'Typical Lawyer' Clones, Clients and Fitness for Purpose in Times of Change

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BIRMINGHAM LAW SCHOOL

'Typical lawyer!'
Clones, clients and fitness for purpose in times of change

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Abstract

The legal sector is experiencing 'a time of unprecedented change with consumer demands, technology and the regulatory system fundamentally changing the way that legal services are delivered' (Solicitor's Regulation Authority, 2013). The deregulation of the sector, meaning that non-lawyers can now own and manage legal services firms, has swollen an already competitive market, and, more than ever, the client is king. Lawyers must be able to innovate and manage client relationships, and the issue of team working is becoming increasingly relevant. In this paper the authors combine their knowledge and expertise in management and law respectively to further explore this issue.

During Author B's time in legal practice she observed a paucity of 'creative types' and hypothesised that the recruitment process was likely to prevent the progress of such people into law firms. Some years later, the authors taught two cohorts of students attending a UK University management programme. The students, who all managed lawyers, comprised a mix of lawyers and non-lawyers, such as human resources and finance professionals. The authors observed a distinctly different approach between the lawyers and the non-lawyers.

The observations referred to above ignited a desire in the authors to explore: (i) whether there is a 'typical lawyer' in terms of a lawyer's preferred role in a team, (ii) if so, the impact this may have on the ability of law firms to manage client relationships and to innovate in times of change and increased competition, and (iii) how these findings might inform the education, training and recruitment of those working in the legal services sector.

The authors used the Belbin model, which Author B had encountered in legal practice, to undertake a small pilot study of preferred team roles within the legal profession. Students in the two cohorts mentioned above each completed a Belbin questionnaire, and when the results were analysed, it became clear that there may indeed be implications for the sector and a need for further research into this topic.

Introduction

Teams: what makes a good one, and what makes a dysfunctional one? This issue has been studied extensively and many books have been written to try to answer this question (for instance Atkinson, 2001; Hayes, 2010; Newton, 2011; Smith and Sharp, 1990). One of the overarching aims of this paper is to analyse how legal services professionals can ensure their teams are good and not dysfunctional. The lens we adopt for this is the tried and tested Belbin team role exercise.

The paper begins by outlining the Belbin team role theory, and this leads into a discussion of how we applied the model in a pilot study of students studying legal practice management. A summary of the key results then reveals that a number of potentially significant findings have emerged that could have practical implications within the sector.

The paper concludes with an assessment of how we might take this research forward within the context of the legal services sector.

Belbin's team role theory

One of the best known models of understanding teams, and people's roles within teams, was developed in the 1980s by Raymond Meredith Belbin, and modified in the subsequent decade (Belbin, 2010a; Belbin, 2010b). Essentially, the theory argues, individuals each have a way of working in teams which is natural to them, and that these approaches can be analysed and grouped into nine different team roles that must be present in the team in order to render it balanced and effective. Each of the nine team roles is of equal importance (Godskesen, 2009), and each has its strengths and 'allowable' weaknesses (Belbin, 2010a; Belbin, 2010b) (although Macrosson and Hemphill (2001) suggest that shortcomings in colleagues' conduct is sometimes far from 'allowable'). These strengths and weaknesses are summarised in Appendix 1.

The theory recognises that individuals may need to vary their working practices according to circumstances, and that a person may therefore fall into different roles at different times (Belbin, 2011). The theory also notes that, although there is one dominant team role for each individual, it is entirely possible that a team member may hold several other roles at the same time, albeit to a lesser degree. Therefore, the team does not necessarily have to consist of at least nine members, but each of the different roles should be present in the team.

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Whilst never intended as a full psychometric test on its own (Belbin, 1993), it is widely used as such (Swailes and McIntyre-Bhatty, 2002; Watkins and Gibson-Sweet, 1997). It has been used in contexts as diverse as the construction industry (Senaratne and Gunawardane, 2015), internal communications (Lloyd and Varey, 2003), group dynamics (Godskesen, 2009), team diversity (Lessem and Baruch, 2000), the energy industry (Soltani and Malgharani, 2015), and project management (Sommerville and Dalziel, 1998). Indeed, its broad application to a range of management disciplines is a key part of its appeal (Balderson and Broderick, 1996; Fisher et al., 1998; Macrosson and Hemphill, 2001; Sheard and Kakabadse, 2004). Moreover, although it was initially designed for management teams only, the model has been expanded to include non-managers (see for instance Fisher et al., 2002) – another factor in its widespread use.

