

Coaching In The Law Firm Setting



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Stephen P. Gallagher

Coaching adds value to professional development initiatives.

FEW PEOPLE can fail to have noticed the explosive growth in coaching in recent years. Coaching appears to offer a win-win solution to help businesses become more competitive as well as a way of helping individuals reach their potential. Law firms throughout the country are struggling to understand when coaching is an appropriate and effective intervention in relation to other learning and developmental options. We will explore how law firms can be sure they are choosing a qualified coach for a particular situation. We will discuss how law firms are managing their coaching relationships to make the intervention successful. Finally, we will attempt to examine how firms are getting value for their money—their Return on Investment (ROI).

COACHING AS PART OF A PROFESSIONAL DEVELOPMENT STRATEGY •

Coaching can be described as, “The process of helping someone enhance or improve their performance through reflection on how they apply a specific skill and/or knowledge.” Sara Thorpe and Jackie Clifford, *The Coaching Handbook: An Action Kit for Trainers & Managers* (Kogan Page Limited, 2003), p. 1. Coaching helps people better use existing knowledge and skills to maximize performance. The primary reason law firms are now looking to inte-

grate coaching into their training and professional development programs is to develop people within the organization to improve business results. This means increasing profits, reducing costs, or achieving both within a defined time frame. Coaching helps individuals reflect on their performance in a specific area to better implement learning within the workplace. It is not about teaching something new. It is not about “giving advice.”

Coaching in a business setting is a one-to-one interactive relationship that creates a trusting and collaborative environment in which personal development and performance improvement occur. Research indicates that employees’ job performance is a function of their ability, their motivation to engage with their work, and the opportunity to deploy their ideas, abilities, and knowledge effectively. Jessica Jarvis, *Coaching and Buying Coaching Services—A CIPD Guide*, (Chartered Institute of Personnel and Development, 2004), p. 39. Coaching contributes to professional development programs because it helps an individual reach his or her professional goals faster by building on strengths, developing skills, providing encouragement, and increasing confidence.

Part of the problem in finding qualified coaches lies in the fact that there are currently no laws or regulations governing coaching, and the coaching profession is highly fragmented, with no single professional body or sets of standards, ethics, or qualifications to help guide buyers of coaching services. The quality of coaching and the results it delivers depend heavily on choosing appropriate coaches, managing relationships, and evaluating success.

Mentoring

Mentoring is a process in which more experienced individuals are involved in a one-on-one relationship that provides individuals with an opportunity to reflect, learn, and develop. Many organizations couple coaching and mentoring together as part of the same process. In spite of the variety

of definitions of mentoring or coaching, both have their origin in the concept of apprenticeship, in which an older, more experienced individual passes down his or her knowledge of how a task is to be done. In reality, there are large overlaps between the role of coach and mentor. However, there are some core characteristics that generally distinguish the role of a coach from the role of a mentor:

- Coaching is a fairly short-term activity, but mentoring is an ongoing relationship that can last for a long period of time. Coaching generally has a set duration, while mentoring is more long-term and takes a broader view of the person;
- Coaching consists of one-to-one developmental discussions at work, while mentoring can be more informal advice-giving, guidance, or support. Coaching helps individuals move from where they are to where they want to be or need to be—to develop the individual;
- Coaching is generally not performed on the basis that the coach needs to have direct experience in any particular occupational role. On the other hand, a mentor is usually more experienced and qualified than the “mentee.” A coach does not have to be trained as a lawyer to coach a lawyer. Having practiced law does not necessarily qualify any individual to coach other lawyers;
- Coaching revolves around specific developmental areas/issues at work, while mentoring revolves more around developing the mentee professionally. Coaching focuses on improving performance and developing/enhancing individuals skills. Mentoring focuses on career and personal development.

It is no secret that the future of any law firm rests with increasing the capacity and productivity of its workforce. The future of any individual rests with growing their worth to the organization and developing the transferable skills needed to enhance their

market value. In today's learning organizations, "longer-term human development is a continual and integrated part of daily life." Mike Leibling & Robin Prior, *Coaching Made Easy: Step-by-Step Techniques that Get Results* (Kogan Page Limited, 2003), p. 1. The problem with firms relying exclusively on mentoring relationships is that teaching and learning can be sporadic at best, and building self-reliance, self-belief, and self-responsibility can no longer be left to chance. Coaching seems to offer a more flexible, responsive approach to development.

