



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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Abuse of Power: Time to Act

The sexual misconduct claims that have brought down powerful business, media and government leaders are a clear warning: organizations cannot defend or even settle nasty claims without major risk. Law firms, inundated with client work on these issues, must also look inside their own houses. The common thread in the sexual misconduct claims is abuse of power. Powerful people have taken advantage of their power to abuse and then silence subordinates, co-workers, and applicants. Powerful people have then made their own managements complicit with confidential settlements. Not surprisingly, many of those charged with sexual misconduct are also accused of other types of abuse. In some cases, the primary claims appear to be other types of workplace abuses. If you want to avoid your law firm's being the next headline, here are some questions to ask:

- Who reviews the conduct of the most powerful people in the firm including rainmakers, practice group leaders, and office or firm managing partners?
- Have you given a pass to powerful lawyers in the firm because of their economic contribution?
- Have you settled claims by lawyers or staff with money and confidentiality clauses?
- Does your firm have a code of conduct like the codes of conduct your firm recommends to clients? Does the code of conduct cover all abusive behavior not just sexual misconduct?
- Is your firm providing internal training on sexual harassment and other types of abuse of power that is comparable to the training your firm provides to clients?
- How would your reputation with your constituents-clients, judges, the legal community- be affected if your firm faced a scandal of the type that is playing out daily in the media? How much business would you lose?

Sexual misconduct claims have been a bonanza for law firms: labor lawyers are busy with investigations and lawsuits; securities lawyers are dealing with disclosure issues especially if the accused affects the value of the enterprise like a Harvey Weinstein; insurance coverage lawyers are reviewing insurance policies. In your rush to capitalize on your clients' crises, you cannot afford to overlook what is going on in your own workplace. Even rainmakers and firm leaders will not be immune if they are abusing their power with respect to sexual misconduct or other types of abuse of power.

Example: For years, a major rainmaker in the firm was known to be very abusive to subordinates. Every year, there would be stories of the rainmaker's reducing associates to tears and associates' asking to work with others. The rainmaker also had the highest turnover of secretaries. On each occasion, the firm's chief HR officer would talk to the managing partner about reining in the rainmaker's abusive behavior. Every time, the managing partner would shrug and say there wasn't much they could do. When the firm had talked to the rainmaker in the past, he had threatened to walk if the firm made any demands on him. The firm had essentially decided that "they needed the eggs" since the rainmaker controlled significant clients. This year, the firm's CHRO asked that the rainmaker's behavior be put on the management committee's agenda. She laid out her concern that the firm would be hugely embarrassed if a subordinate made a claim of abuse and the fact that the firm had ignored similar behavior for years came out. The firm finally acted.

Are you confronting the powerful people in your firm who have abused their power, whether the abuses have been sexual in nature or otherwise? Can you afford not to do so?