



Précis Paper

Executive coaching for lawyers

Expert coach Erik de Jong talks about executive coaching, an underutilised resource in law firms.

Discussion Includes

- Training versus coaching
- Executive coaching in law firms
- The difference between empathy and sympathy
- How to have tough conversations
- The importance of boundaries
- The process of executive coaching and how to measure results
- Executive coaching in law firms is different depending on the type of firm and the type of law practiced at the firm

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Executive coaching for lawyers

1. In this edition of BenchTV, Erik de Jong, executive coach and owner of Keystone de Jong Associates, is interviewed by Alan Conolly (Solicitor) on the topic of executive coaching, particularly within the context of law firms.

Training versus Coaching

2. There are a few differences between training and coaching:
 - Coaching is generally one-on-one whereas training occurs in groups.
 - Coaching is more conversational and involves equal two-way interaction whereas training involves directive learning through mainly one-way communication.
 - Coaching can be formal or informal whereas training is generally formal, structured, and pre-planned.
 - Coaching is focussed on creating a sustained improvement in performance, behaviour, and personality traits whereas training is focussed on teaching someone how to perform a particular task.
3. In executive coaching, the coach spends time with the coachee to reflect on the coachee's personality and behaviour and how they interact with the people around them. It is about self-awareness and self-management for the coachee in order to improve their behaviour, personality traits, and performance.

The Need for More Executive Coaching in Law Firms

4. In law firms, executive coaching is not utilized enough, particularly compared to other organisations, such as banks, advertising agencies and other service-oriented organisations, where executive coaching is much more common. In the latter case, employees usually negotiate executive coaching into their employment contracts or it is sought by managers for their high potential employees in order to improve their performance and behaviour. 'High potential' employees are those employees who are satisfying all their professional competencies and are earmarked for career progression into a leadership role.
5. In several organisations, executive coaching is part of their learning and development program. However, this investment in executive coaching is a lot less common in law firms, despite the unique challenges of the legal profession making it very important. For example, the legal profession is adversarial and very competitive, putting lawyers under a lot of

pressure given their significant responsibilities and time constraints. Furthermore, the legal industry is highly client-focussed, emphasising the importance of relationship-building which is a skill that some lawyers lack. Executive coaching can be used in these situations to strengthen behaviours and personality traits required for the job, particularly uncovering and developing natural abilities, which coachees did not realise they possessed.

The Difference between Empathy and Sympathy

6. Empathy involves possessing an understanding of another person's position, that is, you understand what they are feeling and experiencing. However, sympathy involves moving beyond this understanding to adopting an emotional position where you personally feel the other person's feeling. In this sense, sympathy is instinctive whereas empathy can be learnt and applied.
7. In the legal profession, it is important for lawyers to be able to empathise with their clients so that the clients feel like they are being heard and therefore start to lower their natural defences. As a result, the lawyer is in a better position to develop trust and rapport with the client, making it easier to influence them.

How to Have Tough Conversations

8. The best way to have a tough conversation with someone is to first empathise with them so that they feel like their situation is being acknowledged. However, whilst it is important to be supportive of the person, it is also important to be upfront about the matter for discussion. In doing so, the tone and approach used is crucial as some people can become quite irrationally sensitive to the feedback. Whilst these conversational and interpersonal skills are generally instinctive, they can also be trained and learnt through executive coaching.
9. For lawyers dealing with difficult clients, such as a defendant in a criminal matter, lawyers need to be able to hold up a mirror to the client to try and help the client understand how their conduct might appear to other persons. This needs to be done gently so that the client does not become defensive.

The Importance of Boundaries

10. The boundaries established by lawyers depends on their workplace context. For instance, Legal Aid lawyers who often work with clients from troubled backgrounds, including clients with psychological illnesses and personality disorders, would maintain relatively high boundaries and would not share much information about themselves and their personal lives

with their clients. On the other hand, lawyers working in private practice within a rural community would likely share more information about their personal life with their clients.