Other "Helping Behaviors"

Confusion also still exists about what distinguishes coaching and mentoring from the other "helping behaviors" such as consulting, counseling, and training:

- Consulting (from the Latin *consultare* meaning "to discuss") is an intervention strategy that brings in outside experts that provide advice in a particular area of expertise for a specific period of time. Oftentimes consultants rely on their outsider's perspective to provide unbiased recommendations. Consultants generally bring formal frameworks or methodologies to identify problems or suggest more effective or efficient ways of performing business tasks. Consulting as a general rule is seen as being high in business content and low in personal content;
- Counseling can be described as an intervention used to help people who have personal or interpersonal issues, inside or outside of work, that are interfering with work performance. Counseling or psychotherapy generally involves formalized psychological training, state licensure, and continuing education units to maintain licensure. Counseling may be used to help people understand the root causes of long-standing performance problems/issues at work. Coaching does not seek to resolve any underlying psychological issues. Coaching seeks to improve

an individual's performance at work. A professional coach should always refer a client to an appropriate therapist/counselor if they feel it will be useful and appropriate;

- Training is the instrumental process by which specific knowledge and skills are transferred to the trainee. Training usually focuses on technical job skills and orientation to the rules and regulations under which the trainee is expected to perform his or her role as a lawyer. According to training experts Sara Thorpe and Jackie Clifford, "True training does not take place until the learner has transferred it from the training environment into the 'real world', and made a persistent change in behavior." Sara Thorpe and Jackie Clifford, *supra*, p. 7. Many professionals are beginning to understand that learning only happens when an individual has an opportunity to reflect and apply new knowledge. *See* David Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (Prentice-Hall, 1984). This is where coaching comes in.

In the context of our rapidly changing global marketplace it is essential that young lawyers are trained to be flexible, adaptable, and prepared to take responsibility for their own learning and their own continuous personal and professional development. This places new responsibilities on organizations to build professional development environments which encourage individuals to take a more active role in articulating and striving toward self-determined learning goals. As a supplement to regularly scheduled training programs, coaching uses a variety of strategies and techniques to support individuals in reaching their own learning objectives as well as the objectives of the organization.

LEARNING THEORY—USE IT OR LOSE IT! • Organizations are finding that "one size fits all" training programs are no longer sufficient to

enable individuals to keep up with the fast-paced, turbulent legal marketplace. There is also an increasing trend for individuals to take greater responsibility for their personal and professional development. Another point that is important to understand to fully appreciate the value of coaching is that learning is developmental. Having made sense of new information and integrated it into an existing framework of understanding will enable the learner to make more informed choices.

David Kolb and Donald A. Schön were among the first to argue that professional education should be centered on enhancing the practitioner's ability for "reflection-in-action"—that is, learning by doing and developing the ability for continued learning and problem solving throughout the professional career. Donald Schön, *The Reflective Practitioner: How Professionals Think In Action* (Basic Books, 1983). Schön, a professor of Urban Studies and Education at the Massachusetts Institute of Technology later went on to suggest that, "professional education should be redesigned to combine the teaching of applied science with coaching in the artistry of reflection-in-action." Donald Schön, *Educating the Reflective Practitioner: Toward a New Design for Teaching and Learning in the Profession* (Jossey-Bass, 1987), p. xii.

David Kolb joined Donald A. Schön in giving reflective practice currency in recent years, using and applying a basic principle of reflecting on experience to improve action and professional practice. However, this is not a new or original idea; it has been developed by education psychologists such as John Dewey and Kurt Lewin and can be traced back to the work of Socrates and a form of learning through questioning and feedback. *See* John Dewey, *How We Think* (DC Heath, 1910); *see also* Kurt Lewin, *Field Theory in Social Science* (Harper 1951) "Reflection" involves a dialogue between practitioners and their colleagues, mentors,

and coaches all of whom can provide useful feedback necessary for reflection.

