

Specific coaching challenges for lawyers

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He is our star performer but

She is an outstanding lawyer but ...

He is very competent at client work and at business development, but ...

What is it that tends to follow when a law firm's senior partner or HR director makes a request for the help of an executive coach?

Coaching has become sought after across a wide range of business sectors because of the contribution it can make to building lasting and positive change for individuals and organisations. The strong focus on helping clients to identify the nub of their challenge and discover their own bespoke, actionable and practical solutions can help to create both individual and firm-wide benefits with long-term impact.

At the heart of the coaching approach is the premise that the solution lies within the individual. As we shall see, that is part of its increasing appeal and success with lawyers.

1. What is different about lawyers and law firms?

In 2011 *The American Lawyer* ran an article entitled "A Breed Apart"¹ and there is now an increasing body of leadership and management research and literature focused on the legal sector and what makes it unique. As David Maister wrote:

I'm now ready to make a concession: Law firms are different. The ways of thinking and behaving that help lawyers excel in their profession may be the very things that limit what they can achieve as firms. Management challenges occur not in spite of lawyers' intelligence and training, but because of it.

Lawyers have been trained as experts and selected by their firms, at least to some extent, because of their expertise and intelligence. In an increasingly competitive and commercial marketplace, lawyers also need to harness a range of other skills and abilities. Some of these tend to be more natural to lawyers than others. To progress within many firms today requires talents more akin to those of managers and leaders in the corporate world. From my experience of working in and with law firms over the past 25 years, I have seen a number of specific themes developing in the reasons behind requests for coaching lawyers.

1 Larry Richard and Lisa Rohrer, "A Breed Apart? How personality characteristics influence who becomes a lawyer – and how far they rise" *The American Lawyer*, July 1 2011.

The coaching challenge is often grounded in how to increase their effectiveness in the more relationship-driven aspects of their roles.

In this chapter I explore three particular recurrent challenges for lawyers and how coaching can be useful in finding positive solutions. These are areas where lawyers tend to find difficulty in the journey from expert to leader in their field or firm:

- collaboration and teamwork;
- developing others and delegation; and
- difficult conversations/holding people accountable.

2. Are lawyers different? What does the evidence show?

Before we look at these specific coaching challenges, let’s consider the results of some recent research focused on the personalities of lawyers. These studies give us an overview of certain common personality traits, preferences and motivations that are often at play in law firms, and certain behavioural tendencies when lawyers are under pressure or stress. It is no surprise that the latter is particularly important given the pace at which most lawyers work today.

A recent sizeable study sheds some light on the typical psychological make-up of the legal profession and is based on the Caliper personality assessment tool administered to some 3,000 lawyers in the United States.² Of the 18 personality traits measured, lawyers’ scores were significantly different from the population norm on six. The researchers contend that no other professional group has generated a profile that is “systematically such an outlier from the norm”. The results are summarised in the table below.

Personality trait	Population	Lawyers’ average
Scepticism	50% (by definition)	90th%-ile
Autonomy	50%	89th%
Abstract reasoning	50%	78th%
Urgency	50%	71st%
Resilience	50%	30th%
Sociability	50%	7th% (12th% including rainmakers)

As the study points out, if you are a client looking for a lawyer, these are probably traits you are seeking. But in terms of being part of a firm, being led, managing

2 Dr Larry Richard, “Growth is Dead” (Adam Smith Esq, October 2012).

others, delegating, collaborating or adapting to a changing and difficult legal market with all the challenges of 'more for less',³ it's a different story.

3. **How can coaching help?**

Through the coaching case studies we will look at examples of how these traits, and those revealed by other studies, manifest themselves in practice and how coaching can help to improve interpersonal dynamics. These studies seem to paint a rather negative psychological landscape for lawyers. But it is not all gloom and doom. A recent study⁴ using the Hogan Personality Instrument (HPI) confirmed that a strong personality trait (69th percentile) for lawyers is their love of learning and intellectual challenge. To my mind, this is one of the major contributing factors to the success of the coaching approach with lawyers. Presented with psychometric results, 360 data and research-based evidence (including from neuroscience) of how detracting behaviours can be changed, lawyers are keen to understand and learn. The coaching relationship provides a confidential space for learning and development of self-awareness.

This creates a safe opportunity for development that could otherwise be inhibited by a generally low appetite for risk. The non-directive coaching approach respects the autonomy of the individual, something that is very precious to most lawyers and allows them to set the agenda.