11. From his experience working with lawyers at Legal Aid, Mr de Jong notes that these lawyers have a greater need to debrief and discuss some of the traumatic matters they are exposed to. This is because lawyers are affected by the cases they work on and can experience vicarious trauma or secondary post-traumatic stress disorder. Therefore, the lawyers need to be able to debrief on these matters to make sure it does not negatively affect them in their personal lives. This ability to debrief is particularly important in family law and criminal law matters given the nature of these cases.

The Process of Executive Coaching

12. It is important for executive coaches to try and work towards tangible goals that will improve the coachee's performance at work or that will produce broader organisational benefits.
13. In Mr de Jong's practice, the client typically contacts him with a briefing. After accepting the briefing, he first performs a 'diagnostic test' on the client. This involves having a conversation with the coachee to gauge their level of self-awareness and doing 'diagnostic interviews' with the coachee's manager, peers and clients. From these conversations, Mr de Jong determines the coachee's strengths, the biggest challenges of their role and workplace environment, and the areas of development which are most important for the coachee to work on. Mr de Jong then negotiates tangible goals with the coachee and their manager which will be achieved from the executive coaching program. These goals need to be 'SMART', that is, specific, measurable, achievable, realistic, and time-bound.
14. After setting the goals, Mr de Jong organises 6-8 sessions with the coachee of 1.5 hours each, with approximately one session a fortnight. The content of these sessions remains confidential between Mr de Jong and the coachee. During these sessions, Mr de Jong may help the coachee address their personal issues, such as panic attacks, anxiety, and low self-esteem. Alternatively, the sessions can also be quite practical and skills-based where the coachee learns how to have tough conversations, how to influence people, and how to negotiate. Between the different sessions, the coachee's manager and peers should start to see a change in their behaviour, including some awkward moments where the coachee feels outside of their comfort zone.
15. At the end of the sessions, Mr de Jong will debrief with the coachee's manager on the progress made concerning the initial goals set. There is also a 'results presentation' where the coachee presents their progress and goals achieved in tangible terms to their manager and/or team.

How to Measure Results

16. Although Mr de Jong tries to make the goals and results as tangible as possible, it can be difficult to measure and substantiate the results of the executive coaching program in such terms. Mr de Jong believes that the 'proof is in the pudding' so that the success of the program is often evident in the client company's decision to send more employees to him for executive coaching.
17. In the larger organisational culture programs which Mr de Jong has worked on, the measurement of the results is fairly arbitrary but Mr de Jong nonetheless tries to work with the client to measure the results from their criteria of success. However, in doing so, there is a certain level of ambiguity in linking a positive result, such as a higher level of staff retention, to the coaching sessions.

Affordability of Executive Coaching

18. Small and mid-sized firms typically have a learning and development budget from which they will allocate money for induction and legally required training (e.g. Occupational Health and Safety) before they start investing in higher level training for 'soft skills', such as people and leadership skills.
19. In comparison to training, executive coaching is more expensive. As a result, it is typically only provided to senior management or high potential mid-level managers. Executive coaches generally charge the same rate as lawyers on a per hour basis. Therefore, an executive coaching program in total costs approximately \$4,000-\$5,000. Given this cost, executive coaches need to prove their worth to the client organisation through a return on investment.

Employee Engagement Scores

20. Although employee engagement scores tend to be in the 'airy fairy basket' for most law firms, several organisations today recognise the impact of employee engagement on employee productivity and the organisation's bottom line. To reap these benefits, there needs to first be a shift in the mindset of senior management so that they are supportive of investing in the necessary culture change required within the organisation.
21. One way of increasing employee engagement is to give junior employees more responsibility and accountability. However, many managers struggle with delegating work to others. This is particularly prevalent within law firms as lawyers are commonly

perfectionists and demonstrate obsessive compulsive disorder (OCD) tendencies, making it difficult for these lawyers to assign responsibility to others.

Personality Tests

22. Personality tests, such as the Myers-Brigg Type Indicator (MBTI), can be valuable tools for employees to raise their self-awareness and reflect on the results. However, these tests should not be used to label and categorise people and may result in others forming a snap judgment of their personality. Nor should these tests be used to assess candidates for career progression. Therefore, in order to obtain value from these tests, the manner in which the test results are shared with the employee, and potentially the employee's team members, needs to be carefully considered.

