

# Popular Threads on Solosez

## Should Staff Be Required To Apologize For Mistakes?

If a staff member makes a mistake, should the member be required to apologize for it? Some say what's necessary is that staff members should take responsibility for their mistakes and that requiring an apology is rubbing their nose in it, others say its good management and "team building."

What is the consensus?

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I do not have the slightest idea. I was thinking about this the other day too. Thinking that I need to get a tome on managing people.

Quick thoughts. It depends if the mistake was based on poor direction or instruction from the superior. If it was based on poor direction, then no apology necessary. But if the staff member just screwed up for failure to ask for clarification or misunderstood all by him or herself -- I think the staff member should apologize. And whether the apology is owed to many, depends on whether others were affected by the mistake. Not much help, eh?

Jennifer N. Sawday, Long Beach, California

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Our practice is that to the client all mistakes are made by the lawyer. I apologize to the client, and if necessary to the court. If with a client, I try to have the staff member present for the apology. Clients and court usually can tell if it was a staff mistake.

I expect (and occasionally get) apologies from the staff for mistakes. When it becomes a pattern of mistakes without apology, it is dealt with in staff review and reduced pay raises.

Ted A. Waggoner, Rochester, Indiana

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People are different. I believe it important that the person acknowledge the mistake and take responsibility for it, which I assume is the concept behind the apology. There are varied ways to accomplish that objective, varied by the type of person presented. Rather than a requirement that is assumed to meet objective, I would rather have sincerity.

If persons are refusing to accept responsibility for their own conduct, whether making up excuses or laying it off on third parties, at some point that person is not someone I want around. I meet plenty of people that



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think they have never made a mistake, or that it is always someone else's fault. If the affliction cannot be overcome, then continued employment is not possible, as the refusal to take responsibility involves fabrication. Another word for fabrication is lying. I need people I can trust working here.

Darrell G. Stewart, San Antonio, Texas

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Well, first, if I mess up, I'll say "I'm sorry" in a heartbeat.

Apologies don't cost anything. On the other hand, they're not worth much, either, precisely because they don't cost anything.

If it's an honest mistake, I wouldn't beat it to death; if it was due to arrogance, because the staff member was distracted, drunk, on drugs, or such, you got other problems than whether an apology should be offered. If someone thinks a "formal" apology- the person standing up at a staff meeting, making a formal statement, and offering formal contrition- should be offered, then you got a problem, either with the person who made the mistake- because the other staff want to make a point and bring him down a notch and the person who made the mistake is arrogant or incompetent- or with the staff member who is demanding it, because they're holier-than-thou. People make mistakes; unless something was intentional and deliberate, criticism should not be public, but private- call them into your office, make sure they know they screwed up and why, and that it won't happen again. Somebody is looking for someone else to get their comeuppance; it may be justified or not, but one way or another, you've got a problem.

Now, if it's a matter of one staff member publicly accusing another staff member of something- losing a file, not doing something, or such, and it turns out that they were wrong in the public accusation, then yeah, maybe a public apology is required, but a simple "I was wrong, I'm sorry" in public should be enough.

Ronald A. Jones, Florida

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When my staff makes a mistake, I don't expect or even desire an apology. What I want to know is what can be done to remedy the situation as quickly and as painlessly as possible. A client would never be told that a particular staff person made a mistake. If the mistakes continue, I'll need a new staff person.

Mike Phillips, North Carolina

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For some reason this thread reminded me of the cartoon, where the caption read:

"The beatings will continue until morale improves!"

Michael A. Blake, Milford, Connecticut

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Well, when the ingrates refuse to obey the simple request of

"Be happy in your work." (Colonel Saito)

what is the alternative?

Ed Lawson, New Hampshire

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Reminds me of a job interview I went on while in my first year of law school. I was going part time and applied for a job with some web based concern. I showed up with in a suit and tie and the interview showed up in shorts, flip flops and a shirt with that very say on the back.

I didn't get the job.

John Davidson

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As far as the public is concerned, it is ALWAYS the attorney's fault. No one but me took blame outside the office. It is your job, as the star quarterback, to shield your employees (especially from nasty clients). I'm pretty sure that I can honestly say that I have never said, "My paralegal forgot to . . ." Oh, wait, I did use that excuse once with a judge, but at the time, I didn't HAVE a paralegal!