A coaching approach also respects the strengths of the client and explores what it is about them that is unique and makes them stand out from the crowd. In that positive context it is possible to find the motivation and resilience to work on some of the more tricky development areas.

All names and certain details have been changed in the case studies to preserve anonymity. They are, however, all based on real solicitors.

4. **Case study: collaboration and team work**

Appreciation is a wonderful thing: it makes what is excellent in others belong to us as well.
Voltaire

4.1 **The challenge**

The senior partner of Joanne's firm was keen to build a collaborative environment to capitalise on the combined expertise and skills of the partners. He explained one of the major challenges he was facing. The firm needed people to behave in a constructive and supportive manner in order to arrive at solutions. It had plenty of people who could spot problems, but it really wanted people who would take responsibility for working through problems collaboratively and generating solutions.

As recent studies show,⁵ there are significant benefits for firms and lawyers who collaborate effectively. Collaboration helps to create a better understanding of clients

3 Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future* (Oxford University Press 2013).

4 Jeff Foster, Larry Richard, Lisa Rohrer and Mark Sirkin, 'Understanding Lawyers: Why We Do the Things We Do' – Results from the Hogan Assessment Project of Lawyer Personality (Hildebrandt Baker Robbins and Hogan Assessments Inc, 2010).

5 Heidi K Gardner, "Effective Teamwork and Collaboration" in Rebecca Norman-Hochman (ed), *Managing Talent for Success: Talent Development in Law Firms* (Globe Law and Business, 2013).

through different touch points and can lead to higher-value, more innovative and sophisticated work. This is of significant competitive advantage in a world where many of the more traditional streams of legal work have become commoditised.

Like many lawyers, Joanne did not find collaboration easy. The senior partner described her approach as “just wanting to win the argument” and how she excelled at that. He reported how this skill stood her in good stead in a court environment, but was highly destructive in a team environment where it’s not about winning and losing, but about finding a way forward as a team.

These challenges in relation to collaboration and teamwork come up time and again for lawyers and law firms. Why is this so tricky for the legal sector? If we look at the psychometrics again, we can see some of the contributing factors. For those who tend to have such low sociability (7th percentile) and such high autonomy (89th percentile), teamwork and collaboration are not going to be the most natural bedfellows. High abstract reasoning (78th percentile) leads to a tendency challenge and find holes in most things, including the suggestions of colleagues. The low resilience score (30th percentile) feeds into low risk taking; teamwork involves taking some risks because you will inevitably be ceding some of your control. High urgency (71st percentile) creates pressure on oneself and can lead to impatience with others. Extremely high scepticism scores (93rd percentile) come as no surprise. Lawyers are professional sceptics; they are selected, trained and hired to be sceptical and spot flaws. This serves the client well, but the problem is that they tend to carry their scepticism into their dealings with each other and it contributes to low trust environments.

Trust is the foundation for all teamwork, as demonstrated in Patrick Lencioni’s five dysfunctions of a team,⁶ the highly respected research-based model on team-building and collaboration.

4.2 The five dysfunctions of a team

Without trust, all the other dysfunctions of teams start to flow. Fear of conflict making it difficult to have challenging discussions. Lack of commitment because you are not sure whether others will commit and whether it will be worth it. Avoiding accountability for what is happening and becoming busy as individual agents rather than focusing on the collaborative or team result. There is plenty of discussion about the top part of this pyramid, but not about the bottom part – possibly because it is too uncomfortable. However, it is the foundation that you need in order to challenge people and hold them to account. This is a theme we see again later.

Returning to Joanne, she is a star at her firm. She has a powerful reputation for her skills and clients. Many law firms still operate on a ‘star-based’ model (often reinforced by remuneration structures) that does not tend to sit comfortably with encouraging collaboration.

So how could coaching help Joanne to develop her ability to collaborate? We will see how Joanne and her firm benefited by working through the simple, yet powerful, GROW model based in the non-directive coaching approach. After the important preliminaries of establishing her wish to try some coaching, getting to know her a

6 *The Five Dysfunctions of a Team: A Leadership Fable* (Jossey-Bass, 2002).



little and confirming the confidentiality of the coaching discussions, the first step was her goal setting for the coaching work. In this way you work to the client's agenda. Many lawyers have such a strong sense of autonomy and innate dislike of being told what to do that for them, the non-directive approach of identifying and working through their challenge or blockage and finding their own solution has even greater and longer-lasting impact. Much of the power of the coaching relationship and process arises from asking open questions, giving the client time to think and listening with full attention to the answers.