Assessing Organisational Culture

23. Conducting staff surveys are a good way to determine an organisation's culture. Mr de Jong has previously used surveys where employees are asked to:
 - a. Rank their personal values from a list of values given in the survey.
 - b. Provide ten words which describe the current organisational culture.
 - c. Provide ten words that best describe the desired organisational culture. In doing this part, the employees often give the solution to the cultural aspects they do not like.
24. Through these surveys, Mr de Jong is able to ascertain:
 - a. How employees currently see the organisational culture.
 - b. How the employees would like the organisational culture to be.
 - c. What are the most important and common organisational culture changes that need to be made based on the employee feedback. As aforementioned, the survey results will provide direction to senior management regarding what steps need to be taken to change the organisational culture.

Relationship between Executive Coaches and Human Resources

25. Mr de Jong likes to have a lot of contact with Human Resources (HR) since they are the specialists in people and culture. In fact, Mr de Jong notes that the HR teams in organisations which have been awarded Business Review Weekly's "best places to work awards" have played a very active role in realising these organisational achievements. This reflects the fact that HR teams in organisations today are no longer merely concerned with recruitment,

induction, payroll, and employee termination. Rather, they are a strategic part of the business for implementing change. Therefore, executive coaches and HR make natural business partners for affecting organisational culture change.

Work-Life Balance

26. Given the alarming rates of depression, anxiety, and alcoholism in the legal profession, there is an increasing awareness around work-life balance. The statistics show that 1 in 3 lawyers will be diagnosed with depression at some point during their career. In fact, in Mr de Jong's opinion, for every lawyer that is diagnosed, there is probably another lawyer that is not diagnosed and suffering in silence.
27. However, in addition to this growing awareness of mental health, there now needs to be a conversation about changing the culture within law firms to prevent these psychological issues from arising in the first place. If firms want to employ top calibre lawyers, they need to take into consideration their personal circumstances and support initiatives which are relevant to their stage of life. These initiatives include offering flexible work hours, parental leave, child care, gym membership, and the option to work remotely from home. Nonetheless, any culture change will likely be limited by the inherent nature of the legal profession where lawyers will always need to work to various deadlines, whether they be court timetables or client demands.
28. In order to achieve better work-life balance, lawyers need to understand their personal priorities and negotiate these with their employer to establish the boundaries of what is acceptable and unacceptable. In doing so, these lawyers will enjoy a better work-life balance but this will arguably occur at the expense of other lawyers within the practice. Work-life balance can also be supported through encouraging delegation of work within a legal team and practice. This is especially important for perfectionist lawyers who tend to work very long hours as they are uncomfortable losing control of work through delegation and assigning responsibility.

City versus Country: Differences in Practising Law

29. In rural and regional areas, lawyers also experience mental health issues but they tend not to seek out support as much as city lawyers. In addition to the general issues of long hours and work pressure, these lawyers particularly suffer from feelings of isolation given the higher prevalence of sole practitioners in rural and regional areas. At the same time, there are also examples of sole practitioners overcoming this problem by connecting with other practitioners and forming relationships where they support each other and mentor the junior lawyers in a very constructive way.

30. Given the isolation of sole practitioners, they would also benefit from a 'sounding board', being someone they can talk to about their business concerns and ideas. In his role as an executive coach, Mr de Jong has acted as this 'sounding board' for practitioners in the past and he recommends that all sole practitioners find someone they can use as a professional 'sounding board' to not only discuss their business ideas and concerns, but also for general ongoing support.

BIOGRAPHY

Erik de Jong

Erik de Jong is a counselor and coach to executives and professionals. He is an MBA from the Rotterdam School of Management and a registered psychotherapist. He worked with Coca Cola in Europe, USA and Australia.

Alan Conolly

Alan Conolly founded the legal firm AR Conolly and Company in 1968 where he remains a partner in full-time practice. He has chaired companies in diverse industries including oil, IT, dance, agrochemicals and film.