As lawyers are increasingly challenged to producing greater billable hours, opportunities for young practitioners to "learn by doing" are frequently overlooked. If continued learning and problem-solving need a time for "reflection-in-action," as we have suggested, mentoring and coaching initiatives can be used as a way to help lawyers take greater responsibility for their own learning. The aim of coaching is to help individuals understand better and make sense of what the individual is experiencing and feeling.

Having a good mentor or coach can help young lawyers engage in this ongoing dialogue to make sense of what they are learning. Relating the feedback given by others to their current understanding helps learners apply what they are learning. Law firms and corporate law departments are exploring when and how coaching might be used to supplement learning experiences.

WHEN IS COACHING EFFECTIVE? •

Coaching is about giving key individuals the tools and supports they need to face what's holding them back so they can develop behavior and strategies to lead them to higher levels of success. Coaching is about actions and results based on specific developmental areas/issues at work. Coaching can be used in the following areas:

- *Developing and accomplishing strategic plans.* Lawyers face constant internal and external pressures to change, but change can be difficult. We are creatures of habit, so most of what we do is automatic and unconscious. What we did yesterday is what we are likely to do today. It is because professionals have so much discretion and autonomy that law firm culture is such a dominant force in determining how lawyers actually behave toward one another and toward their clients. Since professionals must first voluntarily approve and accept new accountabili-

ties, coaching can offer a supporting framework in which individuals can learn to flourish within the law firm culture;

- *Enhancing decision-making.* Problem solving and decision-making are not synonymous, but they are areas where coaching can be helpful. Problem solving involves the process of thoughtfully and deliberately striving to overcome obstacles in the path toward a goal. Decision-making, on the other hand, is the choice process, in which one among several possibilities is selected. Timothy W. Costello and Sheldon S. Zalkind, eds., *Psychology in Administration: A Research Orientation* (Prentice-Hall, 1963), p. 334. Peter F. Drucker noted that decision-making is only one of the tasks of any executive. Drucker notes that, “It usually takes only a small fraction of his/her time, but decisions that have significant and positive impact on an entire organization, its performance, and its results characterize the effective executive.” Peter F. Drucker, *The Effective Decision*, 45 Harv. Bus. Rev. 92, 98 (Jan. 1967). Decision theory, as an academic discipline, is not being taught in many law schools. However, coaching can help lawyers with decision-making by providing opportunities to reflect on occasions for making decisions, allowing individuals to explore new courses of action, and choosing among courses of action. See Herbert A. Simon, *The New Science of Management Decision* (Harper, 1960), p. 1;
- *Handling difficult people and difficult work situations.* Law firm culture sets the organizational context for maintaining or changing human behavior. It creates a framework for performance expectations and the ways in which people relate to one another. Coaching can play an increasingly central role in enabling individuals, teams, and organizations to develop these capacities, and as they do so, organizations will increasingly see human wisdom being created and practiced by larger numbers of individuals and groups of

people. According to Peter M. Senge in his best-seller, *The Fifth Discipline* (1990), the organizations that will truly excel in the future will be the organizations that discover how to tap people’s commitment and capacity to learn at all levels in an organization. With the emergence of this new business model, the success factors of the past will become less relevant. The criteria for success in the past have been altered and new standards are being established;

- *Meeting performance objectives.* Daniel Goleman, co-chair of the Consortium for Research on Emotional Intelligence in Organizations at Rutgers University has found in his research that emotional intelligence is the sine qua non of leadership. See Daniel Goleman, *What Makes a Leader*, 76 Harv. Bus. Rev. 93 (Nov.-Dec. 1998). Emotional intelligence determines potential for learning the practical skills that are based on its five elements: self-awareness, motivation, self-regulation, empathy, and adeptness in relationships. See generally Daniel Goleman, *Emotional Intelligence* (Bantam Books, 1998); Daniel Goleman, *Working with Emotional Intelligence* (Bantam Books 1998). When Professor Goleman calculated the ratio of technical skills, IQ, and emotional intelligence as ingredients of excellent performance, emotional intelligence proved to be twice as important as the others for jobs at all levels; in fact, research showed that emotional intelligence played an increasingly important role at the highest levels of the company, where differences in technical skills are of negligible importance. Today, it is important for all law firms to think more creatively in order to begin to make informed choices about what may be, rather than what already is. To help firms identify the new rules of engagement, it is necessary for every lawyer in the organization to explore how consumer expectations are changing. It is also necessary to demonstrate how law firms can reshape ser-

vice portfolios by providing fundamentally new types of client benefits;