4.3 Goal setting

What were Joanne's goals and what would be a successful outcome for her? Joanne had experienced some difficult and fractious interactions with her colleagues and as a result was seeking to reduce the need for any collaboration. She found it too challenging and frustrating. We explored what might motivate Joanne to change her approach to colleagues. She was keen to be given an opportunity to lead certain firm initiatives and was seen as very capable of doing so. These initiatives would inevitably require her to collaborate with others. Joanne's goal was to lead these projects for the firm and her coaching goal was to channel more energy into working with and alongside her colleagues in exchange for the new challenge of leading the firm's initiative.

4.4 Reality – what is happening here?

We started by exploring Joanne's strengths to set a positive context for the coaching work and to see how we might engage those strengths in enhancing her ability to collaborate. Her head of department was very quick to describe her many skills and how she had so much to offer the business: she was highly innovative, sees new opportunities, had high aspirations and was very goal focused.

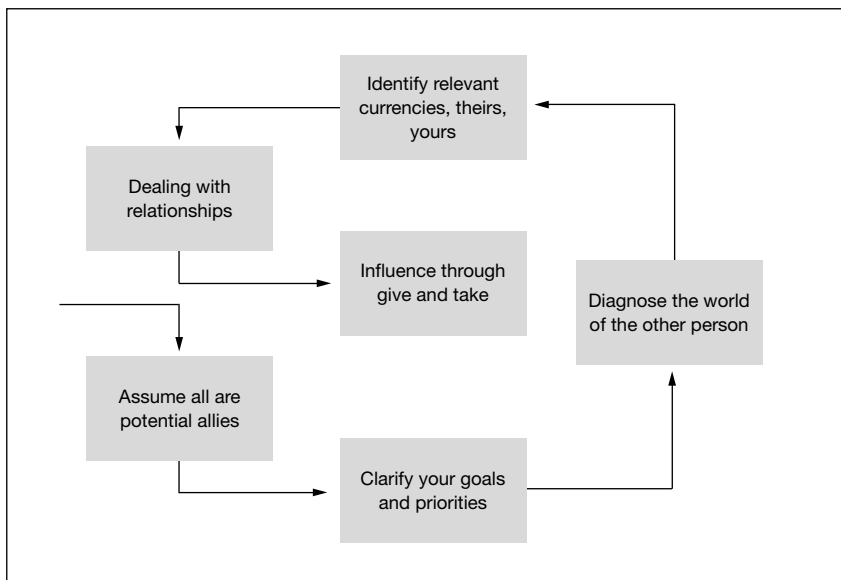
We then reviewed Joanne's psychometrics and the patterns largely followed those in the studies based on larger lawyers. These included higher scores on autonomy and scepticism and lower scores on trust. They also included a tendency to withdraw in times of conflict and stress. We explored what that meant in practice for her professional relationships: that she tended to focus on the task at hand rather than getting to know people; that she expected hidden agendas and so was unlikely to rely on support from others. While she was effective at seeing the drawbacks to others' proposals, she could come across as critical and discouraging. Withdrawing under pressure could be interpreted as being aloof or lacking commitment.

4.5 Options – what could she do to change things?

Coaching makes the client work hard at considering possible solutions, ranking them and deciding which to test out. This continues to build ownership by the client of the problem and has chosen solution or solutions. I asked her: "What might you do? What have you tried already? What have you considered but not yet tried? What else could you try? How will you judge the options?"

Rather than bringing a natural scepticism to each relationship, we discussed how to experiment with an opposite presumption – that everyone is a potential ally. If appropriate, after a full discussion of the options a coaching client has generated I may, with permission, make some additional suggestions. In this case, I introduced Joanne to a model that has at its heart an interest in discovering opportunities for reciprocity.

Cohen-Bradford model of 'influence without authority'⁷



7 Allan R Cohen and David L Bradford, *Influence without Authority* 2nd Edn (John Wiley & Sons, 2005).

We looked at ways to develop common understanding and empathy through listening skills, becoming more open to what others have to say and, where appropriate, adopting more of their suggestions. We explored the differences between competing and collaborative behaviour, and how it may not always be advantageous to win all the discussions. We looked at the past triggers for her frustrations and her retreat into a non-collaborative stance, and at ways in which she could try to respond differently. We discussed how she could develop rapport by mentoring others in adopting a more innovative and exploratory approach to legal challenges.

