

See No Evil, Hear No Evil, Speak No Evil

By [Joseph B. Altonji](#) on February 21, 2018

The three wise monkeys of Buddhist tradition were said to represent the positive personality trait of not fixating on the negative or on evil thoughts. But in the business world, and certainly in the legal industry, a less positive Western interpretation is often a more apt description: Avoid seeing (or hearing) the truth, because truth is sometimes unpleasant.

And by no means speak the truth if it goes against the cultural expectations of the organization! How many law firms fall victim to this trap?

In [Reinvention](#), the excellent 2016 book by Shane Cragun and Kate Sweetman, the “Six Deadly Blindfolds” that prevent organizations and leaders from recognizing their situations are described. While the book goes on to provide an excellent framework and toolkit for reinventing the organization, far too many organizations are caught in one or more forms of organizational blindness that prevent them from even beginning the reinvention journey (Spoiler: The book does provide help on breaking out of this trap!) In our experience, far too many law firms, and even more partners within the firms, are trapped or partially trapped by these same blindfolds, and firms (and leaders) who are best at removing them are generally the most successful at adapting to the increasing challenges of our industry. These are the firms that are widening the gap that distinguishes winners and losers.

Consider the various blindfolds the authors identify:

- **Blindfold 1: Arrogance.** How many law firms think they have nothing to learn from their competitors? Do your partners place a lower level of credibility on the views of the “non-lawyers”? Or outsider advisors? How many firms think they are “just as good” as top ranked competitors – or more so?
- **Blindfold 2: Negative Feedback Not Acknowledged Here.** What happens when people raise concerns or serious issues? We can point to several formerly well-regarded firms that *no longer exist* solely for refusal to act on clearly detailed indictments of management. Do your partners like to “shoot the messenger?”
- **Blindfold 3: Dismissing Competitors’ Success.** One of the common comments we hear is that the reason perceived, but differently positioned and often larger competitors get so much work from larger companies despite materially higher billing rates is that the clients are trying to “Cover their a\$%&’s.” Maybe that’s sometimes true, but is it possible that part of the reason is that some of these competitors just might be selling something different the clients want to buy? Is it possible that they have intentionally designed their service offerings in a way that attracts the desired business?
- **Blindfold 4: We Know What’s Best for the Customer.** Do your partners still resist client interviews, especially when done by someone other than the responsible lawyer? Do they insist on managing their matters their own way rather than working with colleagues to standardize client experience? Do they shy away from AFP’s thinking the “clients” never buy them – without considering whether they’ve designed a value-based fee approach?
- **Blindfold 5: Believing Problems Don’t Exist.** Does your partner compensation system strongly reward holding clients tightly, resulting in major rewards for the senior people? Many powerful lawyers think this outcome is great – but how’s your succession planning process going? And do you see a future for your younger generation?
- **Blindfold 6: Avoiding the Unavoidable.** How many commercial firms today have general litigation practices with excess capacity? There has clearly been a market shift in demand for these services – but many are still trying

to address this, if they address it at all, as a temporary phenomenon or a short-term blip in marketing. “We just need a couple of big cases.” A rethink of these practices may be in order. How many middle-aged partners are operating at a tempo well below historical norms? “Joe’s a really good lawyer, but just doesn’t attract much work.” Maybe Joe’s human capital is obsolete?

While this list sounds paralyzing, there is plenty of good news. For starters, Cragun and Sweetman do provide some great thoughts on how to move past this challenge, which they believe is self-imposed. More importantly, this challenge is not an *industry* challenge but rather a human organizational one. There are *plenty* of law firms out there, and *plenty* of great law firm leaders who don’t wear these blindfolds and won’t allow their partners to do so. These firms are consistently leading the charge on growth, profitability and morale, regardless of what market segment they fall into.

Many years ago, I first had the opportunity to work with an extraordinary, though at the time young, Department Chair of a then mid-size firm. The most distinguishing leadership gift that young Department Chair had was the ability to see the situation he faced with extraordinary clarity. No rose-colored glasses, ever! He went on over subsequent decades to lead his firm to become one of the industry’s global leaders. He was successful because at every point along the way he fully understood where the firm was and what it had to do next – no illusions, positive or otherwise.

There are many strong leaders out there leading very good firms while taking advantage of the ability not to be trapped by institutional blindfolds. Is your firm one of them? We encourage all to think about the dynamic within your firm – do any of these blindfolds hold you back? If so, what are you going to do about it?