- *Clarifying priorities and sticking to them.* According to Richard R. Kilburg, leaders and players at every level in an organization who engage in reflective self-awareness and display self-efficacy will be more resilient as individuals and as teams. He further believes that executive, managerial, and performance coaching will play an increasingly central role in enabling individuals, teams, and organizations to develop these capacities, and as they do so, law firms will increasingly see human wisdom being created and practiced by larger numbers of individuals and groups of individuals. Richard R. Kilburg, *Executive Coaching: Developing Managerial Wisdom in a World of Chaos* (American Psychological Association, 2000), p. 55-56.

There is also a growing awareness and acceptance of the power of coaching for senior executives. In the legal environment, managing partners and practice group leaders who wish to develop the perspectives and skills required to lead their organizations in continually changing conditions can benefit from executive coaching:

- A coach can help an executive gather and interpret performance feedback;
- A coach can guide the executive through the executive's own thinking processes, helping him or her discover what next steps to take toward his or her goals;
- A coach can probe and challenge these thought processes to clarify and strengthen the executive's ideas;
- A coach can act as a conscience, supporting the executive in remaining accountable for his or her choices;
- A coach can provide emotional support for the process of change and thereby the courage and resolve needed to initiate and sustain positive

changes. The role of a managing partner can be a lonely position;

- A coach can assist the executive in connecting his or her thoughts and actions in order to create a balance between personal and professional goals. Thomas G. Crane, *The Heart of Coaching: Using Transformational Coaching to Create a High-Performance Culture* (FTA Press, 2001), p. 115.

As a general rule, coaching in a business environment is both person-centered, and system-centered. Successful coaching achieves positive change for both the individual and the system—the business. Coaching can help individuals identify their own developmental needs, plan developmental activities, and support personal problem-solving—all of which will benefit the ever-changing organization.

Developmental coaching is a form of coaching that encourages employees to take more and wiser risks, engage in more self-expression, and discover what lasting contribution they can make. Developmental coaching gives young lawyers a chance to define a personal mission beyond simple organizational advancement. Individuals engage in developmental coaching when:

- They wish to gain new insights into areas of practice and they need a guide, teacher, and mentor. They may feel trapped in the way they are living and want to break free;
- They are hungry for meaningful conversation about issues that matter. They may feel that, even though they have it all, something is missing;
- They want their lives to be different and are not seeing change as rapidly as they'd like.

Developmental coaching requires that the coach carefully observe both the individual and the context, support the individual's expression of a

personal-learning agenda, separate intent from behavior while trying to understand both, and maintain a high level of trust in the coaching relationship. Using a coach developmentally doesn't imply that the individual has a problem, but rather that the individual wants to perform more effectively, or differently.

Performance coaching can become an invaluable tool for lawyers at all levels of an organization. When there is a "coaching culture" within the organization—one in which there is no tolerance for mediocre performance, and in which asking for and offering coaching is encouraged—remarkable results can be accomplished. Performance coaching is a coaching process whereby people who supervise others guide or facilitate the continuous improvement of an individual's performance. It includes timely provision of constructive feedback, meaningful recognition, support for learning and development, and assisting the employee with self-awareness and self-evaluation. In many law firms, the most effective mentors tailor their coaching style to address the individual's particular needs.

CONCLUSION • In this article, I attempted to track the learning theory supporting coaching as a professional development tool back to Socrates, since he was known as the earliest advocate of "learning through questioning and feedback." We then took a quantum leap past educational psy-

chologists John Dewey and Kurt Lewin to David Kolb and Donald A. Schön, in the mid-1980s, who expanded the learning theory to suggest that professional education should be centered on learning by doing and developing the ability for continued learning and problem-solving throughout the professional career—"reflection-in-action."