However, in spite of its popularity, Belbin's theory is by no means universally accepted. For instance, Aritzeta et al. (2007) argues that there there is little empirical evidence to support the theory (although this is disputed by Godskesen, 2009) and furthermore it is based on self-reporting and is therefore open to subjectivity, bias, and misinterpretation. Higgs et al. (2005) argue that Belbin offers little guidance on how to restore team balance when the conditions in his model are violated. Others suggest that the theory does not take into account differences in the type of task that team members may perform, and ignores the impact of wider factors such as the impact of limited organisational resources upon team performance (Huczynski and Buchanan, 2013). More fundamentally, some authors argue that Belbin's emphasis on 'ideal' behaviour should be rejected in favour of analysess of how team members 'actually' behave in real life (Butcher and Bailey, 2000; Manning et al., 2006).

Pilot study

In view of Belbin's popularity, and as it is one of the few recognised management tools adopted in practice by the legal services sector, we were interested in exploring how the model applies in that sector. Would it reveal that teams in the sector were much like teams in other sectors, or would there be some significant differences?

Students studying the postgraduate certificate in legal practice management

The authors teach on and manage, respectively, a programme in one university in the north of England which teaches management skills to those who manage legal services professionals. The programme leads to the award of a Postgraduate Certificate. Author A is leader of a unit on the programme which

focuses exclusively on the management of teams. This presented an ideal opportunity in which to undertake a pilot study.

Cohort 1314 comprised 14 students, half of whom were lawyers, and half of whom were other professionals such as practice managers, human resources and finance professionals. Most, but not all, worked in law firms. Cohort 1415, the following year, comprised 7 students, all of whom were lawyers, one of whom worked in-house. It should be noted that, because this was a pilot test to determine the validity of our hypotheses, we have not yet analysed our data to segment different occupations. This is, however, a key factor in the next stage of our research.

During their study of the 'managing teams' unit these students were asked to complete the 'standard' Belbin questionnaire. Mindful of the need for confidentiality in the classroom, and because the results were essentially personal to themselves and may have revealed things that individuals may not have wished to divulge, we asked students if they would be willing to share with us, in class, their highest scoring result and their lowest scoring result. We were only concerned with the category and not with the actual 'score' itself. Pleasingly, all students were happy to share this data with us.

The analysis of the results was very rudamentary; we simply added up the number for each category. Although this was unsubtle, it did provide us with some potentially interesting findings, as can be seen below.

The fourteen students in cohort 1314 provided the following results:

Table 1: Belbin scores (high/low) for cohort 1

Role	No of high scores	No of low scores
Coordinator (formerly Chairman)	2	1
Shaper	3	1
Plant		4
Resource Investigator	1	3
Monitor Evaluator	1	
Implementer (formerly Company Worker)	4	1
Team Worker	2	
Completer Finisher	1	4

Notes:

1) *Specialist is excluded because was not an option from the Belbin exercise that was used in the session. Fisher et al. (2002) argue that this category is not detectable through personality tests*

The seven students in cohort 1415 provided the following results:

Table 2: Belbin scores (high/low) for cohort 2

Role	No of high scores	No of low scores
Coordinator (formerly Chairman)	4	
Shaper		1
Plant		4
Resource Investigator	1	1
Monitor Evaluator		
Implementer (formerly Company Worker)	1	0.5
Team Worker	1	
Completer Finisher		0.5

Notes:

1) *As before, specialist is excluded because it was not an option from the Belbin exercise that was used in the session.*

2) *The two scores of 0.5 reflect the fact that one student had the same score for implementer and completer finisher*

(i)   Do the pilot results suggest there is such a thing as a 'typical lawyer'?

