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This Week's Feature



Using Change Management Principles to Benefit Your Practice in the “New Normal”

By Juliann S. Kelley

Now, more than ever, the idea of “change” has likely been in the forefront of your mind due to the change in your workplace, routine, and the very ways in which you interact with others. Perhaps you revel in the idea of a changing world, or perhaps you—like many—find it daunting and disruptive, while finding yourself making efforts to resist it. If you are in the latter group, that may be because individuals have a primitive reaction to change that causes them to perceive it as a threat. More specifically, change that is perceived as a threat triggers a response in the same region of the brain as physical pain, thereby signaling danger. In turn, change that is perceived as a threat in the context of the workplace, can consequently causes distraction, a decline in productivity, and a lack of focus, all of which are hindrances to workflow, productivity, and in turn, a loss in profitability for all businesses—including law firms.

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As attorneys, understanding how people receive and perceive change helps us to control our messaging and communications, so our intended message is not lost. Additionally, by effectively communicating change to our audience, we have the opportunity to minimize the negative effects of change. This is particularly essential in a time, such as the present, when change is magnified as it permeates all facets of our daily lives as we endeavor to discover and accept the “new normal.”

Various neuroscientists have studied the ways in which we react to change and our human response to it. The SCARF Method, which was developed by David Rock in 2008, states that the five domains below influence human behavior in social situations, including the workplace. They are status, certainty, autonomy, relatedness, and fairness. The domains of the SCARF Model are defined as follows:

- Status:** The perception of one’s relative position in a community;
- Certainty:** One’s ability to predict the near future;
- Autonomy:** An individual’s control over a situation;
- Relatedness:** How secure one feels in relationships with others; and
- Fairness:** The perceived exchange between people.

These five domains activate a threat or reward response when triggered by external factors, such a change. For example, when a threat is perceived, we are “wired” to move away from it, therefore we tend to become distracted, anxious, think less clearly, and in general, experience more stress, which lessens our ability to perform optimally. Alternatively, when we perceive a situation as advantageous or rewarding, we tend to view it more positively and are willing to be more proactive and focused on achieving those goals, which has the benefit of increasing productivity, creativity, innovativeness, effectiveness, and our willingness to collaborate and interact increases, so we are able to achieve our goals. Each of the five domains are intertwined because certain triggers affect each individual differently.

The application of the SCARF principles is particularly accessible and relatable in the context of law firms, where hierarchy, “pecking orders,” and long-standing operating procedures pervade the industry. Additionally, the understanding of such principles is applicable to firm leaders, as well as individual contributors. More specifically, an understanding of SCARF may help firm leaders to identify tactics that are the most effective for communicating with their clients and with others in their firm. In doing so, firm leadership can identify opportunities to defuse uncertainty and the stressors associated with change in order to minimize distractions and lack of focus. Likewise, receivers of such communications, including staff members and associates, may benefit from an understanding of SCARF, because they will be able to take inventory of the messaging and purpose, thereby responding appropriately.

In the context of a law firm, there are often many expected cues. For example, case assignments, review processes, and approvals, as well as timing of evaluations, advancements, and promotions, all of which typically occur in a predictable way. This regular cadence is preferable to the human mind because the predictability makes people feel a sense of security within their positions. In contrast, when outside influences such as a global pandemic or a structured and intended change, such as a law firm merger or an execution of a succession plan disrupt these

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processes, a sense of threatened “danger” may pervade your team.

One way you can use the SCARF principles is by assessing your own reaction to various types of situations. For instance, you may consider how you reacted to a client asking another firm to handle a particular project or case that you had handled in the past; a firm merger; the implementation of a succession plan; change to staffing; new leadership appointments made by your client or within your firm; the implementation of full-time remote work plans; or the implementation of new policies, procedures, and/or workflows and assignments. In each situation, you may have reacted differently based on your perception of each situation and its direct effect on you, your practice, your firm, and potentially your clients.

Take for example the appointment of new leadership posts within your client’s organization. This may cause a perceived threat to the following: your **Status** as a perceived resource and trusted advocate for the client; your **Autonomy** to conduct business as you had previously when the client was under different leadership; your **Relatedness** to incoming leadership, as compared to the relationships that you had built previously, which may likewise affect your perceived **Certainty** in your role as retained counsel; and your perceived **Fairness** of the situation, particularly in a situation where workflows are altered due to the change that your client has made within its business.

Likewise, this change may affect your practice downstream, including associates, paralegals, and professional administrative staff, albeit differently. For instance, this change could affect the way in which work is distributed and reviewed, or the procedures that are implemented and followed. To the extent that the new leadership seeks to cut certain costs or more closely direct assignments, specific instructions about who handles what work and at what rate may cause individual contributors within your firm to perceive your client’s changes as unfair, causing uncertainty within their roles working on cases for a

particular client or within the firm, as well as their status to the client as a perceived asset to the team.

By understanding these external factors, your response to them, and the reactions of others who may be affected by the change, you may be able to identify the likely perceived threats, so you are able to message the change, the reasoning for such change, and a clear path moving forward to alleviate the distractions associated with disruptions or reforms that are outside of your control.

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work-from-home environment as a threat, because the platform on which business was conducted changed dramatically in a short period of time. Concurrently, clients’ needs and expectations also changed, therefore adjustments had to be made to the allocation of resources. In doing so, this may have triggered a “danger” response. In particular, staff members, law clerks, and associates—with whom less information may be shared about business decisions, strategic planning, and their long-term effects—may have called into question their status within the firm (i.e., what positions will change, will be eliminated, will require less or more hours), and they may have found themselves in a position where they

were distracted by the unintended consequences of necessary change. In particular, consciously or unconsciously, they may have focused more on the perceived insecurity in their position. This may have also caused them to perceive a threat to other domains, as well. For instance, they may have perceived the situation negatively due to their inability to control the situation, and they may have taken into consideration how they are being treated as compared to others who are in similar positions within the firm and industry, in general, rather than the message itself and the reason for the decisions that came to affect them.

As attorneys, we tend to spend a lot of time reading, researching, and studying the best ways to deliver an argu-

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ment to the courts or communicate with our adversaries, yet we may not spend as much time evaluating the way in which we communicate with each other or manage change. It is likely a missed opportunity for exponential advancement, efficiency, and progressive innovation within our firms. As we settle into the “new normal” and all the changes that come with it, an understanding of change management principles may serve the industry well. As fall sets in, I recommend a few light reads on the topic, including “SCARF: A Brain-Based Model for Collaborating with and Influencing Others,” published in the *NeuroLeadership Journal*; *The Five Languages of Appreciation in the Workplace*, by Gary Chapman & Paul White; and the “Broaden and Build Theory of Positive Emotions,” by Barbara L. Fredrickson, published in *Philosophical Transactions*

of the Royal Society A. By the winter, perhaps you will see a positive trend in your practice by applying the principles of change management.

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