4.6 Will – what is her will to take action?

Finally, it is essential to create a commitment to action and accountability for the outcomes. Coaching is about action and it usually helps to get down to a granular level of practicality. I asked her: “So, what’s the first step? How will you do that? When will you take it? How do you rate your motivation to do this on a scale of 1 to 10?” As my coach once told me, if the rating is below 7, it probably isn’t going to happen, so you have to go back and examine how to get more traction.

Joanne’s action plan was granular and specific. She generated all the ideas for action through discussion and responses to questions in the coaching sessions, reading and reflection. She started with some simple steps in terms of setting up meetings with a number of people to develop a better understanding of their aspirations, challenges and strengths. These were the first steps to building better relationships and trust, the foundations of collaboration. She experimented with rebalancing the feedback and comments she gave to her colleagues, giving recognition and appreciation of any positive contributions, good ideas and extra effort before challenging constructively and debating. She mentored junior members of the team.

4.7 Outcome

The overall outcome included a strong team approach on the new firm initiative and a much more positive, enjoyable and productive set of working relationships.

5. Case study: delegation and developing junior lawyers

The best executive is the one who has sense enough to pick good men to do what he wants done, and self-restraint enough to keep from meddling with them while they do it.

– Theodore Roosevelt

5.1 The challenge

Jonathan is the head of a department and a brilliant lawyer. He is typical of many lawyers who struggle with the challenges of developing their junior colleagues and delegating effectively. The senior partner put his finger on Jonathan’s Achilles heel: “Delegation and time management!” He described his partner’s instinct for doing everything himself and how he becomes a natural blockage because he is not prepared to let go. His time management then becomes another issue because he is trying to cope with more than he should.

This is a common challenge for lawyers. Again, we can gain some clues as to what is underlying this from the psychometric research. The Motives Values and

Preferences Inventory (MVPI) is a psychometric that measures core values related to work preferences, interests and job satisfaction: what a person wants, needs, values and finds of interest. A summary of the results from study of 1,800 lawyers⁸ is set out in the table.

Extracted from MVPI lawyers’ average results

MVPI scale name	Description of what is valued	Lawyers’ average percentile results
Aesthetic	Quality, product look and feel, attractive surroundings	63rd
Commercial	Business opportunities, commercial gain	43rd
Recognition	Fame, visibility, publicity	43rd
Altruistic	Helping others	41st

We can see that lawyers’ highest average scores were for aesthetics, indicating a tendency to place high value on quality. In certain circumstances this can be overplayed to perfectionism. Combined with tendencies (shown in the personality studies) to high levels of autonomy, low levels of trust, very low appetite for risk and a role that places a high premium on accuracy and ‘getting it right’, we can see why lawyers may not find that delegation comes naturally. We also see that they have relatively low average scores for altruism, suggesting that some lawyers may place more value on their own work than in developing or helping others.

The Hogan Personality Instrument (HPI), illustrated opposite, describes the ‘bright side’ of personality, aspects that tend to lead to successful performance.⁹

In the HPI scale the lowest average score for the lawyers was on interpersonal sensitivity, indicating that on average, “Lawyers are more task-orientated and tend to speak their minds, but may also come across as cold, critical and argumentative.” In contrast to the comparative data set of executives in the research study, the lawyers had the profiles of individual contributors rather than managers. Indeed, many lawyers are somewhat reluctant leaders or managers. Their expert success has led to promotion to manager, removing them from the expertise they know and love. If we look at models such as ‘The Seven Transformations of Leadership’,¹⁰ lawyers tend to

8 Jeff Foster, Larry Richard, Lisa Rohrer and Mark Sirkin, *Understanding Lawyers: Why We Do the Things We Do’ – Results from the Hogan Assessment Project of Lawyer Personality* (Hildebrandt Baker Robbins and Hogan Assessments Inc, 2010).

9 Jeff Foster, Larry Richard, Lisa Rohrer and Mark Sirkin, *Understanding Lawyers: Why We Do the Things We Do’ – Results from the Hogan Assessment Project of Lawyer Personality* (Hildebrandt Baker Robbins and Hogan Assessments Inc, 2010).

HPI scale name	Definition	Lawyers' average percentile score
Learning approach	Enjoys academic activities, values learning as an end in itself	69th
Ambition	Leader-like, status-seeking, achievement orientated	52nd
Adjustment	Degree to which are steady under pressure or conversely moody and self-critical	44th
Interpersonal sensitivity	Degree to which socially sensitive, tactful and perceptive	40th

be at the expert level, which is only the third of the seven levels. The characteristics of an expert in this model are that they rule by logic and expertise, they are good individual contributors, but as managers, “they can be problematic because they are so completely sure that they are right”. The authors suggest that for experts to move to the next leadership level of achievers they can benefit from training or coaching on emotional intelligence, delegation, teamwork and becoming more aware of the differences between their assumptions and others.

