

Conflict Management

By Sandra J. Boyer

Conflict can be very divisive and unproductive. On the other hand, it can also effect profound changes in a law firm, especially in a successful law firm where things move fast and decisions need to be made quickly. Without minimal conflict there isn't generation of discussions that can lead to new ideas and strategies. The firm's movement toward the future becomes a matter of habit rather than with enthusiasm.

The presence of conflict is a sign that people have strong feelings about the firm and are investing their efforts into it. Of course, it can also be a sign of people attempting to control the environment in such a way that it negatively impacts the firm and the people in it. Determining the kind of conflict and the extent it is present in your firm is the first step in using it to the firm's advantage. Effectively dealing with conflict will allow the firm to move forward as a united group rather than a firm of independent lawyers supported by their staff.

Most conflict results from human differences. The differences, if properly managed, can be an incredible firm asset, helping the firm create a synergy among its members. Using that synergy and the resulting in a pro-active manner when developing management strategies and making important decisions will enhance the firm's success. Recognizing and accepting differences among people in the firm, both at the lawyer level and the staff level, will assist management to clarify the firm culture and will enable management to develop effective ways for its members to relate to each other and work together for common goals.

Conflict must be dealt with in its infancy. Firms must not allow it to develop, grow and spread throughout the firm. If conflict situations are handled early, it provides individuals a more satisfactory resolution. Reaching resolution can release optimism, confidence, and new energy among firm members. Dealing with controversy in its early stages also demonstrates management's commitment to ensuring a productive and comfortable work environment for lawyers as well as staff.

There are five popular approaches to conflict management. The use of these methods differs depending on the situation the firm is facing. Some of these conflict management strategies are used because firms are unwilling to confront conflict and make effective decisions. One or more of these approaches has undoubtedly been used at one time or another in most firms. The identification of conflict is as important as how a firm deals with the conflict. Managers of conflict, as well as, individuals must implement effective conflict management by taking steps to address it rather than avoid it. The five approaches typically used when firms are confronted with conflict include:

- Conflict Management Through Conflict Avoidance
- Conflict Management by Downplaying the Situation
- Forceful Conflict Management
- Conflict Management through Bargaining
- Conflict Management through Problem Solving

Conflict management through conflict avoidance can be very detrimental to a law firm. This approach allows the people involved to withdraw from, or avoid, the person or situation creating the conflict. Management pretends the situation does not exist, is not important enough to worry about, or is not affecting the firm as a whole. However, more often than not, conflict that is avoided tends to get worse over time and can eventually lead to the disintegration of relationships both internally and externally. Individuals become hostile and that hostility begins to permeate the firm's culture. Conflict resolution through avoidance can only be effective if the situation is not time sensitive and can correct itself in a short period of time.

Another type of conflict resolution is to downplay the conflict or smooth over the issues. People attempt to make light of a situation and act as though the situation does not really exist. This style of conflict resolution allows people to play down the differences among them. People do not realize that if the issues among the partners were resolved the conflict would disappear leaving more opportunity for successful communications and/or production. Therefore, the conflict is not resolved. People acknowledge the situation but feel it is not important, failing to look at the long-term effects of the failure to resolve the conflict.

Strong management can force conflict resolution. However, forced conflict resolution may not provide positive results in the long term. When an Administrator or Managing Partner uses force to resolve conflicts among the staff, they create winners and losers. The losers will probably become unproductive employees who possess an attitude that will eventually lead to morale problems. Forcing conflict resolution at the lawyer level can be even more detrimental to the long-term health of the firm. Lawyers must

commit to providing a positive cultural environment for themselves and their employees. This commitment alone should force partners to identify conflict and resolve it among the partners.

Naturally, there are instances where management must force resolution of the conflict. However, the lawyer management group must first determine that other conflict resolution methods will not or have not worked.

Bargaining or affecting a compromise is another form of conflict resolution. This is perhaps one of the weakest methods because people tend to inflate their position beforehand for they know they will have to compromise during the process. This method can work, but the positions of those involved and the situation itself must be examined thoroughly before agreeing to any resolution.

The most effective conflict resolution method is problem solving. Participants must be willing to accept the fact that others have meritorious positions, and then attempt to understand their thinking and respect the differences. When using these methods, it is important to remember that the goal is to resolve the conflict, not for the partners to dig in their heels and defend their position to its death. When conflict exists, those involved should understand that the end result would benefit everybody and make the firm a better place to work.

Conflict can be healthy. Unmanaged conflict can be disastrous. Finding the balance is essential. Members of a law firm who have different opinions need to explore those differences, use them to create new ideas and arrive at new results. If members work towards this goal, a synergy develops and creates new opportunity for growth and success.