On the other hand, my employees were always instructed to say, "I told Becki, but maybe she forgot. I'll remind her." or "Becki said she would do that, I'll see if it got done." "It's on her calendar, I don't know *\*why\** she isn't there. Let me see if I can find her." I told them (the employees) that that was what a boss was *\*FOR,\** to blame things on. Since it's going to be my fault in a malpractice hearing anyway, I may as well get in practice.

I wanted my employees to be my first line of defense. I wanted them to go to bat for me offensively. I wanted the clients to talk to the employees first, instead of interrupting me every five seconds with trivial stuff (*\*that's\** what employees are for). I also didn't want the employees to hide important stuff from me because they thought they might lose their jobs (how many of us know of employees who are hiding stuff from their attorney bosses?). Therefore, they (the employees) had to know that I would *\*never\** blame them for taking common sense initiative, even if they got it wrong, or it wasn't precisely what I would have done. This *\*never\** bit me, not once in five years.

I guess, I carry this to inside the office too. If it's the attorney's fault outside the office, it's the attorney's fault inside the office. One disciplines in private, praises in front of peers, takes the blame in public but spreads the glory.

And fires quickly when one realizes one has made an irreparable human resource mistake.

Becki Fahle, San Antonio, Texas

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If a staff member makes a mistake, he or she should "own" that mistake as far as colleagues are concerned. As to clients, I think the attorney should make the apology.

Scott Barer, California

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It seems to me that whoever "owns" the mistake is irrelevant. After the mistake is made, the job is to correct it (as best possible) and move forward. Focusing in the future on past mistakes that a person owns is counterproductive in my opinion. Keeping a confidential record of errors may be useful if terminating an employee but, other than that, I see little relevance in who owns a mistake.

Fixing the problem, not assigning blame, should be the focus. I agree that is the attorney's responsibility to deliver the bad news and apologize. Do not blame staff unless the staff member has been terminated. Client's do not care (nor should they) who is responsible, they just want their work completed properly. If the staff member has been terminated, it may then be ok to identify the problem as an inadequate staff member who has since left the firm.

Jim Mills, Sarasota, Florida

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I agree with Jim. I would focus on the error, not the person. The person should feel free to apologize, but I would never "make" the person apologize. Unless the error was made in bad faith in some way (insult, inappropriate behavior, etc.). Then the person AND the error are at issue.

If it's an honest error, why demoralize the person?

Gene Lee

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In the Navy as an officer, I was responsible for what I did, what my men did, and while conning the ship, what the ship did. However, the Admiral could have cared less what I did. The admiral always held the Captain of the ship responsible. I would never force or invite a member of my staff or office to ever speak to a client about an error for which I was responsible. The client did not hire my staff member, but me. Take the hit and manage employees however you must. Never put an employee on the spot to the client or other employees. You went to law school and run the office. They expect to be trained or guided by you.

Dick Howland, Amherst, Massachusetts

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I agree with the growing consensus that one should focus on the error, not the person.

When I worked with Chevron, employees of the law department attended a lot of training courses. Some were touchy, feely; some were packaged clichés; but some were actually useful. One of the particularly good ones was on managing errors, which focused on why the mistake happened (and reducing the chances of a reoccurrence) rather than on who to blame. When I began implementing what I learned, I discovered that not only did I reduce staff errors (and my own errors), but life was much more pleasant.

Ernest Schaal, Gifu, Japan

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I'd echo what Richard said. I was also in the military, but I have a lot more experience with apologies from my experience as a restaurant manager.

There is only one way to apologize. It is sincerely and without passing blame -- even if the blame should be passed.

In other words, an attorney should not say, "I apologize for what Suzy did." That's just passing the buck. The attorney is responsible for hiring people who won't mess up. The attorney is responsible for training the people not to mess up. The attorney is responsible for supervising the people so the don't mess up, and the attorney is responsible for apologizing when they do (inevitably) mess up.

"I'm terribly sorry this happened, Mr. Client. I will personally see to it that this is fixed immediately, and I won't charge you a dime for the time I spend fixing it. Once it is resolved to your satisfaction, I would appreciate it if you would tell me what I can do to make it up to you."

That's it. Anything less, as my governor would say, is being a weenie.

David Hiersekorn, Santa Ana, California

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