5.2 Goal setting

The first step was for Jonathan to decide whether he wanted to be a leader of his department or preferred to remain exclusively in his expert role. Once Jonathan had clarified this, his goal was to be able to delegate more consistently and effectively and so reduce his workload. He would measure his success by the ‘bounce in his feet’ once his load was reduced.

5.3 Reality – what is happening here?

Jonathan described being overloaded and exhausted. He recognised that he was not a very organised person or systematic in his approach. He saw this primarily as a product of the tussle he felt between client work and managing the department. In 360 feedback there was extensive praise for a wide range of leadership attributes, personal qualities and legal skills. There were also some very clear messages about his challenges with delegation and ability to develop the next generation.

His colleagues thought that to be more effective, Jonathan needed to build better trust in the people beneath him. He came across as over-protective and always wishing to keep control. He would often take pieces of work back from colleagues. His natural approach was to keep everything; his strong instinct was to do it himself.

10 David Rooke and William R Torbert, “The Seven Transformations Of Leadership”, *Harvard Business Review*, April 2005.

5.4 Options – what could he do to change things?

For Jonathan, the turning point came in his approach when he realised the impact that his lack of delegation was having on his team. “I realise that some people suffer more than I realised – it needs sorting out.” He began to appreciate how his approach meant that they in turn found it difficult to be organised. He absolutely did not wish them to see his lack of delegation as a lack of faith in their abilities.

He generated some options in response to the specific feedback:

- developing a style that started with listening and indicating that the person may be right and exploring their point of view: “Can he develop his touchy feely side? He doesn’t find it easy to give praise”;
- developing a degree of pragmatism in areas where there is some latitude to do so: “I think he worries about what will happen if he releases control”; and
- recognising the achievement and pleasure in developing someone else to do what you do and be as good as you: “He feels he is the only person who can do certain things”.

5.5 Will – what is his will to take action?

Bolstered by the appreciation of his strengths, Jonathan had a strong commitment to tackling his obstacles to effective delegation. He developed a plan of action that involved introducing more structure to his department and enlisting the help of his PA to:

- manage his diary more effectively;
- set up regular meetings and aim not to cancel or move them;
- ensure that the majority of action points from meetings were not his;
- give clearer instructions and balance feedback; and
- have a clearer office and files so others could then access.

5.6 Outcome

Jonathan’s department became visibly more organised and effective. He regained the bounce in his step and created more time to contribute to the strategic thinking of the firm, to develop his client relationships and to develop other partners into management roles.

6. Case study: difficult conversations/holding people accountable

A person may cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury.

– John Stuart Mill

6.1 The challenge

“He protects his under-performers, which creates problems for me and for him. He doesn’t want to face up to people who cause problems for him.” The senior partner of a major UK law firm asked me to meet one of his firm’s senior lawyers. Henry is a head of a significant and very successful department in the firm with many lawyers reporting to him. He has won many awards for his work and is a well-recognised expert in his field. The senior partner was clear that Henry’s contribution to the firm

was very significant and highly valued. “He is by far my star performer.” The main reason for exploring coaching was heartfelt and clearly articulated: an important leader in the firm was having severe difficulties in holding under-performing partners to account.

This is a theme that crops up time and time again with lawyers. If we look at the psychological research, we gain a few insights as to why that may be so.

The Hogan Development Survey (HDS) is a highly respected, well-researched and widely used psychometric instrument. It measures, on a self-report basis, behavioural tendencies that can negatively affect our performance. It looks at our risks of adopting certain derailing behaviour in stressful situations such as when we are over-tired, ill or time pressured. It focuses on our reputation; how others may experience us or perceive us in those circumstances. While the HPI measures the ‘bright side’ of our personality, the results from the HDS are often described as showing the ‘dark side’ of our personality. The higher our score is, the greater the chance that this behaviour could hamper our success.

Research in 2010,¹¹ looking at nearly 2,000 lawyers, showed that lawyers have the highest (most problematic) scores in the areas set out in the table below.

