

Beyond Civility for Paralegals

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After reading an article titled “Civility for Paralegals” by Greg Wayment, *Utah Bar Journal*, Vol.19 No.7, 2006, I was provoked by several questions originating from Mr. Wayment’s statement, “Incivility has long plagued the legal profession.” Why the legal profession? Where does incivility start? And what can be done to reverse the stigma with which the legal profession has been plagued?

Attorneys, paralegals, legal secretaries and legal staff work in a consistently stressful, competitive office environment. Realistic and unrealistic deadlines, hectic schedules, adversarial and combative bantering, highly-charged attorney or client meetings, to name just a few, are the backdrop to the legal habitat. Incivility is born in that workplace, the office or the firm. Workplace contemptuousness is brought to life by attorneys, paralegals or coworkers.

Manners in the workplace in general have manifestly deteriorated in the last ten years.¹ Manners are an essential part of the image one projects. Forgetting manners makes a lasting impression on others. Conversely, the devastating results of incivility in the workplace are lower job satisfaction, repeated tardiness, unnecessary sick days, and very simply, not working very hard anymore. Once incivility rears its nasty head, the results lay waste to those who are culprits as well as the organization itself.²

Workplace incivility includes both things you do and things you don’t do. Workplace incivility is both active and passive. For example, active incivility is when you decline a colleague’s request to provide him or her with information which is in your area of specialization in fear of losing a billable hour; when you expect unequivocal perfectionism from a junior coworker, thereby intimidating him or her and creating hostility; or when you make unreasonable requests, name-call, rebuke others’ actions, or undermine credibility in front of others. On the other hand, passive incivility is when you do not respect other people’s time and privacy or you do not recognize a staff member for their help on a case or project. A distinguishing characteristic of passive incivility is that it is ambiguous and its intent to harm another is not obvious.³

Studies show the number one motivator for most employees is feeling recognized and appreciated. Forty-six percent (46%) of employees leave a workplace because they do not feel appreciated.⁴ Paralegal employees show no exception to the number one motivator statistic. For example, in response to a question posed to the “2006

Paralegal of the Year,” *Legal Assistant Today Magazine* (2006), a twenty year environmental law paralegal in a Buffalo, New York firm, Katherine Manns replies “[I]t’s nice to be recognized.”⁵ Simply feeling valued is what it is all about.

Since paralegals always float between support staff and legal staff (sometimes they fit into the support staff and sometimes they fit into legal staff), the legal habitat ladder literally places paralegals right in the middle. And, a paralegal is split in the middle between subordination and leadership. It can be tough and frustrating, but rewarding, if that juggling results in creating teamwork. A paralegal can be the relay person who holds the task together. The middle position can be a good place to foster workplace civility and to improve behavior in the legal habitat.

However, the burden of law firm civility does not simply rest on the paralegal. Everyone in the legal habitat needs to put their best efforts together in order to do a good job and make the clients happy. The whole idea is to think about a legal workplace where positive reinforcement flows all ways. Clients first make the decision about which firms are qualified to provide legal services to them. Rules of etiquette and protocol convert into behaviors which clients observe and use to base their decisions. Client service goals are best met where a culture exists in which people desire to give their best efforts every day. James Wilber, a principal in Altman Weil, Inc., an exclusive legal management consulting group, believes that a firm’s support staff plays a significant role in the success of the firm. Vincent Romano, president of Attorney Services Marketing, believes good support staff means more income because of increased productivity and efficiency. Romano also believes that if a paralegal is unsatisfied with the job, it can have a detrimental effect on the client and ultimately the firm’s revenues.⁶ According to Stanford University Business School surveys, eighty-five percent (85%) of success in business is a result of people skills.⁷

If feeling valued and appreciated results in economic benefit to the legal workplace and better behaved employees are more valuable than insensitive brutes, then what is the cure for eliminating incivility in the legal habitat? Well, it behooves us, all of us, to look into the mirror. It is one of the remedies you truly have control over.

Most of us have been inconsiderate of coworkers at one time or another. It’s essentially about treating others with respect. “*Do unto others as they would have you do unto them.*” Individualize how you treat others.⁸ Focus on the other person’s interests, not their position. When incivility rears its ugly head, don’t take it personally. When you are angry and frustrated at a file clerk, or the copy person, or even your supervising attorney; when you would like to label them with a negative coloration, change your response. Don’t react. Trying to control other people’s behavior will not change them, but changing yourself in relation to them will. Focus on the other person’s interests, not on their rank on the legal ladder. If you treat

people's time and attention as precious, more people will do what you ask more often. Develop a communication strategy. Listen. Listening shows empathy. Passive attention is not listening. Listening is a deliberate act of understanding and earning the right to reciprocation. Communicate. Communicate directly with body language that shows support and attention.⁹

Changing unwanted uncivil behavior in the legal habitat obviously involves some sort of intervention. And, since paralegals are literally right in the middle of it, then let it begin with you. Give a compliment or a piece of praise every day, and keep your attitude as positive as possible even under difficult circumstances. Then, conceivably, the plague of incivility in the legal profession will be diminished and a culture of benevolence will emerge.

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2. Pearson, C., Anderson, L. and Porath, C. "Assessing and Attacking Workplace Incivility," *Organizational Dynamics Journal* (Fall 2000).
3. Fritschner-Poter, K., "Taming Workplace Incivility," *Office Pro Magazine* (July 2003).
4. Anonymous, "Manners Still Matter," *OfficePro Professional Secretaries International*, Vol.66; Issue 5 (2006).
5. "Rochester Paralegal Profiles: Katherine Manns" *Rochester Daily Record*, (Sept. 28, 2006)
6. Vasillo, S. "Support Staff Is Vital for a Thriving Law Firm," *Michigan Lawyers Weekly* (Mar. 13, 2006).
7. "Manners Still Matter", *supra*.
8. Kunz, M., Salt Lake City Attorney, "Working with Difficult People, Setting Personal Boundaries & Assisting HR, Personnel and/or Your Attorney in Resolving Issues" *Utah State Bar Annual Paralegal Division Seminar* (Jun.16, 2006).
9. Belak, T., "How to Handle Difficult Behavior in the Workplace," *Sullivan University Press* (Feb.2004).