There are some broad similarities between the two tables. For instance, neither 'monitor evaluator' nor 'team worker' produce strong results in either cohort, whereas the results for 'plants' are identical (which is interesting, since cohort two is half the size of cohort one). However, given that we were treating these as a single pilot study, it is more appropriate to combine these results into a single group. When this was done, the following results were obtained:
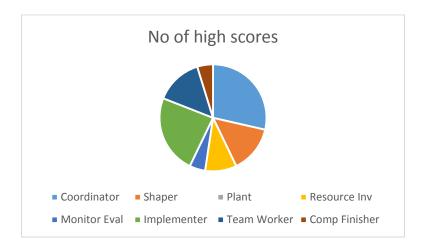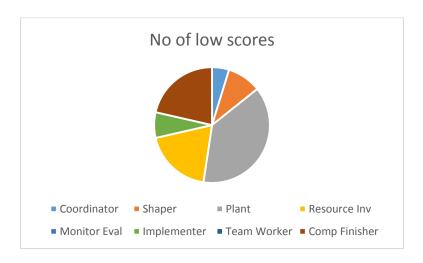
Fig 1: Highest Belbin scores for combined cohorts

No of high scores

- Coordinator
- Shaper
- Plant
- Resource Inv
- Monitor Eval
- Implementer
- Team Worker
- Comp Finisher

Fig 2: Lowest Belbin scores for combined cohorts

No of low scores

- Coordinator
- Shaper
- Plant
- Resource Inv
- Monitor Eval
- Implementer
- Team Worker
- Comp Finisher

As outlined above, neither 'monitor evaluator' nor 'team worker' are significant. However, it is also evident that there are some potentially important findings.

In Figure 1, the numbers for co-ordinators and implementers were particularly strong. Six people and five people respectively rated these as their highest category (more than half the total between them). This is interesting, because, while there are advantages to these categories (see Appendix 1), people in these categories can be seen as inflexible and manipulative by others (Belbin, 2004).

In Figure 2, it is evident that 'plants' are by some distance the biggest category. Eight respondents rated this as their weakest area. Interestingly, in Figure 1, nobody felt it was their strongest area. This reflects Author 2's experience in practice, where managers commented to her that they hoped she was a 'plant'

because the Belbin tests the lawyers in the firm were completing had revealed there to be no plants in her firm. Plants are typically good at generating ideas (Godskesen, 2009; Macdonnell, 2012), and so they are often good innovators (Yeh et al., 2006).

Also a potential concern in Figure 2 is the fact that 'resource investigator' and 'completer finisher' combine to produce a similar result to 'plants' (8½ low rankings), although in Figure 1 three people identified these categories as being their strongest areas, and so the results were more polarised that those for 'plants'. We were particularly surprised by the low scores, because people in these roles tend to be good at gathering information and to be good at the detail (Belbin, 2004; Yeh et al., 2006), and we had expected the legal profession to be strong in these areas. Author 2 observed that the recruitment process for junior lawyers tends to favour 'completer finisher' types. Our pilot was drawn from the more senior members of firms. Could it be that those lawyers which firms wish to recruit as junior lawyers are, in fact, not those who make it to Managing Partner?

(ii)   What might be the impact of the pilot results on the ability of law firms to manage client relationships and to innovate?

The pilot findings may indicate important implications for the legal profession.

(a)   Managing client relationships

The pilot found that managers of legal professionals might tend towards 'co-ordinator' and 'implementor', both of which can be seen as inflexible and manipulative. In any business, keeping customers happy is key to future income. However, research has shown that clients can fear their lawyers to such a degree that they are afraid of complaining about them, and found that lawyers can be inflexible in picking up on 'soft cues' when a client is unhappy (YouGov plc for the Legal Ombudsman, 2012). If clients feel unable to give their lawyers honest feedback, how can firms in the legal services sector ever be truly client-facing? For most businesses – including, significantly, many of the big-brands who may or have entered the legal market – listeing to client feedback is key. It is interesting to note that while new business structures in the legal sector have a higher incidence of complaints received, they also have a higher complaints resolution rate for first tier complaints than traditional law firms (Legal Services Board, 2013). Might this be because they have people in their management structures who might adopt a more flexible stance to the compaints procedure that a more traditional legal services professional (or 'typical lawyer')?

The pilot also found a lack of 'plants', who generate new ideas and are innovative. This paper is to be delivered to a conference comprising corporate lawyers. It is important to reflect that corporate clients are likely to have a background of entrepreneurial activity; that is, they are likely to be plants themselves. While clients will not wish their lawyers to be clones of themselves, it can be seen that if they *never* encounter a plant at their law firm it may strike them as strange; there may be a perceived lack of 'fit' between lawyer and client.

