

Redefining “Nice” at Law Firms: The Interplay between Culture and Tenured Partner Underperformance

By [LawVision](#) on May 22, 2013

During our most recent LawVision Managing Partner Roundtable, a topic of common concern resurfaced, albeit this time with a slightly different spin. Although we have had numerous conversations in the past about how to address tenured Partners who no longer meet the standards for Equity Partnership, this discussion circled back to an often under-examined notion: Culture, and how it relates to managing underperforming partners.

Culture is defined by Merriam-Webster as “the set of shared attitudes, values, goals, and practices that characterizes an institution or organization”. As a law firm management consultant, I’ve learned that “culture” can imply something far different to lawyers. Too often, culture includes a whole host of behaviors that result in sub-optimal performance and “preserving culture” becomes a proxy for inertia and avoiding difficult decisions. “Our firm is too nice to address underperforming tenured partners” is a common refrain. Accommodations are made so that lawyers remain in the equity ranks despite sustained performance that falls below agreed-upon partnership standards.

Setting aside the financial implications of partner underperformance and viewing this cultural quandary via a talent strategy lens helps reframe the issue. Asking the following questions can’t help but leave the most accomplished law firm leaders feeling a bit squeamish:

- Is it my firm’s culture to prevent lawyer advancement by limiting opportunities for the admission of new partners, potentially forcing rising talent to look outside the firm for career growth?
- Is it my firm’s culture to set tenured lawyers up for disappointment by failing to recognize and redefine gaps in performance expectations?
- Is it my firm’s culture to model and reward underperformance?
- Is it my firm’s culture to sacrifice long-term growth and longevity to avoid temporary discomfort?

Consider, for a moment, how firms address underperforming associates. It is extremely unlikely that a firm would use passive techniques to address underperforming junior lawyers. However, many firms respond to tenured Partner underperformance by hoping the Partner will either (1) Raise their performance standards, or (2) Leave the firm. Passive techniques, such as deequitization, rarely serve to improve performance and can often be as detrimental as aggressive alternatives. Both options can damage firm morale.

How do successful law firm leaders walk the cultural tightrope? One idea to consider that might work particularly well with older partners is to find new ways to match talent strategy gaps with tenured Partners’ institutional knowledge. Many firm leaders have learned to successfully channel tenured Partners’ assets via mentoring, coaching, and professional development opportunities. For example, one mid-size firm successfully transitioned an underperforming tenured Partner to oversee the firm’s associate performance review process. Other firms have encouraged tenured Partners to introduce and involve junior lawyers in civic and philanthropic organizations.

Underperforming tenured Partners exist in every law firm. Unless they are guilty of some type of misconduct, the firm

owes these Partners courtesy, respect, and consideration in addressing their underperformance. Shifting their job expectations not only fills talent gaps, it can promote a culture of professional development and growth. The conversations are difficult, but the rewards are significant. You owe it to your firm- and its culture.