

If Attitudes Are Contagious, Is Yours Worth Catching?

By Nancy Byerly Jones (Article redrafted for publication in Lawyers Weekly USA February 2002)

An impeccably dressed businessman stood in the ticket check-in line at the airport. He looked nice enough and his attire made one assume that he was successful. Once he opened his mouth, however, the only impression he gave was that of a nasty and foul-mouthed jerk.

The man was sporting an obnoxiously sour attitude that poisoned anyone within earshot of his venomous air. He didn't like having to wait in the long line of boarding passengers or his assigned seat, and his words and manner of speaking to the counter attendant made that crystal clear. He talked with a demeaning tone, flung his arms impatiently, scowled at his innocent target and carried out his pathetic tantrum at a volume level sufficient for half the airport to hear.

With the utmost professionalism and courtesy, the airline attendant never returned a cross word or look to Mr. Nice Guy. Instead, he answered the disgruntled passenger's anger-filled questions calmly, thoroughly and professionally. When the next passenger reached the counter, she complimented the attendant on his impressive manner of handling such a ruthless, crude and extremely irritating person. With the same professional smile he had shown with the jerk, he responded, "Ma'am, I don't believe in getting mad ... just even. The gentlemen's destination is Atlanta, but his bags are already on their way to Hawaii."

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Don't we all know people whose luggage (and them, too!) we would love to send far away on a one-way trip? Attitudes come in all shapes, sizes and durations. How many different ones do we "wear" each day? How many different ones do we see other people exhibit each day? How recently did you have a great mood instantly deflated when encountering someone in a rotten mood?

How often do we complain of another's bad attitude? Frequently, I suspect, at least for most of us, even if only in the privacy of our own thoughts. How often do we stop to examine our own attitudes and how they may be affecting others who must be around us? How often do we ask how are our attitudes affecting our work, the choices we make and our days? The answer for most of us is probably too *infrequently*.

Attitudes, Malpractice & Other Office 'Headaches'

When you last read about the top 10 common causes of employee turnover, ethical violations or malpractice claims, was poor attitudes included on this list?

Probably not, but it should be and perhaps even be given the dubious prestige of being the leading cause of most of our law office headaches. No state of the art technology, office system, policy or management technique will be able to offset the damage done by chronically poor attitudes of attorneys and staff members.

Long-term poor attitudes can create costly barriers to building client success stories and maintaining a healthy morale among the troops. Likewise, attorneys who ignore the

potential hazards of bad attitudes are at a much higher risk of having ethical grievances or malpractice claims filed against them.

A Few Risk Management Hazards

Conflicts of interest can root from improper attitudes such as conceit, “know-it-all-ism” and indifference. The culprit, for example, can be attorneys who disregard malpractice prevention warnings and who fail to implement comprehensive conflict of interest checking systems within their offices. They boast that their memories alone are capable of recalling any potential or actual conflicts. Missed deadline mistakes, lack of documentation and substantive errors often occur for the same reasons.

Or, there may be “I’m too busy” attitudes among staffers who fail to check for conflicts or to calendar critical dates properly. A staff member’s failure to correctly conduct a conflicts search or to calendar correctly can stem from inadequate training or from a particularly dangerous attitude such as “It’s not my law office so why should I worry about it!” If it’s caused by a lack of training, this indicates an attitude problem among the firm’s attorneys – who obviously expect their employees to learn everything on their own and to do so while maintaining their normal workload as well.

Poor client relations result when attorneys and staff treat their cases as mere numbers rather than as individual cases with real people behind the case. Real people who are scared, hurting and nervous, and who need professional legal guidance and information. A few examples of thoughtless attitudes regarding client services include:

- failing to return clients’ calls promptly;
- keeping clients waiting well beyond their scheduled appointment time;
- allowing firm employees to treat clients unprofessionally, nonchalantly or otherwise discourteously;
- failing to clearly and patiently explain the fees and other costs to their clients; and
- failing to keep clients informed regularly about the status of their case.

Similar complaints are voiced over and over again by persons filing grievances and malpractice claims against attorneys. The long history and repeated occurrences of such complaints nationwide paint a clear picture of several things wrong with our profession today. Why then do the number of these types of grievances continue to rise year after year? There is little doubt that poor attitudes make up a large part of the answer to that question.

Another leading source of malpractice claims are clerical errors. These types of mistakes, of course, can occur in spite of proper training, attitudes and work assignments. Many, however, are no doubt the direct result of attorneys sporting careless and disrespectful attitudes towards their staff – *careless* when adequate supervision and training are *not* offered; *disrespectful* when common courtesies and thoughtful communications with employees are replaced with rude behavior, demeaning comments and brash attitudes?

Between the two, how can we not expect clerical errors caused by lack of training, frustrated attitudes, belittled egos and deflated spirits?

Any Killer Bees Among Your Staff?