(b) *Innovation*

The fact that one-third of respondents identified innovation as their biggest weakness (by having 'plant' as their lowest score) also has significant implications on the ability of law firms to keep pace with change. At the time of writing, the legal sector has experienced, and continues to experience, 'a time of unprecedented change with consumer demands, technology and the regulatory system fundamentally changing the way that legal services are delivered' (Solicitor's Regulation Authority, 2013). The deregulation of the sector, meaning that non-lawyers can now own and manage legal services firms, has swollen an already competitive market. This is, therefore, precisely the time when innovation is most needed in the sector (Susskind, 2008; 2013). As Hobbs (2014) puts it, *"innovate or die".* Thus, might the new business structure entrants, managed by non-lawyers and modelled on a more established business model than a traditional law firm, be more innovative in their approach?

(iii)   How might the findings of the pilot study inform the education, training and recruitment of those working in the legal services sector?

(a)   Education and training

One of the key recommendations of the Legal Education and Training Review independent research team (2013) was to strengthen requirements for education and training in, among other things, the development of management skills. Lord Neuberger (2012) has also recommended, 'both university and non-university legal education should develop what may be characterised as professional skills to a fuller degree than currently'. Susskind (2013) observes that the new business entrants to the legal services sector 'are often better business managers than most lawyers who tend to have had little training in the actual running of commercial concerns'. This paper supports the premise that applying management theory to legal practice can be a valuable exercise, by revealing possible deficiencies in the make up of teams within traditional law firms.

Indeed, the way law is taught in higher education is changing (see for instance Berman, 2015; Porter, 2015), and we see a clear need to stay at the forefront of developments. Therefore, if the pilot does identify a 'typical lawyer' then when teaching them, and prospective lawyers, our teaching methods could be fruitfully adapted to ensure we are appealing to and accommodating the needs of this person (Ashwin et al., 2015) and targeting our approaches where they can be most effective (Bickerstaff and Cormier, 2015).

(b)   Recruitment

The apparent lack of 'resource investigator', 'completer finisher' and 'plant' have implications for the legal profession. The recruitment process must be fit for purpose in recruiting not just lawyers who pay attention to detail and who can draft contracts accurately as junior lawyers, but also lawyers who have the ability to think more strategically and broadly to enable them to progress to management. There is a tension here. Lawyers, recruited for their ability to seek and achieve one hundred percent, are likely to find it difficult to adere to the Pareto principle where 80:20 is the goal (Shephard, 2015), yet stressful if they continue to seek to pursue perfection at managerial level. Is this why the recruitment process of junior lawyers has been observed to be biased towards 'completer finishers' yet they do not appear to be the ones who 'succeed' by progressing to management? Burn out in the profession has been recognised (Samborn, 2000).

Next steps

The authors would like to extend their analysis beyond the confines of the pilot analysis undertaken for this study. The authors have obtained permission from Belbin to conduct a study of (i) undergraduate students who have elected to study business law, (ii) postgraduate students undertaking professional exams in corporate law with a view to joining the profession, and (iii) academics who formerly practised. The authors have also obtained permission to allow the two cohorts assessed in this pilot to be reassessed. The authors intend to analyse this data with a view to publishing it in a journal interested in cross-disciplinary studies relating to legal education and/ or the management of professional firms.

Summary and conclusion

Although this simple count of each 'Belbin role' is commonly used in research (Higgs et al., 2005), we recognise that our approach, while required in the context of the classtoom, has been somewhat

unscientific and rather 'rough and ready'. For example, of the 21 respondents, 13 may have had 'Plant' in second place; we have no way of knowing. If this was the case, our results would obviously be less conclusive. A second concern is that we sampled students at a single university, and therefore the results may be atypical. The two cohorts tested are managers of lawyers who have chosen to undertake legal practice management studies and as such the authors consider that their results may be different to other managers of lawyers in practice who have not shown an interest in legal practice management studies (despite being managers). Moreover, the small sample size (n=21) makes it difficult to generalise beyond our study. Nonetheless, these findings suggest that there may be some truth to the theory that lawyers may tend towards being of a 'type'. Therefore, we feel that these results are sufficiently interesting, and have such potentially significant implications, that further research is warranted.

