



THE NEW ELLIS GROUP

# Monday Monday

*Connecting the Dots with Karen Kaplowitz*



*Helping you create and reinforce the habits of successful career building,  
gleaned from my work as a business development strategist, trainer and coach*

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**Avoiding Bullying and Incivility.** Some lawyers are concerned that the bullying and incivility in the 2016 presidential campaign will increase the tolerance –and frequency--of similar behavior in law firms. It seems like a good time to repeat a June 2010 newsletter on strategies to deal with law firm bullies. The 2010 newsletter highlighted a bullying issue that afflicts both men and women lawyers: bullying that leads to unfair allocation of origination credit. In 2010, the ABA Commission on Women in the Profession along with the Minority Corporate Counsel Association and Hastings College of Law surveyed 700 women lawyers. A majority reported they had been denied their fair share of origination credit. Two-thirds were uncomfortable about appealing compensation decisions. A third said they were subjected to intimidation, threats or bullying when they did express disagreement. Abuse of power in law firms, like bullying in political campaigns, is not restricted to actions against women. Here are some strategies for women--and men--to avoid becoming victims of bullying in law firms in the first place:

- Be public in the firm, tastefully, on your role in originating or expanding clients.
- Propose a fair allocation of origination credit on matters early in the process.
- Model good behavior by sharing credit fairly, particularly with subordinates.
- Speak up if you see bullying or intimidation of others in the firm so the people you deal with will know your reputation for assertiveness.
- Urge your firm to adopt more open compensation and origination policies.
- Find allies if you have a problem with an abusive but powerful partner.

But do not forego potential business development opportunities out of fear that some abusive, non-collaborative partner will try to take credit for them away from you.

**Example:** After you have courted a general counsel for several years, she invites your firm to bid on a major matter. To enhance your odds of getting the project, you need to include more senior lawyers. Several people have warned you not to invite a particular prominent partner who is notorious for not sharing origination credit. After weighing the risks and benefits, you decide to invite him to participate. To protect yourself from a fight over origination credit, you send him an email explaining the opportunity and copy the practice group chair who is on the firm's executive committee. You note the lengthy courtship leading to the RFP and offer to share the origination credit with the whole team if your bid is successful. The prominent partner agrees to be on the team. At the client meeting, the general counsel is clearly impressed by the prominent partner's experience, results, and stature.

When you win the bid, you ask the general counsel if she has a preference as to who handles the billing from the firm. You then propose yourself as the billing partner to the team, again copying the practice group leader, sharing the general counsel's email that she would appreciate if you handle it. You also acknowledge your prominent partner's role in winning the bid, thank him for having agreed to be on the team, and recommend that he receive a hefty share of the origination credit, perhaps equal to your own.

Are you shying away from good opportunities because you do not expect to receive proper credit? If you have been held back by bullies in your firm, or worry that you will be, can you find ways to blunt their predictable behavior and still take advantage of their power and success?