HDS highest average results

HDS scale name	Definition	Strategy for coping with stress	Lawyers’ average percentile score
Excitable	Becoming tense and over-critical	Moving away	68th
Cautious	Being reluctant to take risks and make decision	Moving away	68th
Leisurely	Tendency to resist authority	Moving away	68th
Reserved	Distancing themselves, becoming uncommunicative	Moving away	65th
Sceptical	Tendency to be lacking in trust	Moving away	62nd

11 Jeff Foster, Larry Richard, Lisa Rohrer and Mark Sirkin, *‘Understanding Lawyers: Why We Do the Things We Do’ – Results from the Hogan Assessment Project of Lawyer Personality* (Hildebrandt Baker Robbins and Hogan Assessments Inc, 2010).

The HDS scales are grouped into three strategies for dealing with stress. If we take the analogy of the stressful situation of an unexpected encounter with a lion, they represent the three options: running like hell, getting out the spear or getting out a juicy piece of steak! In other words, a flight response ('moving away'), a fight response ('moving against') and a negotiated or compromise response ('moving towards').

The interesting thing here is that all of the areas in which lawyers tend to score most highly represent the 'moving away' response. We have a strong tendency to distance ourselves from the source of stress. One senior partner describes a typical response from one of his top lawyers: "When his stress levels rise he starts sending anti-establishment missives, he goes to ground, he disappears."

That source of stress is most often another person. The research showed the contrast with other managers and other professionals, who tended to favour 'moving against' strategies and push back at the source of stress.

6.2 Goal-setting

So how can coaching help lawyers with this challenge? Let's return to Henry. After the important preliminaries of establishing his wish to try some coaching, getting to know him a little and confirming the confidentiality of the coaching discussions, the first step was his goal setting for the coaching work.

I asked him: what made this so important for him now, and what made it so important for his firm. For Henry, it had become important because he was taking so much of the flak for the under-performance of other people. He was carrying them and it was a heavy burden. His financial targets and his wellbeing were on a downward spiral. Both were having an adverse impact, on his department and the firm financially and on overall morale.

I asked him what his desired outcome would look like. He wanted to be able to hold frank and constructive conversations with certain identified colleagues about how they could improve their performance and remove some of his load.

6.3 Reality – what is happening here?

Raising Henry's awareness was fundamental to enabling the enduring change in his behaviour. 360 interviews with the firm's leadership, his colleagues and direct reports provided direct and rich data that was difficult for him to move away from or ignore.

These are just a couple of examples that helped him to see the nature of the problem and the impact it was having on him and others.

"He doesn't want to confront people. It's hard for him to get the process started of being frank."

"He has high standards but is tolerant of weakness, which means he takes on more and more. He will work round weaknesses rather than dealing with them – everything lands back on his plate."

6.4 Options – what could he do to change things?

We then went on to explore what he could and wanted to do about this challenge. Henry chose to set up some conversations with some of his partners. He saw the benefits to himself and his partners of inviting them to take responsibility for their

own actions. On several occasions he made the analogy of the parental role and the need to relax the control and allow his colleagues to learn from their mistakes and omissions.

He built his resolve by reflecting on and itemising his answer to the question: what are the benefits of having the difficult conversation with that partner? He enhanced that resolve still further by first considering his answer to the question: what is stopping you having it? He then worked through strategies to meet each of those blockages.

6.5 Will – what is his will to take action?

For Henry, it was useful to run through the practicalities of how to set up the conversation and then to do a role-play. Once he had decided whom he needed to speak with, why and when, we set up some very clear and specific questions for him to consider. Once we got to this focused stage, these questions were much more specific and tailored to his chosen action plan than the open coaching questions we started out with. For example: are you clear about what you want out of the conversation? When would be the right time to have it? Have you prepared the physical setting? Have you had time to prepare? What will the impact of your words be on the listener? Can you position this to create a positive outcome? Can you listen without resistance? What insights can you generate? At this stage, it always helps to have a concrete and reasonably granular action plan.

6.6 Outcome

Henry had three of these conversations with significant impact on his partners' performance over the following months. In turn, this freed him up to focus on his own challenges.

7. Conclusion

Like many coaching outcomes, these examples are not instant fixes or a linear path to change. It is usually an iterative process and often a bumpy journey. The power of coaching in meeting these challenges is that it draws the solutions out from within the person who has the most to gain and has the most knowledge about the problem and all that surrounds it. Those solutions are far more likely to be enduring than any advice, however wise or well targeted. But coaching is not a panacea and may form part of a solution that might also require organisational change, or the support of sponsors from within the firm or mentors such as provided through the International Bar Association Law Firm Mentoring Programme.

For lawyers, the major hurdle with coaching is often the high degree of scepticism they bring to the process. If they already have an appetite for change, can be convinced by hard data or can see quick wins, then the greater the chances of real engagement and success as these case studies show.

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