We next turned to the writings of training experts, Sara Thorpe and Jackie Clifford, who suggested that true training does not take place until the learner has transferred it from the training environment into the real world, and made a persistent change in behavior. In the past, law schools gave very little emphasis to transferring knowledge to the real world. This has always been the primary focus of law firms' in-house training programs. Finally, we pointed to the writings of Daniel Goleman and Richard R. Kilburg in support of coaching as a fundamental part of any professional development program.

The theory behind coaching and mentoring in today's busy law firm environments remains strong. In the context of our rapidly changing global marketplace, young lawyers need to be trained to be flexible, adaptable, and prepared to take responsibility for their own learning and their own continuous personal and professional development. I hope I was able to shed some light on how coaching can be used as a tool to help individuals discover new talents and new ways to use old talents, leading to far greater effectiveness.

Performance coaching can become an invaluable tool for lawyers at all levels of an organization. When there is a "coaching culture" within the organization—one in which there is no tolerance for mediocre performance, and in which asking for and offering coaching is encouraged—remarkable results can be accomplished.

PRACTICE CHECKLIST FOR Coaching In The Law Firm Setting

Coaching can offer a win-win solution to help businesses become more competitive as well as a way of helping individuals reach their potential.

- Coaching helps individuals reflect on their performance in a specific area to better implement learning within the workplace. Coaching helps people better use existing knowledge and skills to maximize performance. It is not about teaching something new. Coaching in a business setting is a one-to-one interactive relationship that creates a trusting and collaborative environment.
- Mentoring is a process in which more experienced individuals are involved in a one-on-one relationship that provides individuals with an opportunity to reflect, learn, and develop. Many organizations couple coaching and mentoring together as part of the same process. There are some core characteristics that generally distinguish the role of a coach from the role of a mentor:
 - ___ Coaching is a fairly short-term activity, whereas mentoring is an ongoing relationship that can last for a long period of time;
 - ___ Coaching consists of one-to-one developmental discussions at work, while mentoring can be more informal advice-giving, guidance, or support;
 - ___ Coaching is generally not performed on the basis that the coach needs to have direct experience in any particular occupational role. On the other hand, a mentor is usually more experienced and qualified than the “mentee”;
 - ___ Coaching revolves around specific developmental areas/issues at work, while mentoring revolves more around developing the mentee professionally.
- Coaching and mentoring should be distinguished from the other “helping behaviors” such as consulting, counseling, and training:
 - ___ Consulting is an intervention strategy that brings in outside experts that provide advice in a particular area of expertise for a specific period of time. Consultants generally bring formal frameworks or methodologies to identify problems or suggest more effective or efficient ways of performing business tasks;
 - ___ Counseling can be described as an intervention used to help people who have personal or interpersonal issues, inside or outside of work, that are interfering with work performance. Coaching does not seek to resolve any underlying psychological issues. A professional coach should always refer a client to an appropriate therapist/counselor if he or she feels it will be useful and appropriate;
 - ___ Training is the instrumental process by which specific knowledge and skills are transferred to the trainee. Training usually focuses on technical job skills and orientation to the rules and regulations under which the trainee is expected to perform his or her role as a lawyer.
- Coaching can be used in the following areas:
 - ___ Developing and accomplishing strategic plans;

- ___ Enhancing decision-making;
 - ___ Handling difficult people and difficult work situations;
 - ___ Meeting performance objectives;
 - ___ Clarifying priorities and sticking to them.
- There is also a growing awareness and acceptance of the power of coaching for senior executives. In the legal environment, managing partners and practice group leaders who wish to develop the perspectives and skills required to lead their organizations in continually changing conditions can benefit from executive coaching:
 - ___ A coach can help an executive gather and interpret performance feedback;
 - ___ A coach can guide the executive through the executive's own thinking processes, helping him or her discover what next steps to take toward his or her goals;
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 - ___ A coach can provide emotional support for the process of change and thereby the courage and resolve needed to initiate and sustain positive changes; and
 - ___ A coach can assist the executive in connecting his or her thoughts and actions in order to create a balance between personal and professional goals.

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