

Basic instincts: are law firms suffering from pathological behaviours?

As we endeavour to steer our firms through the downturn, we could do worse than reflect on how therapists would look on our predicaments, says **Angus Lyon**

After half a decade of uncertainty, economic hardship and deprivation not experienced for a generation it is not surprising that many would have a sense of deep unease at what the future holds.

Whichever journal we look at we read of hundreds of solicitors' practices on the verge of collapse, difficulties obtaining indemnity cover, redundancies and closures following legal aid and personal injury reforms. The economic and personal strains are being felt by firms of all sizes.

Common purpose

In the late 1940s Western society faced different, but in many respects, similar challenges: rationing, economic uncertainty, and the reassembling of family and social life after prolonged upheaval. Working primarily with traumatised ex-servicemen at this time, Wilfred Bion and others at the Tavistock Clinic in London experimented with novel approaches in psychotherapy, particularly in group settings. Bion was a psychoanalyst who had been decorated for bravery in the Great War. One of his patients was the playwright Samuel Beckett. While Beckett was articulating his sense of futility and absurdity in the wake of war in plays such as *Waiting for Godot*, Bion and his colleagues grappled with the principles underlying social anxiety. He observed how groups form, interact and develop as their common purpose emerged. He held that once a group had

formed, its primary task was survival. He contrasted 'working' groups with 'basic assumption' groups. A 'working' group was one in which members predominantly cooperated in working towards the group's aims and objectives. A 'basic assumption' group was one in which the hidden agendas and anxieties of the members interfered with and hindered the group purpose and were diverted to fulfilling the members' own aims and calming their own anxieties. 'Basic' refers to the group's need for survival; 'assumption' relates to the instinctive ways of attempting to assuage group anxieties.

When reading the legal press over recent weeks I have been reminded of Bion's theories as they now play out in law firms across the country. We hear, for example, that naivety and over-dominant senior partners have been identified by the SRA as the most frequent causes of financial failure in firms. The SRA's recent financial stability programme has highlighted a "refusal or inability to accept the existence of serious financial or management problems" coupled with planning and management failures. The results indicate that in many cases the problems stem from one individual.

Three assumptions

Bion developed his theories over a decade working with men who had experienced horrific war trauma and observing their interactions within therapy groups. The principles he

developed apply to all groups, including solicitors' practices and counsel's chambers.

He refined his findings and outlined three 'basic assumptions' that are seen in unhealthy groups, namely dependency, fight/flight and pairing. We see the assumption of dependency playing out where partners consciously or unconsciously allow one individual or, in a larger firm, a sub-group of partners, to make decisions and take the strategic lead. By default, the group behaves as if it is incompetent and eventually allows the dominant individual to fail.

The SRA's observation of the over-dominant senior partner or practice manager seems to fit this fair and square. The current hand wringing at Manchester United may be another example of this trait. Fight/flight can be seen in partners (or chambers' members) scapegoating and victimising within the group or withdrawing from the task in hand, becoming passive, avoiding financial warnings or dwelling on past history, or, in other words, demonstrating the 'naivety' identified in the SRA's assessment. Pairing involves individuals joining forces, creating cliques and factions and redirecting the group's collective goals. Other leaders emerge and there may be a wish for rescue from outside.

For many firms the hope of a merger with a larger firm or alliance with a national marketing brand seems the only way out. Pairing develops when

unrealistic dependency is shown up for what it is.

All very interesting and historical, you may say. What has this to do with my practice? My firm's problems are financial, not psychodynamic. Were it not for the recession, loss of that major client, the legal aid changes, my bank's impatience, reduction in profitability of conveyancing, personal injury or whatever, things would be fine. Maybe so. Or maybe some of us have also assumed a dependency on an internal father figure or external benefactor. For all of us the harsh economic realities are inevitable, however well we run our practices and however sound the business plan. For some survival will be precarious. Maybe, however, if we stand back for a moment and see patterns that may be working under the surface of our organisations this may help us to identify some unhealthy pathology and prompt us to see the doctor. It may not be too late. **SJ**



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