Eight Ways Law Firms Usually Stifle Creativity: How to Encourage Innovation in a Law Firm

**Summary:** Learn about models of law firm leadership that encourage innovation and how to embrace creativity in your law firm.

Research shows that, as a group, lawyers value the concept of "leadership" equal to the practice of law. If your firm is struggling, as so many are, with a dearth of competent candidates for practice group, office, and firm leadership positions, then this presumed "value" among attorneys may be somewhat puzzling to you.

These law firms do not value creativity as an important leadership characteristic. Chances are these law firms are stifling creativity with one of the eight creativity killers. But there is hope, because law firms can adopt new models of leadership that encourage innovation.

**The Meaning of Leadership**

The concept of leadership has always held a strong connotation of risk-taking. Leadership meaning "first." Leadership meaning marching into the fray, banners flying, oblivious to hazard. Leadership like Picasso, Martin Luther King, or 3M with those almost-sticky squares of yellow paper. Something we know lawyers are trained to avoid.

But, there is another nuance. Leadership meaning "the best." Leadership meaning "to win." Leadership meaning "victorious." Ah! Now I see the connection. Three years of law school certainly gets you focused on winning. However, now that lawyers must not only practice law, but also manage their businesses competitively, does the law school definition of "leader" still work? I don’t think so.

Take market differentiation. For years, the only way law firms differentiated themselves was by the number of lawyers they contained. They were competing with their contemporaries for the "lead," for the top spot, and by the only measure available to them: numbers.

Today, it’s not so easy. Lawyers and law firms have to differentiate themselves and their capabilities in the eyes of their clients and potential clients in order to stay viable.

- See [How to Position Your Law Firm’s Value More Effectively in the Legal Market](http://www.lawcrossing.com) for more information.
How are these lawyers cum business managers approaching the differentiation challenge in their businesses? In most cases, not well. Law school conditioning to never-be-wrong, and always-be-best, isn’t really good preparation for the role of innovator. They’re being asked to make dangerous (read: “possibly wrong”) decisions under the painful scrutiny of the very colleagues who will determine, not only their personal compensation, but also whether they will continue to serve in a management capacity at all. Risky business, indeed.

**Innovation and Risking Failure**

The very definition of innovation belies every ounce of lawyer training. Innovation involves upsetting the status quo, risking failure at worst and disapproval at best, doing something no one has done before. Questioning every assumption. Without precedent.

Have you ever seen a lawyer Travel Awards program? You get free travel miles on American Airlines every time you register a trademark, service mark, design, and/or patent using a certain law firm’s Bermuda-based services. This is a mind-twisting concept for a dignified and precedent-driven profession.

Does it work? Will it bring in new business? Oh, who knows! That’s the point. This firm is taking a risk. A calculated one, but a risk all the same. That’s what it takes to innovate. Trying things. Not just winning things.

- **See The Benefits of Failure** for more information.

Law firms themselves are brilliantly organized to prevent creativity. A British-run creativity studio for children called "Little Ark" identifies eight common killers of creativity. See if you can spot the correlation to law firm management practices:

**Eight Killers of Creativity**

1. **Surveillance.** Making people feel they are constantly watched stifles risk-taking.
2. **Evaluation.** People who must constantly worry about how they’re doing learn to ignore the personal satisfaction of their own accomplishments.
3. **Rewards.** Excessive use of incentives or payment deprives one of the intrinsic pleasures of creative work.
4. **Competition.** People put into win-lose, only-one-can-come-out-on-top situations quickly shed the willingness to make mistakes.
5. **Over-control.** Constantly telling people how to do things often leaves them feeling that originality is a mistake.
6. **Restricting choice.** Dictating the "right" way to do something prevents following where curiosity and passion lead.
7. **Pressure.** Unreasonably high expectations deter experimentation and exploration.
8. **Time.** (The biggest killer!) Limited time squashes the opportunity to become engrossed in and swept away by what you are doing.

Sound familiar?

But let’s not be too negative. I think there are several models to describe how creativity can happen in this idea-stifling environment:

**The Inexorable Fire-Breathing Thunder Lizard Model**

Is there someone in your firm whose rabid enthusiasm and energy for a particular new idea is, well, irritating as heck? Someone for whom the answer to everything is, infuriatingly, that same weird idea?

Keep your mutterings under your breath for now and think about how you can fan this passion into a demonstration. Somehow, this partner’s conviction has welled up and devoured law school training, firm convention, and fear of personal failure. Blow on that flame. It is rare.

**See the following articles for more information:**

- **The Importance of Sharing Ideas**
- **Never Stop Using Your Imagination**
Take a risk. See what happens. More innovative law firms have found themselves in the lead because of the combination of a troublesome, contrary partner with an itch for something extraordinary, on the one hand, and, on the other, a characteristic unwillingness on the part of others in the firm to take a risk and slay this dragon. In these rare instances, the pusillanimity of partners works to their advantage, ironically, because a creative leader has somehow stumbled into real power, and no one dares put up resistance.

**The "Get Creative, Dammit!" Model**

Some managing partners are beginning to see innovation as the key to their firms’ competitive future. While they are rarely in a situation to demand creativity, they are frequently in a position to encourage it. How? Well, they fan the flames of Partner Thunder Lizard, for one.

But they also communicate an expectation of creativity to other firm leaders, and to the lawyers and staff in general. They publicly identify and recognize innovative approaches. They praise risk-taking and experimentation. They throw their body in front of the train when the compensation committee decides to "punish" a partner whose daring idea failed spectacularly. They become advocates for creativity.

**The Virus Model**

The seeds of a successful innovation virus are planted whenever someone in your firm takes a huge risk, does something differently and wins. Every time a partner launches an ancillary business that doubles the firm’s bottom line; every time the recruiting partner spearheads a leadership development program that draws a record class of entrepreneurial first-years; every time the firm’s new electronic conference system halves travel expenses and doubles client involvement. What happens then? Someone else will get the itch. A practice group leader will get the sense that he won’t die for trying something new. A messenger will respond to the rave reviews he gets when he modifies the mail delivery system to improve turnaround time.

*See To Innovate You Need to Make Your Own Rules for more information.*

And your job, as a firm manager, is to praise, encourage, stimulate, protect, support, and generally run alongside your creative thinkers in order to make sure they’ve got what they need to - according to Webster’s definition of “lead” - "show the way by going in advance."

It’s a tough world out there for lawyers and law firms. They have to call on skills they’ve never nurtured in order to succeed. They have to take a risk. A big one. And more than one.

In fact, now that I think about it, maybe the best Webster’s definition of “lead” in this context is the last one in the dictionary listing. It’s a fishing reference: “A length of gut.”