

## Superstar or Renegade? Keeping Toxic Lawyers Out of Your Partnership

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“Superstar employees are the obsession of the corporate world,” [a recent article in the Harvard Business Review](#) (HBR) begins. “They’re highly sought after, given the most attention and the best opportunities, generously rewarded, and expressly reassured after setbacks.”

Does this remind you of any members of your law firm’s equity partner class? Especially those recruited laterally from other firms?

This elite class of workers is “highly sought after” for good reason. These superstars can be four times as productive as average workers, the HBR suggests, and can generate as much as 80% of a business’s profits while also attracting other star employees. Given this sort of payoff, it’s little wonder law firms are constantly trying to poach key rainmakers from rivals at any price.

But the HBR article goes on to identify a kind of “evil twin” to the superstar employee: the toxic worker. “These are talented and productive people who engage in behavior that is harmful to an organization.... [A]voiding such people can save companies even more money than finding and retaining superstars.” In fact, a toxic employee can cost a company more than twice as much money as a superstar generates.

Here’s the problem for law firms: superstar lawyers and toxic lawyers tend to share many of the same characteristics.

The HBR article, citing a Harvard Business School study, identified four characteristics shared by toxic workers: “Overconfident, self-centered, productive, and rule-following employees were more likely to be toxic workers.” Powerful lawyers tick off those first three boxes almost immediately. The fourth, which means inflexibility concerning the application of rules, is frequently on display among lawyers. Other characteristics of “bad guys” in the office include charisma, curiosity, and high self-esteem. A quick look around your partnership table for all these characteristics should give you immediate cause for concern.

Virtually every major law firm actively recruits high-powered lawyers who possess the features of a potentially toxic worker. And for every toxic partner your firm inadvertently recruits, it cancels out the positive effect of more than two genuine superstars.

Law firms can take two steps to reduce their risk here. The first is to deepen and broaden the background checks of potential lateral recruits. Look well beyond their book of business; find out everything you can about what this person is *really* like. Ask yourself why this person is even looking around for new opportunities: is it that they've worn out their welcome at their current firm? Is this their first lateral move, and if not, why is that?

Don't just interview the lawyer's old friends and favoured clients, either. Their glowing reviews will simply strengthen your own confirmation bias: you want to hear good things, so you choose the sources likeliest to provide them. Actively seek out people who have complaints, grudges, or scars from working with this person, and consider this contrary evidence carefully. Be adamant that you will recruit only good corporate citizens into your partnership, and that your due diligence in this respect will be exemplary.

Despite a firm's best efforts to spot bad apples, however, some will inevitably slip through. In fact, the truly lethal ones will be the toughest to spot, diabolically practiced as they are in the art of telling you what you want to hear. So the second tactic you can employ is to reduce your firm's vulnerability to the emergence of a toxic partner.

Exercise greater vigilance over this person upon their arrival, quietly monitoring them for signs of antisocial conduct. This is not impolite behaviour towards a guest: it is the strict application of a probationary period of scrutiny to a stranger in your midst. Watch closely for warning signs in the first several months of the person's tenure, and don't hesitate to pull the plug on a lateral hiring experiment that is clearly going wrong.

As well, insist upon integrating their new client teams with veterans from your firm, especially professional staff who can lay down links with these new clients to your firm's systems and processes. Do not permit the new partner to set their own rules or evade the firm's existing practices: bad things will happen if a foreign culture is allowed to implant itself into your firm's ecosystem.

Really, the best way to lower the risk of recruiting toxic employees is to reduce the impact that any one individual can have, positive or negative, on your firm. Enhance your firm's client service infrastructure through the systematization of legal work production and delivery. Undertake the difficult but necessary job of [shifting the ownership of client relationships](#) from individual partners to the institutional firm.

Toxic employees can derail your law firm in a hurry. Take whatever steps you can to keep them from ever boarding the train in the first place.