

How Do You Motivate Lawyers?



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Ask in-house counsel what motivates the outside counsel they instruct. The first response is often “money—lots of it.” We might think that as in-house counsel we’re different, driven less by external motivators like money than by intrinsic motivators like doing a great job and helping people.

Some of the classic theories on motivation are useful in gaining a deeper understanding of how to connect directly with people’s key intrinsic drivers. Yet busy managers often have little patience for theoretical underpinnings and established research.

In response to repeated calls for “quick and practical answers,” Professor Frederick Herzberg, a leading theorist on motivation, published a classic *Harvard Business Review* article (later reprinted),¹ from which the following is drawn.

‘MOTIVATING’ WITH KITA

Many managers believe in direct action. On how to motivate staff, some might think, even if they’re afraid to say it, “I wish I could just kick the person.”

Actually, this is perhaps the surest and quickest way of getting someone to do something. This is KITA. Loosely translated, it stands for “Kick in the...pants.” There are various forms of KITA.

NEGATIVE PHYSICAL KITA

This is literal application of the term, and was frequently used in the past.

However, it has some major drawbacks nowadays:

- It’s inelegant, and contradicts the carefully crafted image of corporate benevolence;
- Because it’s a physical attack, it stimulates the autonomic nervous system, resulting in negative feedback—the employee might just kick you right back.

These factors have created certain taboos against negative physical KITA.

NEGATIVE PSYCHOLOGICAL KITA

This form of KITA has some advantages over the less sophisticated physical form.

- It affects the higher cortical centers of the brain with its strong inhibitory powers, so reduces the possibility of physical backlash;
- The number of psychological pains that a person can feel is almost infinite; this dramatically increases the direction and site possibilities of the KITA;
- If the employee complains, with no evidence of an actual attack they can be accused of being paranoid (itself an advanced form of negative psychological KITA).

Although negative psychological KITA may be reasonably widespread in practice, both forms of negative KITA have a major problem. If I kick you in the rear (physically or psychologically) who is motivated? The trouble is that *I* am motivated, yet *you* move; so negative KITA doesn’t lead to *motivation*, but to *movement*. We need something more sophisticated.

POSITIVE KITA

If I say “do this for me or the company and I’ll give you a reward, an incentive, more status, a promotion” am I motivating you? The usual management

response is, “yes, this is motivation.”

Yet Professor Herzberg recounted the story of his Schnauzer. When it was a puppy and he wanted it to move, he kicked it in the rear and it moved (negative physical KITA). With its obedience training completed, he could instead hold up a dog biscuit when he wanted the Schnauzer to move (positive KITA).

Again, however, the *Professor* was the one who was motivated, yet the *dog* moved. By giving the biscuit, all he did was apply KITA frontally; exerting a pull instead of a push.

CONCLUSION

Professor Herzberg had only a few things to choose from to make his dog do what he wanted: dog biscuits, a kind word, and maybe a pat on the head.

Today there’s a huge number of positive KITA’s in use by companies around the world—including all three of these (except maybe the dog biscuits).

To answer the question posed at the outset, does cash—lots of it—motivate lawyers? In my experience helping people identify key motivating factors, the answer is—at least mostly—no.

Unsurprisingly, lawyers are more complex, driven by professionalism, interesting and challenging work, and a desire to make a difference—not just for their organization, but often more broadly for society as well. The best motivation systems should therefore draw more from intrinsic motivators than KITA practices. ■

NOTES

1. Frederick Herzberg, “One more time: how do you motivate employees?” *Harvard Business Review*, Jan 2003.