their business decisions in a model that does not account for the human being in the equation. In doing so, business leaders risk reduced engagement, lost productivity and, ultimately, the departure of employees. This means knowledge leaks out the door and

operational gaps are created. Partners and executives who think in terms of “resources” also fail to see, and therefore cannot take advantage of, the opportunity to invest in people with every decision, delegating each instruction, so as to maximise skills, increase organisational capability, and build their business by boosting up the people who comprise it, rather than haphazardly grabbing the closest “resource” to fulfil the task.

Perhaps the greatest disappointment is the disenfranchisement this creates in the next generation of leaders – those lawyers, senior associates and special counsels who are pushed by these businesses to strive harder and invest ever more of their lives into the firms, with the distant possibility that one day they may become a partner and owner in the business.

When presented with such a weak and short-sighted business model, it is

not surprising that we see so many genuinely intelligent, creative and talented lawyers exiting traditional models of practice to pursue smarter business ventures built around people and their potential, rather than simply squeezing revenue out of “resources”.

Everybody has a role to play in building and shaping the culture of an organisation. The next time you are talking about the necessary skills and talent your team needs to successfully complete a task, instead of defaulting to using comfortable, lazy, corporate speak of dehumanised “resources” to hide from considering the bigger picture, challenge yourself and those around you to engage in the process of meeting the client’s needs by looking at the whole of the business, the people involved, and the potential you have to increase the capabilities of your team for a stronger future. **LSJ**





## *Want to regain trust? Be more human.*

### *20th CEO Survey*

Twenty years ago, trust wasn't on the CEO radar. When global CEOs were surveyed about this in 2002, right after the bursting of the dotcom bubble and a series of accounting frauds, only 12% thought public trust in the companies had greatly declined.

Today, it's a radically different story. Almost two-thirds of Australia's CEOs are concerned about the lack of trust in business, up from 57% last year.

How concerned are you, if at all, about...

### Lack of trust in business?





“There is one and only one social responsibility of business: to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition without deception or fraud”

- Milton Friedman,  
(New York Post, 13 September 1970)



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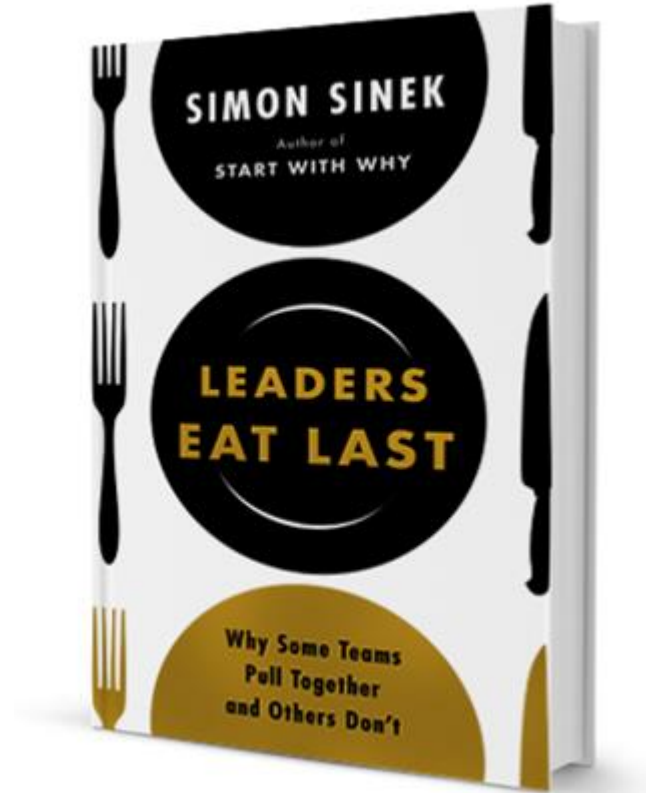
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“Leadership is not the bastion of those who sit at the top. It is the responsibility of anyone who belongs to the group.

We must start today to do the little things for the good of others, one day at a time.

Let us all be the leaders we wish we had.”

- *Simon Sinek*





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