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Appendix 1: Belbin's nine team role characteristics

Role	Characteristics	Contribution	Allowable Weakness
Coordinator (formerly Chairman)	Calm, self-confident and controlled leaders. Strong sense of objectiveness (Leung et al, 2003)	Guide and control the other team members in the teamwork situation. Explores potential of all contributors in the team (Godskesen, (2009). Delegates well (Belbin, 2004)	Can be seen as manipulative and may delegate personal work (Macdonnell, 2012)
Shaper	Challenging, dynamic, thrives on pressure (Leung et al, 2003). Ready to challenge inertia ineffectiveness and self-deception (Belbin, 2004; Lloyd and Varey, 2003).	Drive and courage to overcome obstacles. Ready to face temporary unpopularity if it leads to worthwhile results in the end (Leung et al, 2003). Generates positive action in teams (Yeh et al., 2006)	Intolerance towards vague ideas and people. Can provoke others and hurt people's feelings (Belbin, 2004; Godskesen, 2009). Can be seen as forceful and authoritarian. Apt to show impatience with those who are obstructing progress (Yeh et al., 2006)
Plant	Individualistic, serious and unorthodox. Genius, intellectual and imaginative, (Leung et al., 2003)	Innovator and problem solver (Yeh et al., 2006). Often needed in the initial stages of a project or when a project is failing to progress (Yeh et al., 2006)	Ignores details, too preoccupied to communicate effectively (Belbin, 2004; Macdonnell, 2012)
Resource Investigator	Great communication skills, are enthusiastic, extrovert and are eager to explore new alternatives and respond to new	Contact person for external sources of information (Leung et al, 2003; Yeh et al., 2006)	Liable to lose interest after the initial fascination has passed. Over-optimistic, (Belbin, 2004)

	challenges (Belbin, 2004)		
Monitor Evaluator	Tend to be sober, prudent without any emotions related to the teamwork tasks. Have clear judgement and discretion (Leung et al, 2003)	Analyses and evaluates the proposed solutions and choices in the team without introducing bias (Leung et al, 2003). Finds a line of argument to refute unsound argument. (Macdonnell, 2012). Takes all factors into account (Yeh et al., 2006)	May delay decisions in order to further analyse the scenario (Leung et al, 2003). Lacks drive and ability to inspire others. Overly critical (Godskesen, 2009).

Role	Characteristics	Contribution	Allowable Weakness
Implementer (formerly Company Worker)	Great organising skills. Hard working with great self-discipline and has good portion of practical common sense (Leung et al, 2003).	Co-facilitate management of diverse team skills; performs well with team members of similar rank (Yeh et al., 2006: 195)	Somewhat inflexible. Slow to respond to new possibilities (Godskesen, 2009).
Team Worker	Socially skilled, mild and sensitive to the other team members' feelings and is able to respond to whatever the team is presenting and promotes team spirit. (Leung et al, 2003).	Facilitates the core team functions and is the mediator within the team (Yeh et al., 2006)	Indecisive in crunch situations. Can be easily influenced (Godskesen, 2009).
Completer Finisher	Painstaking, orderly, conscientious and anxious. Has a great capacity for following things through (Lloyd and Varey, 2003), and keeping attention to detail all the way to the very end of the project (Leung et al, 2003)	Keeps focus on details and deadlines. Performs well under high schedule demands (Yeh et al., 2006)	A tendency to worry about small things. A reluctance to delegate or 'let go' (Lloyd and Varey, 2003)
Specialist	Single-minded. Dedicated to own area of expertise (Yeh et al., 2006)	Provides knowledge and skills in rare supply (Godskesen, 2009). Applies these skills *"to meet the exact needs of the team and organisation"* (Yeh et al., 2006: 195)	Contributes only on a narrow front. Dwells on technicalities and overlooks the 'big picture' (Macdonnell, 2012)

Biographies

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Mark is a senior lecturer at Manchester Metropolitan University, which he joined in September 2013, having previously taught at the University of Chester. He has more than 20 years' management experience outside academia, and studied at Liverpool John Moores University and the University of Liverpool before gaining his PhD in cognitive psychology at the University of Chester. Mark is also a school governor and is an external examiner at the University of South Wales. He can be contacted at m.crowder@mmu.ac.uk

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