While poor attorney attitudes can contribute greatly to employee problems and errors, chronically bad attitudes among staff members can do just as much damage. Staffers play a huge role in maintaining a healthy morale within the office and in helping their firm maintain a good reputation outside of the office.

In every interaction staff members have with their coworkers, they are either helping or hindering the firm's efforts to produce a quality work product for their clients. Likewise, in every interaction with clients or other non-employees, they must always be mindful that they wear enormous marketing "hats" for their firms.

Attitudes and professionalism are inherently intertwined. They go hand in hand. When speaking of professionals within a law office, people are usually referring to the attorneys. All firm employees, however, must act professionally at all times.

Professionalism can be defined in many ways, but no matter how you define it, unprofessional behavior is easily and quickly recognizable when it raises its ugly head. Bottom line: professionalism is and must be a state of mind. Unprofessional behavior should not be tolerated in a law office nor should non-stop poor attitudes.

Is your office suffering from the poisonous venom spread by a staff member's chronically bad attitude? The most destructive (and unprofessional) employees are those who act as if they are still in junior high school. Such employees:

- love to stir up trouble;
- cannot handle constructive criticism and are never at fault for anything;
- don't want anyone to be hired who's smarter or more skilled than they are (and if that happens, they will do everything they can to make the new employee's life miserable!);
- contribute regularly to the gossip grapevine;
- gripe ad nauseum about any and everything; and
- talk negatively about their coworkers behind their backs.

These "time bomb" employees may be highly skilled and, therefore, seen as essential "worker bees" whom management sees as indispensable. In truth, however, they are really "killer bees" when it comes to staff morale, team playing and excellent client relations. In short, there is no way their office skills could ever outweigh the ongoing damage their bad attitudes and destructive actions cause to an office.

An honest and candid review of staff professionalism within one's office can prove to be one of the most important and smartest practice management steps taken in a firm's efforts to build success stories. Contact me in you'd like a copy of my Staff Professionalism self-audit ([Email:nbj@nbjconsulting.com](mailto:nbj@nbjconsulting.com)) or go to my website to download it immediately (<http://www.lawbusinesstips.com/resources/self-audits/>).

A Final Note

When email was just becoming used more and more as a key communication tool, an attorney lamented that his firm had lost an important corporate client because the firm was not keeping up with technology fast enough. It was important for the former client to be able to communicate by e-mail with its legal counsel. The senior partners, however, had restricted the firm's technological growth not because of inadequate funding, as is true for many firms, but because they leaned too heavily on their success in prior years. They erroneously assumed their success would continue; and, while other firms may need to do all that computer mumbo-jumbo stuff, they could rely on their great legal skills and their past successes.

The war stories of firms in trouble due to slow-to-update-technology attitudes are rapidly increasing. Like marketing, using technology wisely and to our best advantage is no longer an option ... it is a must for long-term survival.

Attitudes Do Make A Difference

A rather large book could be written about the war stories directly resulting from dangerous attorney and staff attitudes and their link to malpractice errors, ethical violations, poor client relations, lousy office morale and high turnover rates. Perhaps, however, it would be more useful to write a book about the positive attitudes that help us build our success stories by helping us to cope with the endless challenges within our offices. One good example of the power of a good attitude is shared below and borrowed from the medical profession.

Dr. Bowen White is a Kansas City, Mo., cardiologist and presenter of stress management and quality-of-life programs. A neurosurgeon friend of Dr. White's struggled with finding the right words to say to the terminally ill 8-year-old lad with a brain tumor. Nothing else could be done for the bright child and the neurosurgeon anguished over the best way to act around his dying and frail patient.

As he sadly entered the examining room, the little boy was standing with his back to the door. When he turned around, what appeared to be a huge elephant's trunk was attached to his nose. Before the surprised doctor could say a word, the boy said "Say Doc, I believe you forgot to warn me about *all* the possible side effects from the radiation!"

The patient had suddenly become the teacher, reminding the surgeon of the power, beauty and critical importance of possessing a positive attitude and good sense of humor no matter what the circumstances.

The Unbreakable Link: Attitudes & Success

We all sport many different attitudes in the living of our days – some good, some not so good.

We are only human, so we are going to have bad attitude moments (and days) from time to time. This is especially true in our efforts to survive in today's fast-paced and ever-changing legal environment. What is important is that we stay close enough in tune with our attitudes so that prompt and appropriate adjustments can be made when needed.

The success stories we are building depend on good attitudes as much as they do our professionalism, stamina, perseverance, ethical behavior, financial resources, common-sense and smart planning.

If it really is true that attitudes are contagious then we should be asking ourselves several times each day: "Is my attitude worth catching?" If the answer is "No," it's nice to know that we have the power to change our attitude and that we are not dependent on others to do it for us. After all, it's our own success stories that we are building.